DOMM

DEPARTMENT OF MASS MEDIA

Department of Mass Media , Don Bosco College

Prof. R. D'Souza

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Contemporary Issues Syllabus

Max. Marks: 100 (Theory:75, Internals: 25)

Objectives:

- To understand and analyse some of the present day environmental, political, economic and social concerns and issues .
- To highlight the importance of human rights and its implementation in India.
- To understand the present day problems and challenges and its implications on development.

Module –I

Ecology and its related concerns:

A. Climate change and Global warming- causes , consequences and remedial measures

B. Deforestation- causes, consequences and remedial measures

C. Costal regulatory Zone- need and importance, CRZ Act

D. Sustainable development- concept, need and significance

E. Movements related to environmental protection

Module- 2

(a) **Human Rights**

- UDHR and its significance
- CRC and CEDAW
- DRD

(b) Legislative measures with reference to India.

- **Women:** Constitutional Rights and legal safeguards, Domestic and Family Violence Act of 2012, Sexual Harassment Act at the Work Place 2013, The Criminal Law (Amendment) Act of 2013

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- **Child**: Protection of Children from sexual offence Act -2012 (POCSO), ChildLabour Act with new amendments, Juvenile Justice (Care and Protection of Children Act) 2000.
- **Education** : Right to Education Act 2009
- **Health** : National Health Policy of 2015, Transplantation of Human organs Act of 2002, Prenatal Diagnostic Technique Regulation and prevention of Misuse amendment rules of 2003, Prohibition of sale of cigarettes and other tobacco products around educational institutions 2004.

Module-3

Political concerns and challenges

- Crime and Politics
- Corruption: Causes and remedial measures. RTI Act, Lok Pal Bill .
- Whistle Blowers- Whistle Blowers protection act 2011.
- Anti- State violence- Naxalism and its Impact.
- Insurgency with reference to North East – Issues involved, ULFA, Nagas, Manipur issue,AFSPA and its impact.
- Terrorism- causes, consequences and remedial measures

Module 4

Economic development and challenges:

- The Role of MIDC in the economic development of Maharashtra
- Special Economic Zone : Its role and significance in Maharashtra
- Food Security Act 2013
- Agrarian issues: rural indebtedness, farmers' suicides and its implications.

Module 5

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Social development and challenges:

- Tribal Issues :Marginalisation of the Tribals, Forest Rights Act , Land Acquisition Act .
- Police reforms: Problems faced by Police and the Need for Reforms
- Illegal immigration from Bangladesh : Challenges and impact
- Developmental Issues: Displacement and rehabilitation

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- Bill McKibben, The End of Nature.
- David Spratt and Philip Sutton,Climate Code Red:The Case for Emergency Action.
- Jeffrey D.Sachs, The Age of Sustainable Development.
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Magazines and journals

1. Down to Earth: Science and Environment Fortnightly
2. Economic and Political Weekly
3. Yogana

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Module –I

Ecology and its related concerns:

A. **Climate change and Global warming- causes , consequences and remedial measures**
B. **Deforestation- causes, consequences and remedial measures**
C. **Costal regulatory Zone- need and importance, CRZ Act**
D. **Sustainable development- concept, need and significance**
E. **Movements related to environmental protection**

A. CLIMATE CHANGE AND GLOBAL WARMING- CAUSES , CONSEQUENCES AND REMEDIAL MEASURES

Climate change is a term that refers to major changes in temperature, rainfall, snow, or wind patterns lasting for decades or longer. Both human-made and natural factors contribute to climate change:

Climate change is a real and urgent challenge that is already affecting people and the environment worldwide. Significant changes are occurring on Earth, including increasing air and ocean temperatures, widespread melting of snow and ice, and rising sea levels.

Climate change facts reveal that although the terms climate change and global warming are often used interchangeably, they do not mean the same looking from a scientific perspective. Climate change is a broader term and includes global warming; global warming is a narrower term and describes the part of the climate change that is caused by human activity, mostly through the release of greenhouse gases to the atmosphere.

If the current trend of climate change continues, it could have a great impact on life on Earth – various species' existence, including human existence, could be threatened. There is a big disagreement among the public regarding climate change – some see it as a natural process that calls for adaptation, while others see it as the biggest threat of the future and are thus desperately trying to stop it.

Humans are increasingly influencing the climate and the earth's temperature by burning fossil fuels, cutting down rainforests and farming livestock.This adds enormous amounts of greenhouse gases to those naturally occurring in the atmosphere, increasing the greenhouse effect and global warming.

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Greenhouse gases

Some gases in the Earth's atmosphere act a bit like the glass in a greenhouse, trapping the sun's heat and stopping it from leaking back into space.Many of these gases occur naturally, but human activity is increasing the concentrations of some of them in the atmosphere, in particular:

- carbon dioxide (CO_2)
- methane
- nitrous oxide
- fluorinated gases

Causes for rising emissions

1. **Burning coal, oil and gas produces carbon dioxide and nitrous oxide**. CO_2 is the greenhouse gas most commonly produced by human activities and it is responsible for 64% of man-made global warming. Its concentration in the atmosphere is currently 40% higher than it was when industrialisation began. Other greenhouse gases are emitted in smaller quantities, but they trap heat far more effectively than CO_2, and in some cases are thousands of times stronger.
2. **(deforestation) Cutting down forests**. Trees help to regulate the climate by absorbing CO_2 from the atmosphere. So when they are cut down, that beneficial effect is lost and the carbon stored in the trees is released into the atmosphere, adding to the greenhouse effect.
3. **Increasing livestock farming**. Cows and sheep produce large amounts of methane when they digest their food. Methane is responsible for 17% of man-made global warming, nitrous oxide for 6%.
4. **Fertilisers** containing nitrogen produce nitrous oxide emissions.

Fluorinated gases produce a very strong warming effect, up to 23 000 times greater than CO_2. Thankfully these are released in smaller quantities and are being phased down by EU regulation.

Recent estimates suggest that, even if emissions peak in the next decade or two and then fall sharply, the impact on global temperatures will still be very large . Because many greenhouse gases, including carbon dioxide, stay in the atmosphere for more than a century and the effects on climate come through with a lag, temperature and sea level will continue to rise during the twenty-second century, even if we stabilise emissions soon. Most of the damaging consequences of climate change are associated with water in some shape or form, including droughts, floods, storms, and sea level rise.

Effects of Climate Change

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Climate change has affected many aspects of our planet.

1. **WEATHER**. One aspect that has been greatly affected by climate change is the weather. In Romania, for instance, extreme weather events have multiplied since 2002. the country's 2007 drought was the severest in 60 years . **Hurricanes** have also become more aggressive largely because of warmer temperatures that mainly resulted from the emission of greenhouse gases. Warmer temperatures result in warmer water in the oceans. As the result of warmer oceans, **hurricanes and tornados** become more intense.

2. Also, warmer temperature means the atmosphere holds more water vapor and that makes **rainfalls more extreme and intense**

3. Climate change also resulted in playing a major role in **shrinking of ice sheets**

4. The melting of ice results in the rise of sea levels and that endangers many islands to disappear completely .According to NASA, up to 10 percent of the world's population lives in areas where there about 30 feet above sea level (NASA). Furthermore, Greenland and West Antarctic ice sheets are melting about 125 billion tons of ice per year . "As the earth warms up it is leading to melting of more ice and glaciers. We could see as much as 6 feet sea level rise in this century" .

5. climate change has a negative impact on water quantity and quality as well as drinking water treatment. However, some issues such as, geographical locations, local water resources, and water technologies that could potentially influence the effect of climate change on drinking water supply are still unsettled

6. Global warming. The current global average temperature is 0.85°C higher than it was in the late 19th century. Each of the past three decades has been warmer than any preceding decade since records began in 1850.

7. The world's leading climate scientists think human activities are almost certainly the main cause of the warming observed since the middle of the 20thcentury.

8. An increase of 2°C compared to the temperature in pre-industrial times is seen by scientists as the threshold beyond which there is a much higher risk that dangerous and possibly catastrophic changes in the global environment will occur. For this reason, the international community has recognised the need to keep warming below 2°C.

SOLUTIONS

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1. **WIND POWER** is the fastest-growing energy resources in the world since 1990. Since wind turbines use the wind, a renewable source of energy, to generate electricity it has little to no impact on the environment . Furthermore, wind turbines don't need water to operate . According to the U.S. Department of Energy, the usage of wind turbines cut water consumption in the power sector by 36.5 billion gallons in 2013 alone. Also, the usage of wind turbines in 2013 reduced CO_2 emission approximately by 115 million metric tons, which equals the emission of 20 million cars during the year (Wind Energy Benefits). However, there are some challenges that face wind power. One main challenge is that birds and bats have been killed from flying into the spinning blades. However, to help solve the problem of birds and bats getting killed by the spinning blades, one solution is to avoid building wind turbines in areas where there is a high concentration of migrants. Another solution is to make the wind turbines blades rotate only above certain wind speed..

2. GREEN BUILDINGS

Existed buildings emit CO_2 because of their dependence on fossil fuels for energy from air-conditioning to electricity (Energy–Efficient Buildings). Furthermore, the buildings that we live and work account for 30% of all greenhouse gases. Using light bulbs that use less energy and more efficient heating and cooling systems helps in reducing the amount of CO_2 that is being emitted from the buildings (Energy–Efficient Buildings). Therefore, that reduces our dependency on fossil fuel for electricity resulting in a reduction of greenhouse gases emission (Energy–Efficient Buildings). For instance, the Empire State Building in New York went through renovations to improve energy efficiency. The renovations have reduced energy usage by 38% and save 4.4 million dollars on heating and electricity bills each year (Energy–Efficient Buildings).

3. METHANE LEAKS

As it has been mentioned above, that Methane is a greenhouse gas that contributes to the progress of climate change. Natural gas and petroleum systems are also considered, among the main sources of methane emission. Upgrading the equipment used in transferring, storing, and producing oil and gas can limit methane leaks

Conclusion

Climate change is a problem that is facing our planet and it has progressed a lot after the industrial revolution. The emission of

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greenhouse gases has accelerated the progress of climate change and made our weather more intense. However, the world's dependence on fossil fuel for energy, transportation, and manufacturing have created a major obstacle for us to switch to renewable energy.

B. GLOBAL WARMING-

CAUSES , CONSEQUENCES AND REMEDIAL MEASURES

Global warming is the rising of the Earth's atmospheric temperature. Our Earth is enveloped with a natural warm blanket that protects us from the harsh rays of the sun and allows for the nights to be cool. This atmosphere is made of green house gases like water vapor, carbon dioxide, ozone and environmental pollution. Pollution contains harmful gases like the waste from animals and fossil fuels.

The sun's rays penetrate the Earth's atmosphere and the Earth reflects back heat energy. Some of this energy gets stuck in our Earth and makes the Earth warm. This is natural greenhouse effect.

Causes of Global Warming

After the Industrial Revolution, we started using more energy in devices like car engines and power plants. Where do we get this energy from? Mostly fossil fuels like coal. Carbon dioxide is produced when we burn fossil fuels. This carbon dioxide floats up and increases the greenhouse effect

1. **Carbon dioxide emissions from fossil fuel burning power plants**

   Our ever increasing addiction to electricity from coal burning power plants releases enormous amounts of carbon dioxide into the atmosphere. 40% of U.S. CO_2 emissions come from electricity production, and burning coal accounts for 93% of emissions from the electric utility industry [EPA, pg. 10]. Every day, more electric gadgets flood the market, and without widespread alternative energy sources, we are highly dependent on burning coal for our personal and commercial electrical supply.

2. **Methane emissions from animals, agriculture such as rice paddies, and from Arctic seabeds**

   Methane is another extremely potent greenhouse gas, ranking right behind CO_2. When organic matter is broken down by bacteria under oxygen-starved conditions (anaerobic decomposition) as in rice paddies, methane is produced. The process also takes place in the intestines of herbivorous

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animals, and with the increase in the amount of concentrated livestock production, the levels of methane released into the atmosphere is increasing. Another source of methane is methane clathrate, a compound containing large amounts of methane trapped in the crystal structure of ice. As methane escapes from the Arctic seabed, the rate of global warming will increase significantly**.**

3. : <u>Deforestation, especially tropical forests for wood, pulp, and farmland</u>

The use of forests for fuel (both wood and for charcoal) is one cause of deforestation, but in the first world, our appetite for wood and paper products, our consumption of livestock grazed on former forest land, and the use of tropical forest lands for commodities like palm oil plantations contributes to the mass deforestation of our world. Forests remove and store carbon dioxide from the atmosphere, and this deforestation releases large amounts of carbon, as well as reducing the amount of carbon capture on the planet.

4. <u>Increase in usage of chemical fertilizers on croplands</u>

In the last half of the 20th century, the use of chemical fertilizers (as opposed to the historical use of animal manure) has risen dramatically. The high rate of application of nitrogen-rich fertilizers has effects on the heat storage of cropland (nitrogen oxides have 300 times more heat-trapping capacity per unit of volume than carbon dioxide) and the run-off of excess fertilizers creates 'dead-zones' in our oceans. In addition to these effects, high nitrate levels in groundwater due to over-fertilization are cause for concern for human health.

<u>EFFECTS OF GLOBAL WARMING</u>

a. **Icebergs and glaciers will get heated up, causing land slides, flooding and rivers will dry up.**
b. **Tornadoes, hurricanes, droughts and more natural calamities will occur.**
c. **Animals will not be able to withstand the heat and will die.**
d. **Crops will wither and die.**

1. <u>Effect: Rise in sea levels worldwide</u>

Scientists predict an increase in sea levels worldwide due to the melting of two massive ice sheets in Antarctica and Greenland, especially on the East coast of the U.S. However, many nations around the world will experience the effects of rising sea levels, which could displace millions of people. One

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nation, the Maldives, is already looking for a new home, thanks to rising sea levels.

2. More killer storms

The **severity of storms such as hurricanes and cyclones is increasing**, and research published in Nature found:

"Scientists have come up with the firmest evidence so far that global warming will significantly increase the intensity of the most extreme storms worldwide. The maximum wind speeds of the strongest tropical cyclones have increased significantly since 1981, according to research published in Nature this week. And the upward trend, thought to be driven by rising ocean temperatures, is unlikely to stop at any time soon."

3. Massive crop failures

According to recent research, there is a 90% chance that 3 billion people worldwide will have to choose between moving their families to milder climes and going hungry due to climate change within 100 years. One of the main causes of this will be the spread of desertification, and its accompanying effects.

"Climate change is expected to have the most severe impact on water supplies. "Shortages in future are likely to threaten food production, reduce sanitation, hinder economic development and damage ecosystems. It causes more violent swings between floods and droughts.""
– Guardian: Global warming causes 300,000 deaths a year

4. Widespread extinction of species

According to research published in *Nature*, by 2050, rising temperatures could lead to the extinction of more than a million species. And because we can't exist without a diverse population of species on Earth, this is scary news for humans.This 6th mass extinction is really just a continuation of the holocene extinction which began at the end of the last ice age and has resulted in the extinction of nearly all of the Earth's megafauna animals, largely as a result of human-expansion. Widespread species loss and lists of endangered species just keep growing. This is a concerning matter on many fronts.

"Climate change now represents at least as great a threat to the number of species surviving on Earth as habitat-destruction and modification." Chris Thomas, conservation biologist at the University of Leeds

5. Disappearance of coral reefs

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A **report on coral reefs from WWF** says that in a worst case scenario, coral populations will collapse by 2100 due to increased temperatures and **ocean acidification and its effects**. The **'bleaching' of corals** from small but prolonged rises in sea temperature is a severe danger for ocean ecosystems, and many other species in the oceans rely on coral reefs for their survival.

"Despite the oceans's immensity — 71 per cent of the Earth's surface with an average depth of almost 4km (2½m) — there are indications that it is approaching its tipping point. For reefs, warming waters and acidification are closing in like a pair of jaws that threaten to make them the first global ecosystem to disappear." – Times Online: 21st-century Noah's Ark needed to save coral reefs from extinction

6. Effects on economy

Not only are the effects on environment and climate, the bad effects of global warming. But it causes major debilitation to the economies of many major world nations both directly and indirectly. The direct impact is when the natural calamities like flood, earth quakes, and tsunamis wipe out the amenities, infrastructure, agriculture and even manpower of a nation Where as the indirect impact is when the adverse conditions of global warming cuts down the exports and imports, reducing foreign exchange and income. The compensation and disaster funds will prove insufficient at times like that. The world at present witness disruption in trade, transport, energy supplies, manpower market, investment and banking.

REMEDIES/SOLUTIONS

Prevention of Global Warming – What can I do?

The best ways to reduce global warming and its impacts are known to everyone. Remedial precautions are to be implemented at a global scale apart from the isolated and individual efforts all round the world. Practices that reduce the green house effect are the most proposed ones. The practices of forestation along with reduced deforestation, usage of efficient non polluting non-conventional energy sources have proved to be the best mrthod

1. **Reduce, Reuse, Recycle**

Reduce waste by choosing reusable products instead of disposables. Buy products with minimal packaging. Recycle paper, plastic, newspaper, glass and aluminum cans. By recycling half of your household waste, you can save 1088kg of carbon dioxide every year.

2. **Use Less Heat and Air Conditioning**

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Add insulation to your walls and attic, it can lower your heating costs more than 25 percent, by reducing the amount of energy you need to heat and cool your home. Turn down the heat while you're sleeping at night or away during the day, and keep temperatures moderate at all times. Setting your thermostat just 2 degrees lower in winter and higher in summer could save about 907kg of carbon dioxide each year.

3. **Change your lightbulbs**

Replace regular light bulbs with compact fluorescent light (CFL) bulbs. CFLs last 10 times longer than incandescent bulbs, use two-thirds less energy, and give off 70 percent less heat.

4. **Drive less and drive smarter**

Go surfing with friends, Walk and ride your bike more and check out options for carpooling to work or school. When you do drive, make sure your car is running efficiently. For example, keeping your tires properly inflated can improve your petrol mileage by more than 3 percent.

5. **Buy Energy-Efficient Products**

When it's time to buy a new car, choose one that offers good mileage. Home appliances now come in a range of energy-efficient models, and compact florescent bulbs are designed to provide more natural-looking light while using far less energy than standard light bulbs.

6. Avoid products that come with excess packaging especially molded plastic and other packaging that can't be recycled.

7. **Use Less Hot Water**

Set your water heater at a lower tempreture to save energy and buy low-flow showerheads to save hot water and about 350 pounds of carbon dioxide yearly. Wash your clothes in warm or cold water to reduce your use of hot water and the energy required to produce it.

8. **Use the "Off" Switch**

Save electricity and reduce global warming by turning off lights when you leave a room, and using only as much light as you need. And remember to turn off your television, video player, stereo and computer when you're not using them. It's also a good idea to turn off the water when you're not using it. While brushing your teeth, shampooing the dog or washing your car, turn off the water until you actually need it for rinsing. You'll reduce your water bill and help to conserve a vital resource.

9. **Plant a Tree or two**

If you have the means to plant a tree, start digging. During photosynthesis, trees and other plants absorb carbon dioxide and give off oxygen. A single tree will absorb approximately one ton of carbon dioxide during its lifetime.

10. **Keep an eye on your local beach**

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It's your responsibility to look after your local spot. Keep an eye on changes, pick up litter, use your local status to increase respect for the ocean environment.

11. **Encourage Others to Conserve**

Share information about recycling and energy conservation with your friends, neighbors and co-workers, and take opportunities to encourage public officials to establish programs and policies that are good for the environment.

These 11 steps will take us a long way toward reducing our energy use and our monthly budget. And less energy use means less dependence on the fossil fuels that create greenhouse gases and contribute to global warming and the raising of temperatures in our oceans.

GLOBAL WARMING and CARBON CREDIT

The world climate is changing. Temperatures are rising and so are natural disasters. All this is the result of global warming due to the excessive accumulation of green house gases in the atmosphere.

There has been almost 40% increase in Carbon dioxide levels since the Industrial revolution. The earth is losing its ability to soak up billions of tons of CO_2 each year. If more of our carbon pollution stays in the atmosphere, emissions will have to be cut much more to prevent global warming reaching a dangerous level.

The recent surge in CO_2 level is due to

- Growth in the world economy
- Heavy use of Coal in China
- Weakening of natural 'Sinks"– forests, seas and soil that can absorb carbon,

CARBON CREDIT:

The UN adopted the UNFCCC (UN Framework Convention of Climate change) in 1992 to address this issue of increase in CO_2 emission.

It has been established through numerous scientific studies, that emissions generated by human activities are resulting in climate change and increase in global temperatures, with potential catastrophic impacts.

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Envisaging this threat to the global society, one of the milestones was the adoption of Kyoto Protocol in Kyoto, Japan, on 11 December 1997. The major feature of the Protocol is that it sets binding targets for 37 industrialized countries and the European community, for reducing greenhouse gas (GHG) emissions. These amount to an average of five per cent against 1990 levels over the five-year period 2008-2012. International negotiations are currently underway to evolve a global carbon market with more ambitious emission reduction targets.

Under the Kyoto protocol, countries must meet their targets primarily through national measures. However, it offers them an additional means of meeting their targets by way of three market-based mechanisms thereby creating what is now known as the 'carbon market':

Carbon Markets have become one of the fastest growing markets in the world. Their worth expanded to US$ 176 billion in 2012 from US$ 10 billion in 2005. Estimates predict a potential of up to US$ 1 trillion by 2020.

The industrialized nations agreed to a non-building commitment to bring down emissions of CO_2 and other greenhouse gases to 1990 levels. However most failed in their commitment. This was followed by the Kyoto protocol 1997 , an international treaty to reduce greenhouse gases. As of September 2005, a total of 156 countries have ratified the agreement . Developing countries like India, China and Brazil do not have any obligations of this Protocol beyond monitoring and reporting emission

What is Carbon Credit: Carbon credit and how you can make money from it

Countries are given fixed limits for emission of CO_2. This emission permission is known as Carbon Credit. Supposing a country emitted 100 carbon-equivalent green house gases, it has to reduce its emission level by 52 carbon equivalent greenhouse gases. This means the country has 48 units of carbon credit in its possession. Countries can trade in carbon credit. If the above country has reduced its emission by more than 52 units , it can exchange/sell this excess carbon units to another country which has exceeded its emission limit. Carbon credits have a monetary value and can be exchanged or bought and sold in international market at the prevailing market price. A tonne of carbon credit is sold at Euro 12-15

As more countries and companies take steps to lower their carbon dioxide emissions, you hear the term "carbon credit" used frequently in the news. Understanding what a carbon credit is and how it is traded can help you better

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understand both the impact of carbon dioxide and responsible steps companies can make to reduce it.

Simple Definition of Carbon Credit

Carbon credit is a fairly simple system that can become more complex through trades, purchases and swaps. Put simply, countries and individual companies can earn carbon credits, each of which allows the industry to produce one ton of carbon dioxide gas over and above their limits.

How Credits Are Earned

Credits are awarded to countries and companies that take steps to lower their carbon dioxide emissions. This can be done in a couple of ways.

- Lower . A company which plants enough trees to reduce carbon dioxide emissions by Production: Carbon dioxide emissions can be lowered by upgrading equipment, changing manufacturing procedures or using the equipment which produces the gasses less. For each ton of gas the manufacturer stays below their set limit, they are awarded one credit.
- Environmental Action: If a country or company funds environmental actions aimed at reducing carbon dioxide, this can also translate into a credit. For example, carbon dioxide gas is used by plants and trees, which in turn give off oxygen one ton, would be awarded one carbon credit in exchange.

The Trading System

Carbon credits are frequently used in one of two ways. They can be saved or traded.

Saving Credits

Some manufacturers have fluctuating production loads. They may produce more carbon dioxide one year than the following. If a company has an emissions quota of 15 tons, meaning they can produce up to 15 tons of carbon dioxide, but only uses 12 of them in one year, they receive three carbon credits. If production is ramped up the following year and the company is set to produce up to 18 tons, they can use those three credits to balance out their emissions.

Trading Credits

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Some companies rarely use their full emissions quota, or they may take part in environmental actions, which earns them credits. Other companies, however, may routinely go over and above their quota. In this case, a company about to exceed their quota can purchase a credit from the company who holds unused credits.

The International Carbon Credit Market

Carbon credits can be traded on an international market. This can be done privately, through sales directly to one company or country from another, or it can be done through an exchange.

There are currently six exchanges trading in carbon credits, and each sale is monitored by the United Nations Framework Convention on Climate Change. The carbon credit market is thought to grow larger as even countries that are not held to carbon quotas, such as the United States, get involved with voluntary trading and exchanges.

The Goal of Exchanging Credits

The goal of the carbon exchange is to universally lower the amount of carbon emissions being produced, which will in turn lower the amounts of air pollution and the threat of global warming. While credits can change hands, prices are dictated by the current marketplace. This means that while some companies will always be looking to purchase credits for a one-time use, it makes better financial sense for many companies to lower their emissions to their set quota, rather than to risk fines or purchase large amounts of credits. Credits can, however, buy a company time to make the adjustments because in the short term it may be more practical to purchase credits than undertake a major overhaul of equipment and business purposes.

As the Kyoto Protocol permits carbon credits, a number of exchanges have been made and Banks too have entered this lucrative market. Such banks are known as **Carbon Banks.**

Carbon Credit provides a way to reduce green house emissions. India has generated approximately 30 Million carbon credits and approximately 140 million in run, the second highest transacted volumes in the world. India's carbon market is growing faster. 850 projects with a huge investment of Rs 650,000 million are in pipeline. The revenue from 200 projects is estimated at Rs. 97 billion till 2012.

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India has been able to register approximately 350 projects spread across various sectors with major dominance of renewable energy, energy efficiency and biomass energy projects. Some examples are:

- The government has already energy conservation norms for commercial buildings
- It has launched CFL/LED lamps to reduce energy consumption by 60% . Himachal Pradesh has given one CFL free to each household.. Delhi provides subsidy on CFL's sold in the city
- In Uttarkhand, Rajaiv singh and friends have planted thousands of trees and have turned barren mountains into green belt – it helped the government earn valuable carbon credit
- Trees have been planted on Yamuna belt

a. **Delhi Metro Rail have already claimed over 40000 carbon credits for using innovative braking systems.**
b. **he Brihanmumbai Municipal Corporation (BMC) will receive Rs20 crore in lieu of carbon credit from the Asian Development Bank.**
The BMC earned its carbon credit from the Gorai dumping ground, which becomes the first garbage dump in the country to earn 'carbon credits'. The BMC sold it to recover the money it spent on closing the dumping site. However, as the garbage decomposes, it will emit huge amounts of methane gas by next year. The BMC decided to generate electricity from this methane gas, and has put vents in the ground to tap the gas
c. **State eyes carbon credits through tree campaign**
d. **From a dump site to a beautiful green space: Asian Development Bank's Asia Pacific Carbon Fund(link is external) helped transform Mumbai's Gorai garbage site into an award-winning sustainable area.**
Closing up a garbage landfill

The Gorai dumpsite in Mumbai, India was once a 19-hectare area covered with an 80-foot-high mountain of solid waste. Located close to a creek and surrounded by residential developments, the landfill posed serious environmental and health hazards and emitted methane gas which has 21 times the global warming potential of carbon dioxide.

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In 2007, the Municipal Corporation of Greater Mumbai decided to embark on the Gorai Landfill Closure and Gas Capture Project, which aimed to close the dumpsite and transform the methane it generated into electricity. However, the project's large scope and technological requirements called for a considerable amount of funding.

C. DEFORESTATION- CAUSES, CONSEQUENCES AND REMEDIAL MEASURES

Over half of the world's forests have been destroyed in the last 10,000 or so years — the majority of this loss has occurred in just the last 50 years, occurring simultaneously with a massive increase in the human population. The incredible scale of this loss has led to significant changes throughout many parts of the world, and in recent years these changes have been accelerating. These changes include: large-scale extinction events, desertification, climatic changes, topsoil loss, flooding, famine, disease outbreaks, and insect 'plagues' — among others

Deforestation is cutting down of trees or removal of forests where the land is converted to a non-forest use. It is the destruction of forest. Example of deforestation includes conversion of forestland to agriculture or urban use. Deforestation refers only to removal of trees without the intention of reforesting it.

Deforestation occurs primarily as a result of: agriculture, fuel use and production (firewood, charcoal, etc), timber harvesting, pasture-clearing for livestock animals, and expanding human settlements. And also, to a degree, due to large scale war — throughout history fire has often been used as a way to deprive enemy populations of necessary resources. These deforested areas almost inevitably end up as wastelands via the processes of soil erosion and desertification, if they aren't reforested. Many of the areas of the world that were deforested thousands of years ago remain as severely degraded wastelands or deserts today.

Currently the world's annual rate of deforestation is estimated to be about 13.7 million hectares a year — roughly equivalent to the total land-area of Greece. Roughly half of the areas deforested gets reforested to some degree, but these

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new-growth forests don't function in the same ways, support the same biodiversity, nor do they provide the many benefits that old-growth forests do.

In addition to these 'official' numbers, forests have also been, in recent years, becoming more and more affected by the changing climate — with increasing levels of drought, growing numbers of forest fires, increasingly common powerful storms and extreme weather, an explosion in insect numbers, and the spread of disease, all taking a toll.

CAUSES OF DEFORESTATION

1. Agriculture

Agriculture is one of the primary drivers of deforestation — both in modern times and in ancient times. The vast old-growth forests that once covered much of the world have largely been cut and burned down because of agriculture. Even when such agricultural-land is reclaimed by nature it generally lacks the great biodiversity that was found there previously, being replaced largely by fast-growing plants and 'weeds' that favor the depleted soil. Subsistence-farming accounts for 48% of deforestation, and commercial agriculture for a further 32% of deforestation, according to the United Nations Framework Convention on Climate Change.

Conversion of forests to agricultural land to feed growing needs of people. There are an estimated 300 million people living as shifting cultivators who practice slash and burn agriculture and are supposed to clear more than 5 lakh ha of forests for shifting cultivation annually. In India, we have this practice in North-east and to some extend in Andhra Pradesh, Bihar and M.P. which contribute to nearly half of the forest clearing annually.

2. Commercial logging:(Which supplies the world market with woods such as meranti, teak, mahogany and ebony) destroys trees as well as opening up forest for agriculture. Cutting of trees for fire wood and building material, the heavy lopping of foliage for fodder and heavy grazing of saplings by domestic animals like goals.

3. Desertification

Desertification is the process by which fertile land is transformed into desert, usually as a result of deforestation, drought, and agriculture use/practices. The process occurs primarily in dry-land ecosystems — which are already very fragile, and simply can't support the pressures that result from significant human populations. Drylands currently occupy about 40% of the world's total land area. As these lands are cultivated the limited nutrients that are available in them are quickly depleted. Often times the land is also improperly irrigated — leading to salty soils, and

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emptied aquifers. The limited natural vegetation that is present is also often overgrazed, leading to large-scale soil erosion and increased runoff/decreased rainfall retention.

As a side note, the Sahara Desert is currently expanding south at a rate of up to 48 kilometers per year.

4. Mining:

This causes environmental impacts like erosion, formation of sinkholes, loss of biodiversity, and contamination of soil, groundwater and surface water by chemicals from mining processes. In some cases, additional forest logging is done in the vicinity of mines to increase the available room for the storage of the created debris and soil. Contamination resulting from leakage of chemicals can also affect the health of the local population if not properly controlled. Extreme examples of pollution from mining activities include coal fires, which can last for years or even decades, producing massive amounts of environmental damage.

5. Population Growth And Expansion

While agriculture is often the direct cause of deforestation, growing and expanding populations are often the driver. The world's population has exploded from an estimated max of 15 million people in prehistory, to the 7 billion humans of today. Such large population numbers and densities make people very dependent upon agriculture for survival, and also, importantly, dependant upon expansion. With increased population numbers also comes increased urbanization — which brings with it further impetus for deforestation, and also a number of other negative influences on the surrounding areas via various forms of pollution.

Increase in population results in demand for more and more land for both agriculture and other uses. Subsistence farming is responsible for 48% deforestation, commercial agriculture 32%, logging 14% and fuel wood 5%

6. Urbanization and industrialization:

Since Industrialization and Urbanization needs land to grow, so major amount of forest lands are cut in order to promote Industrialization and Urbanization. This creates harmful effect on environment and forest ecological balance.

7. Forest fires:

They may be natural or manmade, and cause huge forest loss.

8. Overgrazing:

Overgrazing occurs when plants are exposed to intensive grazing for extended periods of time, or without sufficient recovery periods. It can be caused by either livestock in poorly managed agricultural applications, or by overpopulations of native or non- native wild animals. Overgrazing reduces the usefulness, productivity, and biodiversity of the land and is one

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cause of desertification and erosion. Overgrazing is also seen as a cause of the spread of invasive species of non-native plants and of weeds.

9. Construction of dam reservoirs:

For building big dams, large scale devastation of forests takes place which breaks the natural ecological balance of the region. Floods, droughts and landslides become more prevalent in such areas. Forests are the repositories of invaluable gifts of nature in the form of biodiversity and by destroying these we are going to lose these species even before knowing them. These species could be having marvelous economic or medicinal value. These storehouses of species which have evolved over millions of years get lost due to deforestation in a single stroke.

Environmental effect/ Consequences of Deforestation:

Depending on the needs of the social group concerned, deforestation has made it possible for communities to be built. Forest makes way for residential houses, office buildings and factories. Governments are able to built reads to make trade and transport easier and therefore more convenient to residents.Deforestation can also mean the conversion of forest land to productive land for agricultural uses. This results in better and more abundant production of food and materials, virtually eradicating periods of want and lack. Economically, deforestation has contributed much in giving many communities the opportunity to make positive changes in their times.

Unfortunately, the negative consequences of deforestation for outweigh its positive effects.

1. Food problems:

Non suitability of deforested area for conservation. Most of the area that has undergone deforestation is actually unsuitable for long-term agricultural use such as ranching and forming. Once deprived of their forest cover, the lands rapidly degrade in quality, losing their fertility and arability. The soil in many deforested areas in also unsuitable for supporting annual crops. Much of the grassy areas are also not as productive compared to more arable soils and are therefore not fit for long-term cattle grazing.

2. **Exposing soil to heat and rain:**

Heavy rainfall and high sunlight quickly damage the topsoil in clearings of the tropical rain forests. In such circumstance, the forest will take much

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longer to regenerate and the land will not be suitable for agricultural use for quite some time.

3. **Flooding**:

Deforestation can results to watersheds that are no logger able to sustain and regulate water flows from rivers to steams. Trees are highly effective in absorbing water quantities, keeping the amount of water in watersheds to a manageable level. The forest also serves as cover against erosion. Once they are gone, too much water can results to downstream flooding, many of which have cause disasters in many parts of the world.The fertile top soil is eroded and flooded into the lower regions, many coastal fisheries and coral reefs suffer from the sedimentation brought by the flooding. This results to negative effects in the economic viability of many business and fatalities in wildlife population.

4. **Loss of biodiversity**:

This is probably most serious consequence of Deforestation. Put simply, it means the destruction and extinction of many plants and animal species, many of un-home remain unknown and whose benefits will be left undiscovered.

5. Displacement of indigenous communities:

Some indigenous people's may of life and survival are threatened by the loss of forests. Fewer trees results an in secure future for forests workers.

6. Climate change:

Deforestation can cause the climate to become extreme in nature. It increases CO_2 concentration in atmosphere and contributes to global warming. Deforestation is a contributor to global warming, and is often cited as one of the major causes of the increased greenhouse effect. Tropical deforestation is responsible for approximately 20% of world greenhouse gas emissions. Although Deforestation may not significantly affect the net oxygen level the incineration and burning of forest plants to clear land, releases large amounts of CO_2, which contributes to global warming.

7. Economic loss:

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The occurrence and strength of floods and droughts affecting the economy. It also leads to loss of future markets for ecotonism. The value of a forest is often higher when it is left standing than it could be worth when it is harvested.

8. Health issues:

The stress of environmental change may make some species more susceptible to the effect of insects, pollution and diseases.

The solution lies in:-

1. Green Business

Green business concerns re-use and recycling. Green methods of production and utilization of resources can immeasurably reduce deforestation. Particularly, it's the focus on re-using items, reducing the use of artificial items, and recycling more items. Paper, plastics, and wood are linked to the destruction of forests and other natural resources. By focusing on recycling paper, plastics, and wood products as well as adopting responsible consumerism, it means there will be less dependence on the natural resources and trees. It will also reduce government and company imports of raw-material Eco-forestry

2. Eco-forestry is a move on saving the worlds forest. It acknowledges that sometimes, the use of trees for various human activities or reasons can be inevitable. Per se, eco-forestry underscores the need of cutting down trees in an environmentally friendly manner. It is where only cautiously selected trees are fell and transported with the least possible damage to the area. Also, eco-forestry not only calls for the preservation of the forest regions ecosystem but also allows for controlled and green timber extraction.

3. Law and Regulations

Due to the nature and extent of forest destruction, efforts to stop the human activities can be complemented by laws and regulation at governmental and organizational levels. As much as people increasingly become aware of deforestation consequences, some people focus more on the immediate economic gains at the expense of the long-term environmental damage.This attitude has encourages illegal logging for timber and other valuable resources like rubber and palm oil. Therefore, stopping deforestation and preserving the natural vegetations demands rules, laws, and regulations from organizations and governments to aid in enforcing forest preservation policies. Laws on timber, wood fuel, farming,

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and land use among other forest resources must be advanced and enforced to limit deforestation.

4. Community Forestry

Community forestry is whereby local communities together with their local government and other local organizations such as schools, corporate, and universities join hands to start localized tree planting programs and management of their local forests. On various occasions such as public holidays, opening ceremonies, environment days, or other periodic localized activities, concerned local citizens can create awareness and plant trees.This can be done within the surrounding areas as a method of boosting environmental sustainability and keeping the local forests viable. All local learning institutions, hospitals, local government headquarters, and the rest of the community can ensure trees are planted and the local forests are protected against damage as a way of finding solutions to the deforestation menace.

5. Replanting (Reforestation)

Replanting or tree planting utilizes almost the same aspect as community forestry. However, it entirely focuses of replanting, a feature commonly known as reforestation. Reforestation is the restoration or replanting of forests that have been reduced by fire or felling. It requires an ongoing process and should not be viewed as a onetime thing.

People, communities, governments, and organizations are all active actors. It involves selecting and dedicating large tracts of land mainly for the purpose of cultivating forests. For instance, in local communities and urban centers, it can be done around market areas, in game/wildlife reserves, or within city parks. Replanting, therefore, qualifies restorative measure of deforestation.

6. Sensitization and Educative Campaigns

Deforestation can also be counteracted through awareness and sensitization. Sensitization and educative campaigns can be a simple but a more workable solution. Initiating awareness creation champagnes makes it easy for people to detect the causes, effects, and ways of counteracting deforestation. Personal experiences from adversely affected communities such as farmers can be used to emphasize the negative effects of deforestation.

Thus, making conscious efforts to share information with people including family, friends, colleagues, and the entire community on deforestation and its effects is

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an appropriate measure of standing up in unison to combat the clearing of forests.ls from forest regions in other parts of the world.

DESERTIFICATION:

Desertification refers to the land degradation in arid, semi-arid areas caused by climatic changes and human activities. It is the combined effect of accelerated erosion (wind and water) woodland destruction, soil water logging, overgrazing in dry land.

Desertification became well known in the 1930's, when parts of the Great Plains in the United States turned into the "Dust Bowl" as a result of drought and poor practices in farming, although the term itself was not used until almost 1950.

Desertification occurs slowly but covers large areas as different degraded lands start merging . As a result of desertification, the productive potential of arid and semi-arid lands fall by 10% or more. Desertification results in conversion of irrigated lands to become deserted. It results in loss of vegetation cover, loss of ground water and severe soil erosion.

D. COASTAL REGULATORY ZONE- CRZ ACT OF 2011

Introduction and History

On February 19, 1991, the Ministry of Environment and Forests ("MOEF") issued a notification under Section 3 of the Environment Protection Act of 1986, seeking to regulate development activity on India's coastline. The approach adopted by the first notification was to define the 'High Tide Line' ("HTL") and 'Coastal Regulation Zone' ("CRZ") and thereafter specify the activities permitted and restricted in the vicinity of the CRZ. This regulated zone was further divided into four categories (CRZ I-IV) as per permitted land use.

There have been about 25 amendments to this notification between 1991 and 2009, some of which have been based on the directions of the Supreme Court. In May 2008, the MOEF brought out a new draft CRZ notification that evoked much criticism from all sections of stakeholders. Eventually this notification was allowed to lapse and the Ministry brought out a fresh notification in September 2010, which after much discussions and deliberations, was finally passed as Coastal Regulation Zone Notification 2011 on January 6, 2011.

The current notification has several new positive features:

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- It widens the definition of CRZ to include the land area from HTL to 500 m on the landward side, as well as the land area between HTL to 100 m or width of the creek, whichever is less, on the landward side along tidal influenced water bodies connected to the sea. The CRZ also includes, for the first time, water area up to 12 nautical miles in the sea and the entire water area of a tidal water body such as creek, river, estuary without imposing any restrictions of fishing activities.Thus, the main change in the scope of regulation has been to expand the CRZ to include territorial waters as a protected zone. This may have been in response to the criticism that while the earlier CRZ notification regulated development on the coastal stretches, it did not per se deal with pollution of the sea in any direct terms.

- The concept of a 'hazard line' has been introduced. While the notification merely states that the hazard line will be demarcated by the MOEF through the Survey of India, by taking into account tides, waves, sea level rise and shoreline changes, this concept owes its introduction to the realisation of natural disasters such as tsunami and floods that may take place in this zone. In May 2010, the MOEF signed a Memorandum of Understanding with the Survey of India for undertaking this exercise over a period of four-and-a-half years, at an estimated cost of Rs 125 crore.

- The concept of classification of CRZ into four zones has continued in the 2011 notification with the following delineation:

    1. CRZ I- ecologically sensitive areas such as mangroves, coral reefs, salt marshes, turtle nesting ground and the inter-tidal zone.
    2. CRZ II- areas close to the shoreline, and which have been developed.
    3. CRZ III- Coastal areas that are not substantially built up, including rural coastal areas.
    4. CRZ IV- water area from LTL to the limit of territorial waters of India

CRZ IV has been changed from the 1991 notification, which covered coastal stretches in the islands of Andaman & Nicobar and Lakshwadeep. The MOEF has issued a separate notification titled Island Protection Zone 2011 in relation to these areas.

- A new category called areas requiring special consideration has been created which consists of (i) CRZ areas of Greater Mumbai, Kerala and Goa, and (ii) Critically vulnerable coastal areas such as Sunderbans.

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- Clearances for obtaining CRZ approval have been made time-bound. Further, for the first time, post-clearance monitoring of projects has been introduced in the form of the requirement to submit half-yearly compliance reports, which are to be displayed on the Ministry's website.

- With respect to the list of prohibited activities, one of the most important changes has been that of expanding the list of exceptions to the rule prohibiting setting up of new industries and expansion of existing industries. While the earlier exception was limited to those activities which required access to the water front, four other exceptions have been now incorporated which include:

    1. Projects of Department of Atomic Energy;
    2. Facilities for generating non-conventional energy sources and desalination plans, except for CRZ-I zones on a case-by-case basis after doing an impact assessment study;
    3. Development of greenfield airport permitted only at Navi Mumbai; and
    4. Reconstruction, repair works of dwelling units of local communities including fishers in accordance with local town and country planning regulations.

- Another important aspect is the introduction of the Coastal Zone Management Plans, which will regulate coastal development activity and which are to be formulated by the State Governments or the administration of Union Territories.

- In Greater Mumbai, the redevelopment of approximately 146 existing slums in CRZ areas has been permitted, provided that the stake of the state government or its agencies in these projects is not less than 51%. Redevelopment and reconstruction of old, dilapidated, and unsafe buildings in the CRZ-II area has also been permitted. Also, the floor space index (FSI) or floor area ratio (FAR) prevailing in the Town and Country Planning Regulations as on the date of the project being sanctioned, will apply. In order to ensure that the redevelopment of slums and dilapidated structures in Mumbai are done in the most transparent and accountable manner the Right to Information Act, 2005 will be applicable and auditing will be done by the office of the Comptroller and Auditor General (C&AG) of India.

- The 2011 Notification also lists out certain measures that have to be taken to prevent pollution in the coastal areas/coastal waters.

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While the CRZ Notification 2011 has introduced several positive concepts seeking to protect the interest of the local traditional communities, it does have a few drawbacks namely:

- Although the no-development zone of 200 metres from the HTL is reduced to 100 metres, the provision has been made applicable to "traditional coastal communities, including fisher-folk", thereby giving the chance for increased construction on the coast and higher pressure on coastal resources.

- Disallowing Special Economic Zone("SEZ") projects in the CRZ.

- There are no restrictions for expansion of housing for rural communities in CRZ III.

The CRZ Notification 2011 is a major step-up from the 1991 Notification and the MOEF has made special efforts to include specific provisions to benefit the fisher-folk community in all the coastal areas and address the shortcomings of the 1991 Notification such as time-bound clearances, enforcement measures, special provisions for specific coastal stretches etc. There is a significant change in the new notification but there is always need for further improvement.

Maharashtra Government has already initiated programs for Mangrove conservation and protection . The Project mangrove carried out a variety of events in Maharashtra and Gujarat to create awareness of the people living along the coast about the importance of mangrove and their conservation
…….The Union environment ministry has notified the new Coastal Regulation Zone (CRZ) regime, replacing the CRZ notification of 1991. The notification, which has come after years of heated debate and controversy pleases no group entirely—the developers see it as a further restriction of building and industrial activities along the coast, while fishers' organisations complain it gives in to builders and does not protect their interests sufficiently.

According to the ministry, CRZ 2011 will conserve coastal areas and promote development based on scientific principles while ensuring livelihood security of coastal communities. To this end, CRZ rules, as before, will be applicable up to 500 metres (m) on the landward side of the high tide line and up to 100 m from high tide line along water bodies like estuaries that are influenced by tides. The crucial addition is that this notification includes, for the first time, a regulation for the seaward side as well.

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According to the notification, the water and bed area between the low tide line to the territorial water limit of 12 nautical miles will be included for purposes of regulation. The new notification has classified coastal areas into four categories—CRZ I-IV. While the first three zones are similar to the earlier classification, CRZ IV comprises territorial waters. In the previous regime, CRZ IV referred to islands. Now there is a different notification, which covers the two island groups, Andaman and Nicobar and Lakshadweep (see 'CRZ categories'). CRZ II still refers to already developed coastal urban areas and CRZ III includes relatively undisturbed rural areas.

Chequered history

Coastal regulations have undergone several changes over the past, starting with the 1991 notification. CRZ 1991 was amended 25 times to relax norms for industries. In 2006, the environment ministry tried to bring in a new legislative framework for the coasts called the Coastal Management Zone (CMZ).

When environmentalists opposed it saying CMZ had a pro-industry-builders bias, the ministry backtracked. A committee was set up under scientist M S Swaminathan, to examine the comments received on the draft proposal. The panel recommended that the ministry should let the proposed CMZ lapse, and instead, incorporate amendments into the existing CRZ notification (see Fishers at bay', Down To Earth, December 31, 2008).

During this period, environment minister Jairam Ramesh decided to consult coastal communities. During country- wide consultations, fishers and environmentalists demanded that CRZ 1991 be implemented without the amendments. They also pushed for recognition of the customary rights of fishers.

When the ministry put out its predraft CRZ 2010 notification in February, there was a consensus that these concerns had not been addressed. In the meantime, the ministry also began implementing the Integrated CZM project funded by the World Bank. This was to provide seawalls and shelterbelt plantation along coasts in the wake of the 2004 tsunami and to map hazard lines along the coast because of growing vulnerability to climate change. In this period, coastal regulations, too, became contentious because of growing conflicts between the fishers and those who wanted to develop hotels and projects near the coast. Balancing these interests has been a tough call.

Fishers and rights

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Coastal rules regulate building activity in CRZ III—area up to 200 m from the high tide line—strictly by calling it a nodevelopment zone. This has caused problems for the fisher families in the past because they found their activities and even house renovation was restricted. The new notification seeks to change this. It allows construction and reconstruction of dwelling units of traditional coastal communities including fisherfolk.

As against the previous notification, where there was a cap on the floor space index (FSI)—restricted to ground plus two floors, subject to 9 metres height—the new notification does not specify any restriction. It leaves the development to be done in accordance with a comprehensive plan, which will be prepared by the state governments in consultation with the fishers. CRZ 2011 also includes in the list of permitted activities, facilities required for fishers' livelihoods—from fish drying to traditional boat building yards. These were not included in the 1991 notification. The Swaminathan committee had described this as a "serious anomaly impinging on the lives of fishers".

Fisher organisations, however, believe the amendments could adversely impact their lives. Matanhy Saldanha, chairperson of the National Fishworkers' Forum, in a letter to Jairam Ramesh said that the inclusion of the phrase, "other coastal communities" could well open the flood gates for development in this no-development zone and "have serious implications for the coasts and fishing communities".

Special consideration

CRZ 2011 identifies areas, which it says, call for special consideration—CRZ areas within municipal limits of Greater Mumbai, Kerala and Goa. In each of these regions, the notification lays down what is permitted.

Mumbai's concessions: The most contentious are the provisions relating to Mumbai, where it includes a crucial change to allow slum rehabilitation schemes in CRZ II—no-development zone. Till now, it was argued that a large number of buildings in the island city of Mumbai, were located on the landward side, but within 500 metres of the high tide line. Redevelopment was strictly regulated by the regulations, which restricted FSI to pre-1991 period. Under CRZ 2011, the state government can redevelop these areas through public-private partnerships and the FSI will be in accordance with the prevailing city norms. To safeguard interests of fishers, CRZ 2011 says that private investment cannot exceed 49 per cent and so puts the onus on governments to provide public finance for public housing. Green groups have criticised this. "Mumbai builders are a strong lobby.

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They will get the state to relax FSI norms under the state's town and country planning laws," said Debi Goenka of Conservation Action Trust, a non-profit in Mumbai.

Kerala's backwaters: The notification includes all backwaters and islands in Kerala, but says this unique coastal system needs special regulation. It therefore allows for limited construction within 50 m from the high tide line, while giving permission to build beyond that with prior permission of the gram panchayat.

Goa's illegal structures: In this tourist state, violation of the CRZ notification by hotels and builders has been in the eye of a storm. The state high court has issued orders for demolition of over 6,500 illegal structures identified by the state government, which were built in violation of norms. CRZ 2011 walks a tight rope in trying to ensure that illegal structures are not sanctified yet allowed in certain cases. It requires the Goa government to notify fishing villages; but it allows for structures to be reconstructed and repaired. These structures could be owned by local communities including fishers, which provides an opening for developers to take over the area. Clearly, the fight to protect the coasts of India is just beginning. CRZ 2011 will be tested to the limit in the coming months.

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RENEWABLE ENERGY - NON CONVENTIONAL SOURCE OF ENERGY

Fossil fuels are non-renewable i.e they draw on finite resources that will eventually dwindle, becoming too expensive or too environmentally damaging. On the contrary renewable sources of energy like Wind and solar energy are constantly replenished and will never run out.

Importance of Renewable Energy

- Clean sources of energy and have a lower environmental impact than conventional energy
- It is energy for the future. Renewable sources will not run out
- Most renewable energy investments are spent on materials and infra structure rather than costly energy imports
- Energy Security – It helps to decrease depends on foreign oil supplies

Some of the renewable sources of energy are solar energy, wind energy, geothermal energy, ocean energy, biomass, Hydrogen etc.

a. Wind Energy :

Wind energy is a clean and renewable source of electric power and is the world's fastest growing energy source. For hundreds of years we have been using wind energy for pumping water or grinding grains. Modern wind turbines (like windmills) can generate electricity. The wind turbines can be used as stand alone applications which are typically used for water pumping or communications. Or they can be connected to a utility power grid or connected to solar cell system.

For utility scale sources of wind energy, a large number of wind turbines are built close together to form a wind plant. Several electricity providers today use wind plants to supply power to their customers

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India has made considerable progress in utilizing wind energy - We have the world's largest wind resource assessment program, and expansion of the resources base. Large private and public sector units are being motivated to set up wind power projects.

India now has the 5th largest wind power installed capacity in the world – 1870 MW

b. <u>Energy from the Ocean</u>:

Ocean can produce thermal energy from the sun's heat and mechanical energy from the tides and waves. Oceans cover more than 70% of earth's surface and are the world's largest solar collectors. The sun's heat heats up the ocean surface more than the deep ocean water . the temperature difference creates thermal energy. This can be used for many applications including electricity generation.

- Closed cycle system ; Ocean's warm surface water is used to vaporize a low boiling fluid like ammonia, The vapors expand and turn a turbine which activates a generator to produce electricity
- Open system – Actually boils the surface water by operating at low pressures to produce steam that drives a turbine and generator

Mechanical energy from ocean is generated by tides and waves activity . Tides are driven by gravitational pull of the moon and waves are driven by wind. As a result tides and wives are intermittent sources of energy. A dam is usually used to convert tidal energy into electrical energy by forcing the water through turbines . For wave energy, there are different systems.

Ocean thermal energy conversion have many uses –to generate electricity , desalinate water, and various other industrial applications . I

c. <u>Geo Thermal energy</u>

Geo thermal energy comes from the natural heat of the earth. This heat is stored in rock and water within the earth and can be extracted by drilling wells . This energy can be used for heating purposes , district heating , horticulture and recreational uses such as spas. It can also be used for electricity production. Geo thermal power plants use steam produced from hot water found below the earth's surface .

d. <u>Solar energy</u>:

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Solar energy can be directly used for heating and lighting homes, for generating electricity , solar cooking, and a variety of industrial uses.

- Solar cells convert sunlight directly into electricity . Solar cells are used to power calculator and watches.
- New Power plants use solar power systems- solar energy is used to generate steam which rotates a large turbine that activates a generator that produced electricity.
- Solar hot water – Sunlight can be used to heat water used in buildings and swimming pools. The solar heating system for buildings have a solar collector where the solar heat is absorbed and the water is heated. The storage tank holds the hot water.
- India has a potential for 35 MW per Sq Km solar thermal power generation. A 140MW solar power project is being set up at Mathania near Jodhpur in Rajasthan . It is the first of its kind and among the largest such projects in the world.

e. <u>Biomass Energy</u>:

All organic matter is known as biomass and the energy released from biomass when eaten or burnt or converted into fuels is called Biomass Energy. Biomass can be broken down by anaerobic digestion using bacteria in oxygen free atmosphere that produces biogas containing methane . Biogas can be used to generate heat/electricity Biomass can also be used to produce heat and /or electricity by combustion.

Biomass includes straws, stalks, stems, agro industrial products residues like shells, husks, forestry residues etc.

Biomass power/co-generation programs are used in sugar mills, paper mills and rice mills where biomass resources are generated or consumed in their main production processes.

Use of Biomass energy as an alternate source of energy is being encouraged through favorable government policies . India has the largest cogeneration program in the sugar mills . the sugar mills has an established potential of 3500MW of power generation using bagasse

f. <u>Small hydropower program</u>

It refers to hydro energy plants producing less than 10 MW electricity. Hydro power is produced by movement of water streams, rising and fall of tides , wave energy . This is a major thrust area in our program for non conventional source

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of energy. It is recognized that small hydro power plants have a critical role in improving the overall energy scenario of the country and specially for remote areas. It has an estimated potential of 15000 MW . There are over 8 manufacturers in the country in this field,

g. Hydrogen as the Future Fuel

Hydrogen is available only in combined form – in water and hydrocarbons and many organic compounds. Hydrogen can be separated from hydrocarbons through the application of heat. Electrical current can be sued to separate hydrogen from water. Some algae and bacteria using sunlight, can give out hydrogen under certain conditions.

Hydrogen is high in energy and does not produce pollutants when burnt. Space shuttles use hydrogen . In future hydrogen can be used as energy carrier like electricity.

Renewable sources of energy are fast becoming important to contributing to the economy of the country . Effort is on and but there is a greater potential for this development . Equally important is energy efficiency – using less energy to accomplish the same task. Less energy also means less pollution

NON RENEWABLE SOURCE OF ENERGY:

It includes fossil fuels, including petroleum products, coal, natural gas and nuclear energy**.** Nuclear energy is mainly obtained from nuclear fission of radioactive materials like uranium and thorium. The global resources of fossil fuels , uranium and thorium are limited and eventually be depleted. Use of fossil fuels has negative impact on environment such as air pollution, global warming and acid rains. Thus it has become necessary to restrict the use of fossil fuels and replace them with renewable sources.

Natural gas is the cleanest source among fossil fuels. It can be easily transported through pipelines. It burns without smoke and can be used for domestic and industrial purposes. It can also be used for power generation and as a raw material for petrochemical industries and fertilizer plants.

Nuclear energy has a tremendous potential but any leakage may cause devastating nuclear pollution . eg. the world's worst Chernobyl disaster. Disposal of nuclear waste is also a problem.

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Man has over exploited natural resources to serve his primary need as well as his comfort needs. The continued and careless use of these resources will result in degradation of these resources. It has therefore become necessary to use these natural resources in such a way that they can be saved for future use and are not lost. Both management and conservation are important as some of the natural resources are getting depleted very fast.

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SUSTAINABLE DEVELOPMENT

WHAT IS SUSTAINABLE DEVELOPMENT?

THE BRUNDTLAND REPORT

The term 'sustainable development' was popularised by the World Commission on Environment and Development (WCED) in its 1987 report entitled *Our Common Future*. This book is also known as the Brundtland Report, after the Chair of the Commission and former Prime Minister of Norway, Gro Harlem Brundtland.

The aim of the World Commission was to find practical ways of addressing the environmental and developmental problems of the world. In particular, it had three general objectives:

- To re-examine the critical environmental and development issues and to formulate realistic proposals for dealing with them;
- To propose new forms of international co-operation on these issues that will influence policies and events in the direction of needed changes; and
- To raise the levels of understanding and commitment to action of individuals, voluntary organisations, businesses, institutes, and governments.

Our Common Future was written after three years of public hearings and over five hundred written submissions. Commissioners from twenty one countries analysed this material, with the final report being submitted to the United Nations General Assembly in 1987.

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KEY ISSUES

Our Common Future reported on many of the global realities explored and recommended urgent action on eight key issues to ensure that development was sustainable, i.e. that it would satisfy 'the needs of the present without compromising the ability of future generations to meet their own needs'.

These **eight issues** were:

- Population and Human Resources
- Industry
- Food Security
- Species and Ecosystems
- The Urban Challenge
- Managing the Commons
- Energy

Conflict and Environmental Degradation

What are the Primary Goals of Sustainability?

The sustainable development professional network thinks, acts and works globally. In 2012, the United Nations Conference on Sustainable Development met to discuss and develop a set of goals to work towards; they grew out of the Millennium Development Goals (MDG) that claimed success in reducing global poverty while acknowledging there was still much more to do. The SDG eventually came up with a list of 17 items **(8)** which included amongst other things:

- The end of poverty and hunger
- Better standards of education and healthcare - particularly as it pertains to water quality and better sanitation
- To achieve gender equality
- Sustainable economic growth while promoting jobs and stronger economies
- All of the above and more while tackling the effects of climate change, pollution and other environmental factors that can harm and do harm people's health, livelihoods and lives.
- Sustainability to include health of the land, air and sea

Finally, it acknowledged the concept of nature having certain rights - that people have stewardship of the world and the importance of putting people at the forefront of solving the above global issues **(9)** through management of the

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environment and of consumption (for example, reducing packaging and discouraging food waste as well as promoting the use of recyclable materials).

DIMENSIONS OF SUSTAINABLE DEVELOPMENT

One of the most important outcomes of *Our Common Future* was the realisation that environment and development issues are inextricably linked and therefore worrying about either environment or development on its own was inappropriate. The World Commission concluded that:

Environment and development are not separate challenges. Development cannot subsist on a deteriorating environmental resource base; the environment cannot be protected when growth leaves out of account the costs of environmental destruction. These problems cannot be treated separately by fragmented institutions and policies. They are linked in a complex system of cause and effect.

Source: World Commission on Environment and Development (1987) *Our Common Future,* Oxford University Press, Oxford, p. 37.

The WCED therefore argued for an approach to development that would take into account the relationship between ecological, economic, social and technological issues. The WCED called this approach 'sustainable development', defining it as:

… development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

Source: World Commission on Environment and Development (1987) *Our Common Future*, Oxford University Press, Oxford, p. 43.

The ultimate goal of sustainable development is to improve the quality of life for all members of a community and, indeed, for all citizens of a nation and the world – while ensuring the integrity of the life support systems upon which all life, human and non-human, depends.

There is sometimes confusion about the meanings of 'sustainable development' and 'sustainability' and the relationship between them. A report on Education for Sustainable Development in New Zealand proposed the following explanation:

Sustainability is the goal of sustainable development – an unending quest to improve the quality of peoples' lives and surroundings, and to prosper without destroying the life-supporting systems on which current and future generations

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of humans depend. Like other important concepts, such as equity and justice, sustainability can be thought of as both a destination and a journey.

FOUR DIMENSIONS OF SUSTAINABLE DEVELOPMENT

Sustainable development requires simultaneous and balanced progress in **four dimensions** that are totally interdependent:

- Social
- Economic
- Ecological
- Political

Identify examples or aspects of these four dimensions in the photograph.



You may have found it difficult to identify these different dimensions in the photograph. This is because there are always close linkages among them. Similarly, decisions or actions in one area always affect the others.

For example, if economic development is to be sustainable:

- it cannot neglect environmental constraints or be based on the destruction of natural resources;
- it cannot succeed without the parallel development of social resources;
- it will require transformation of the existing industrial base and the development and diffusion of more Earth-friendly technologies;
- it must consider the needs of all species and their rights to enjoy the same quality of life and share of resources;

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- it must support fairness between all people so that everyone can enjoy the same standard of living and the same level of access to resources and quality of life; and
- it must consider the needs of future generations.

Investigate why development is more than just economic growth – according to a World Bank ***Development Outreach*** report.

A DYNAMIC BALANCE

The special contribution of the concept of sustainable development is that it emphasises respect for cultural values and, thus, does not see economic indicators as the sole measure of development. Rather, sustainable development represents the balanced integration of social and environmental objectives with economic development. These three aspects of sustainable development – society, environment and economics – were named as the three pillars of sustainable development at the **World Summit on Sustainable Development** in Johannesburg in 2002.

In relation to Education for Sustainable Development, these three pillars of sustainable development involve:

Society

… an understanding of social institutions and their role in change and development, as well as the democratic and participatory systems which give opportunity for the expression of opinion, the selection of governments, the forging of consensus and the resolution of differences.

Environment

… an awareness of the resources and fragility of the physical environment and the affects on it of human activity and decisions, with a commitment to factoring environmental concerns into social and economic policy development.

Economy

… skills to earn a living as well as a sensitivity to the limits and potential of economic growth and its impact on society and on the environment, with a commitment to assess personal and societal levels of consumption out of concern for the environment and for social justice.

However, politics and culture are also a key dimension of sustainable development, which influence the interactions of and between the three pillars. They are concerned with the values we cherish, the ways in which we perceive our relationship with others and with the natural world, and with how we make

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decisions. The values, diversity, knowledge, languages and worldviews associated with culture and politics strongly influence the way issues of sustainable development are decided and, thus, provide it with local relevance.

As a result of the close relationships between the four dimensions of sustainable development, achieving this goal requires a dynamic balance between:

- Production and consumption;
- Ecology and economics;
- Development and conservation;
- Culture and ecology; and
- Democracy and economics.

However, the particular nature of the balance between these factors will vary between the developing countries of the South and the industrial countries of the North.

Question:-Analyse these five aspects of a dynamic balance for sustainable development from the viewpoints of both the South and the North.

Many commentators on sustainable development often refer to what they call "**the triple bottom line**" of economic sustainability, social sustainability, and ecological sustainability. In such cases, the focus is only on three dimensions of sustainable development – social, economic and environmental.

Sometimes these are referred to as the "3 E's" of sustainable development – Equity, Economy, and Ecology.

Q6: Do you think it matters that the political dimension of sustainable development is left out? Why?

DIFFERENT DEFINITIONS AND VALUES

The definition of sustainable development proposed in the Brundtland Report and Agenda 21 has been adopted in many countries. However, the idea of 'development that meets the needs of the present without compromising the ability of future generations to satisfy their needs' has been interpreted in many different ways. In fact, several hundred different definitions of sustainable development now exist.

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While these definitions seek to make the broad definition from the Brundtland Report and Agenda 21 more concrete, many tend to reflect different emphases in the social, economic, ecological and political dimensions of sustainable development.

GOALS FOR SUSTAINABLE HUMAN DEVELOPMENT

The General Assembly of the United Nations met from 6-8 September, 2000 in a special Millennium Summit where a special United Nations Millennium Declaration was adopted. This Declaration emphasised the social aspects of sustainable development and the importance of overcoming poverty and inequality. It declared that sustainable human development is central to world peace and future progress:

We recognise that, in addition to our separate responsibilities to our individual societies, we have a collective responsibility to uphold the principles of human dignity, equality and equity at the global level. As leaders we have a duty therefore to all the world's people, especially the most vulnerable and in particular, the children of the world, to whom the future belongs.

Source: **United Nations Millennium Declaration**, paragraph 2.

The Millennium Declaration was based upon six fundamental values that underly sustainable human development:

Freedom

Men and women have the right to live their lives and raise their children in dignity, free from hunger and from the fear of violence, oppression or injustice. Democratic and participatory governance based on the will of the people best assures these rights.

Equality

No individual and no nation must be denied the opportunity to benefit from development. The equal rights and opportunities of women and men must be assured.

Solidarity

Global challenges must be managed in a way that distributes the costs and burdens fairly in accordance with basic principles of equity and social justice. Those who suffer or who benefit least deserve help from those who benefit most.

Tolerance

Human beings must respect one other, in all their diversity of belief, culture and language. Differences within and between societies should be neither

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feared nor repressed, but cherished as a precious asset of humanity. A culture of peace and dialogue among all civilizations should be actively promoted.

Respect for nature

Prudence must be shown in the management of all living species and natural resources, in accordance with the precepts of sustainable development. Only in this way can the immeasurable riches provided to us by nature be preserved and passed on to our descendants. The current unsustainable patterns of production and consumption must be changed in the interest of our future welfare and that of our descendants.

Shared responsibility

Responsibility for managing worldwide economic and social development, as well as threats to international peace and security, must be shared among the nations of the world and should be exercised multilaterally. As the most universal and most representative organization in the world, the United Nations must play the central role.

In partnership with the World Bank, the International Monetary Fund and the OECD, the United Nations agreed on a set of Millennium Development Goals inspired by these fundamental values. The goals came from the agreements and resolutions of the world conferences organised by the United Nations in the first half of the 1990s.

The eight **Millennium Development Goals** are to:

1. Eradicate extreme poverty and hunger

- Reduce by half the proportion of people living on less than one dollar a day;
- Reduce by half the proportion of people who suffer from hunger.

2. Achieve universal primary education

- Ensure that all boys and girls complete a full course of primary schooling.

3. Promote gender equality and empower women

- Eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015.

4. Reduce child mortality

- Reduce by two thirds the mortality rate among children under five.

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5. Improve maternal health

- Reduce by three quarters the maternal mortality ratio.

6. Combat HIV/AIDS, malaria and other diseases

- Halt and begin to reverse the spread of HIV/AIDS;
- Halt and begin to reverse the incidence of malaria and other major diseases.

7. Ensure environmental sustainability

- Integrate the principles of sustainable development into country policies and programmes; reverse loss of environmental resources;
- Reduce by half the proportion of people without sustainable access to safe drinking water;
- Achieve significant improvement in the lives of at least 100 million slum dwellers by 2020.

8. Develop a global partnership for development

- Develop further an open trading and financial system that is rule-based; predictable and non-discriminatory. Includes a commitment to good governance, development and poverty reduction – nationally and internationally;
- Address the least developed countries' special needs. This includes tariff- and quota-free access for their exports; enhanced debt relief for heavily indebted poor countries; cancellation of official bilateral debt; and more generous official development assistance for countries committed to poverty reduction;
- Address the special needs of landlocked and small island developing States;
- Deal comprehensively with developing countries' debt problems through national and international measures to make debt sustainable in the long term;
- In cooperation with the developing countries, develop decent and productive work for youth;
- In cooperation with pharmaceutical companies provide access to affordable essential drugs in developing countries;
- In cooperation with the private sector, make available the benefits of new technologies – especially information and communication technologies.

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The eight Millennium Development Goals are interdependent and action is needed on all of them simultaneously if they are to be achieved. Many countries and regions are making progress towards them:

The goals for international development address that most compelling of human desires – a world free of poverty and free of the misery that poverty breeds … Each of the goals addresses an aspect of poverty. They should be viewed together because they are mutually reinforcing. Higher school enrolments, especially for girls, reduce poverty and mortality. Better basic health care increases enrolment and reduces poverty. Many poor people earn their living from the environment. So progress is needed on each of the seven goals.

The goals will not be easy to achieve, but progress in some countries and regions shows what can be done. China reduced its number in poverty from 360 million in 1990 to about 210 million in 1998. Mauritius cut its military budget and invested heavily in health and education. Today all Mauritians have access to sanitation, 98% to safe water, and 97% of births are attended by skilled health staff. And many Latin American countries moved much closer to gender equality in education.

The message: if some countries can make great progress towards reducing poverty in its many forms, others can as well. But conflict is reversing gains in social development in many countries in Sub-Saharan Africa. The spread of HIV/AIDS is impoverishing individuals, families and communities on all continents. And sustained economic growth – that vital component for long-run reductions in poverty – still eludes half the world's countries. For more than 30 of them, real per capita incomes have fallen over the past 35 years. And where there is growth, it needs to be spread more equally.

So, the goals can be met. But it will take hard work.

THE COST OF PROGRESS

How much would achieving the Millennium Development Goals cost? Can the world afford sustainable human development?

Yes, it can.

In fact, the cost of making significant progress on eighteen different actions needed to achieve these goals would be less than one-third of the $780 billion the world spends on military activities each year.

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Review details of what this alternative expenditure could achieve:

- **Eliminate starvation and malnourishment**
- **Provide health care and AIDS control**
- **Provide shelter**
- **Provide clean, safe water**
- **Eliminate illiteracy**
- **Provide clean, safe energy through the use of renewable sources**
- **Retire developing nations debt**
- **Stabilise population**
- **Prevent soil erosion**
- **Stop deforestation**
- **Stop ozone depletion**
- **Prevent acid rain**
- **Prevent global warming**
- **Provide clean, safe energy through greater efficiency**
- **Remove landmines**
- **Refugee relief**
- **Eliminating nuclear weapons**
- **Build democracy**

THE WORLD SUMMIT ON SUSTAINABLE DEVELOPMENT

Ten years after the Rio Earth Summit, in 2002, the United Nations General Assembly organised a World Summit on Sustainable Development in Johannesburg, South Africa. The purpose of the World Summit was to synthesise the conclusions and agreements of the series of international conferences of the 1990s, review progress on progress towards achieving the goals of Agenda 21, and make plans for cooperative efforts to progress sustainable human development.

The conditions under which the World Summit took place were generally positive. For example, it was a time of increasing recognition that many countries had not paid sufficient attention to their commitments in Agenda 21, increased importance of the need to address global poverty, and positive commitment to cooperative action on the Millennium Development Goals. However, it was also a time of rising uncertainty about global security and the negative impacts of globalisation. These conditions produced both optimism and caution as government and non-government delegates engaged in two weeks of intense discussion.

As largest ever gathering of world leaders, the World Summit clearly showed that sustainable development is of key concern around the world today. In addition to

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government delegations, over 21 000 participants from nearly 200 government, intergovernmental and non-governmental organizations, the private sectors and the scientific community attended.

SUMMIT OUTCOMES

The outcomes of the World Summit included:

- A Political Declaration agreed by all the Presidents, Prime Ministers and heads of government delegations of the world who were present.
- A Plan of Implementation for agreed improvements in sanitation, energy, trade, health, education, human rights, biodiversity, climate change and so on.
- Many action plans and agreements under which different United Nations agencies, governments, corporations, industry associations, professional and scientific

A DECLARATION OF INTERDEPENDENCE AND SUSTAINABLE DEVELOPMENT

A key feature of the Earth Charter campaign has been an investigation of local and national cultures in order to identify the common beliefs and values that underlie a global ethic for living sustainably.

The Earth Charter is a declaration of interdependence and universal responsibility as well as an urgent call to build a global partnership for sustainable development.

The focus of the Earth Charter is sustainable human development, which as we saw in Activity 3, includes the care and protection of the Earth. The Earth Charter recognizes that environmental, economic, social, cultural, ethical, and spiritual problems are interconnected.

The Earth Charter is a layered document with a **Preamble**, **16 guiding principles** and **59 supporting principles** that, together, outline an integrated vision for human rights and sustainable development.

PREAMBLE

The **Preamble** to the Earth Charter provides an expanded sense of our responsibilities for sharing the Earth as part of a global community. These responsibilities embrace all people, future generations, and the larger community of life on Earth. This is a rationale for sustainable human development.

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GUIDING PRINCIPLES

The first four guiding principles of the Earth Charter are:

- **To respect Earth and life in all its diversity**;
- **To care for the community of life with understanding, compassion and love**;
- **To build democratic societies that are just, sustainable, participatory and peaceful**; and
- **To secure Earth's bounty and beauty for present and future generations**.

These four principles illustrate that the concept of sustainable development in the Earth Charter embraces the view that the problems of poverty, environmental degradation, ethnic and religious conflict, and social injustice are all interdependent, and that policies that address one problem can impact and improve other issues.

The remaining guiding principles are organised into three groups:

Ecological Integrity

Protect and restore the integrity of Earth's ecological systems, with special concern for biological diversity and the natural processes that sustain life.

Prevent harm as the best method of environmental protection and, when knowledge is limited, apply a precautionary approach.

Adopt patterns of production, consumption, and reproduction that safeguard Earth's regenerative capacities, human rights, and community well-being.

Advance the study of ecological sustainability and promote the open exchange and wide application of the knowledge acquired.

Social and Economic Justice

Eradicate poverty as an ethical, social, and environmental imperative.

Ensure that economic activities and institutions at all levels promote human development in an equitable and sustainable manner.

Affirm gender equality and equity as prerequisites to sustainable development and ensure universal access to education, health care, and economic opportunity.

Uphold the right of all, without discrimination, to a natural and social environment supportive of human dignity, bodily health, and spiritual well-being, with special attention to the rights of indigenous peoples and minorities.

Democracy, Nonviolence, and Peace

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Strengthen democratic institutions at all levels, and provide transparency and accountability in governance, inclusive participation in decision making, and access to justice.
Integrate into formal education and life-long learning the knowledge, values, and skills needed for a sustainable way of life.
Treat all living beings with respect and consideration.
Promote a culture of tolerance, nonviolence, and peace.

SUPPORTING PRINCIPLES

The supporting principles clarify the meaning of the main principles and provide an overview of the many issues that were raised by various groups in the course of the international consultation process to develop the Earth Charter. Taken together, they outline major strategies and provide an action plan for achieving sustainable development.

USING THE EARTH CHARTER

The Earth Charter Initiative recommends many ways for individuals and groups to become involved. The following recommended strategies can be used by classes, schools, teachers' unions and other professional associations of educators:

- Explore the **Earth Charter website** for more information.
- Study the **Earth Charter** and discuss it with friends, family and colleagues.
- Join a group to reflect on the Earth Charter and how its principles can be put into action and implemented in our schools, communities, and workplaces.
- Use the Earth Charter as an educational resource to promote a sustainable way of life by integrating it into curriculum as a framework for learning about sustainable development.
- Use the Earth Charter as a theme for workshops, conferences, forums and meetings.
- Begin a campaign for your school, university, or local government to endorse the Earth Charter

Sustainable Development

. The goal is to achieve economic growth in such a way that there is reasonable and equitable distribution of the benefits and economic well-being , not only for

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the present but also for generations to come. It is maintaining a balance between exploitation and conservation.

Sustainable Development is

> "the pattern of social and economic development which optimizes the societal benefits available in the present, without compromising on the likely potential for similar benefits in the future"

Solution:

Sustainable development would mean undertaking developmental activities and projects which would work closely in harmony with nature and without disrupting local social system now and in future. In order to be sustainable, the development has to improve the well being of societies, enable everyone to participate in the developmental process and the benefits of development should be shared by all the people . Besides, these improvements will have to be extended to the future generation as well over many generations. Some actions recommended are

- Government policies to reduce population growth, provision of health care
- Reducing consumption per person
- Reducing pollution, cleaner technologies, less waste, waste disposal , eco-labelling
- Government measures for Energy conservation and preservation of natural resources
- Education on population control and environmental protection
- Reducing poverty and social instability

E. ENVIRONMENTAL MOVEMENTS & SUMMITS

Our environment is facing grave dangers today due to several reasons and threats. Most of the threat is caused by indiscriminate exploitation of the natural sources and a host of human activities. One of the main challenges today is to integrate economic considerations with social responsibility, and environmental protection for global sustainability. Global sustainability here refers to optimum utilization of scarce resources to fulfil the needs of the present generation in such a way that it does not compromise on the needs of future generation.

Some of the Global environmental challenges we are facing today are Climate change and global warming, Population explosion, industrial pollution, ozone

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depletion , deforestation, environmental mismanagement and so on. The natural resources upon which people depend for sustainable development are being degraded, depleted and misused in many parts of the developing world.

World over people have realized that something must be done to stop this environmental degradation if man has to survive. Public awareness is on the increase and there are many efforts, national and international to save the environment and to manage it in such a way that there will be sustainable development. Public interest in environmental issues was inspired largely by 3 books published in the 1970's - . Silent Spring, The Population Bomb and the Closing Circle. Silent spring made people aware of the dangers of over use of pesticides on birds and wildlife. The Population Bomb alerted people to dangers posed by rapidly increasingly population on natural resources and the Closing circle explained the ecological Cycle in easy terms. Worldwide a number of environment movements have started and are working towards saving the environment .

There are government organizations, inter governmental organizations and private organizations that monitor or preserve the environment in different ways. These organizations and environmental movements are working towards reversing the process.

SUMMITS

i. **1972 Stockholm Summit :** .In 1972, at Stockholm, the UN had its first "Earth Summit". The 1972 Stockholm conference focused international attention on environmental issues , specially to related to environmental degradation. It highlighted the fact that pollution does not recognize geographical boundaries but affects the whole world. The Earth Summit produced an action plan which laid out clearly the educational, informational, social and cultural aspects of environmental issues

- To provide countries the necessary technical and financial assistance
- Preparing national report on environment, monitoring environmental development
- Support and encourage projects for social, educational and cultural programs
- To encourage exchange of information on methods and work in progress
- To establish a common methodology for assessing environmental development and preparing reports

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i. **1992 Rio DE Janeiro Conference – (UNCED – UN conference on Environment and Development)**

ii. 172 governments participated and some 2400 representatives of NGO's attended the 1992 conference. The conference outlined the way the various social economic and environmental factors are interdependent and change together. The aim of the conference was to produce a new plan for international action on environmental and developmental issues .

iii. The issues addressed included

- ✓ Systematic scrutiny of patterns pf production – particularly production of toxic components, such as lead in petrol, poisonous waste, radioactive chemicals etc
- ✓ Replacing fossil fuels with alternative fuels which are linked to climate change
- ✓ Reduce vehicular emissions, congestion in cities and health problems related to pollution
- ✓ Growing scarcity of water

An important achievement of the UNCED was an agreement on the Climate change Convention (UNFCCC) which in turn led to the Kyoto Protocol. Another agreement was not to carry out activities on the lands of indigenous people that would cause environmental damage. Other achievements were Agenda 21 , a thorough program of actions for global sustainable development and conventions on biological diversity

iii. Johannesburg Summit - 2002

Efforts to promote sustainable development received a major boost at the Johannesburg summit 2002 , the World summit on sustainable Development . The summit drew world's attention to the challenges of improving the lives and conserving our resources .

The overriding theme of the Summit was to promote action. Issues and concerns of poverty and the environment were discussed and commitments were made to increase access to clean water and proper sanitation, to increase access to energy services, to improve health conditions and agriculture, particularly in drylands, and to better protect the world's biodiversity and ecosystems.

iv. Kyoto protocol 1997

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The world climate is changing. Temperatures are rising and so are natural disasters. All this is the result of global warming due to the excessive accumulation of green house gases in the atmosphere. The largest contributor to the problem is carbon dioxide emissions from burning fossil fuels, factories , cars and other sources.

The UN adopted the UNFCCC (UN Framework Convention of Climate change) in 1992 to address this issue of increase in CO2 emission. Reducing greenhouse gases became the key to tackling global warming .

The Kyoto Protocol is an international agreement linked to the UNFCCC (United Nations Framework Convention on Climate Change) to reduce greenhouse gas emissions which causes global warming.

From December 1 -11, December 1997, more than 160 nations met in Kyoto, Japan to set targets on greenhouse gas emissions for developed nations. Developed nations agreed to limit their emissions relative to the levels emitted in 1990.

- ✓ December 1987 - The treaty was negotiated in Kyoto
- ✓ March 1998 – opened for signature
- ✓ March 1999 – closed for signature
- ✓ Nov 2004 – Russia ratified the treaty
- ✓ Feb 2005 – Treaty came into force.

As of September 2005, 156 countries have ratified the agreement . Notable exceptions are US and Australia

Objectives of the Protocol:

The Kyoto protocol aims to tackle global warming by setting targets for nations to reduce greenhouse gases emission worldwide. The protocol sets the emissions limits and reduction obligations with respect to CO2, methane, Nitrous oxide, Hydrofurocarbons, Perflurocarbons & Sulphur hexafluoride. Of these CO2 is the most important which is emitted by fossil fuels.

These targets vary between countries and regions but globally the initial target is to reduce to 5% percent below 1990 levels by 2012. The individual target ranges from 7 % for US, 8% for EU & others, 10% for Iceland.

Kyoto protocol provides “Carbon Credit “ . Countries are given fixed limits for emission of CO2. This emission permission is known as Carbon Credit. Supposing a country emitted 100 units of green house gases, it has to reduce its emission level by 52 units. This means the country has 48 units of carbon credit in its

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possession. Countries can trade in carbon credit. If the above country has reduced its emission by more than 52 units , it can exchange/sell this excess carbon units to another country which has exceeded its emission limit. Carbon credits have a monetary value and can be exchanged or bought and sold in international market at the prevailing market price. A tonne of carbon credit is sold at Euro 12-15
Eg Russia today easily meets its targets and can sell off its credits for millions fo dollars to other countries that don't yet meet their targets.

Benefits:

- ✓ Reduced Rate of global warming
- ✓ Better climate and environmental conditions
- ✓ Better health conditions
- ✓ Long term economic benefit
- ✓ Flexibility in meeting emission targets

Drawbacks

- ✓ Limited participation
- ✓ Short term economic cost
- ✓ Rise in cost of living

India signed and ratified the protocol in August 2002 . Developing countries like India, China and Brazil do not have any obligations of this Protocol beyond monitoring and reporting emission. Since India is exempted from the framework of the treaty, it is expected to gain from the protocol in terms of transfer of techno logy and related foreign investments.

Non Governmental Organsiations (NGO"s) –

WWF World Wild Life was founded in 1961 . it is the world's largest independent conservation organization with around 5 million supporters and a global network of 27 national organizations. WWF promotes public awareness of conservation problems and raises funds for protection of threatened species and environments.

Greenpeace : organizes public campaigns for

- ✓ Protection of oceans and ancient forests
- ✓ The phase out of fossil fuels
- ✓ Promotion of renewable energy
- ✓ Prevention of genetically modified organisms being released into nature
- ✓ End to nuclear threat, nuclear contamination
- ✓ Safe and sustainable trade

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Greenpeace does not solicit or accept funds from government corporations or political parties. It relies on voluntary donations of individual supporters and on grant support from foundations . Green peace is committed to the principles of non-violence, political independence and internationalism . Greenpeace has been campaigning against environmental degradation since 1971 when a small boat of volunteers an journalists sailed to Alaska where the US was conducting nuclear tests

ENVIRONMENTAL MOVEMENTS

What is an Environmental Movement?

- An environmental movement can be defined as a social or political movement, for the conservation of environment or for the improvement of the state of the environment. The terms 'green movement' or 'conservation movement' are alternatively used to denoted the same.
- The environmental movements favor the **sustainable management** of natural resources. The movements often stress the protection of the environment via **changes in public policy**. Many movements are centered on **ecology, health and human rights**.
- Environmental movements range from the highly organized and formally institutionalized ones to the radically informal activities.
- The spatial scope of various environmental movements ranges from being local to the almost global.

1. Silent Spring - (Bringing public awareness)

Silent Spring is a book published in the US in the mid 1960's warning people about the disastrous effects of pesticides and particularly DDT. It warned that indiscriminate use of the pesticide could kill hundreds of species of insects and harm human beings. The author Rachel Carson was an environmentalist .

DDT was the most powerful pesticide the world had ever known , was capable of killing hundreds of different kinds of insects at once.

The book describes how the pesticide enters the food chain and accumulates in fatty tissues of humans and animals and causes cancer and genetic disorders. It remains toxic even after it is diluted by rainwater. The book describes how a courageous woman took on the chemical industry and raised important questions about the impact of human activities on nature .

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Silent Spring was named the most influential book in the last 50 years . The book challenged the widely accepted notion that man was destined to control nature. As a result of the book and its reception, the Environmental protection Agency was established in 1970. DDT and other pesticides have been completely banned in the US. Several birds including eagles were thus saved from extinction.

The main theme of silent Springs was Man as a part of nature has a duty to protect nature from destruction. The silent Spring launched the environmental movement world wide. Although there were critics who challenged her initially and launched a negative propaganda about the book, Silent Spring remained the best seller and world began to take note of what the book wanted to say.

2. Environment movements in India

Control over natural resources is an important reason for emergence of environmental movement in India. Some good examples of these kinds of movements are like Chipko and Narmada Bachao Andolan .

1. Bishnoi Movement

Amrita Devi, a female villager could not bear to witness the destruction of both her faith and the village's sacred trees. She hugged the trees and encouraged others to do the same. 363 Bishnoi villagers were killed in this movement. The Bishnoi tree martyrs were influenced by the teachings of Guru Maharaj Jambaji, who founded the Bishnoi faith in 1485 and set forth principles forbidding harm to trees and animals. The king who came to know about these events rushed to the village and apologized, ordering the soldiers to cease logging operations. Soon afterward, the maharajah designated the Bishnoi state as a protected area, forbidding harm to trees and animals. This legislation still exists today in the region.

2. Chipko Movement

The Chipko Movement of the villagers was a movement to save trees from being cut by embracing them. The movement started in the Garhwal Himalaya in April 1973. The local people demanded the use of forest produce, but instead the government allowed outside contractors to fell trees. In protest, illiterate peasants, men, women and children- threatened to hug forest trees rather than allow them to be logged for export. Notably the peasants were not interested in saving the trees per se, but they were interested in using their produce for agricultural and household requirements. In later years, however the movement turned its attention to

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broader ecological concerns, and the collective protection and management of forest, .

The first Chipko action took place spontaneously in 1973 and over the next five years spread to many districts of the Himalaya in Uttar Pradesh. The movement shifted from demand for forest produce for local small industries to a new demand for ecological control of forest resources . They resisted to commercial felling and excessive tapping of resin from pine trees. They protested against forest auctions. The Chipko demand for declaration of Himalayan forests as protection forests and not for commercial exploitation was recognized by the government . The Chipko protests in Uttar Pradesh achieved a major victory in 1980 with a 15-year ban on green felling in the Himalayan forests of that State .

A similar ban was later also implemented in the states of Uttaranchal and Himachal Pradesh.

The movement spread to Himachal Pradesh in the north, Karnataka in the south, Rajasthan in the west, Bihar in the east and to the Vindhyans in central India. In addition to the ban in Uttar Pradesh, the movement succeeded in halting clear felling in the Western Ghats and the Vindhyas, as well as generating pressure for a natural resources policy more sensitive to people's needs and environmental factors.

The Chipko Movement was the result of a number of initiatives .Its leaders and activists have primarily been village women, acting to save their means of subsistence and their communities. Men have been involved, too, however, and some of them have given wider leadership to the movement. One of the most prominent leaders has been Sunderlal Bahuguna, a Gandhian activist and philosopher, whose appeal to Mrs Gandhi resulted in the green-felling ban and whose 5,000-kilometre foot march in 1981-83 was crucial in spreading the Chipko message.

The Chipko movement, though primarily a livelihood movement rather than a forest conservation movement, went on to inspire many future environmentalists and , non-violent protests and movements the world over . It occurred at a time when there was hardly any environmental movement in the developing world, and its success meant that the world immediately took notice of this non-violent Tree hugging movement.

Chipko Movement inspired many such eco-groups, helped in slowing down the rapid deforestation, exposed vested interests, increased ecological awareness, and demonstrated the strength of people power. Above all, it stirred up existing civil society in India which started looking towards tribal, and marginalized people and their issues more seriously .

It has been made to appear that Chipko is against development . On the contrary, Chipko is for ecologically sound development and against

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unsustainable destructive economic growth. Chipko's demand is conservation of not merely local forest resources but the entire life support system and human survival.

3. APPIKO MOVEMENT IN KARNATAKA

The people's struggle against commercial forest policy has come to light in the region of UttaraKannada. The destruction of tropical natural forests has caused irreversible changes in the ecosystem of the forests. The destruction of mixed species denied people's access to biomass for fodder, fertilizer, etc.

The clear felling of natural forests has led to severe soil erosion and drying up of perennial water resources. Moved by the destruction of essential ecological processes, the youth of Salkani village in Sirsi launched a Chipko movement, which was locally known as "Appiko Chaluvali". They embraced the trees which were to be felled by contractors of the forest depart-ment.

The protest within the forest continued for 38 days and finally the felling orders were withdrawn. The success of this agitation spread to other places and the movement has now been launched in eight areas covering the entire Sirsi forest division in Uttara Kannada and Shimoga districts.
The Appiko Movement, a movement similar to the Chipko Movement, was launched in September 1983 by the representatives of a Yuvak Mandali to save the Western Ghats in Southwest India. It was observed by the representatives of the Yuvak Mandali that in areas, which were easily accessible, there was an excessive concentration of trees reserved for felling, and there was also excessive damage to other trees during such course of felling.

In a one-hectare plot sampled, it was found that 11 trees had been marked for cutting, out of which 8 were fallen. In the process of felling these eight trees, as many as five trees had been damaged. This rapacious destruction of forest resources was under-mining the ecological survival of local communities, who finally stopped felling, through non-violent direct action, as seen in the case of Chipko.

The objective of the Appiko Movement is three-fold—to protect the existing forest cover, to regenerate trees in denuded lands and, last but not least, to utilize forest wealth with due consideration to conservation. All these

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objectives are implemented through ideally established Parisara Samrakshna Kendras (environmental conservation centers).

The Appiko Movement has created awareness among villagers throughout the Western Ghats about the ecological destruction of forest wealth. People now closely monitor the exploitation of forests by the forest department and have been able to show the discrepancy between professed and actual practice of forest management.

The regions rainforests have been undermined by logging for the plywood and paper industry, conversion of forest to monoculture plantations and the construction of large hydro-electric dams for power generation. This has also resulted in the destruction of livelihood of forest dwellers.

The Appiko Movement forced the government to change its forest policy. Some specific changes include ban on clear felling, no further issuing of concessions to logging companies, and moratorium on felling of green trees in the tropi-cal rainforest of the Western Ghats.

COMPARISON OF APPIKO AND CHIPKO

Chipko and Appiko-Differences and Similarities

1) Chipko and Appiko have opted for a common approach to save the remaining forests by embracing the trees. This non-violent approach is the basic element of similarity.
2) However, in the Himalayas the effect of deforestation is visible in a short span and land-slides show the devastating effects of removing green cover. In Western Ghats such quick effects are rare. In the Himalayas, it is the women who are the main supporters due to the acute shortage of fuel wood and fodder. In Karnataka, the situation is not so serious, though women took active part in the Appiko, there is no shortage of fuel wood and fodder. Compared to the Himalayan women, the women in Western Ghat are better off. They can still collect fuel and fodder in the vicinity of their villages.
3) The crisis in Karnataka was much more related to the impact of exploiting natural forests and eventual change in the ecological balance. This change has had a serious effect on the lives of local people and their agriculture. People were much concerned as they were able to clearly see a link between

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deforestation and ecological changes. So they decided to take some action, and the action of hill women appealed to them most.

4) In Chipko, the whole movement had a firm background of Sarvodaya workers who were working for almost three decades. But there was. No such base in Karnataka. The Appiko was launched by a youth group who had some success in tackling issues of gambling and drinking. The reasons for the emergence of Appiko are found in the local culture. People have cultural links with the forest. Most villages have 'Forest Goddesses'. Appiko revived these cultural practices to enthuse people and to generate confidence in them.
5) The historical struggles for forest rights waged by the people in 1831 and 1930 in this district, then known as North Kanara, provided a base for the present Appiko movement. The recent agitation against the hydel dam provided the ecological perspective,
6) It is very important to note that the fracture of the relationship between forests and people in the Uttara Kannada district was a phenomenon of 1950's. So it was much easier to make the people aware of the disintegrating factors. In the Himalayas commercial felling has continued for over a century, and therefore to re-establish the links between man and nature is a tough task.
7) One of the most important aspects of the Appiko movement is the long experience and goodwill generated by Chipko struggle in the north. Due to this experience, the people in the Appiko movement were able to keep it apolitical. This has helped them to avoid pitfalls of the Chipko struggle, and the youth, who initiated Appiko were able to start with the ecological objectives which was a later addition to the Chipko movement of the north.
8) While the Chipko has the leadership of charismatic people like Sunderlal Bahuguna and Ghandi Prasad Bhatt, Appiko does not have such leaders. It is led by young activists under the guidance of a local youth, who had both professional training in social work and the opportunity of studying the Chipko movement in the Chamoli and Tehri Garhwal Districts of U.P. led by Sarvodaya workess of the Gandhian tradition.

Non-Violence in Action

Husri is a small village with 45 families, all of them depending on agriculture. Most of them are marginal farmers with some cultivable land. They collect leaf-litter to manure their fields. They suffered a major setback in 1969, as the natural forest of 900 acres was clear-felled near their village to plant eucalyptus. This clear felling resulted in the shortage of fuel wood and manure. The wood to make agricultural equipment was difficult to find. The medicinal herbs and honey trees

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had also disappeared. The villagers experienced decrease in agricultural yield due to erratic rainfall.

In October, 1983, the Forest Department sent axe men to chop more trees near Husri. The people invited Appiko activists and a village. Meeting was organized. They decided to launch Appiko and the next morning two hundred peoples, men, women and children marched into the forest. They stopped the chopping of trees by embracing them. Groups of people clung to tree trunks and within a short time the felling activity came to a halt. The contractor went to the forest office, and the District Forest Officer came to the forest. He sat with people and discussed with them. He pleaded that these trees have to be felled to meet the fuel wood demand of Sirsi town. The people posed the question: "After you fell trees, there will be no trees left for our agricultural implements or for manure. Where shall we go?" He said that they were planting new trees. Immediately one of the Local people remarked, "You plant teak and eucalyptus. They cannot provide us manure or fodder." As the discussion continued, the officer told them his inability to give an order to stop felling of trees. People told him that they would embrace the trees to save them.

Some people wanted to 'gherao' the Officer for the whole day. However, the organizers of the movement explained to them the futility of such coercive action. They said, "This kind of 'gherao' by people will invite retaliatory measures by the police who may resort to violence to free the Officer. Moreover, people will not achieve anything by troubling this officer. The goal of Appiko is to bring a change in forest policy. This Officer is an individual, who is not capable of changing the policy. It will be better to request the officer to write to his higher officials and to the Forest Minister, who have power to change the policy". The people agreed to this suggestion and they requested the Officer to, represent their case to higher officials and the Minister. Thus, at a crucial point, a confrontation with a potential of developing into a violent incident, was averted by the intervention of activists. The people were enabled to view this Officer as a human being who was performing his duty as a part of the total system. They also tried to change the attitude of this Officer and persuade him to accept their suggestion.

This non-violent approach was helpful in making the Appiko a great success. The movement drew state-wide attention and support, and the state government sent the Forest Minister to the area to study the situation first hand and to make the necessary changes in the forest policy in the light of it.

Forest Minister's Visit

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By December, 1983, the Appiko movement had spread to eight specific forest areas in 'Uttara Kannada District. The response from the people was overwhelming. The news-papers and magazines carried special articles on the movement, considering the statewide interest of the public in the movement.

In the last week of December, 1983, the Forest Minister, Mr. vijiya visited Sirsi, the town near the villages where Appiko had begun. He held discussions with people and decided to walk in those forest areas. In Bilgal forest area, about 400 people walked with the Minister in teak plantations. An old man presented a bundle of eupatorium flowers (blue mist) to the Minister. It was a symbolic present because the forest area in Karnataka is threatened by the invasion of this weed.

The people took the Minister to the teak plantations. They showed him how the dry condition of soil had not allowed any undergrowth. They also took him to the natural forest area to show the difference. The people demanded that these natural forests be saved to maintain the ecological balance. An hour long meeting was held under the shade of trees. The officers fumbled in answering, the questions of the villagers. At the end, the Forest Minister agreed to stop, the clear felling of natural forests in that area.

The Minister also visited Kalase forest where the Appiko was launched. He saw the place where excessive felling of trees had taken place. Everywhere the village people turned up in large numbers in forest areas visited by the Minister. They asked questions to the Minister and the forest officials. This spontaneous response by the village people demonstrated the strength of the local movement.

At the end of his visit the Forest Minister agreed that the present method of tree felling is responsible for the destruction of forest, and that it would be changed keeping in view the ecological aspects. He assured the people that no clear felling of natural forests would take place thereafter. He gave specific orders to stop the felling of already marked green trees. He announced to the village people that only dead and dry trees will be cut from the forest. This was a great success for people's movement within a short span of six months.

The visit by the Minister enhanced the confidence of rural people. They saw the success of people's power. Wherein their strength compelled the government to send a Minister to acquaint himself with the situation which sparked off the save forest movement. Their determination to follow the path of nonviolence to protect nature attracted nationwide attention.

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Problems

The major problem has been the reaction from vested interests, i.e groups of forest contractors and bureaucrats. The forest contractors tried to instigate violence by deliberately provoking the local people. However, the people kept cool inspire of these provocations. The contractors even tried to bribe the police force, asking them to register false cases against the protesting people. Even this failed as the police declined to oblige the contractors.

Later the forest officials resorted to a sustained propaganda in the press dubbing Appiko as unscientific and anti-development. They argued that people were solely responsible for destroying forest resources.

The local politicians tried hard to make use of Appiko movement to broaden their popular base. They tried to bring pressure and sent their men to infiltrate the core group of Appiko. But the strong determination and the will of local activists foiled their tactics. The politicians were kept aloof from any decision-making process concerning the Appiko movement.

Objectives of Appiko

Appiko is struggling for an alternative development strategy to establish harmonious relationship between man and nature. There are three major objectives of the movement.

Preservation

To save the remaining tropical forest resource of the Western Ghats, and involve local action groups to take responsibility for launching Appiko, and to demand a basic change ill the forest policy from commercial and revenue-based objective to ecological objective of preserving soil and water of this region.

Restoration

To grow more trees and to create an atmosphere for natural regeneration of forests in the denuded area. The idea is to plant five 'F' trees, named Food, Fruit, Fodder, Fuel wood, Fertilizer and Fiber trees. Local participation is an essential part of this objective.

Rational Use

This is basically directed towards people. At times people are also responsible for the depletion of forests. Appiko tries to bring attitudinal change among people. It

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pertains to changing the harmful practices followed by local people, like lopping the tree in rainy season etc. Appiko also propagates alternative energy sources like bio-gas plants and improved stoves etc. This aim is the rational use of eco-sphere.

To accomplish the above objectives, an informal institution, '"Parisara Sanmraksharia Kendra (Environmental Conservation Centre)" has been formed in Sirsi. Various activists from village groups have got together to form this organization which is not a registered body.

Communication

Appiko Movement has successfully used well known rural communication techniques. In rural areas, street-plays, folk songs and dance drama on nature preservation conveyed the message to a large number of people. Yakshagana, a traditional folk theatre has adopted the idea of sustainable development and these plays have attracted wide public attention through-out the state and many parts of the country. In simple words, it conveys the idea of harmony between man and nature for eternal prosperity.

In addition to these cultural activities, the activists have launched numerous Padayatras in the interior villages 10 spread the message. In I987, Appiko activists covered a distance of 1450 kilometers in the Western Ghats, along the river catchments. This Padayatra involved local people in various districts of Karnataka, The slide shows, and lectures by activists in the schools and colleges are an attempt to involve the younger generation by creating environmental awareness among them.

The press at the state and national levels has played an important role in spreading the ideas of the Appiko movement to wider sections of people. In Karnataka, literary men, poets and the cartoonists have contributed their talent in conveying the message.

Impact of Appiko Movement

Within a short time, the movement has become well-known all over Karnataka. It has given a new impetus to the ecological awareness. People in Kodagu, another hill district of Karnataka, have also launched Appiko movement to save the forests from the axe men of plywood factory. They have stayed in forests for months. Eventually, they have forced the state government to issue orders to ban felling in the forests of Kodagu district. Spreading of this movement from one part of Karnataka to another is a clear indication of the success of Appiko message.

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The government has also responded positively. It has changed the forest policy and has reoriented it to correspond with the maintenance of ecological stability in the interest of the people. Recently, the state government has issued orders to stop felling of green trees in the Western Ghats. Thus, the movement has attained some success in changing the government policies.

Basic features

The movement is not controlled by any single organization. It involves people at the grassroots level and the decisions are taken by local groups themselves. The decentralization of decision-making has been instrumental in building local leadership in various areas. People have gained self-confidence when local organizations have achieved success. This has awakened people's power as they are asking for change in the government policy. The movement is also self-reliant in meeting its financial needs. The resource is generated from local people, in cash and kind. Financial and political independence are the dominant features of people's movements like Appiko and Chipko. Here, one should make a clear distinction between the functioning of non-governmental organizations and those of people's movement. Movements have a wider base. They are without any hierarchy; there are volunteers but not paid workers. The movement provides opportunities to all the sections of society to contribute their talent to attain the objective. At times, the presence of non-governmental organizations acts as hindrance to the emerging people's movement. A people's people's movement cannot be run by "professional" workers with career orientation who seek security and comforts of life. It requires "devoted" people to work for the cause and be prepared to live an austere life amidst people. The major achievement of Appiko is the involvement of devoted activists to spread the message.

In conclusion, Appiko Or Chipko movement is the manifestation of the failure of current development process that exploits natural resources for the benefit of a few. The movement is attempting to redefine development process which is sustainable. It lays emphasis on harmony between man and nature with its slogan: "Ecology is permanent economy"

4. NARMADA BACHAO ANDOLAN

Narmada Bachao Andolan is the most powerful mass movement started in 1985 against the construction of huge dam on the Narmada River. The proposed Sardar Sarovar Dam will displace more than 250000 people. The big fight is over the resettlement of these people.. The movement soon took the shape of an NGO that

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brought together the tribal, the farmers, the environmental activists and the human rights activists against the Sardar Sarovar Dam.'

Initially, the focus of the movement was on saving the trees and the forest that would be submerged under the water, if the dam would be constructed. Recently, the NBA included a focus on the issue of rehabilitation of the poor people living around the area and this to be facilitated by the government

The government and the authorities have their own interest in the project. This multi-core project will generate considerable revenue for the government. The project is expected to produce 1450 mega watts of electricity as well as supply pure drinking water to millions of people.

The protests do not seem to have achieved much. The construction of the some of these dams such as the Tawa Dam and the Bargi Dam are already complete.. Those protesting against further construction say that these construction will adversely affect the lives of human as well as the biodiversity as acres of agricultural as well as forests land will be taken away. Also it will displace thousands of people from their livelihood. These activists have been demanding that the government look at alternative means to meet the water and energy needs that are also ecologically beneficial or at least, do not harm the ecology.

Led by Medha Parker, NBA has now been turned into international protest gaining support from NGO's all around the globe. There is large scale protest in media , hunger strikes, mass protest marches , rallies etc . The NBA movement has been pressurizing the World Bank to withdraw its loan from the project. Famous celebrity like Amir Khan made open support to the cause of NBA. The intensity of the movement has in fact thrown light on other similar issues as well.

In 1984, the supreme Court gave orders to stop the dam construction.

NARMADA BACHAO ANDOLAN as a people's movement

- NBA is a people's movement forward from local people's movements in Madhya Pradesh, Maharashtra, and Gujarat.
- Though peaceful means, the NBA has brought much media attention to the plight of the native people along the river. Medha Patkar is a prominent leader of the group.

- **Organization :-**

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- In 1985, Medha Patkar and others formed the Narmada Ghati Dharangrast Samiti in Maharashtra, working with some thirty-three tribal villages at risk from the Sardar Sarovar dam.
- They demanded proper rehabilitation and the right to be informed about which areas were to be submerged.
- There was also a Gandhian group called the Narmada Ghati Nav Nirman Samiti that worked in the villages of the Nimad plains in Madhya Pradesh.

- **Issue:-**
  - ✓ It involves construction of 30 large dams, 35 medium sized dams and 3000 small dams.
  - ✓ It will submerge 900000 hectares of land, including 300000 hectares of forest land and 200000 hectares of farm land.
  - ✓ Most of which are from Nimar – an ancient and a very fertile agricultural belt in the country
  - ✓ In addition to these about 140000 peasants, are likely to be affected by the construction of canals etc., (the 75000 Km. long canal network alone will require about 73000 hectares of land).
  - ✓ Several thousands of fishermen living downsteam will also be adversely affected
  - ✓ It will submerge 245 villages (19 in Gujarat, 33 in Maharashtra, and 193 in Madhya Pradesh). It will result into displacement of over a lakh people, mostly tribals.
  - ✓ The overwhelming majority of them are tribal people
  - ✓ Most of them are dependent on primitive agriculture, gathering forest produce and grazing livestock in the forests. The degree of commcialization is very minimal. These people (mostly Bhils and Bhilalas) have waged an incessant struggle throughout history to retain hold over these forests and hills. This struggle has both shaped their identity and formed a strong attachment to their lands.
  - ✓ Perhaps none understand the land and the forests, its potentials and products and methods of using them on a sustainable basis better than these people.
  - ✓ The dam first threatens to submerge the forests, i.e., the home of the adivasis and when it reaches its full projected height will submerge the lands of the peasant villages further upstream.
  - ✓ There have been suggestions for reducing the height of the dam so as to reduce the submergence area.

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- ✓ But that might only save the peasant villages and whatever the height of the darn the adivasi settlements will be submerged
- ✓ Over a lakh of people, mostly tribals, being in the submergence area, were not adequately and properly resettled and rehabilitated.
- ✓ That environmental damages of constructing such huge dams would be huge
- ✓ Baba Amte and the noted writer Arundhati Roy, among others, became involved and associated with the NBA.

Tactics:-

The NBA organized mass public meetings, hunger strikes, rallies, and intellectual debates and thereby created environmental public awareness against the project. The matter was ultimately resolved by the intervention of the Supreme Court of India.

ROLE OF MEDIA

- ✓ The media has a tremendous influence in shaping public attitudes and beliefs, "The media in any democratic country play an important public service function by providing a platform for advocacy and for awareness generation.
- ✓ Issues such as the Narmada Bachao Andolan have remained in focus because the mass media continue to cover them prominently.
- ✓ Groups and their problems remain invisible beyond their immediate geographies unless they are talked about in the media.
- ✓ When the media take note, opinion makers take note, and they in turn influence communities and policy makers and implementers. "We need very strong advocacy effort to influence people to make changes, and advocacy cannot work without the support of the mass media.
- ✓ Three basic problems have hampered advocacy efforts in this grea
  - o General invisibility in the media
  - o Reporting without real understanding of the issues
  - o Stereotyping
- ✓ To chronicle the history of the resistance movement against the dams through press release, images, interviews, film, books, reports and other media By organizing art performances such as skits, plays, and dance dramas
- ✓ To record art including creative writing, poetry, painting and songs
- ✓ Books on Narmada Straggle:-

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- ✓ In 1999, writer Arundhati Roy wrote a celebrated essay, "Greater Common Good" in which she brilliantly vivisects the politics behind the Sardar Sarovar Project.
- ✓ The essay resulted in a great deal of discussion in the media

5. ***SILENT VALLEY MOVEMENT*** :

The forest is so deep and dark and peaceful that the slightest chirping of crickets can be heard. The general silence of the valley has given the name 'Silent Valley'. It is a social movement aimed at the protection of Silent Valley, an evergreen tropical forest in Kerala.

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It was started in 1973 to save the Silent Valley Reserve forest from being flooded by a hydroelectric project. The Valley was declared as Silent Valley national Park in 1985. Silent Valley National Park is a beautiful place, located in the Palakkad district of the state of Kerala. The park is located in the Nilgiri hills.. This park is one of the last undisturbed tracts of South Western Ghats mountain rain forest and tropical moist evergreen forest in India.

Silent Valley is home to the largest population of Lion tailed macaques, an endangered of primate. Various species of birds such as Nilgiri Wood Pigeon, Rufous Babbler, Crimson Backed Sunbird, Nilgiri Blue Robin, Grey Headed Bulbul, White-Bellied Treepie, Malabar Grey Hornbill, Ceylon Frogmouth, Red Winged Crested Cuckoo are also found here. The Park holds a valuable reserve of rare plants and herbs. The River Kunthi descends from the Nilgiri hills, from an altitude of 2000 m above sea level, and traverses the entire length of the valley and rushes down to the plains through the deep gorge.

The Silent Valley region is locally known as Sairandhrivanam, which means Sairandhri's Forest. Sairandhri is Draupadi, the wife of the Pandavas in the epic Mahabharatha, who disguised herself as Sairandhri, the maid of a queen named Sudeshna, while her family was in exile. In 1914 the forest of the Silent Valley area was declared a reserve forest.

In 1973 the valley became the focus of "Save Silent Valley", India's fiercest environmental movement of the decade, when the Kerala State Electricity Board decided to implement the Silent Valley Hydro-Electric Project centered on a Dam across the Kunthipuzha River.

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In 1976 the Kerala State Electricity Board announced plans to begin dam construction and the issue was brought to public attention. Plans for a hydroelectric project that threatened the park's rich and unique wildlife stimulated an environmentalist social movement in the 1970s, known as the Save Silent Valley movement, which resulted in cancellation of the project.Nationwide protests in India by environmentalists and mass publicity by the media in 1983led the then prime minister, Indira Gandhi to order the state government to abolish the hydroelectric project.

There was not much protest initially. In 1976, the project attracted the attention of some environmentalists. A task-force was formed under the leadership of the then Vice-President of the World Wild-Life Fund, India. After one year, the task-force in its survey-report, advised not to undertake the project. The report observed that the implementation of the project would result in the destruction of 'the richest expression of life that has evolved on this planet'..

In 1976, Kerala Sasthra Sahitya Parishad (KSSP), the largest popular-science organization in Kerala, engaged its serious attention on this project. A proposal to abandon the project was accepted in the State Conference of the organization and KSSP launched a mass signature campaign. Some members of the State Legislative Assembly were pressing for early implementation of the project. As a result, a resolution endorsing the project was accepted in the Legislative Assembly. The KSSP published a campaign booklet titled: "The Silent Valley Hydroelectric Project – A Techno-Economic and Socio-Political Assessment". At one point of time, the KSSP movement made the state government postpone the implementation of the project. In May 1979, Morarji Desai, the then Prime Minister of India directed the state government to expedite the completion of the project. Many environmentalists including the noted ornithologist Salim Ali voiced their objections. The International Union of Conservation of Nature and Natural Resources (IUCN) also registered its disapproval. A public interest litigation case was filed in the High Court which was, however, dismissed subsequently. Finally, in December 1980, the Kerala Government announced the scrapping of the project.

In the year of 1984, it was declared as a National Park with the project area included. In 1986, the Silent Valley was declared the core area in the Nilgiri Biosphere Reserve.

In the year of 2001, a new hydro project was proposed. The proposed site of the dam (64.5 m high and 275 m long) is just 3.5 km downstream of the old dam site at Sairandhiri, 500 m outside the National Park boundary. In the year of 2003, a rapid Environmental Impact Assessment (EIA) was carried out.

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On February 21, 2007 ex-Chief Minister A. K. Antony told reporters after a cabinet meeting that "when the Silent Valley proposal was dropped, the center had promised to give clearance to the Pooyamkutty project.

On April 18, 2007, Kerala Chief Minister V S Achuthanandan and his cabinet approved the Pathrakkadavu Hydro-electric project and sent it to the Union Government for environmental approval. On June 6, 2007 the Kerala cabinet approved the buffer zone proposal.

On November 21, 2009, Union Minister of Forest and Environment and Kerala Forest Minister Binoy Viswam declared, while inaugurating the silver jubilee celebration of Silent Valley National Park in Palakkad, that the buffer zone of the Park would be made an integral part of it in order to ensure better protection of the area.

6. JUNGLE BACHAO ANDOLAN

The Jungle Bachao Andolan took shape in the early 1980s when the government proposed to replace the natural sal forest of Singhbhum District, Bihar, with commercial teak plantations. But, long before the Jungle Bachao Andolan of what is now Jharkhand, this region had seen rebellion, victory and loss in the Adivasis' struggle to live and work in their own forests. The movement, which spread to nearby states, has highlighted the gap between the Forest Department's aims and the people's.

Jharkhand Save the Forest Movement: A struggle not just for forest protection Over the past decades communities all over India have started to protect whatever forests remain and to regenerate denuded forests. A report published in 1996 refers to "[a]n estimated 12,000 to 15,000 villages, primarily in eastern India [that] have mobilized to protect one to two million hectares of regenerating forest. The evolution of this approach to resource management draws on both ancient traditions and emerging strategies."7 In Jharkhand, the Jungal Katai Andolan was launched as early as 1978, as a protest movement against the devastation of forests in the Kolhan-Singhbhum area, mostly inhabited by the Hos. The forest rights movement remained particularly strong in Munda and Ho inhabited regions of Ranchi and West Singhbhum districts, and protests continued in a sporadic manner until the emergence of the Jharkhand Jungle Bachao Andolan (JJBA - Jharkhand Save the Forest Movement) in 2000. JJBA emerged out of an initiative to launch a campaign for the restoration of forest rights of the Adivasis in Jhakhand. The forest rights campaign is run as a project by the Bindrai Institute for Research Study and Action (BIRSA) with support from the International Work Group for Indigenous Affairs (IWGIA).

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Under the still ongoing project, existing Forest Protection Committees have been strengthened, the formation of new Forest Protection Committees has been promoted and the communities agreed to launch the JJBA as a grass-roots movement for restoration of forest rights for the indigenous peoples, providing themselves with a common platform for sharing of experience, for coordination and cooperation.
While the protection of their forests is the concern around which the work of the JJBA revolves, the way to achieve this is the restoration of the Adivasi communities' rights over their forests. And in that the JJBA has come a long way over the past eight years. The indigenous peoples of Jharkhand have become conscious of their rights as well as the importance of forest conservation. They have started to act and make demands, to confront and challenge forest officials, contractors and the timber mafia, and they have filed a case at the High Court of Jharkhand to restore the Mundari Khunkati villages' rights over their communal forests. To protect the forest – keep the Forest Department out The Adivasi communities gathered under the banner of JJBA have understood that they can protect their forests in the long run only if their rights over their forests are recognized. Re-establishing control gives them the confidence that they will be able to reap the fruits of their efforts, and thus the incentive to forego immediate returns in favor of long-term protection. Thus, the determination of indigenous communities in Jharkhand to protect and regenerate their forests is inseparably linked to asserting their customary rights over them

7. PROJECT TIGER:

India contains 60% of the world's tigers. The tiger population in India, at the turn of the century, was estimated at 40,000. Subsequently, the first ever all India tiger census was conducted in 1972 which revealed the existence of only 1827 tigers. Various human activities in the last century had led to the disturbance of wildlife habitats. Serious concern was voiced about the threat to several species of wildlife and the shrinkage of habitats in the country. Till 1960 hunting and exporting of tiger skin was legal. In 1970, a national ban on tiger hunting was imposed and in 1972 the Wildlife Protection Act came into force. A 'Task Force' was then set up to formulate a project for tiger conservation with an ecological approach.

The project was launched in 1973, and various tiger reserves were created in the country . Management plans were drawn up for each tiger reserve, .. Initially 9 tiger reserves were created. Now there are 27 reserves. The aim of the project is

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to stop poaching, to stop destruction of their habitats, provide them adequate food, and not to use them for entertainment like circus.

8. MANGROVES MOVEMENT:

Mangroves are indispensable part of the ecological system. They act as a natural shield and guard against natural calamities and disasters. They protect the coastline and prevent erosion. The areas with mangrove was less damaged by the 2004 tsunami than areas without mangroves .

Mangroves are various types of plants and shrubs that grow in saline coastal areas of tropical and sub-tropical regions. The specific regions where these plants occur are termed as mangrove ecosystem. These are highly productive but highly sensitive and fragile plants. They are important in maintaining the marine ecological balance. They also have tremendous economic value .

Mangrove forests are home to a large variety of commercially important fish, crab, shrimp and mollusks . Mangrove forests have been commercially exploited for pulp, wood and the bark is used in tanning industry, etc. .

Relentless clearing of mangrove has been going on to give way for industrialization. Environmentalists maintain that the major threat to mangroves arise from indiscriminate tree felling for food, fodder and timber and the thoughtless conversion of mangroves into aquacultural ponds along the coast. The local fishermen already are resisting it as it threatens their traditional livelihood. Mangrove destruction has reduced the fish catch since Mangrove cover is vital for fish to lay eggs. Other negative factors threatening mangroves include collection of fruits and discharge of industrial and domestic effluents. Mangroves are facing an overdose of chemical fertilizers and pesticides .

Significantly, the violent tidal storms that affect the low lying areas of Bangladesh around Chittagong, year after year, are traced to the unchecked and massive destruction of mangroves. .

In India 38 mangroves areas have been identified, of which Sunderbans in West Bengal are most prominent . Over the last two centuries, the Sunderbans have been exploited to make room for human settlement and expansion of farming activities. Between 1985-2000 India has lost about half of its mangroves. In 1987, the national committee on mangrove and Coral Reef launched a program of intensive conservation and management

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THREE CRUCIAL TREE CONSERVATION MOVEMENTS IN INDEPENDENT INDIA
as examples of people's movement that saved the environment

Forest conservation is a well-established policy of governments aiming to ensure a constant supply of full-grown timber for construction and other purposes. Historically many rulers have enforced conservation. But, a few decades ago, the nature of tree conservation in India changed.

In 1974, a band of women in Latta village in the Himalayas, faced with loggers who were contracted to fell all the trees around the village, hugged the trees to stop the loggers. **Their movement became known as Chipko.**

The word means stick to. Although "tree huggers", a term often used sarcastically, suggests a sentimental refusal to cut any tree, the villagers of Latta were in fact asserting their right to decide the fate of the forests in which they lived.

The Chipko movement gave rise to many similar resistance groups in India, including Appiko in Karnataka, as well as laws that restored some control over forests to the people living in and around them.

The Save Silent Valley movement of the 1970s focused on preserving a particularly rich biosphere in Palakkad District, Kerala, rather than on access to forest resources. When a hydroelectric dam was proposed on the site, naturalists campaigned for more than a decade, starting with letters to the editor and ending with direct appeals to the Prime Minister.

The heated debates over conservation versus development, catchily phrased as "man or monkey", raged till Indira Gandhi declared Silent Valley would be protected. The hydroelectric project was scrapped soon after and, in 1985, Prime Minister Rajiv Gandhi inaugurated the Silent Valley National Park.

The Jungle Bachao Andolan took shape in the early 1980s when the government proposed to replace the natural sal forest of Singhbhum District, Bihar, with commercial teak plantations. But, long before the Jungle Bachao Andolan of what is now Jharkhand, this region had seen rebellion, victory and loss in the Adivasis' struggle to live and work in their own forests. The movement, which spread to nearby states, has highlighted the gap between the Forest Department's aims and the people's.

Today there are conservation movements throughout the country that integrate waste management, preservation of wildlife, cleaning of lakes and rivers, and tree planting. Industrial forces are often able to frame their argument with environmentalists in simplistic terms, but the complex interactions of man, monkey, lake and forest, and our need for all these together, can no longer be denied.

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MODULE II

(a) **Human Rights**

- UDHR and its significance
- CRC and
- CEDAW
- DRD

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1. UNIVERSAL DECLARATION OF HUMAN RIGHTS

Human Rights :

Human Rights are generally defined as those rights which are inherent in our nature and without which we cannot live as human beings. These are rights an individual possesses by virtue of being a human being .

Human rights are derived from the principles of natural law and have been identified as those rights that are important, moral and universal. Humans are born free and equal in dignity and right.

- Human rights allow us to fully develop and use our human qualities, our intelligence and talent.
- They also satisfy our spiritual and other needs
- It respects and protects basic dignity and human worth
- Respect for human rights is the foundation of freedom, justice and peace in the world.

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These rights are also called Fundamental Rights when guaranteed by a written constitution. Fundamental rights are legally enforceable. These rights are also called Basic rights or natural rights.

In our constitution food, clothing, shelter, employment , health, education and right against exploitation are not included as fundamental rights and some of these have been included in our Directive Principles but are not enforceable.

Evolution of Human Rights:

One finds the roots of human rights in ancient times and scriptures eg., Veda, the 10 commandments, Teachings of Buddhism .

Human rights originated from the idea of mercy, kindness, fairness and humanity. The ancient Greeks and Romans voiced human rights concerns through their "natural law " theory.- Equality before law, equal respect for all, equal freedom of speech, the Right to vote , the right to justice, etc. Magna Carta, issued in 1215 dealt with the rights of different sections of the society and justice for all

Human rights came to focus with black slavery, American freedom Revolution, French Revolution. The middle and late 19th century saw a number of issues like child labor, slavery, brutal working conditions etc. At the end of the Second World war, the UN was formed to bring about world peace. The UN attempted to make human rights universal . In 1945 the UN made a general declaration that no one in the world can be discriminated against on the basis of race, religion, language or sex.

UDHR (Universal Declaration of human Rights)

On 10th December 1948, the UN General Assembly adopted the "Universal Declaration of Human Rights " . The UN has since then committed itself to the promotion and protection of human rights.

The UDHR consists of a Preamble and 30 articles covering civil, political, economic, social and cultural rights. Yet in itself the declaration has no legal force. It is a set of moral rules and has found widespread acceptance .

Importance :

- Human rights are universal - binding for all member nations
- Serves as a common standard for all

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- Makes violation an international concern
- Influenced constitution of many countries. – Fundamental Rights in our constitution is based on UDHR.

Classification

Human rights can be broadly classified into

1. The Right to Physical and Mental Integrity – The right to life, liberty, security, freedom from torture, cruel and inhuman treatment, freedom from slavery, forced labor, arbitrary arrest etc

2. Freedom of conscience and Action – Freedom of opinion, religion, expression, Freedom of information, freedom to form associations, trade unions, freedom of movement etc

3. Right to Legal justice – Fair trial in courts, the Right to defend

4. Privacy and Family Rights

5. Political Rights – The right to vote and stand in election
6. Economic and social rights- The right to work, adequate standard of living, social security, the right to health services Equality and non-discrimination
7.

A. Why does the Universal Declaration of Human Rights (UDHR) matter?

The UDHR is among the most important documents of the 20th century. It has been translated into 337 different languages. It has become a touchstone for actions by governments, individuals, and nongovernmental groups. It has been ratified by every country in the world. Practically no other international instrument can claim this honor. In short, the UDHR has acquired a moral and political significance matched by few documents.

It provides both a guide to present action and an evolving set of ideas for future implementation at the national level. Increasingly, the UDHR's principles have been embodied in what states do and it serves as the foundation for the International Bill of Rights and several other crucial human rights agreements. And, not least, the UDHR has proven a remarkably flexible foundation for a

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continued broadening and deepening of the very concept of human rights. How many treaties can claim such honors?

B. How did the UDHR come into being?

Every country in the world had been touched directly or indirectly by World War II. Seventy million people perished. Planning for a future international organization to succeed the League of Nations started during the war. In the spring of 1945, 50 governments and hundreds of nongovernmental organizations met in San Francisco. The states hammered out the "constitution" of a new United Nations.

The preamble to the U.N. Charter includes these famous words: "We the peoples of the United Nations determined … **to reaffirm faith in fundamental human rights**, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small …"

The U.N. Charter called for a commission on human rights, which was chaired by Eleanor Roosevelt. With the help of the U.N.'s Educational, Scientific and Cultural Organization, the new Commission on Human Rights studied how different cultures, nations and philosophers viewed human rights.

In September 1948, the commission sent its draft to the U.N. General Assembly. Lengthy debates clarified the draft language and built increasing consensus. Discussion and approval took two full years, including 81 meetings, 168 amendments to the draft text and nearly 1,400 votes. The climax came on Dec. 10, 1948, when the General Assembly adopted the UDHR without a single dissenting vote, although eight states abstained.

C. What does the UDHR say?

The UDHR sets forth a number of objectives — some to be achieved immediately, others as rapidly as feasible. The UDHR also provided the foundation for a series of other international agreements, both global and regional. Finally, the UDHR inspired people around the world to claim their rights, not simply accept the diktat of others.

The UDHR provides "a common standard of achievement for all peoples and all nations." Every "individual and every organ of society" shall promote "respect for these rights and freedoms … by progressive measures …" The goal was "to secure their universal and effective recognition and observance."

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Underlying the entire declaration is a basic value, as stated in Article 1: "All human beings are born free and equal in dignity and rights." This assertion ran in the face of centuries of practice and widespread beliefs. The UDHR could not, by itself, reverse or transform popular attitudes. Nonetheless, it pointed in a crucial direction.

Perhaps most important, the clarity and directness of its language inspired millions. An increasing number of translations and conscious efforts to spread the UDHR's message popularized its principles. Men and women everywhere recognized that they enjoyed rights that no government should take away.

Drafters of the UDHR consciously drew upon several legal and philosophical traditions. Many of its 30 articles deal with civil and political rights, which protect individuals from government and from state-condoned private abuses. Others discuss freedoms common to each individual, such as the right to free expression. Still others set forth economic, social and cultural rights, such as access to education and the right to work.

D. What are some of the results of the UDHR?

CW: Several major treaties, ratified by more than 100 countries, trace their origins to the UDHR. They include, in chronological order:

- The International Convention on the Elimination of Racial Discrimination (1965).
- The International Covenant on Economic, Social and Cultural Rights (1966).
- The International Covenant on Civil and Political Rights (1966).
- The Convention on the Elimination of All Forms of Discrimination Against Women (1979).
- The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).
- The Convention on the Rights of the Child (1989).

When a country ratifies an international agreement, it assumes a legal obligation. Citizens of states signing on to the UDHR and its progeny thus possess rights they may not have fully enjoyed earlier because their government has acknowledged and pledged to respect those rights. Signatories to many human rights treaties must prepare and submit regular reports on their citizens' freedoms. All these reports go to U.N. specialists who study them carefully and recommend where changes are needed.

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Citizens groups increasingly provide their own reports, with additional details. Thus, one of the hopes of the drafters of the UDHR has been increasingly met: People have a voice in their own destiny.

Still other international agreements have stemmed from the UDHR:

- Prosecution of indicted war criminals by the International Criminal Court, functioning as of 2002.
- The "responsibility to protect," as approved by the General Assembly in 2005, which places a moral obligation on countries to help states wracked by widespread disturbances or civil wars.
- An August 2006 agreement on a draft convention on the rights of the disabled.
- Adoption of a Universal Declaration of Indigenous Rights by the U.N. in September 2007.
- Reducing or eliminating the death penalty in much of Europe and elsewhere.
- Giving more attention to how transnational corporations affect human rights where they operate.

These developments required significant discussion. Nearly 20 years passed between adoption of the UDHR and the "entry into force" — full acceptance into international law — of the two international covenants described above. Twenty-five years of discussion preceded general assembly acceptance of the Universal Declaration of Indigenous Rights. On the other hand, agreement about establishing the International Criminal Court came within four years and the convention on children's rights in less than a year. The picture is thus mixed.

E. What steps lie ahead?

F. For six decades, the UDHR has proven its durability. Yet debates remain.

Cultural distinctiveness continues to arouse discussion about universality — the "u" in UDHR. Although the declaration's principles have been reaffirmed time after time, some assert that cultures or regions differ so much that no real global standards can exist.

A second area of controversy swirls around the rights of persons belonging to ethnic groups and national minorities. As individuals, they cannot be discriminated against because of their backgrounds. However, long-term

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economic or political disadvantages, deeply engrained social attitudes, and the like against the groups to which they belong raise profound questions. Do groups per se have rights?

Additional uncertainty exists with respect to internally displaced persons. They are individuals who cannot live in their usual homes because of conflict, but have not crossed an international border. Internally displaced persons (known as IDPs) confront horrendous, dangerous living conditions. They also exist in a legal no-man's-land. Had they left their own countries, they would have enjoyed international legal protection. Having remained at home or near home, they continue to be liable to many problems.

A fourth area of controversy centers on how best to settle large-scale civil conflicts. Should the international community intervene for humanitarian reasons? Should peace and reconciliation committees or similar groups be set up to establish the "truth"? Should negotiations be encouraged between opposing groups by promising amnesty to those accused of war crimes? Or would justice be served better by trying to arrest and try them in the International Criminal Court? How far do the obligations of the "right to protect" extend? Who should take responsibility for any coercive intervention?

Still another area of concern involves apologies and reparations for previous human rights injustices. Earlier violence against large numbers of people of other nationalities can — and does — sour relations between and among governments and their populations. Hence, this whole area is fraught with political difficulties, irrespective of its importance for human rights generally.

Truth commissions and truth and reconciliation groups provide an additional dimension, showing the evolution and growth of human rights. They investigate previous abuses. Their establishment suggests that previous "human wrongs" cannot be hidden forever.

Serious economic issues undercut how much — and indeed whether — individuals can enjoy full human rights. If human rights "begin with breakfast," persons must have reasonable chances for employment and schooling. They must be able to break out of the trap of poverty and avoid the debilitating impact of malnutrition and endemic disease. The UDHR speaks about these concerns in general terms. However, serious problems remain in light of economic inequalities within and between nations. Wasteful or corrupt practices by government officials reduce what is available for other needs.

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Finally, and in many ways most significant, the UDHR cannot be enforced by "traditional" means of coercion. The U.N. has no armed forces of its own, but must obtain parts of other states' militaries for help. The U.N. agencies directly concerned with human rights, such as the Geneva-based Office of the High Commissioner for Human Rights, receive little funding.

Looking back to 1948, however, progress has been remarkable. A visionary document has become a living reality. The UDHR should be celebrated for its firm foundation and flexible structure.

Right to Development , was adopted by the UN in 1986.

2.DECLARATION OF RIGHT TO DEVELOPMENT

Development refers to the comprehensive social, economic, cultural and political process which aims at the constant improvement of the well being of all the people on the basis of their active participation

> *The right to Development is an inalienable human right by which every individual and all people are entitled to participate in, contribute to , and enjoy social, economic, cultural and political development in which all human rights and fundamental freedoms can be fully satisfied.*

The UN adopted the declaration on the right to Development in 1986. Every human being wants to develop, improve their standard of living and enhance quality of life. However, it is seen that only a section of society benefits from the development process and others remain deprived of the fruits of development and often become victims of it. i.e development of some takes place at the cost of others.

Now it is universally accepted that Right to Development is everybody's right. Weaker sections of society like women, children and tribals have a higher claim over this right because their development is yet to take place. Similarly certain regions within a country are under developed as compared to other regions. .

Provision of the Declaration of the Right to Development

- Right to Development is inalienable human right. Every one has a right to participate and contribute to development and enjoy the benefits of development
- States have the primary responsibility for the creation of national and international conditions favourable for development – States should

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formulate appropriate development policies, undertake all measures and encourage all people to participate in all spheres of development

- States should eliminate all obstacles to development
- Sustained action is required to promote rapid development
- States should ensure that massive violations of human rights are eliminated – resulting from racial discrimination, apartheid, foreign domination etc.
- Equal opportunity should be provided for all for development . Women should play an active role in the development process. Ensure that equal opportunities are provided to all sections of the community – access to basic resources (education, health services, food, housing, employment and fair distribution of income)

The process of development should be transparent and accountable**.**

Rights to Development is often treated as a collective right. It is not logical to treat it as collective right as every human is entitled to the Right to development . The human person is the active participant and beneficiary of the development .

The Right to Development is generally accepted but not legally binding.

3. CEDAW – Convention on Elimination of Discrimination Against Women

International instruments such as UDHR and ICCPR have all recognized the basic equality of men and women. However there was a need for a specific instrument addressing the problems of violation of Women's rights. The UN adapted the CEDAW to ensure protection of women's rights in 1979. It is a landmark agreement that affirms fundamental human rights and equality for women all over the world.

It Consists of a preamble and 30 articles, and it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.

Discrimination is

> *Any distinction, exclusion or restriction made on the basis of sex which affects the women from exercising their human rights and fundamental freedom in any field*

To achieve the goal of CEDAW , the state should

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- ✓ Condemn discrimination against women
- ✓ to take actions to end discrimination against women in all forms
- ✓ to incorporate this principle of equality of men and women in their legal system,
- ✓ modify or abolish existing laws, regulations, customs and practices which are discriminatory against women.
- ✓ Establish competent national tribunals and other public institutions to protect women.
- ✓ to take appropriate measures against all forms of traffic in women and exploitation of women.

In countries that have ratified CEDAW, women are working with their governments to improve the status of women and girls, and as a result have changed laws and policies to create greater safety and opportunity for women and their families. CEDAW can make a difference for women and girls, specifically to:

- Reduce sex trafficking & domestic violence
- Provide access to education & vocational training
- Ensure the right to vote

India and women's rights - CEDAW

The constitution of India provides the legal framework for protecting human rights of women. The constitution guarantees Right to Equality, Right to freedom of speech, Right to exploitation , Right to religion, property, Constitutional remedies etc. . India has several other specific laws to protect the interests of women.

- Factories Act – regulates working conditions and working hours. . Rest room , crèches for children, separate toilets for women . Maximum Weights that can be carried by women etc
- Contract Labor Act – Separate provision of utilities for women and fixed working hours
- Maternity benefit Act
- Equal Remuneration Act – prohibits wage discrimination
- Domestic Violence Act
- Dowry Prohibition Act
- Immoral Traffic (prevention) Act
- Sexual Harassment and Sexual harassment at the workplace
- Hindu Succession Act - assures women of her share in property both as daughter and wife

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The incorporation of CEDAW principles have been evident in the judgments by the Supreme Court. Various Commissions have been set up for better protection of women's rights

INIATIVES TAKEN UNDER CEDAW BY INDIA

Key initiatives taken by India to improve the wellbeing of women since its last review include:

a) The national food act.
b) Enactment of sexual harassment act 2013 to secure women in the work place and enable a safe environment that should encourage women to join the work force and include mechanisms to address local complaints.
c) Criminal law amendments; offences such as acid attacks, stalking, naked parading are incorporated in the Indian penal code. Definition of rape now include non-penetrative rape, rape by persons in dominant position, by armed forces and of women unable to consent. There are increased penalties for gang rapes and serious cases of women left in vegetative states – we are very stringent and provide for penalties for public servants if refusing to act on allegations. First aid to victims of sexual assaults is provided. Recent criminal law defines trafficking and gives live imprisonment for trafficking of children.
d) A Manual Scavenging act was enacted by the government in December 2013 prohibiting the employment of manual Scavengers, insanitary latrines and manual cleaning of septic tanks without protective gear. The Act provides for the identification of manual scavengers and their rehabilitation with stringent penalties for violations.
e) A new law titled protection of children from sexual acts to protect children from sexual offences constitutes a major shed from usual criminal law. In view of greater vulnerability, the act provides for speedy trials to be completed.

PROGRAMMES IMPLEMENTED:

1. **2013 Fund to support government and NGOs in ensuring the safety of women**
2. **Established anti-human trafficking unit**
3. **Ratified UN convention on organised crime**

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4. **Set up centres to help women affected by sexual violence providing medical aid, legal aid and counselling**
5. **Scaling up of education**
6. **Formulation of government schemes to improve economic empowerment of women, government established bank exclusively for women with special attention to the discriminated and rural women to ensure inclusive and sustainable growth**
7. **Bill enacted to prevent and control the spread of HIV/AIDS**
8. **Recently created institution dealing with disabilities**
9. **High Level Committee on the status of women has been set up comprising civil society and other stakeholders**
10. **National Commission for women has been mandated inter alia to give legal safeguards, facilitate redressal and advise the government on all policy measures affecting women**
11. **Training and Capacity building of people working with women (health officials, police, judiciary) enabling an environment of gender equality**

4. CHILDRENS RIGHTS AND CRC:

(CONVENTION ON THE RIGHTS OF THE CHILD)

The UN convention on the Rights of Child affirms that Children are born with fundamental freedoms and the inherent rights of all human beings.

CRC is the first legally binding international instrument to incorporate the full range of human rights—civil, cultural, economic, political and social rights for the child. . In 1989, world leaders decided that children needed a special convention just for them because people under 18 years old often need special care and protection that adults do not. The leaders also wanted to make sure that the world recognized that children have human rights too. The whole hearted support of the world community to the UN's efforts in promoting and protecting rights of the child received tremendous support of the world community.

A child means anyone below the age of 18 years. The Convention sets out these rights in 54 articles and two Optional Protocols. It spells out the basic human

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rights that children everywhere have: the right to survival; to develop to the fullest; to protection from harmful influences, abuse and exploitation; and to participate fully in family, cultural and social life. The convention provides for

- Protection against all forms of discrimination
- devotion to the best interests of the child;
- right to preserve his identity including nationality, name and family relations
- the right to life, survival and development; and
- respect for the views of the child.
- Right to freedom of expression, thought and religion
- Access to information
- Neither capital punishment nor life imprisonment may be imposed on a child

By agreeing to the Convention, national governments have committed themselves to protecting and ensuring children's rights and are obliged to take all actions in the light of the best interests of the child.

INDIA – HUMAN RIGHTS OF CHILD - CHILD LABOR

UN Convention on the rights of the child proclaimed that childhood is entitled to special care and assistance and the child should grow up in family environment for the development of his or her personality.

However child Labor is a big issue. It is a complex issue and multi-dimensional problem,. It is a social evil and the violation of human rights and should be universally abolished. In India the constitution prohibits the employment of children in factories . No child below 14 should be employed in any factory or mine or hazardous work". The law provides for free and compulsory education for children,. Child labor is prohibited in any sphere of activity .

However violations continue as children are employed for long working hours in factories, hotels, and households and even in hazardous industries. The Child Labor (Prohibition and Regulation) act was therefore adopted and yet there are millions of child labor in India. UNESCO reported that 20% of Indian GNP is contributed by child labor.

In addition to child labor there are several other issues related to child abuse, neglect, malnutrition, child kidnap, lack of education, growing number of street children, children crime etc

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India has yet to fully implement US convention on child right. What is needed is a Code of Child Right and political leadership and commitment to protect childrens rights.

MODULE II

B. Legislative measures with reference to India.

Women: **C**onstitutional Rights and legal safeguards,

- Domestic and Family Violence Act of 2005,
- Sexual Harassment Act at the Work Place 2013,
- The Criminal Law (Amendment) Act of 2013

Child:

- Protection of Children from sexual offence Act -2012 (POCSO), ChildLabour Act with new amendments,
- Juvenile Justice (Care and Protection of Children Act) 2000.

Education : Right to Education Act 2009

Health : National Health Policy of 2015,

- Transplantation of Human organs Act of 2002,
- Prenatal Diagnostic Technique Regulation and prevention of Misuse amendment rules of 2003,
- Prohibition of sale of cigarettes and other tobacco products around educational institutions 2004.

1. WOMEN:

a) Constitutional Rights and legal safeguards,
b) Domestic and Family Violence Act of 2005,
c) Sexual Harassment Act at the Work Place 2013,
d) The Criminal Law (Amendment) Act of 2013

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Legal And Constitutional Rights Of Women In India

Presently Indian women are facing toughest time as far as their routine personal and life is concerned. Mental and physical torture of women has become quite common and their safety is at stake. One of the problems behind this situation is lack of knowledge of legal and constitutional rights of a woman. Most unfortunate part of this is even women are not fully aware about their rights. Through this article I am going to share few legal and constitutional rights of a woman.

Introduction

Our Indian constitution was written in an era when the social condition of Indian women was very poor and need an urgent reform. She was mentally and physically tortured in the society. She was struggling to find her social status and a respectable place in the society. At that time Indian women were in a need of some laws in order to improve their social position and to ensure proper safety against mental and physical torture. At that time Dr. B. R. Ambedkar, author of our Indian constitution, took certain constructive and much needed steps in favor of Indian women to make them independent and socially strong and today we can see the revolutionary change in the position and image of Indian women.

Due to the revolutionary changes brought by our constitution and efforts made by Indian women, they have earned themselves a respectable position in the society. Now they are treated equally with men. Today women are everywhere and to be precise women are in space, women are in corporate, women are in politics, women are in entertainment field, women are in defense field and the list goes on.

It is indeed a matter of pleasure that the position of women has improved in the last four decades. But still somewhere I feel that the presently Indian women are again a bit struggling to maintain their dignity and freedom. Mental and physical torture of women has again become common and that is why they have started feeling unsafe. As per my personal understanding with the proper knowledge of legal and constitutional rights of a woman their position can be further strengthen in the society. There are lots of provisions in our law which protects a woman from mental and physical torture. Now let us discuss some of the problems women are facing along with remedy provided by the law.

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The social status of women in India is considerably low and miserable as they continue to be the victims of a number of social evils and different forms of discrimination . Some of the problems faced by women are

- ✓ Low participation of women in active politics and employment
- ✓ Mass illiteracy and traditional outlook
- ✓ Sexual harassment at workplace
- ✓ Domestic violence
- ✓ Bride burning and dowry deaths
- ✓ Rape and women trafficking
- ✓ Inequality in wages

Provisions ensuring rights of Indian women

After Independence lots of provisions have been introduced to improve the social condition of women and to give them a platform where they can utilize their potential for their betterment and contribute positively towards the growth of their country. It is fact that the in the present era position and development of any country is dependent on the socio-economic position of its women. The provisions which enhanced the value of present women can be divided into two parts:

1. Constitutional provisions
2. Parliamentary provisions

It's a fact that awareness about constitutional and Parliamentary provisions to improve the condition of women is lacking. To ensure and spread the awareness of these provisions we will discuss them in detail.

Constitutional provisions to ensure dignity of women

Lots of provisions have been introduced through constitution to ensure dignity and self respect to the women at large. As mentioned earlier Dr. B. R. Ambedkar, author of Indian constitution, make sure that constitution of India safeguard the social and legal rights of women. Please find below some of the provisions made

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in favour of Indian women, in constitution of India:

CONSTITUTIONAL RIGHTS TO WOMEN:

Lots of provisions have been introduced through constitution to ensure dignity and self respect to the women at large. As mentioned earlier Dr. B. R. Ambedkar, author of Indian constitution, make sure that constitution of India safeguard the social and legal rights of women. Please find below some of the provisions made in favour of Indian women, in constitution of India:

1. **Article 14:-** Article 14 of constitution of India ensures equality before the law or the equal protection of the laws within the territory of India. This is a very important provision which provides equal legal protection to women against any women based crime. This provision also paves way for the introduction of various laws and acts to ensure protection and enforcement of legal rights of women in India.

2. **Article 15:-** Article 15 of constitution of India ensures that no one should create any sort of discrimination only on the grounds of religion, race, caste, sex or place of birth or any of them within the territory of India. At the time of Independence there was lots of discrimination in India against women which gradually abolished after introduction of article 15. As per article 15(3) of the constitution state has the authority to make any special provision for women and children.

3. **Article 16:-** Article 16 of constitution of India ensures equal employment opportunity to every citizen of India. As per article 16 there should not be any discrimination in respect of employment opportunity under the State only on grounds of religion, race, caste, sex, descent, and place of birth, residence or any of them. Now we can see women are doing really good work in politics and in corporate sector. Presently they are holding responsible positions in Government and Government run institutions. Let me share few good names from political and corporate field. These names are Chanda kochhar, Indira nooyi, Sonia Gandhi, Sushma Swaraj and this never ending list goes on.

4. **Article 39:-** Article 39 of constitution of India ensures the benefit of the directive principles of state policy to the women. Directive principles of state policy mean **guiding principles** for the framing of laws by the government at state level. Article 39(a) of directive principles of state policy ensures and directs a state to apply policies which focus on a men and women have an equal right of adequate means of livelihood and article 39(c) ensures equal pay for equal work for both men and women.

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5. **Article 42:-** Article 42 of constitution of India caste a duty on every employer to ensure just and humane conditions of work and for maternity relief. In reality the position and treatment of women in corporate offices is really bad and in fact they are exploited by their seniors and bosses. In this scenario the provisions of article 42 are very important and now it is duty of employer to provide good working conditions to all the employees.

6. **Article 243:-** Article 243 of constitution of India ensures reservation of seats in gram panchayat for women. This opportunity of being a part of local level arbitration process has improved the social conditions of women in village areas.

These are few rights which are given by our constitution to the Indian women in order to ensure their dignity and social respect. Further to protect these constitutional rights there are numerous legal steps that have been taken by the state Governments which we will discuss in detail through this article.

Parliamentary provisions to ensure dignity of women

After Independence there was need to introduce some statutory laws to ensure safety and protection of women. Keeping in view this requirement, just like constitutional provisions, various parliamentary steps have also been taken by the law of India in order to ensure dignified life to the Indian Women. Parliamentary steps means and includes the enactment of various laws and statutory acts to protect the interest of women and to stop the crime against women. These acts have proved really useful towards progress and safety of women in society.

In order to ensure adherence to constitutional provisions for women welfare, there was a need to enact specific laws by the state and central Government. Although a women can be victim of any crime in society and in fact all crimes cannot be classified as a crime against women except few crimes which affects a women largely. However major steps have been taken by the legislation which has proved as weapons for women and helped them to stand in male dominated country.

Major crimes against women along with the legal provision which penalize the criminal.

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Few crimes which are recognized as crime against women are:

1. **Adultery :-** Adultery is a very serious crime against women in India and affects married women by and large. In simple words adultery means having voluntary sexual relationship with a married person other than the spouse. The offence of adultery is dealt with by section 497 of the Indian penal Code, 1860, which says adultery means sexual intercourse of a man with a married woman without the consent of her husband when such sexual intercourse does not amount to rape. However we may find different meaning of adultery in different laws in different countries. Initially only men were punished under the law of adultery in India but now men and women both are equally responsible for committing the crime of adultery. As per section 497, the offender shall be punished with imprisonment for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as a partner in crime.

2. **Child marriage** :-Child marriage is a very awful offence against child as it does not only harms the future of child but also damage social values. Further the doctors have also revealed that child marriage is a very big reason for bad health condition for girl child. Child marriage restricts the social development along with reduction in the educational and employment opportunities in the global market. It was like a burden on society to practice this unwritten custom. The major step was taken by the Law Commission of India by fixing the minimum age for marriage which is 18 years for girls and 21 years for boys. Another major step was mandatory primary education and moreover for girls provision for free education provided by the Government of India.

3. **Female feticides:** -Female feticide means identifying and killing of female fetus before they take birth. This is the most brutal way of killing women. The custom of female feticide is practiced by the society form ancient times and it is really shameful to note that even today, when we considers ourselves educated and civilized, this custom is practiced in a big manner. Government has taken so many steps to spread awareness among people about the consequences of this crime. Many awareness programs are conducted by the Government to spread the awareness about the physical, mental and social effect of this practice. Punishment of 3 years imprisonment and Rs. 10,000 fine has been prescribed by Pre conception and Pre Natal Diagnostic Techniques (Prohibition of Sex selection) Act,

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1994, for the offence of Female feticides.

In a recently development Maharashtra government has recommend to the centre that the crime of female feticide should be treated as murder. To ensure this amendment in Pre conception and Pre Natal Diagnostic Techniques (Prohibition of Sex selection) Act, 1994, (PCPNDT Act, 1994) would become necessary. This provision will bring this crime within the category of murder under section 302 of the Indian Penal Code (IPC).

4. <u>Trafficking and Prostitution</u> :-Trafficking means import and export of humans for sex business. It is indeed very sad to learn that in India, where women are recognized as Devi and prayed by all Indian's as Devi Shakti, they are also treated as a source of earning by unethical means. Prostitution is one of the biggest problems in this world which is damaging the women in many ways. In general, the term prostitution means offer of sexual services for earning money. Prostitution is a problem which exists across the world. There are quite a few laws in India in order to prevent the crime of prostitution like Suppression of Immoral Traffic in Women and Girl Act 1956 and Immoral Traffic (Prevention) Act 1956. There are few commissions are made by state Government to save women and specially girls to protect them from this practice.

5. <u>Domestic Violence:-</u> Domestic violence has become a very serious problem for women. In general the term Domestic violence means mental, physical, emotional and economical harassment of a woman by family members. For the purpose of domestic violence family includes spouse, his mother, father, brother, sister, his relatives and sometimes even friends. We call ourselves educated and talk too much about morality, ethics and civilization and expect others to be good to create a dream world but forget that without giving due respect to the women, a nation's growth is impossible. Now in India domestic violence is recognized as a criminal offence under section 498A of Indian Penal Code, 1860. Domestic violence means cruelty by husband towards women. Cruelty can be done by physically, mentally, economically or emotionally.

An act called Domestic violence Act, 2005 was introduced to handle the cases of Domestic violence in India. This act is a very noteworthy attempt in India to recognize domestic violence as a punishable offence. Before the introduction of this act two kinds of remedies were available to a women affected by Domestic violence. These two remedies were divorce through civil courts and application of section 498A through criminal courts.

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6. Eve teasing: - It is a general perception that eve teasing is not a big crime like rape or murder and may be because of that we don't take it seriously. But from a women's point of view eve teasing is also a very big crime as this activity does make her feel uncomfortable most of the times. Eve teasing usually involves teasing women, passing comments on women and making vulgar signs (eshare). A woman has to face this kind of irritating behavior and deal with this on daily basis. She can't even fight back due to fear of disrespect by others as everyone will blame her and say that you must have done something to invite them. In case of eve teasing girl should not remain silent and raise her voice. She should inform her family members and simultaneously file a complaint in the nearest police station. In this case family should also support the women instead of locking her at home.

7. Acid throwing:- Recently the issue of acid throwing on girls has also become a big issue. There are few types of acids and all are very dangerous for human flash and burn. This acid attack sometimes is so dangerous that even bones and eyes are also got damaged due to acid. Few victims are forced to leave their education or occupation due to the results of acid throwing. Now a days this has become very easy for people to get these acids and the cases of acid throwing has become very regular in daily life.

It is quite sad that despite of so many cases of acid attacks on women, we do not have a dedicated and specific law to deal with such cases. The National Commission for Women (NCW) is asked for a well defined law to deal with such casualties. The NCW has introduced a draft of the Prevention of Offences (by Acids) Act, 2008, which is with now with the Union Ministry of Women and Child Development for the purpose of vetting and final recommendations. Once the Union Ministry of Women and Child Development approved the Bill, it will be sent to the law ministry to be tabled in Parliament. After the approval in Parliament it will become applicable as law.

8. Fraudulent Marriage:- Before going into the details of Fraudulent Marriage let me explain the general meaning of fraud in relation to crime against women. Fraud means hiding something or giving false impression about something which a person knows that knowing the fact may harm his prospective marriage. The scope of fraudulent marriage has increased in the recent past as in India parents of a girl are very fond

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of NRI son in law. Parents want to settle their daughter with any rich NRI. Parents of brides don't inquire too much about the NRI groom as they are happy that their daughter is going to marry a rich person who will fulfill her all demands and she will live a luxurious life in abroad. There blind faith on NRI's may invite problems like false commitments, false details, second marriage and infertility. This is not necessary that fraudulent marriages only took place in case of NRI's even Indian grooms also do the same for money or for boy child or for any other reason.

9. Exploitation at work place:- Though we all accept the truth that in today's world women has come out of her image of house wife and proved herself as a better administrator then a man. In all sectors women are working hard and getting awards and rewards for that. She has crossed all the boundaries and shut the mouth of all those peoples who has ever questioned her working caliber.

But she has to pay a very heavy price of her success as she has to face exploitation at work place do we ever think what boundaries she has crossed and how. What she had paid go get this position and power? How much pain she has felt to become this person.

10. Rape, murder: - Rape is another very serious crime against women and this crime is increasing day by day like anything. Reporting of rape and abduction cases has become very common in print and electronic media which is indeed a very sad affair for all of us. Increasing rape cases are enough to prove that our moral values are still very low and we still to learn how to respect the dignity of women at large.

In simple terms the word 'Rape' means sexual intercourse or sexual penetration, by another person without the consent of the other person or victim. Provisions related to rape are given in section 375 and 376 of the Indian Penal Code, 1860. Section 375 explains the pre-condition which are necessary tp prove the offence of rape whereas section 376 provides punishment for the offence of rape. As per section 376, whoever commits the offence of rape shall be punished with imprisonment of either for a term which shall not be less than seven years (7) but which may be **for life** or for a term which may extend to ten years and shall also be liable to fine.

11. Dowry:- The system of dowry is another social evil which dragging women back from 100 of years as this evil has a very long history especially

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in India. Various dowry based domestic violence cases has been reported by media. There are ample legal provisions in India to provide relief to women in case of dowry based domestic violence cases. Civil law of India has prohibited the payment of dowry in the year 1961. Further Indian Penal Code, 1860 has introduced Sections 304B and 498A, which allows women to file complaint and seek restoration of her rights from serious harassment by the husband's family.

Dowry is one of the strong and biggest reasons of increasing domestic violence. Every year thousands of dowry deaths along with mental trauma cases reported and registered in India. In case of inadequate dowry, incidents like burning, suicides, physical and mental torture of women is very common by husband and his family. Keeping in view the increasing cases of dowry deaths another legislative provision called "Protection of Women from Domestic Violence Act 2005", was introduced in order to reduce domestic violence cases and to protect women's rights.

LEGAL RIGHTS TO WOMEN:

The following various legislation's contain several rights and safeguards for women:

1. **Protection of Women from Domestic Violence Act (2005)** is a **comprehensive legislation to protect women in India from all forms of domestic violence.** It also covers women who have been/are in a relationship with the abuser and are subjected to violence of any kind—physical, sexual, mental, verbal or emotional.

2. **Immoral Traffic (Prevention) Act (1956) is the premier legislation for prevention of trafficking for commercial sexual exploitation.** In other words, it prevents trafficking in women and girls for the purpose of prostitution as an organised means of living.

3. **Indecent Representation of Women (Prohibition) Act (1986)** prohibits indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner.

4. **Commission of Sati (Prevention) Act (1987)** provides for the more effective prevention of the commission of sati and its glorification on women.

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5. **Dowry Prohibition Act (1961)** prohibits the giving or taking of dowry at or before or any time after the marriage from women.

6. **Maternity Benefit Act (1961)** regulates the employment of women in certain establishments for certain period before and after child-birth and provides for maternity benefit and certain other benefits.

7. **Medical Termination of Pregnancy Act (1971) p**rovides for the termination of certain pregnancies by registered medical practitioners on humanitarian and medical grounds.

8. **Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994) p**rohibits sex selection before or after conception and prevents the misuse of pre-natal diagnostic techniques for sex determination leading to female foeticide.

9. **Equal Remuneration Act (1976)** provides for payment of equal remuneration to both men and women workers for same work or work of a similar nature. It also prevents discrimination on the ground of sex, against women in recruitment and service conditions.

10. **Dissolution of Muslim Marriages Act (1939)** grants a Muslim wife the right to seek the dissolution of her marriage.

11. **Muslim Women (Protection of Rights on Divorce) Act (1986**) protects the rights of Muslim women who have been divorced by or have obtained divorce from their husbands.

12. **Family Courts Act (1984**) provides for the establishment of Family Courts for speedy settlement of family disputes.

13. **Indian Penal Code (1860) contains p**rovisions to protect Indian women from dowry death, rape, kidnapping, cruelty and other offences.

14. **Code of Criminal Procedure (1973) has certain safeguards for women** like obligation of a person to maintain his wife, arrest of woman by female police and so on.

15. **Indian Christian Marriage Act (1872) co**ntain provisions relating to marriage and divorce among the Christian community.

16. **Legal Services Authorities Act (1987**) provides for free legal services to Indian women.

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17. **Hindu Marriage Act (1955) introduce**d monogamy and allowed divorce on certain specified grounds. It provided equal rights to Indian man and woman in respect of marriage and divorce.

18. **Hindu Succession Act (1956)** recognizes the right of women to inherit parental property equally with men.

19. **Minimum Wages Act (1948)** does not allow discrimination between male and female workers or different minimum wages for them.

20. **Mines Act (1952) and Factories Act (1948) p**rohibits the employment of women between 7 P.M. to 6 A.M. in mines and factories and provides for their safety and welfare.

21. The following other legislation's also contain certain rights and safeguards for women:

    a. Employees' State Insurance Act (1948)
    b. Plantation Labour Act (1951)
    c. Bonded Labour System (Abolition) Act (1976)
    d. Legal Practitioners (Women) Act (1923)
    e. Indian Succession Act (1925)
    f. Indian Divorce Act (1869)
    g. Parsi Marriage and Divorce Act (1936)
    h. Special Marriage Act (1954)
    i. Foreign Marriage Act (1969)
    j. Indian Evidence Act (1872)

    k. Hindu Adoptions and Maintenance Act (1956).

22. **National Commission for Women Act (1990)** provided for the establishment of a National Commission for Women to study and monitor all matters relating to the constitutional and legal rights and safeguards of women.

23. **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal). Act (2013)** provides protection to women from sexual harassment at all workplaces both in public and private sector, whether organised or unorganized.

The above list is not conclusive but inclusive. These acts have given ample provisions to ensure the protection of women rights like minimum wages, protection from domestic violence, right of equal remuneration, prevention from immoral

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trafficking, prevention from indecent representation of women etc. So there is no doubt that our judiciary and legislature has taken various effective steps to ensure the dignity of women.

Conclusion

To conclude I would like to say that Indian women has come a long way and prove that she is capable of doing anything and equal partner in the growth and prosperity of the nation. Women are one of the pillars of the society and it would be very difficult to imagine society without the presence of women. Now it is high time for all of us to understand the power of women. Even our judiciary and legislature has also accepted the fact that women are one of the most important elements of society and their exploitation would not be accepted at any cost. There is one saying that behind every successful man there is a woman. This saying is enough to prove that man and women both are necessary element of society. Women plays different role in her life which is not an easy task. During her life she acts as daughter, wife, sister and mother at different stages of life. So we must give them due care and respect and understand their efforts towards welfare of the society at large.

Women in urban areas enjoy better status in society than women in rural areas. They are better educated and are more aware of their rights and privileges. Many of them are also working women. However at the workplace, the women are still discriminated . They get lower pay than men, and are offered a limited range of employment like teaching, nursing, clerical jobs, telephone operators, etc . There are several cases of sexual harassment at workplace. After marriage , they save to sacrifice their jobs . In India women are still dependent on men even though their status has improved since independence ..

Government of India has been making efforts to improve the condition of women . In 1985, the Department of Women and Child Development was created for the welfare of women. In 1992, the National Commission for women was established to promote and guarantee women's rights. In addition to this several organizations have been set up specially for the social & economic upliftment and self employment of women - A number of programs are conducted by these organizations -

- ✓ to provide training and employment to women

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- ✓ to form self help groups
- ✓ for rural women's development and empowerment
- ✓ Working women's hostels

DOMESTIC VIOLENCE

Domestic violence is a common occurrence in both rural and urban areas. 22-60% of women surveyed suffered physical violence.. Domestic violence is recognized by law as a criminal offence . 4 types of cruelty are dealt with by this law

- ✓ Any conduct that drives a woman to suicide
- ✓ Conduct that causes grave injury to life or health
- ✓ Harassment for property from woman or her relatives
- ✓ Harassment because the woman or relatives are unable to fulfil demand for money or property

The punishment is imprisonment upto 3 years and a fine

Women's organizations have helped in creating awareness about domestic violence and have urged changes in the perception of police and the criminal procedure.

Domestic violence takes different forms – physical abuse, sexual abuse, financial and psychological abuse, mental and physical torture etc. Female foeticide, dowry harassment , ill treatment , are also various forms of domestic violence. The lack of awareness among women about their rights, non availability of professional help, illiteracy, dependence on male, traditional upbringing are some of the reasons for increase in domestic violence

DOMESTIC VIOLENCE ACT 2005 FOR WOMEN'S EMPOWERMENT IN INDIA

Domestic Violence Act 2005 is the first significant attempt in India to recognise domestic violence as a punishable crime. This act is a follow up of CEDAW – UN Convention on elimination of all forms of Discrimination against women.

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This is the first law in India specifically addressing domestic violence - targeting husbands, live-in partners and family members who abuse or threaten women verbally, physically, sexually, emotionally and economically including dowry harassment.

The most important features of this Act are the women's right to reside in the matrimonial and shared household, appointment of protection officers and counselors for the affected women. The Bill came under criticism , mainly from men who argued that it can be manipulated as it provides wide-ranging power to women and the bill was passed after a lot of struggle.

Our Constitution urges for equality & dignity of all humans being. Article 15 states that state shall not discriminate against any citizen on grounds of religion, race, caste, sex, place of birth or any of them or subject them to any ?disability, liability or restriction? on that account. But even the Constitutional norms are violated without the slightest bit of hesitation. The list of crimes that are committed against women seems enormous, varying from simple harassment, physical or mental torture, to even denying the very right to exist. Article 15 (3), gives power to the legislature to make special laws for women. Exercising this power, the legislature enacted this act which deals against domestic violence. The law is yet to be implemented and therefore it seems to be a good time to scrutinize this act. The new act contains five chapters and 37 sections.

Chapter I

Domestic Violence: A Prologue

Domestic of Family violence is one of the leading causes of female injuries. It primarily effects women and operates to diminish women's autonomy and sense of self-worth. Presently, domestic violence is concerned under Section 498 A of the Indian Penal Code, 1860. This section eventually proved out to be insufficient. Thus the impugned act was enacted for effective protection of the rights of the women guaranteed under the Constitution.
Section 3 of the Act defines Domestic violence . The definition covers all the aspects of domestic violence & hence makes it almost impossible to find any flaw. According to this section, any act, omission, commission or conduct of the respondent constitutes domestic violence under this section. However, one of the safeguard provided in the Act is Explanation II which states that in order to find out whether domestic violence is present or not, the overall facts and circumstances of the case shall be taken into considerations.

Chapter II
Main Features of The Act

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(2) The definition of an 'aggrieved' person' is equally wide and covers not just the wife but a woman who is the sexual partner of the male irrespective of whether she is his legal wife or not. The daughter, mother, sister, child (male or female), widowed relative, in fact, any woman residing in the household who is related in some way to the respondent, is also covered by the Act

(3) The respondent under the definition given in the Act is "any male, adult person who is, or has been, in a domestic relationship with the aggrieved person" but so that his mother, sister and other relatives do not go scot free, the case can also be filed against relatives of the husband or male partner [Chapter. I, - Sec.2(a)].

(4) The information regarding an act or acts of domestic violence does not necessarily have to be lodged by the aggrieved party but by "any person who has reason to believe that" such an act has been or is being committed. Which means that neighbours, social workers, relatives etc. can all take initiative on behalf of the victim. [Chapter III - Sec. 4.]

(5) This fear of being driven out of the house effectively silenced many women and made them silent sufferers. The court, by this new Act, can now order that she not only reside in the same house but that a part of the house can even be allotted to her for her personal use even if she has no legal claim or share in the property. [Chapter IV ? Sec. 17]

(6) S.18 of the same chapter allows the magistrate to protect the woman from acts of violence or even "acts that are likely to take place" in the future and can prohibit the respondent from dispossessing the aggrieved person or in any other manner disturbing her possessions, entering the aggrieved person's place of work or, if the aggrieved person is a child, the school.

(7) The respondent can also be restrained from attempting to communicate in any form, whatsoever, with the aggrieved person, including personal, oral, written, electronic or telephonic contact" . The respondent can even be prohibited from entering the room/area/house that is allotted to her by the court.

(8) The Act allows magistrates to impose monetary relief and monthly payments of maintenance. The respondent can also be made to meet the expenses incurred and losses suffered by the aggrieved person and any child of the aggrieved person as a result of domestic violence and can also cover loss of earnings, medical expenses, loss or damage to property and can also cover the maintenance of the victim and her children.

(9) Sec.22 allows the magistrate to make the respondent pay compensation and damages for injuries including mental torture and emotional distress caused by acts of domestic violence.

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(10) Sec.31 gives a penalty up to one year imprisonment and/or a fine up to Rs. 20,000/- for and offence. The offence is also considered cognisable and non-bailable.

(11) Sec. 32 (2) goes even further and says that "under the sole testimony of the aggrieved person, the court may conclude that an offence has been committed by the accused"

(12) The Act also ensures speedy justice as the court has to start proceedings and have the first hearing within 3 days of the complaint being filed in court and every case must be disposed of within a period of sixty days of the first hearing.

(13) It makes provisions for the state to provide for Protection Officers and the whole machinery by which to implement the Act.

(14) The act enuciates the certain duties of central and state government to make wide publicity & training programs for the police officers.

(15) The Act also provides for the assistance of welfare experts if found necessary by the Magistrate.

(16) The Act also provides for the penalty for not discharging duty of Protection Officer.

Chapter III

Can This Act Be Misused?

Misuse of the act, like all such acts in India , cannot be ruled out. In fact, with a system as corrupt as ours, money, clout and muscle power will always call the shots. And as long as the woman stays a puppet or pawn in the hands of her male relatives, she will always be manipulated and used. The chances of the act being misused are enormous. We have seen in past how The Dowry Prohibition Act, 1961 has been misused from the side of the so-called aggrieved person. The definition of Domestic Violence is too wide. How can the court ensure that the complaints of the affected party is right or not. The presence of the Malafide intentions on part of one party to harass the other cannot be ruled out.

Sometimes in camera proceedings can protect the aggrieved woman from a lot of humiliation and shame especially in cases where explicit acts of sexual abuse and violence are being discussed in an open court and it allows for her dignity and privacy to be maintained. But, we have also seen trials where the in camera proceedings only intimidated the aggrieved in favour of the respondent. This is

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especially so when the aggrieved is the only woman in court facing a completely male phalanx of hostile, sneering magistrates, lawyers, officials, police, male respondent etc. The solution is to change this section to only allow for in camera proceedings. Not when either party so desires but only if the aggrieved party so desires. Also, the aggrieved party should be allowed to be accompanied by any relative/woman social worker etc. of her choice for moral support.

There is also a doubt as to whether this Act can be thoroughly implemented by the administrative bodies. Can the Police, Protection Officers and NGO's do there work efficiently. · But there is no doubt that with this Act a whole Pandora's Box of litigation will be thrown open and all the degradation, brutality and cruelty to women that has been carefully swept under the carpet for centuries in our 'old, rich heritage and civilization' is all going to be exposed - and about time.

Will This Act Change The Mentality Of The Indian Society?

The Act can be called as the budding steps in the field of Women's emancipation. There is a hell lot of steps to be taken for prevailing complete justice.

Who Are The Real Victims?

Is it the rural women or is it the urban women who are the real victims. Most of the time it is the rural women who are victims of domestic violence more than the urban women. The Act should be implemented effectively in rural areas so as to make it successful. The government should ensure for a wide publicity in these areas through every means possible.

However implementation of the law has lot of issues. Most state governments have yet to appoint protection officers, overburdened judiciary, indifferent attitudes of police, inability of women to speak out as they still depend on their husbands etc.

In order to implement the law, NGO's and activists will have to work closely with the judges. Women are also slowly becoming aware and stepping out slowly for building their independent career and raising their voice for equality and against discrimination. Today there are women who are flying aircrafts, running autos or buses and trains. More and more women are seen in offices in senior positions. In many fields women are successful and establishing their equal rights , earning

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their due respect in society. What is required is mass awareness about the legal rights of women and empowerment.

Name of the organization	Focal Point / Objective
1. Majlis	Legislation for women and its implications
2. Stree Hitakarni	Health and its implications for women
3. Prerana	problems of prostitutes and their children
4. Sakhya	Eradication of dowry and management of marital conflicts
5. Stree Mukti Sanghatana 6. Maitrini 7. Mahila Dakshata Samiti 8. Women's Forum 9. Swadhar	Women's problems in general i.e. status of women in terms of employment, rights, violence against women, services available etc.,

- Patterns of Mobilizations:- To mobilize public opinion for women's rights and against innumerable forms of women's oppression, they issue
  - Leaflets
  - Pamphlets,
  - Collect signatures in support of their demands
  - Write articles in various journals and newspapers
  - Try to get media coverage,
  - Organize protest rallies
  - Sit-ins and demonstrations
- Role of Media :- The women group have discovered narrating and acting the violence in the form of
  - story form,
  - Reciting poetry
  - Involving songs
  - Slide shows
  - In the context of rising religious chauvinism
  - Exhibitions
  - Documentary films and Dramas on selective abortion of female fetuses, bride burning, sexual assault, sati and coercion in family planning programs have sensitized large sections of society
  - Several campaigns were launched against the degrading portrayal of women in films and against newspapers for reports on victims of violence which concentrated on their looks, dress on nature

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- Dialogues with media persons through letters to the editors of national newspapers, through lectures initiated by the mass communication institutes and through panel discussions have helped to create an atmosphere of trust and many suggestions of the women's movement have been incorporated in the unwritten code of conduct of the communication media
- Street-corner meetings
- Street plays
- Skits and songs
- Poster – exhibitions and tours
- Started non-commercial journals
- Magazines and news letters in various regional languages like
    - Gujarati, Marati, Kannada, Bengali, Hindi etc.,
- To focus on specific problems of women, they have evolved special interest groups working in the field of
    - health, media, law, violence against women, women squatters etc.,

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SEXUAL HARASSMENT OF WOMEN AT WORKPLACE (PREVENTION, PROHIBITION AND REDRESSAL) ACT 2013

Read more at: http://www.livelaw.in/understanding-the-sexual-harassment-of-women-at-workplace-prevention-prohibition-and-redressal-act-2013/

Sexual Harassment of Women at Workplace

Post Nirbhaya's tragedy, the legal structure of the country has seen some significant changes with the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, ('the Sexual Harassment Act') which addresses sexual harassment of women in the context and course of employment and provides civil remedies. The Criminal Law (Amendment) Act of 2013, ('the Criminal Amendment Act'), on the other hand, treats the sexual harassment of a woman by a man as a punishable offence

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The enactment of these legislative provisions is widely seen as a progressive move. On the other hand, the extensive legal mechanism provided by the Sexual Harassment law has led to perceptions of it being an anti-male law as almost every organization in the private sector that undergoes various processes to ensure compliance with this law struggles to address fears of misuse of the law by female employees for career advancements. In boardrooms, this law is seen to be a newer cousin of the dowry-death provisions of the Indian Penal Code, 1860.

The only effective manner to address such barriers of perception and belief is to be well-versed with the letter and the spirit of the law. It is also essential to remember that laws are rarely exclusively 'good' or 'bad'. Laws are tools that have the ability to deliver outcomes based on how well they are wielded. Therefore, the best way to ensure a positive outcome in the application of a law is to understand it in its entirety

Sexual Harassment is behavior. It is defined as an unwelcome behavior of sexual nature. Sexual harassment at workplace is a widespread problem in the world whether it be a developed nation or a developing nation or an underdeveloped nation, atrocities against women is common everywhere. It is a universal problem giving negative impact on both men and women. It is happening more with women gender in particular.

Harassment can include “sexual harassment” or unwelcome sexual advances, request for sexual favors, and other verbal or physical harassment of a sexual nature. Sexual Harassment is unwelcome sexual behavior, which could be expected to meet a person feel offended, humiliated or intimated. It can be physical, verbal and written.

Unwelcome Behavior is the critical word. Unwelcome does not mean "involuntary." A victim may consent or agree to certain conduct and actively participate in it even though it is offensive and objectionable. Therefore, sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. Whether the person in fact welcomed a request for a date, sex-oriented comment, or joke depends on all the circumstances.

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Definitions of Sexual Harassment of Women At Workplace

The Supreme Court of India defined Sexual Harassment as any unwelcome sexually determined behavior (whether directly or by implication) such as;

1. Physical contact and advances,

2. A demand or request for sexual favors,

3. Sexually colored remarks,

4. Showing pornography,

5. Any other unwelcome physical, verbal or non-verbal conduct of sexual nature.

A key part of the definition is the use of the word unwelcome. Such unwelcome or uninvited conduct/act is totally prohibited. Sexual or romantic interaction between consenting people at work may be offensive to observers or may also lead to the violation of the workplace's policy, but it is not sexual harassment.

Sexual Harassment Of Women At Workplace As A Problem:

Sexual Harassment is one of the biggest problems our women are facing today in different sectors of life. We rarely pass through a week without a reminder of these kinds of incidents which should be termed as "social problems".

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It is a growing problem and all are trying their best to combat this problem by adopting new policies and measures. The definition of sexual harassment varies from person to person and from jurisdiction to jurisdiction. The definition of Sexual Harassment in simple words is "any unwanted or inappropriate sexual attention. It includes touching, looks, comments, or gestures".

Sexual Harassment affects all women in some form or the other. Lewd remarks, touching, wolf whistles, looks are part of any women's life, so much so that it is dismissed as normal. Working women are no exception. In fact, working women most commonly face the backlash to women taking new roles, which belong to male domains within patriarchy. Sexual Harassment at work is an extension of violence in everyday life and is discriminatory, exploitative, thriving in the atmosphere of threat, terror and reprisal.

It has also been observed that there are lots of sexual harassment incidents taking place in the workplace, but the victims fear to report the same to the higher officials or the concerned authorities. They fear to file a complaint against such offenders who does such heinous acts. The fear is due to the fear of boss, fear of guilt in the society that they might have to face, fear of being thrown out of the job or being demoted, fear that it will jeopardize their career as in it will put a blot on their resume and would render them un-hirable. Some women have lack of knowledge- they do now know what exactly qualifies a sexual harassment and fail to report the same.

Every country is facing this problem daily. No female worker is safe and the sense of security is lacking in them. There are certain developments in laws of many countries to protect women workers from Sexual Harassment.

Sexual Harassment is major problem in school, college's universities and institutions, and its percentage is increasing day by day. Surveys on college campus show the number of respondents reporting have been sexually harassed ranging from 40-70 percent. Only two percent of campus harassment involve a

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professor demanding sex in return for good grade. Most cases involve male and female students.

Sexual harassment includes many things:

- Actual or attempted rape or sexual assault:
- Unwanted deliberate touching, leaning over, cornering, or pinching.
- Unwanted sexual teasing, jokes, remarks, or questions.
- Whistling at someone.
- Kissing sounds, howling, and smacking lips.
- Touching an employee's clothing, hair, or body
- Touching or rubbing oneself sexually around another person.

History of the Act

Since the early 80's sexual harassment at workplace has remained a main issue in India. In 1980's the Forum Against Oppression of Women took action against the sexual harassment of nurses in public and private hospitals by doctors, patients and their male relatives, other staffs, teachers by colleagues principals, students by teachers, professors and other staff. But nothing stopped the women activists and social workers who tried to bring all cases to public and who also fought sexual harassment at the workplace. One such instance is Women's voice (an NGO) in Goa mobilized which public opinion against the Chief Minister who allegedly harassed his secretary, through rallies demonstration till the CM was forced to resign.

After this incident again in 1990 the same women's organization filed a PIL to bring amendments to the old rape law which defined rape in narrow sense.

For the first time in the history of the Indian Courts in 1997 the Supreme Court of India recognized sexual harassment at workplace as a violation of human rights but also as a personal injury to the affected woman.

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The landmark case of Vishaka and others Vs. State of Rajasthan laid down guidelines for the preventing and redressel of the complaints by women who were sexually harassed at workplace. The Guidelines entrusted the Employer with the obligation to provide a safe and woman friendly environment.

Another case the Complaint was working in a Hyderabad based company and she was sexually harassed by her Supervisor. The case was investigated by a woman who was working in the head office of the Company. The charges were proved and the inquiry report was also submitted but what happened later was the Complainant was asked to resign from her job as she was identified as a trouble maker and the accused was allowed to continue with his job. No compensation was given to the Complainant.

From all these instances what we can infer is that the women often report the cases and the result was no action was taken, committee not constituted properly, judgments made in favor of the complainant but no strict action was taken against the perpetrator. In short what we understand is the guidelines redressel was not partial but the way it functioned was not impartial and very few women could effectively implement the guidelines to make the workplace gender equitable and safer.

Some noteworthy complaints of Sexual harassment at workplace that came into the National limelight were filed by:

1. Rupan Deo Bajaj, an IAS officer in Chandigarh, against 'Super Cop' K.P.S. Gill.

2. An activist from the All India Democratic Women's Association, against the Environment Minister in Dehradoon.

3. An Airhostess against her colleague Mahesh Kumar Lala, in Mumbai.

PRE VISHAKHA SCENARIO

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Before the Vishakha guidelines came into picture, the women had to take matter of Sexual Harassment at Workplace through lodging a complaint under Sec 354 and 509 of IPC.

Sexual Harassment was a serious issue and it still is, it was needed to be given priority and measures were decided to be taken to tackle this problem. Government, employers, employees, women organizations all were thinking how to eliminate this menace from the society.

Everybody wanted to prevent Sexual Harassment as prevention is the first step to prohibit or abolish any hazardous thing from the society. To achieve this, one needs legislation as a tool based on that the government and the organizations will be able to make strategies and policies to remove the issue.

In India till the Vishakha judgment came there was no law to govern this matter and the guidelines which came as an outcome of this case were derived from the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). Even the Constitution of India had grounded provisions in the form of fundamental rights of life and liberty, the right against discrimination and the freedom to practice any trade or profession or to carry on any occupation.

Vishaka Guidelines against Sexual Harassment At Work Place

Guidelines and norms laid down by honorable Supreme Court in Vishaka and others vs. State of Rajasthan and others.

It is necessary and expedient for employers in work places as well as other responsible persons or institutions to observe certain guidelines to ensure the prevention of sexual harassment of women.

Duty of the employer or other responsible persons in work places and other institutions: It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of

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sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts, of sexual harassment by taking all steps required.

Preventive Steps

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without prejudice to the generality of this obligation they should take the following steps:

a. Express prohibition of sexual harassment as defined above at the work place should be notified, published and circulated in appropriate ways.
b. The rules of government and public sector bodies relating to conduct and discipline should include rules prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.
c. As regards private employers, steps should be taken to include the aforesaid prohibitions in the standing orders under the industrial employment (standing orders) act, 1946.
d. Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

Post Vishakha Scenario

India did not have any legislation till the Bill for the protection of women from Sexual Harassment was moved in the Parliament in the year 2005. After a 10 long years gap in 2010, the Bill was in the Lok Sabha with slight changes in the old Bill. The new Bill defined "sexual harassment" and also provided for a redressal mechanism through "internal Complaints Committee" in the workplace or "Local Complaints Committee" at the district level. There was a problem regarding the action to be taken against false and malicious charges or complaints, to solve this issue the Parliamentary Standing Committee in June 2011, submitted recommendations to remove false and malicious charges. Then the newer version of the Bill retained the action against false and malicious charges by ICC or Local Committee against the Complaint under section 14.

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According to section 13 of the Bill there are two stages of enquiry, one is once the charges are found and proved the report of the same must be sent to the DC (Disciplinary Committee) and it will take action as per the service rules. This is again a time consuming process, where the victim has to produce the evidences again and go through cross examination, which is a kind of mental torture to the victim. The case may be different with a private sector then regarding the second process of enquiry, these stages or traditions are acting against the value Constitution of ICC.

In relation to this, the Apex Court in case of Medha Kotwal has clearly laid down that the report of the committee id final and the disciplinary committee is vested with the power to give punishment and to conduct second enquiry.

Till the new Act of 2013, came into effect; the problem of sexual harassment was governed by the guidelines laid down by the Vishakha case in the year 1997. The main objective of the Act was to implement the guidelines and to ensure an access to a safe workplace by woman

Even after the Vishakha judgment came into force almost a decade ago, nothing was done to implement the guidelines there under; some women could effectively implement the guidelines to make the workplace friendly and gender equitable. Most of the public and private organizations have failed to follow the guidelines by setting up complains committees or change the service rules as required by the guidelines.

Demerits and Criticism:

Like all other acts, this act is being highly criticized by women right activists and several NGO's. The internal committee formed under this act has the power to decide a monetary fine which must be paid by the perpetrator, depending on their income and financial stability. This is a kind of discriminatory method, it supports and envisages inequality among different sections of the society, for example, a

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person earning low income would be paying a lower fine compared to a senior who earns more.

Other criticisms are that the Act does not cover the agricultural workers, armed forces (a sector which is heavily dominated by men). Enquiries in armed forces are done within the closed rooms which should be undone, and the armed forces women must be included into the scope and ambit of the Act as no interests or strategic matters are affected by protecting them against Sexual Harassment at Workplace. According to a few, this Act is gender biased and not all the gender neutral, "it is a discriminating Act" which protects only women and not men from Sexual Harassment at Workplace. The reason is that over the last years various recent studies and surveys have shown women's involvement in acts of sexual harassment at workplaces. The research says that most of the cities in India are gender-neutral and women are dominating like men. According to the surveys, researches in practical circumstances and situations are totally different from what the legislators envisaged. Moreover, the Act lacks the mechanism to cope up with situations like men being sexually harassed.

Another disputable area under this Act is the wide scope for false allegations. Many are misusing the Act for their personal benefits, which lead to untrue allegations and unnecessary litigation. If a matter under this comes up before the complaint committee, it is not only affecting the reputation of the man falsely accused but also his family even though the Act is a great step forward for the protection of women from Sexual Harassment at Workplace.

International Zone

Sexual harassment of women is not only seen in India or few other selected countries but prevails all over the globe, be it a developed nation or developing nation or an underdeveloped nation. There are lots of strict laws and action taken against the offenders who indulge in such activities but yet the percentage of

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sexual harassment of women does not seem to decline even a bit. Everyday some or the other cases come forward where a women is being sexually harassed.

According to a survey majority of female Israel's MPs faced sexual harassment. At least 28 out the Israeli parliament's 32 female members have experienced sexual harassment or assault, and at least two of the cases took place in the Knesset building, a recent survey has found.

Research conducted recently by the International labor Rights Fund (ILRF) determined that women worker in export processing industries in Kenya, producing goods for the US marker, suffer from violent sexual abuse by their employees and supervisors.

The study reveals that:

1. Over 90 percent of all respondents had experienced, or observed, sexual abuse within their workplace.

2. 70 percent of the men interviewed viewed sexual harassment of women workers as normal and natural behavior.

3. 66 percent of the women interviewed believed that workplace sexual abuse is a strong contributing factor to the spread of HIV/AIDS.

4. 95 percent of women who had suffered workplace sexual harassment were afraid to report the problem as the women who reported sexual abuse were often fired and demoted.

In China, 80% of working women experienced sexual harassment at some stage of their career. In Germany, a survey indicated that 93% of working women were victims of sexual harassment as of 1998. Approximately 6 of 10 nurses in Australia have experienced sexual harassment. In Hong Kong most complaints received by the Equal Opportunities Commission (EOC) in some recent years were of sexual harassment. In the United States over 50% of employed women had been sexually

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harassed. In Canada 51% of women reported having experienced sexual violence at least once. In Singapore almost 50% women have been victims of sexual harassment

India and Sexual Harassment

In India, sexual harassment violates the women's fundamental rights under Articles 14 and 21 of the Indian Constitution.

Now we have Special Act for curbing Sexual Harassment of Women at Workplace which has been discussed. Other legislations which try to prevent sexual harassment are Indian Penal Code, the Indecent Representation of Women (Prohibition) Act, 1987, the Industrial Dispute Act, 1947 and the Factories Act, 1948. The Protection of Human Rights Act, 1993 should also be considered as the rights of women are also human rights and need to be protected at any cost.

Suggestions

One can prevent this issue at different levels, government, organizational and individual level by trying to prevent this issue by confronting and not blaming anyone.

1. At the Organizational level the employer can provide safe and harassment free environment through provisions and regulations framed within the organization. The sense of security which can be derived from this organization policy can facilitate to work effectively and efficiently for a productive outcome. The entity can give training programme, workshops, educational programme related to sexual harassment to avoid situations.
2. The organization must show commitment to this matter. Every matter must be taken seriously and investigated without any delay. This will send a message to all employees that the employer is interested in protecting the interests of women employees and also trying to bring a good working environment. Surveillance methods is a preventive measure, where CCTV are installed in the workplace.

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3. Employers must conduct monthly meeting with employees to know their problems. Accordingly they can provide a safe working environment.
4. From the angle of Government, a tremendous job has been enacting a law to eliminate this social problem of Sexual Harassment. The significant consideration part is the implementation process. There is a need to bring empowerment of women through educational programmes and knowledge which will help them to recognize and realize their basic rights. Government see that there is gender equality.
5. The media can play an important role in curbing this curse from the society through films, news, advertisements, dramas these are approachable to the public and through other sources like debates, talk shows, and the media can change the mindset of the people.
6. If the women's group or workers come to know about any such harassment, they must bring it to the notice of the complaint committee. It is the duty of the committee to keep everything confidential. Every female worker should know that it is employer's legal duty to provide women employee with a safe working environment. All the male employees must understand these kinds of incidents affect the health, confidence and ability of a woman and will also lead her to leaving the job.
7. Above all these there should be social acceptability. Women should not fear to come forward with their problems and complaints. They must be feeling courageous to speak out for themselves. There must be greater involvement of public in awareness programmes and they must play a greater participatory role in governance.
8. Law Reform Required: One of the limitation of this act is that it excludes men from the scope. This is not a fair treatment. The act must be amended to include men also so that they can also approach the Internal Complaint Committee/ District Committee for their grievances or complaints which can definitely show and prove equal treatment of men and women in the workplace.

Concerns

No law can operate by itself and therefore, to be successfully implemented, this legislation too, requires a robust legal structure. One of the greatest challenges facing victims of sexual harassment is retaliation and victim-shaming that follows such incidents. While the law itself is silent on detailed anti-retaliatory mechanisms, employers need to ensure a safe reporting process and a series of checks and balances to ensure that people who speak out against sexual harassment do not suffer from unwarranted backlash. Inquiries into complaints against sexual harassment must ensure complete confidentiality of identity of the

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victims. Further, investigating committees need to take the lead on providing a productive environment, conducive to employment, even when complaints are being investigated.

Every business values its reputation and being known as a responsible corporate entity is a value addition in today's global market place. A clean and safe working environment is no longer a privilege to be enjoyed at the discretion of the employer, but a legal right to be exercised by every member of society.

Criminal Law Amendment Act 2013

The spring and summer of 2013 were marred by barbaric events such as the rape of five-year-old girls in Delhi and Gurgaon, the acid attack on a young woman getting off a train in Mumbai, the gruesome rape and murder of a 20-year-old college girl in Kolkata, and, most recently, the gang rape of a photo journalist in Mumbai as well as countless other incidents. Despite the recurring frequency of these crimes, the public discourse on law reform has come to a halt following the passage of the Criminal Law (Amendment) Act 2013 in April. While the Act certainly introduced long, overdue changes in the law, it is but a first step in the long journey to ending violence against women in India through criminal law, police reforms and curricular reforms intended to change the mentality of future generations. The necessity of further reforms to criminal procedure is glaringly evident from the fact that, although six fast track courts were set up, the verdict in the Delhi rape trial still has not been passed even after eight months of litigation.

Overdue changes

The Criminal Law (Amendment) Act 2013 ("Act") took the historic step of amending the Indian Penal Code (IPC) to provide for the new offences of rape causing death or a vegetative state, sexual intercourse by a person in authority, gang rape and repeat offences. Importantly, the Act also introduced several other

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new offences such as causing grievous hurt through acid attacks, sexual harassment, use of criminal force on a woman with intent to disrobe, voyeurism and stalking. Importantly, the Act further amended the IPC to criminalise the failure of a public servant to obey directions under law. It has also made the non-treatment of a rape victim by any public or private hospital an offence. While these amendments to the IPC constitute a major legislative stride forward, corresponding steps forward have not been taken in the amendment of criminal procedure.

The Act amended the Code of Criminal Procedure (CrPC) to provide for a woman officer to record evidence from a woman against whom certain offences have been committed. If the victim of such offences has been mentally or physically disabled, temporarily or permanently, then the woman officer must record the evidence at the victim's residence or the victim's place of choice. These requirements apply to offences such as causing voluntarily, grievous hurt by the use of acid, sexual harassment, assault or use of criminal force against a woman with intent to disrobe, voyeurism, stalking, rape, gang rape, sexual intercourse by a person in authority, and a word, gesture or act intended to insult the modesty of a woman. The CrPC was further amended to provide for a court to ensure that when the evidence of a victim of rape below 18 years has to be recorded, the accused does not confront the victim. However, many procedural issues critical to making the criminal justice system functional in the case of rape and serving as a deterrent against further crime have not been addressed by the Act.

Areas to be looked into

a) **The starting point is of course the registration of the FIR itself**. The courts are divided over whether the police have an obligation or not by law to investigate allegations of rape before registering an FIR. If a police investigation has to take place before the registration of an FIR, delays will inevitably occur and the failure to register FIRs in rape cases will continue. Moreover, the Crime and Criminal Tracking Network and Systems (CCTNS), an ambitious

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Rs.2,000 crore project of the Home Ministry, which would enable at least the e-filing of FIRs, is expected to be implemented only in 2015.

b) **The second procedural issue is fast track courts.** Section 309 of the Criminal Procedure Code (CrPC), as amended by the Act, provides that the trial of offences under Section 376 (rape) and Sections 376A-D (covering punishment for causing death or resulting in persistent vegetative state of the victim, sexual intercourse by husband upon his wife during separation, sexual intercourse by a person in authority and gang rape) must be completed within two months from the date of filing the charge sheet. However, the Delhi rape case, prosecuted in a fast track court, has already taken over eight months. Therefore, procedural rules must be examined including the grounds for an order of in camera proceedings. They are usually ordered only where a matter of national security is involved or a party asserts that communications are privileged. In camera proceedings are not ordered on the grounds that the accused's safety is at risk as in the Delhi case. Indeed, the court's order of in camera proceedings in this case has resulted in it being secluded from media attention, thereby reducing public pressure for further reforms.

Samaritans & jurisdiction

c) **A third issue is the protection of good Samaritans**. The CrPC must be amended to provide that members of the public who act as good Samaritans should not be treated as wrongdoers and unnecessarily questioned or harassed by the police. The current situation in which bystanders do not help victims of crime reflects a sad state of societal affairs and must be addressed.

While the Act has made limited changes to criminal procedure, the police have been left out of legislative reforms altogether. The only reforms were those

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announced by the then Delhi Police Commissioner, Neeraj Kumar, on January 18, 2013, including that Zero First Information Reports (FIR) may be registered on the basis of a woman's statement at any police station irrespective of jurisdiction. Jurisdiction is a very important issue as, in the Delhi case, the victim's friend stated that the police wasted 30 minutes arguing over jurisdiction, although the victim and her friend were lying on the road for two hours. The police chief also announced a series of other measures such as the recruitment of 418 women sub-inspectors and 2,088 women constables, PCR vans to be deployed outside women's colleges, provision for women to call '100' to seek assistance to be given a lift home at night by a PCR van, and 24-hour police cover for areas around entertainment hubs with increased security between 8 p.m. and 1 a.m. Despite these reforms, in the succeeding months, police actions in subsequent rape cases have caused much alarm. In the case of the rape of a five-year-old child, the police were accused of offering a bribe of Rs. 2,000 to the victim's family to refrain from filing a case. Police officers have also been filmed on video beating women of all ages because they had the audacity to protest a rape.

Model Police Act

Despite the clear need for reform of police handling of rape cases, the Model Police Act of 2006 drafted by the Police Act Drafting Committee (PADC) constituted by the Ministry of Home Affairs in September 2005, and chaired by Mr. Soli Sorabjee, is in cold storage. The Model Act, which was intended to replace the archaic Indian Police Act of 1861, was drafted with the purpose of not only meeting the challenges of policing but also fulfilling the democratic aspirations of a modern society. The PADC envisioned a modern police force which was responsive to the needs of the people while being accountable to the rule of law. A few of the key concepts underlying the police Act were: 1) functional autonomy; 2) encouraging professionalism; 3) accountability; and, presciently, 4) jurisdiction.

1. First, functional autonomy was viewed as a means of removing the nexus between police and politicians who treat the police as their personal

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security service. It proposed the establishment of a panel to receive complaints from police officers of pressure from higher officials to commit illegal or unconstitutional acts. The PADC felt that the law should be the master of the police, not politicians. A fixed tenure of two years was suggested to avoid transfers arbitrarily.

2. Second, the Model Act focussed on encouraging professionalism. The PADC recommended abolition of the rank of constable and replacing it with a primary rank of Grade II civil police officer. However, a recruit can attain this officer rank only after undergoing a three-year training course as a stipendiary cadet, culminating in a bachelor's degree in police studies. As a result, even the lowest level of the police force will have a bachelor's degree.
3. Third was the principle of accountability. The police Act proposed introducing criminal penalties for the most common defaults of the police such as non-registration of FIRs, unlawful arrest, detention, search or seizure.
4. Fourth, and most presciently, was the issue of jurisdiction. Underpinning the Model Police Act is the notion that police officers should be duty-bound to assist victims of sexual offences irrespective of the crime's jurisdiction. As the Model Police Act was never implemented, it took the tragic Delhi case for reforms regarding jurisdiction to be announced. In short, while the passage of the Criminal Law (Amendment) Act 2013 is a milestone in criminal law reform in rape cases, the creation of offences is not sufficient. Instead, the punishment of those committing these offences through the police and the criminal justice system is critical in providing effective deterrence against future crimes.

CHILD:

1. **Protection of Children from sexual offence Act -2012 (POCSO), (refer to internet**
2. **ChildLabour Act with new amendments,**
3. **Juvenile Justice (Care and Protection of Children Act) 2000.**

2. Children -

Children are the future of any country. They bring development and prosperity. But they are also the most vulnerable part of the society and can be easily targeted. In India there are a number of laws related to children in order to protect them and to give them a better and sound development.

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The Constitution provides the children

- Equality before law
- Free compulsory education for children in the age group 6-14
- Total ban on Forced labor
- prohibits employment of children in hazardous factories below the age of 14yrs.; e.g.: mine, match industries etc.

There are several other Acts in order to protect children rights: eg The Factories Act, 1948.The Child Labour Act, 1986. The Child Marriage Restraint Act, 1986. The Juvenile Justice Act, 2000, (Prohibition of Sex Selection) Act, 2002 and many others.

The Issues:

About 36 % of the population of India is under the age of 14. The Factory Act was passed to regulate the use of children and fixing their hours of work. The child labor (Prohibition and Regulation) Act was enacted to prohibit employment of children below 14 and in some jobs and hazardous factories.

In spite of various regulations, Millions of these children are employed in carpet industry, glass factory, Zari industry , lock industries , brass industries and fireworks factories . Children are employed for long working hours in factories, hotels, and households . Children are being forced in many labour works, domestic works, bonded labour, rag picking, forced to work in roadside eateries, prostitution, in factories etc.

In addition to child labor, there are also issues of child trafficking, sexual exploitation and many other forms of violence and abuse. Act of neglect, mal treatment of children , physical violence are all too common. There is a growing number of street children who are more vulnerable to abuse and crime. Girl child suffers more from discrimination – infantile foeticide, rape, dowry and in some cases even sati.

The reason for above state of affairs is Poverty, ignorance of parents, discrimination of gender and , children are easily targeted only for the reason that they cannot raise their voice as adults

Government initiative

The government of India has set up the Department of Women and Children Development under the Ministry of HRD with the following objectives

- To improve the nutritional and health status of children below

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- To lay the foundation for the proper psychological, physical and social development of the child
- To reduce mortality, morbidity , malnutrition and school dropouts
- To achieve effective coordination of policy and implementation among various departments to promote child development.

The government is taking up several other measures like the National Policy for Children. The government has a special cell to help children in exploitive circumstances. These cells comprise of social inspectors, as well as other administrative personnel, employed specifically to deal with child labour issues.

Child labour in domestic work has been strictly banned by the Government, because of the increased cases of child abuse and sexual abuse of children especially girl child. To stop child labour is not only governments but each individual's social responsibility, as children are assets of a nation.

Balika Samridhi Yojana is set up specially for encouraging enrolling and retention of girl child in school

UNICEF Programs are being implemented in India to

- Educate and Empower families with knowledge and skill to care and protect children
- Reduction of infant mortality
- Improvement in children nutrition
- Ensuring universal elementary education

What is required is a proper Code of Child Rights in India . along with various laws, it is also our social responsibility to take care of the children & to protect their rights.

Education : Right to Education Act 2009

Right to Education & India

Right to Education has received considerable focus during the last decade. Many groups and agencies made determined efforts to ensure that all children in India receive at least the minimum of education irrespective of their socio-economic status and their ability to pay for education. Education is an essential human right and achieving this for all children is one of the biggest moral challenges of our

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times. The right to education is included in the Universal Declaration of Human Rights, and the Convention on the rights of children.

The National policy on education was a significant step in the history of education but has not achieved much due to lack of strategy for implementation

Problems

- ✓ Despite various government efforts, one thirds of the population till remains illiterate
- ✓ Of the nearly 200 million children in the age group between 6 and 14 years, more than half do not complete eight years of elementary education; they either never enroll or they drop out of schools.

- ✓ Percentage of children enrolling in secondary schools in the age group 14-17 is much less when compared to developed countries and other developing countries ,
- ✓ In higher education less than 10% are enrolled.

- ✓ Gender and spatial disparities are high.

- ✓ Rural populations are at a higher disadvantage & schooling among women are less than that of women in all states

- ✓ Lack of facilities, proximity to schools discourage children from joining schools
- ✓ Poor quality of education and teachers
- ✓ The Revised policy on education (1992) suggested provisions of adequate classrooms and teachers . But still many schools are being run in the open, in tents and kutcha buildings.

Efforts are on to improve school environment and facilities. The Education guarantee scheme (2000) is viewed as an effective way to improve enrolment. National policies lay stress on eradicating illiteracy altogether and to provide universal elementary education to all in the shortest possible time.

India has made a concrete effort to address the issue of education by amending its Constitution to make quality elementary education the right of every child. Elementary education has been made a fundamental right . With the amendment to the constitution, elementary education is made free and compulsory for all the country's children.

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Right to Education Act 2010

The Right of children to Free and Compulsory Education Act come into force from April 1, 2010. Some of the features of this Act are

- ✓ Every child in the age group of 6-14 years will be provided 8 years of elementary education in an appropriate classroom in the vicinity of his/her neighbourhood.
- ✓ The state has the responsibility of enrolling the child as well as ensuring attendance and completion of 8 years of schooling
- ✓ . No child shall be denied admission for want of documents;
- ✓ no child shall be turned away if the admission cycle in the school is over and no child shall be asked to take an admission test.
- ✓ Children with disabilities will also be educated in the mainstream schools
- ✓ All private schools shall be required to enroll children from weaker sections and disadvantaged communities to the extent of 25% of their enrolment, by simple random selection. No seats in this quota can be left vacant.

While this Act is a welcome development , it should be noted that this act covers only upto age 14. As a signatory to the United Nations Child Rights Convention, India has accepted the international definition of a child as someone under the age of 18 years. The Act therefore does not cover the rights of 0-6 and 14-18 age group.

Also it can be argued that since the right to education in the Indian Constitution is limited to elementary education, there is a need for a regular review of our policy and make changes to promote access to higher education and early childhood care and education. While primary education should be compulsory and free, secondary and higher education should also be equally accessible

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HEALTH :

1. **National Health Policy of 2015,**
2. **Transplantation of Human organs Act of 2011,**

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3. Prenatal Diagnostic Technique Regulation and prevention of Misuse amendment rules of 2003,

4. Prohibition of sale of cigarettes and other tobacco products around educational institutions 2004.

The National Health Policy was endorsed by the Parliament of India in 1983 and updated in 2002. The National Health policy was to provide health for all by the year 2001 AD. However the management of health program has posed a serious threat and unless health management is given priority that it deserves, health plans will not yield the desired results.

The health profile of India is quite depressing

- ✓ Communicable and Infectious diseases are in the rise,
- ✓ Malnutrition continues to be exceptionally high
- ✓ Chronic illnesses disable people during their economically productive period of their lives
- ✓ waterborne diseases like cholera, typhoid and hepatitis affect millions killing at least one million every year
- ✓ No. of leprosy cases are increasing,
- ✓ Blindness, leprosy and TB continue to be on the rise.
- ✓ Mortality rate of women and children are still high – 1/3rd of the total deaths is among children below 5
- ✓ Only 31% of rural population has access to potable water supply and 0.5 % enjoy basic sanitation

Reasons

- ✓ High rate of population growth has an adverse effect on the health of the people and the quality of their lives
- ✓ Health development policies aimed at curing ailment rather than preventive approach – has enhanced dependency instead of creating awareness and building up self reliance

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- ✓ Various health programs have failed to involve individuals and families in establishing a self reliant community . Ultimate goal of achieving a satisfactory health status for all people cannot be achieved without their involvement in identifying their health needs and priorities as well as in implementation of the programs

Other problems are

- ✓ The government sector is understaffed and underfinanced, resulting in poor services at government hospitals

- ✓ 80% of our doctors work in urban areas whereas 80% of our population live in rural areas.

- ✓ There is a huge gap between the need and the availability of no. of hospital beds per 1000 population. World average is 3.96 hospital beds per 1000 population but India has just a little over 0.7 hospital beds per 1000 population. Moreover, India faces a shortage of doctors, nurses and paramedics that are needed to serve the growing healthcare industry.

Need for a Revised health policy

To achieve health for all , we need a revised health policy which should take into account the following strategies

1. Population stabilization – no progress in healthcare is possible unless there is awareness and voluntary efforts in controlling population . A national population policy is required for population stabilization

2. Medical and health education –The medical and health education, should be reviewed in terms of national needs and priorities and the curriculum and training programmes restructured to produce professionally trained personnel .
3. A rural health care system based on a combination of preventive, promotive and curative health care services should be started right from the village.
4. Infra structure for rural health care should consist of primary health centres and sub centres. Facilities for treatment in basic specialities should be available at all centres
5. Adequate medical, paramedical manpower should be made available and trained for meeting the requirements of each program

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International community has committed to health for all . Except for USA, Canada and Western Europe, the world is still trapped in ill health , poverty , malnutrition and diseases . Unicef, WHO and FAO are actively involved in education for rural and urban poor about health issues and nutrition .

Although there are efforts to improve the national health many more economic and social support measures a have to be taken. Financial allocation have to be increased. Many agencies, voluntary and non-governmental and private organizations have to be involved if we have to make the dream of "Health for all" come true.

NATIONAL HEALTH POLICY 2015

- The draft National Health Policy, 2015 has proposed **a target of raising public health expenditure to 2.5 % from the present 1.2% of GDP.** It also notes that40% of this would need to come from central expenditure.
- The policy suggests making **health a fundamental right** similar to education and denial of the same could be punishable. The Centre shall enact, after due discussion and on the request of three or more states a **National Health Rights Act**, which will ensure health as a fundamental right, whose denial will be justiciable.
- The new policy is being introduced **almost 13 years**after the last health policy was drafted.

- As per the NHP 2015, government plans to rely mostly on **general taxation for financing health care expenditure.**With the projection of a promising economic growth, the fiscal capacity to provide this level of financing should become available.
- The government is also keen to explore the creation of a **health cess** on the lines of education cess for raising money needed to fund the expenditure it would entail. Other than general taxation, this cess could mobilize contributions from specific commodity taxes such as the **taxes on tobacco, and alcohol,** from specific industries and innovative forms of resource mobilization.
- While there is an intent to increase spend on health care, the draft policy also stresses on the role of private sector. **While the public sector is to focus on preventive and secondary care services, the document recommends contracting out services like ambulatory care, imaging and diagnostics, tertiary care down**

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to non-medical services such as catering and laundry to the private sector.

The NHP 2015 highlights the urgent need to improve the performance of health systems,

- **with focus on improving maternal mortality rate,**
- **controlling infectious diseases,**
- **tackling the growing burden of non-communicable diseases,**
- **bringing down medical expenses among other things.**

Maternal mortality currently accounts for 0.55% of all deaths and 4% of all female deaths in the 15 to 49 year age group.

- The policy statement also assures universal access to free drugs and diagnostics in government-run hospitals. However, it proposes to pose public health system as pre-paid services instead of social service.

A step in the right direction

- The policy is a first step in achieving universal health coverage by advocating health as a fundamental right, whose "denial will be justiciable".
- The current government spending on health care is a **dismal 1.04 per cent of gross domestic product (GDP),** one of the lowest in the world; this translates to Rs.957 per capita in absolute terms. The draft policy has addressed this critical issue by championing an increase in government spending to **2.5 per cent of GDP (Rs.3,800 per capita)** in the next five years.

Suggestions & Concerns

- The national programmes provide universal coverage only with respect to certain interventions such as maternal ailments, that account for **less than 10 per cent of all mortalities.**
- Over 75 per cent of the communicable diseases are outside their purview and only a limited number of non-communicable diseases are covered.
- It is, therefore, crucial for the Union government to undertake proactive measures to upgrade the **health-care services of poorly performing States such as Bihar and Uttar Pradesh.**
- As it stands, health will be recognised as a fundamental right through a National Health Rights Act only when three or more States "request" it. Since health is a State subject, adoption by the respective States will be voluntary.

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- Though a different approach has been taken to improve adoption and implementation by States, the very objective of universal health coverage that hinges on portability will be defeated in the absence of **uniform adoption across India.**

Why the new National Health Policy is a step in the wrong direction ?

- To meet the expenses, the NHP wants to introduce a **complex system that relies largely on tax collection** but also proposes tapping the services of not-for-profit ventures and trusts.
- An assortment of secondary and tertiary services are proposed to be bought by the government from public and private healthcare facilities -- though it is unclear how this differs from the present system of 'empanelled' private hospitals.**This system has not proved very effective for various reasons, including delayed and inadequate reimbursement of the costs.**Indeed private provision and public financing is everywhere a recipe for disaster, and will serve no interests but that of private healthcare providers.
- The new policy acknowledges that the present concept of primary healthcare covers hardly 20 per cent of the health needs and that heavy out-of-pocket health expenditure is pushing nearly 63 million people into poverty every year.It has, consequently, done well to broaden the definition of primary healthcare to include more services related to reproductive and child health as well as several infectious and non-communicable diseases.But although bringing down medical expenses has been listed among the major objectives of the new policy, **it has no ideas on how to do it**.
- It is silent, for example, on regulating the private healthcare sector.
- Though healthcare is a state subject, most states starve it of resources.

In the end, good healthcare is **about effective and well-administered public provision of the basics**.The Centre and states must expand public healthcare infrastructure, recruit more doctors and paramedical staff, set up new diagnostic laboratories, and revamp procurement, stocking and distribution of drugs.

New Notified Rules of Transplant Act of 2014 may Help Give Boost to Deceased Donation in India and Ease Organ Shortage

Transplantation of Human organs Act of 2011,

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Introduction

The government has notified the Transplantation of Human Organs (Amendment) Act, 2011 that allows swapping of organs and widens the donor pool by including grandparents and grandchildren in the list.
However, rules of the amended law are yet to be notified, without which the Act cannot be implemented.
The Act, which has come into effect in Goa, Himachal Pradesh, West Bengal, Delhi and all Union Territories from January 10, also provides for the establishment of a National Human Organs and Tissues Removal and Storage Network, and development and maintenance of a national registry of recipients of organ transplants.
Importantly, it prescribes stringent punishments for commercial dealing in human organs and contravention of any provisions of the law.
The Act regulates the removal, storage and transplantation of human organs for therapeutic purposes, and prevents commercial dealing in human organs. It enables a surgeon or a physician and an anaesthetist to be included on the medical board in the event of non-availability of a neurosurgeon or a neurologist to certify brain death; makes it mandatory for the ICU/Treating Medical Staff to request relatives of a brain-dead patient for organ donation; and empowers the Union government to prescribe the composition of authorisation committees that grants approvals for donating organs.
There is a huge shortage of organs in India and patients die while on the waiting list. Around 7.85 million people in India suffer from chronic kidney failure. At present, the approximate prevalence of Chronic Kidney Disease is 800 per million population and the incidence of end stage kidney disease is 150-200 per million population. Nearly 3,500 kidney transplants are done annually as against the need for 21000 transplants.

Organ transplantation is one of the most incredible discoveries of the 20th Century. It is so amazing that it was among the top five greatest medical miracles. Its importance is known to be generally overlooked, but in reality its ability to give someone a second chance in life is truly overwhelming. For organ transplantation to be complete, a system should be set forth which involves an organ recipient registry, which keeps track of patients who requires vital organs. This list should address due ethical concerns and for fair distribution of organs available. To really understand what you have just read, you must first look into

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what organ transplantation is about and how demand for organs have created market forces and brought in commerce in a field, that has always been at the cutting edge of medicine.

Organ transplantation is the removing of an organ from one donor site to another person requiring the organ. .The people who donate the organs are known as organ donors, while those to receive them are known as recipients. An organ donor can be of mainly two types, living or deceased (Cadaveric). Cadaveric donors are those that have been declared to be brain dead by a specialist such as an intensivist or a neurologist as a result of an irreversible ischemia to the brain. Some of the vital organs are kept functioning in a brain dead patient as the heart continues to beat and the lungs are artificially kept working by use of machines called ventilators.

The Issues and ethics in Organ donation come up mainly when considering living donors. Selling of organs for monetary benefits or against the will of donors is now becoming a common issue. Imagine prisoners who are forced to donate most of their organs since they are on line to be executed. In the year of 2002, China performed up too 5000 Kidney transplants, and the Chinese deputy minister of health, admited that approximately 95% of all transplanted organs were from these very same executed prisoners. They further justify the action with the demand for more organs then that which is available.

Besides these records, trade of organs has become a very common practice. As many developed countries have come up with a queuing or waiting list system, many decide to procure organs from the black market. This is generally for Kidneys, as each human has two of them, and is known to survive without another. To stop this trade most countries have made the trade of organs illegal, all except Iran where the governement officiates between the donor and recipient. India too has its own programme and since it passed the legislation - Transplantation of Human Organs Act (THO) it has made commerce in organ illegal. The legislation that was passed in 1994 also recognized brain death as a form of death thus allowing critical organs such as heart, lungs, liver, kidneys, pancreas and many others to be procured for transplantation. One such brain dead or deceased donor is able to donate all the important organs besides many tissues. There are instances where one organ donor has benefitted more than 25 individuals. Most of the deceased donors (almost 50%) are due to fatal head injury in road traffic accidents, other reasons include spontaneous hemorrhage into the brain due to bursting of an artery or due to tumour in the brain. Tamil Nadu in India was the first state to start a cadaver transplantation programme and to start a full fledged living kidney transplant programme.

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The Known Indian Scenario

It should be understood that Organ Donation is pragmatically a numbers game. In 1998, India had 1% of the worlds road vehicles, and also 6% of the worlds road accident (1). These accidents have not reduced but in fact have risen to 10% [Daily telegraph 2006]. The BBC reported that 1 person dies in India every 6 minutes due to a road accident. This brings the total of road accidents in India to roughly 90,000 per annum. Tamil Nadu itself reported 13,000 fatal deaths due to road accidents in 2005 [Including fatal as well as grievous accidents] (2). As mentioned earlier that nearly 40-50% of all fatal road accidents in the world lead to brain death. This means that there are approximately 35,000 potential organ donors in India from road traffic accidents itself. But in India approximately 4000 transplants that take place in a year get organs from living donors and not cadaver donors. Even if only 5% of all these deceased patients went on to donate their organs it would mean there would be statistically no requirement for living donors. These figures above are for road accidents alone which accounts for a majority of brain-death figures in the world. Besides road traffic accidents the other causes of brain death account for the other 50% of potential organ donors.

There are currently, over 120 transplant centres in India doing approximately 3,500 kidney transplants. Out of these transplant centres, four centres are known to undertake approximately 100 liver transplants annually while some of these centres also do an occasional heart transplant. About 50 liver transplants are done from deceased or cadaver donors and the rest are from living donors. In India only 100 heart transplants (First in India was in 1994) have been done and all the donors in this situation have been from deceased donors. Unlike kidney, liver, lung and pancreas transplants, it is not possible for a living person to donate a heart as this is a single organ. Organs for most of the kidney transplants are known to come from living donors out of which 50 to 60% of the donation are due to emotional affection or attachment.

There is no organ cost in a deceased donor except for cost of perfusion fluids and intensive care costs in maintaining the donor. In living donation, where a first relative donates, the motive of donation is usually purely altruistic, however, if someone other than the first relative donates, the motive for donation may not be altruism and in most instances driven by monetary considerations. These donations have to be cleared by a government authorisation committee to ensure that there is no commercial dealing in the donation process. While the donor swears that their donation motive is purely an emotional affection, what happens behind the scenes is anybodys guess(3). Most of the expose by the media about

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the flourishing organ commodification in India happens when a donor does not get the promised sum from either the broker or the recipient.

But some still consider this a small and trivial crime. Especically if you consider the number of patients reaching end stage kidney failure who require transplants, which is approximately 150,000 in India alone. This number has been on the rise with the incidence of diabetes and hypertension rising rapidly, similar is the case with liver and heart transplants.

Majority of the patients cannot afford a transplant surgery due to financial constraints and there being a lack of a national health insurance scheme. As far as the kidneys are concerned it is estimated that if more organs were available, the various transplant programmes would be able to do a minimum of 5000 to 6000 transplants and could lead to some reduction in the overall cost of the surgery. The early success of some of the liver transplants programmes is likely to bring up more centres and these numbers are likely to rise. At present the liver transplant surgery is the most demanding and most expensive and the average cost of the surgery varies from Rs.1.5 to 2.5 million. In comparison a kidney transplants costs Rs.200,000 to 500,000, a heart transplant.costs Rs.500,000 to 700,000.

The Real Indian Scenario

Ever since the Indian transplant programme acquired the skill in 1980s there has been exploitation of the donors from the lower income groups. The usual scenario driving these poverty stricken people is desperation for monetary payments. Some are under pressure from loan sharks and others to pay off for some major family costs (eg. Marriage). In many instances once they have donated, these exploited individuals themselves act as middlemen to drive others in their community to kidney donation. Many transplant centres in the country receive letters or have people who walk into their clinics declaring that they wish to donate kidney for money.

Like child labour and prostitution, the ethics of organ donations is much more complex in our country and these are part of the corrupt fabric of our society. The country provides many hamlets of poverty that are fertile area for any kind of exploitation. Organ commodicfication is, however, a more serious exploitation as there can be endangerment to health especially in case of living liver donation. There have been at least two deaths of healthy young donors in the Liver programme and many donors have had long-term complications related to the donation process. The surgery for living kidney donation is safe with minimum

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morbidity with no long-term problems, however, it has been found in some studies that when the motive of donation has been purely commercial, donors in the post-operative recovery period have been more prone to ill-health. In comparison where the donation motive is purely altruism; there was more positivity in the process and recovery has been much better.

In an interesting field study published in the Journal of American Medical Association on Economic and Health Consequences of Selling a Kidney in India it was found that ninety-six percent of participants (over 300) sold their kidneys to pay off debts. The average amount received was $1070. Most of the money received was spent on debts, food, and clothing. Average family income declined by one third after removal of the kidney ($P<.001$), and the number of participants living below the poverty line increased. Three fourths of participants were still in debt at the time of the survey. About 86% of participants reported a deterioration in their health status after nephrectomy. Seventy-nine percent would not recommend that others sell a kidney. Hence selling a kidney provides for no long term solutions and the article concludes that among the paid donors in India, selling a kidney does not lead to a long-term economic benefit and may be associated with a decline in health (4). The authors of the article Goyal et al conclude: In developing countries like India, potential donors need to be protected from being exploited. At a minimum, this might involve educating them about the likely outcomes of selling a kidney. Lawrence Cohen, an anthropologist from Berkely who spent considerable time with the paid organ donors in India; in his interviews with a similar group of patients found almost identical results. In addition, most of the donors were women, all were as deeply in debt as before, most of the money was squandered by their husbands in gambling and debts and the promise of a better future was never realised. In his research, Cohen documented many instances of the one-way trade in the so-called "kidney belt region" of southern India, where he investigated the trade route from organ sellers - usually poor rural women - to hospitals and recipients, often wealthy people from Sri Lanka and Bangladesh, or from the Gulf states. Cohen found that poor people sold their kidneys to get out of debt or to support their families; yet most of these families were back in debt very shortly, minus their kidneys. "Most sellers would say, 'I'd do it again. I have a family to support. What choice did I have?'" said Cohen. He further states: "In some neighborhoods, the structure of debt appeared to rest on kidney selling, since lenders would advance money knowing the organs were collateral. But I argue that the money from kidneys didn't really get these families out of debt. Moreover, there was no follow-up care after the operation, nor efforts to prevent infection in the donor"(5).

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The Transplantation of Human Organs (Amendment) Bill, 2009 The Bill was introduced in the Lok Sabha on December 18, 2009 by the Ministry of Health and Family Welfare. The Bill amends the Transplantation of Human Organs Act, 1994, which regulates removal, storage and transplantation of human organs. • In addition to human organs, the Bill seeks to regulate transplantation of tissues of the human body. • The Act permits donations from living persons who are near relatives. The Bill expands the definition of "near relative" to include grandparents and grandchildren in addition to parents, children, brother, sister and spouse. • The doctor in an Intensive Care Unit has to inform the patient or relatives of patient about the option of organ donation and ascertain whether they would consent to the donation. • A pair of donor and recipient who are near relatives but whose organs do not medically match for transplantation are permitted by the Bill to swap organs with another pair of such persons. • The Bill enhances the penalty for unauthorised removal of human organs and for receiving or making payment for human organs. Key Issues and Analysis • The Bill seeks to strengthen provisions to curb commercial trade in human organs while facilitating organ transplantation for needy patients. It is not clear how effective the above measures would be in curbing such commercial trade. • Both the donor and recipient shall be penalised if convicted of commercial trade in human organs. Penalising donors who may be forced to sell organs due to financial need may deter them from complaining against commercial trade. • Organ donation from a person who is not a "near relative" requires permission of the State Authorisation Committee. It is not clear which State Authorisation Committee shall have jurisdiction if the donor and recipient belong to different states. • The Bill provides for establishment of Advisory Committees but does not list its functions.

THE PRE-NATAL DIAGNOSTIC TECHNIQUES (PNDT) ACT & RULES

The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, was enacted and brought into operation from 1st January, 1996, in order to check female foeticide. Rules have also been framed under the Act. The Act prohibits determination and disclosure of the sex of foetus . It also prohibits any advertisements relating to pre-natal determination of sex and prescribes punishment for its contravention. The person who contravenes the provisions of this Act is punishable with imprisonment and fine.

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Recently, PNDT Act and Rules have been amended keeping in view the emerging technologies for selection of sex before and after conception and problems faced in the working of implementation of the ACT and certain directions of Hon'ble Supreme Court after a PIL was filed in May, 2000 by CEHAT and Ors, an NGO on slow implementation of the Act. These amendments have come into operation with effect from 14th February, 2003 .

t PC-PNDT Act was enacted in 1994, amended and effectively implemented in 2003 and strictly amended in 2011. As can be seen from the daily media reports, almost all over the country, absolute stringent action is being taken against all the erring radiologists/ sonologists/ gynecologists. The effective implementation of The Act has painted a grim picture of The Act.

The PC-PNDT Act was enacted on 20 September 1994 with the intent to prohibit prenatal diagnostic techniques for determination of the sex of the fetus leading to female feticide. That is to say the preliminary object was to put a check on female feticide. No doubt the bare perusal of the Act indicates that it is a draconic act from the point of its effect on radiologists/sonologists. The Act does not offer any escape to the erring radiologist/sonologist.

But at the same time it is very simple to fulfill and abide by the requisitions of the Act. The few basic requirements of the Act are:

1. Registration under Section (18) of the PC-PNDT Act.
2. Written consent of the pregnant woman and prohibition of communicating the sex of fetus under Section 5 of the Act.
3. Maintenance of records as provided under Section 29 of the Act.
4. Creating awareness among the public at large by placing the board of prohibition on sex determination.

A look at the basic requirement of the Act shows the simplicity of the Act, but non-compliance of the Act in any manner, be it the smallest of an error brings wrath upon the errant. The Act penalizes all the errants, either involved in sex determination or non-maintenance of records.

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The Act is legislated in a manner that it should be a deterrent for those indulging in sex determination. The unfortunate decline in the male-female sex ratio has brought in stringent measures, there is suspension of registration, filing of criminal cases and sealing of machines. Besides, criminal prosecution will also bring in suspension and cancellation of registration granted by the State Medical Council.

Remedies are also provided–like filing an appeal before the appellate authority and getting the machine released from the court of law, but all these remedial measures are time-consuming and bring the career of an individual to a standstill.

It would not be out of place to therefore state that the most effective precautionary measures are to maintain records scrupulously, fill the Form-F as provided in the Act, accurately and correctly, submit the records to the appropriate authority within the stipulated time; then there will be nothing to worry.

There is no doubt that there are a few shortcomings in the Act but that does not give any reason for non-compliance of or contravention of any of the provisions of the Act.

The major contribution by radiologists/ sonologists/ gynecologists towards prevention of female feticide can be achieved by thus fulfilling the mandatory requisitions of the PC-PNDT Act.

Module-3

Political concerns and challenges

- **Crime and Politics**
- **Corruption: Causes and remedial measures. RTI Act, Lok Pal Bill .**
- **Whistle Blowers- Whistle Blowers protection act 2011.**
- **Anti- State violence- Naxalism and its Impact.**
- **Insurgency with reference to North East – Issues involved, ULFA, Nagas,Manipur issue,AFSPA and its impact.**
- **Terrorism- causes, consequences and remedial measures**

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CORRUPTION & POLITICIZATION OF CRIME

It has been an accepted fact that corruption is universal. Corruption in India is a phenomenon that one can face practically at every level and in every walk of life.- Government departments, police, municipal authorities, or educational institutions like schools or colleges. Today bribing is a way of life- even to get legitimate things done from public servants.

Corruption is defined as the use of public office for private gain, or in other words, use of official position, rank or status for own personal benefit.

Bribery, Extortion, Fraud, Favoritism to friends, relatives, using influence , using public property for private use are all corrupt behavior. Fraud and embezzlement can be done by an official alone but others such as bribery, extortion and influence peddling involve two parties – the giver and taker in a corrupt deal.

Corruption takes place at all levels: At high level and at the top - leading politicians who are well off, have lots of privileges, yet become corrupt due to greed for wealth and power to retain their positions whereas at Low levels corruption (eg money paid for traffic violations) is due to low income levels.

Corruption has led to deteriorating Law and order situation in the country. Democratic principles have been discarded. Today the number of politicians with clean image can be counted on fingers.

1. The following cases highlight how corrupt politicians misuse their power and position and interfere with the judicial system.

- ✓ 46 cases were registered against Jayalalitha, Before becoming CM, her assets were only 6 crores, which grew to 67 crores after she became CM. Attempt was made to move Supreme Court to withdraw all pending cases against her. In spite of all the cases she was once again elected to power.
- ✓ Refusal of permission to the CBI to prosecute Balram Yadav, former SP Health minister in the Ayurveda Scam

2, Equally dangerous is the rapid rise in influence and authority of regional political leaders in national affairs. eg

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✓ The riots after Babri Masjid demolition- Muslim groups protesting violently against the demolition and Shiv Sena 's planned attack on Muslims. The Maharashtra government and the police did very little to stop the riots

3. A no. of cases have come to light where financial irregularities have been found in government transactions

✓ In purchase of weapons during the Kargil war and contract for coffins. The total loss to the government was about 20000 million
✓ 950 crore fodder scam in Bihar, shows the nexus between corrupt officials , politicians and mafia.
✓ The case of Telgi Fake stamp paper – Despite knowing the scam, the crime branch did not do much to stop . Only when Telgi was arrested by Karnataka Police, the scam came to light
✓ Commonwealth Games Scandal- India was shamed by Corruption involved in construction of the Games infrastructure, & Management of the games. A number of corruption charges have been levelled against Suresh Kalmadi, a politician and President of Indian Olympic Association
✓ Adarsh Society Scam - Flats meant for the wives of the martyrs in Kargil War, were grabbed by Ministers, powerful politicians and some big Army officers. Ashok Chavan had to resign as the Chief Minister of Maharashtra
✓ 2G Spectrum case - Several Irregularities were found in allocation of 2G Telecom Spectrum. It cost about Rs. 1,90,000 crores to the government. The man behind the scam, Telecom Minister of India, A. Raja, had to resign

4. Along with corruption, Criminalization of Indian politics is a major threat to democracy. People with criminal records manage to become MPs and MLA's . Nearly 1/4th of Indian Parliament members face criminal charges, "including human trafficking, immigration rackets, embezzlement, rape and even murder". At state level , specially Bihar and UP it is worse. eg

✓ Shibu Soren , Papu Kalani, Mohammad Shahabuddin – all involved in murder cases and facing trials are elected as MP
✓ Senior Haryana IPS officer R K Sharma, ordered elimination of Indian Express journalist Shivani Bhatnagar when he felt her blackmailing can cost him his job.
✓ The trial of Nitish Katara murder case and Jessica Lal murder cases showed how money, power and politics were used to tamper with evidence & cover up the crime
✓ Satyendra Dubey , an engineer, working for government of India was murdered when he tried to expose the corruption within the National Highway Authority's Road project in Bihar.

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5. Our Police have become more and more corrupt and inefficient . They commit atrocities, and violate human rights. Their nexus with the politicians is all the more serious. Politicians want subordinate inefficient police so that they can become their partners in crime. Eg

- ✓ Various communal riots across India has shown how political interference in the functioning of the police can lead to loss of life and property but how police misconduct goes unpunished
- ✓ The involvement of Gujarat police in 2002 Godhra riots is well known. The police refused to register complaints, conducted shoddy investigations and fudged evidences. Those officers who tried to stop the attack on minorities were transferred . One police superintendent who stopped an attack on school , rescued 400 students and registered criminal cases against the attackers was transferred while the Police Commissioner who supported the riots was promoted.
- ✓ How the Bhagalpur police gauged out the eyes of 31 under trials in 1980 haunt the crime scene in Bihar
- ✓ Police nexus with the underworld , and drug smugglers

The net effect of politicization of crime is

- ✓ An ineffective state
- ✓ Failure of police in enforcing law and order
- ✓ Increase in crime rate
- ✓ Country's progress gets hindered

The above are the big names . But we all know that many police take bribes, as do telephone linesmen, various officials in municipal corporation and in income tax departments. People in general have become disgusted with the decline in law . But the crime is growing because people are not raising their voice and even tolerating corruption. The laws have many loopholes and procedures for investigation are complicated. What we need is honest politicians, and reforms in our judicial and police system and general public awareness .

CORRUPTION

Definition :-

Corruption in simple terms may be described as "an act of Bribery".

It has also been described as "the use of public power for private profits in a way that constitutes a breach of law or a deviation from the norms of society.

Corruption is spread over in the society in several forms. Of these, the major ones are :

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- Bribe (money offered in cash or kind or gift as inducement to procure illegal or dishonest action in favour of the giver)
- Nepotism (undue favour from holder of patronage to relatives)
- Misappropriation (Using other's money for one's own use)
- Patronage (Wrong support / encouragement given by patron and thus misusing the position)
- Favouritism (Unduly preferring one to other)

- Corruption can be among public servants. For example:-
  - Sanctioning of contracts
  - Passing bills
  - Issuing of cheques etc.,
- The 4 major ministries in union government. They are:-
  - Defence
  - Petroleum
  - Power and Communication – which are regarded as gold mine for making money
- The other departments are :-
  - Public work
  - Police
  - Excise
  - Revenue
- Causes of Corruption can be categorized as :-
  - Economic
  - Social
  - Political
  - Legislative
  - Judicial
- Causes of Corruption :-
  - Emergence of political elite who believe in interest oriented rather than nation oriented programs and policies
  - Economic policy of the government
  - Corruption is caused by scarcity
  - Corruption is caused as well as increased because of the change in value system and ethical qualities of men who administer.
  - Corruption can be traced to ineffective administrative organization. Lack of vigilance, enormous powers to the ministerial staff, unaccountability, defective information system etc., give scope to officials not only to be corrupt but remain unaffected even after following corrupt practices

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- THE BOFORS PAYOFF SCANDAL in 1986 involved a total amount of Rs.1750 crore in the purchase of guns from the Swedish firm for the military. It was said that a sum of Rs.64 crore has been paid as kickbacks.
- THE CEMENT SCANDAL of 1982 involved the Chief Minister of Maharashtra, who was accused of allocating scarce cement for donations worth five crore rupees to one of his charitable trusts.
- THE PLOT SCANDAL in 1988-89 involved another Chief Minister of Maharashtra, who later became the Defence Minister at Centre, in which he offered plots to builders for consideration of money worth hundreds of crores of rupees
- THE BROWN BEVERI LOCOMOTIVE DEAL SCANDAL involved in the Central Railway Minister who was accused of having acquired vast properties in Karnataka without his every trying to reveal how he acquired the resources
- THE SECURITIES SCANDAL in Maharashtra involved the share brokers, directors and managers of several reputed banks
- THE PAY OFF SCANDAL in 1993 involved the then Prime Minister who was charged for having received a bag containing Rs.1.00 crore from one share broker
- THE SUGAR SCANDAL in 1994 involved a Union Minister of State for Food, who earlier was also involved in molasses decontrol scandal.
- THE TREASURY FRAUD SCANDAL involving Rs.200 crore was unearthed in Assam in June, 1995.
- THE HAWALA SCANDAL of 1991 not only rocked the political circles but in fact the whole society
- THE ANIMAL HUSBANDRY SCAM took place in Bihar in which a large number of public officials of Animal Husbandry Department are accused of purchasing fodder beyond the sanctioned amount and of illegally withdrawing about Rs.950 crore from the government treasuries between 1990 and 1995.
- THE UREA SCAM is a scandal which is different from other scandals not because of the size of the kickback (Rs.133 crore) but because of the transaction was essentially fraudulent
- In the TELECOMMUNICATIONS DEPARTMENT SCAM, the former telecommunications Minister and his bureaucrat's involvement came to light in July, 96.
- JMM SCANDAL is a bribery scan involving four MPs of Jharkand Mukti Morcha (JMM) party and three MPs of Janata Dal for receiving Rs.40 lakh early in July, 93 for exercising their vote to defeat the no-confidence motion in the parliament against Narasimha Rao's ministry.

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- THE INDIAN BANK SCAM involves financial irregularities by the Bank between 1991 and 1995 resulting in a loss of Rs.2,358 crore to the public sector bank
- A MAJOR MINING SCANDAL (July 2005) in Rajasthan's Jodhpur and Jaisalmer districts has been exposed in the past few months. Several cases have come to light of upper caste influential people fraudulently getting quarry licences issued or renewed in the names of individuals belonging to the scheduled casts (SCs) and scheduled tribes (STs) and other backward casts (OBCs). Many actual leaseholders are completely ignorant that they are official owners of quarries, and continue living in penury. Some know about it but can do little to change the situation.
- Corruption is antinational, anti-economic development and anti-poor.
- Corruption is also anti-economic development
- Corruption is anti-national as was revealed by the fact that the terrorists in Kashmir were getting funds funds through Hawala route

The corruption can be tackled by adopting following strategies :-

- Simplification of rules and procedures so that the scope of corruption is reduced
- Transparency and empowerment of public i.e Right to information act by using information technology
- Checking corruption is prompt punishment

CRIME

- Crime refers to those activities that break the law of the land and are subject to official punishment.
- Delinquency refers to acts that are criminal or are considered anti-social, which are committed by young people

<u>Types of Crime :-</u>

- White Collar Crime
  - The term covers many types of criminal activity, including tax frauds, embezzlement, the manufacture or sale of dangerous products as well as straight forward theft.
  - White collar crime mainly involves the use of a middle class or professional position to engage in illegal activities.

Crimes of the powerful are those in which the authority conferred by a position is used in criminal ways – as when an official accepts a bribe to favour a particular policy

- Corporate Crime
  - These are the offences which are committed by large corporations in society.

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- Pollution, mis-labelling and violations of health and safety regulations affect much larger numbers of people than does small criminality
- Laureen Snider argues that many of the most serious antisocial and predatory acts committed in modern industrial societies are corporate crimes
- Garry Slapper and Steve Tombs have conducted studies and revealed six types of violations linked to large corporations :-
  - Administrative
  - Environmental (Pollution)
  - Financial (Tax violations)
  - Labour (Working conditions)
  - Manufacturing (product safety, labelling)

Government Crime

- Victimless Crime
- By contrast "Victimless crimes" – the term is used by sociologists to describe the willing exchange among adults of widely desired but illegal goods and services.
- Organized Crime
- Organized crime is the work of a group that regulate relations between various criminal enterprises involved in smuggling and sale of drugs, prostitution and gambling and other activities
- Professional Crime
- Cyber Crimes

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POLITICAL APATHY

- In India, political participation is characterized by political apathy.
- Political apathy reflects the vanishing point of political participation
- Some people develop no interest in political activity and become apathetic. Decline in electoral turnout, party membership and civic activism are signs or manifestations of political apathy
- People take democracy for granted. In the words of Pericles, a Greek statesman, "we consider a man who takes no interest in the state, not as harmless but as useless; and although only a few men originate a policy, we are all able to judge it".
- In a democracy, one comes across two types of apathetic:
  - Deliberate

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- Non-Deliberate
- There are those who fail to participate because of
  - Lack of information
  - Lack of opportunity
  - Incapacity
  - fear
- These non-deliberate causes is seen more amongst the uneducated, poor, helpless and weaker sections of society
- The other type of political apathy is deliberate due to
  - Lack of interest
  - Indifference
  - Political involvement perceived to be less rewarding than other kinds of human activity
  - Lack of political efficacy – capacity to influence outcome
  - Satisfaction with the current political system
  - Total frustration with the system
  - Ideological stereotype eg. Naxalites
  - Cynicism – Rich and Intellectuals

CRIMINALISATION OF POLITICS IN INDIA

- Meaning:-
  - The word criminal means a person, who has committed a crime, or, an act relating to, or, involving a crime.
  - Criminalization of politics, therefore, means two things :-
    - Entry of criminals, or, anti-social elements, into legislative assemblies through elections by anti-democratic means and consequent, frequent breakdown of law and order within the country ; and
    - Commission of criminal acts, or, practices in public offices for personal and / or private gains
  - Entry of Criminals or Anti-social elements in legislative assemblies in India:-
    - Increasing criminalization of Politics and Breakdown of Law and Order
    - Role of money power and muscle power in representative bodies
    - Some politicians are seen as Rogues and Scoundrels
    - Why criminals and criminal elements enter into Politics?
      - Weak police force and inefficient legal system
      - Lots of money with dons

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- Remedies to cure maladies
  - Public funding for election
  - Casting of votes by middle class and upper class voters
  - Blanket ban on defections
  - Day-to-Day hearing of criminal cases against legislators

The Whistle Blowers Protection Bill, 2011

Commonly known as the Whistleblower's Bill, it seeks to establish a mechanism to register complaints on any allegations of corruption or wilful misuse of power against a public servant. The Bill also provides safeguards against victimisation of the person who makes the complaint.

Highlights of the Bill

- The Bill seeks to protect whistleblowers, i.e. persons making a public interest disclosure related to an act of corruption, misuse of power, or criminal offence by a public servant.

- Any public servant or any other person including a non-governmental organization may make such a disclosure to the Central or State Vigilance Commission.

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The Whistle Blowers Protection (Amendment) Bill, 2015

Highlights of the Bill

- The Bill amends the Whistleblowers Protection Act, 2014.
- The Act provides a mechanism for receiving and inquiring into public interest disclosures against acts of corruption, wilful misuse of power or discretion, or criminal offences by public servants.
- The Bill prohibits the reporting of a corruption related disclosure if it falls under any 10 categories of information.
- These categories include information related to: (i) economic, scientific interests and the security of India; (ii) Cabinet proceedings, (iii) intellectual property; (iv) that received in a fiduciary capacity, etc.
- The Act permits disclosures that are prohibited under the Official Secrets Act (OSA), 1923. The Bill reverses this to disallow disclosures that are covered by the OSA.
- Any public interest disclosure received by a Competent Authority will be referred to a government authorised authority if it falls under any of the above 10 prohibited categories. This authority will take a decision on the matter, which will be binding.

Key Issues and Analysis

- The Statement of Objects and Reasons of the Bill states that the 10 prohibited categories are modelled on those under the RTI Act, 2005. However, this comparison may not be appropriate. Unlike the RTI Act, disclosures under the Bill are not made public but in confidence to a high level constitutional or statutory authority.
- With regard to the 10 prohibited categories, the RTI Act allows (i) the public authority to disclose information if he considers it to be in

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public interest; and (ii) a two stage appeal process if information is not made available. The Bill does not contain such provisions.

- A Competent Authority is required to refer a prohibited disclosure to a government authority for a final decision. However, the Bill does not specify the minimum qualifications required or the process of appointment of this authority.

- Whistleblower laws in other countries also prohibit the disclosure of certain types of information. These include information related to national security and intelligence, received in a fiduciary capacity, and any disclosure specifically prohibited by a law.

- Every complaint has to include the identity of the complainant.

- The Vigilance Commission shall not disclose the identity of the complainant except to the head of the department if he deems it necessary. The Bill penalises any person who has disclosed the identity of the complainant.

- The Bill prescribes penalties for knowingly making false complaints.

Key Issues and Analysis

- The Bill aims to balance the need to protect honest officials from undue harassment with protecting persons making a public interest disclosure. It punishes any person making false complaints. However, it does not provide any penalty for victimising a complainant.

- The CVC was designated to receive public interest disclosures since 2004 through a government resolution. There have been only a few hundred complaints every year. The provisions of the Bill are similar to that of the resolution. Therefore, it is unlikely that the number of complaints will differ significantly.

- The power of the CVC is limited to making recommendations. Also it does not have any power to impose penalties. This is in contrast to the powers of the Karnataka Lokayukta and the Delhi Lokayukta.

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- The Bill has a limited definition of disclosure and does not define victimisation. Other countries such as US, UK, and Canada define disclosure more widely and define victimisation.

- The Bill differs on many issues with the proposed Bill of the Law Commission and the 2nd Administrative Reform Commission's report. These include non-admission of anonymous complaints and lack of penalties for officials who victimise whistleblowers.

Anti- State violence- Naxalism and its Impact

PEASANT MOVEMENTS

Innumerable peasant movements have come up widely over the years throughout the country. Peasant movements refer to the united actions of various sections of the peasant population either led by a leader or by peasants themselves to raise the voice against exploitation and for achieving the common interest of the peasant community.

The rise of peasant movement is often based on socio-political factors.- landless farmers, exploitation by landlords and poor wages of agricultural laborers. . The growth of commerce & agriculture and change from a consumption –oriented economy to a market economy is one of the major causes of peasant revolts.

Two major peasant movements were the Tebhaga movement in Bengal and the Telengana uprising in Andhra Pradesh . Both were under the leadership of Marxist parties and were predominantly among the tribals.

The second pattern of peasant movement focused on interests of small holders and landless laborers

These movements focused on demands like tenancy reforms, implementation of land ceiling legislations, redistribution of land among landless, increasing wages of agricultural laborers..

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A new type of peasant movements also emerged in India commonly called farmers movements. These movements focused on lowering the prices of inputs, and increasing prices of agricultural outputs.

Most of these movements were outbursts of exploited masses and some of them w ere short lived.

Economic exploitation was the prime motivating factor of peasant movements . Some of them also raised political challenges. Rebels in many cases demanded both land and liberation

All India Workers and Peasants Party (WPP) had been formed in 1928 with communists playing an important role . Regional peasant organizations also emerged in Bihar , AP and Bengal .

Tebhaga movement – was a militant struggle by the share croppers to get two thirds of the produce. At its peak the movement involved 60 lakh sharecroppers who had to face stiff resistance and violent actions by the police. It did not last long due to leadership failure

Telengana Movement – started as a resistance movement of the peasants and landless laborers against feudal exploitation but in course of time became seizure of state power. The demands were abolition of forced labor, prevention of eviction, increase in agricultural wages of laborers and occupancy rights of the tenants. . After independence, the Telengana uprising was directed against the much stronger Indian state and turned into a struggle for the seizure of land . When the movement became an armed struggle against the Indian state, its mass appeal declined. Forced labor discontinued. Daily wages of agricultural laborers increased.

Anti Levy movement , West Bengal: The west Bengal government ordered that those owning or cultivating 10 acres of land or more will have to sell their surplus stocks of foodgrains to the government. Krishak Sabha opposed the policy and demanded exemption of peasants from compulsory levy. It failed however to bring about any change in the procurement policy of the government

Land Seizure movement , West Bengal : : Groups of peasants went in large numbers to disputed lands (Benami lands) and occupied it. Immediately after possession the lands were distributed among the peasants. Harvesting in such lands became a group activity . Unfortunately in some cases land belonging to the middle and even poor peasants were seized

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Naxalbari uprising: This movement originated in the Naxalbari region of North Bengal. The United Front government openly supported the movements of the landless who began seizure of land and also forcible harvesting. Many students from urban areas also joined the peasants in their struggle. With the fall of the second United Front government the police action against the peasant movements intensified and the first phase of Naxalbari movement fizzled out

The Naxalbari uprising also created a stir among the oppressed peasants in other parts of India specially Andhra Pradesh, Bihar, UP and MP.

Movement for Enhancement of Agricultural Laborers Wage : (1974-75) though landless laborers were participating in almost all peasant movements, separate movement for the khet majdoors was first started in 1970. The peasants needed both land and higher wages. The wage movement spread over 6000 villages and many poor peasants benefited by the rise in wages.

There have been discussions at the national level since 1990s about the .conditions of agricultural laborers but yet there has been no comprehensive legislation,. For years peasant organizations are demanding participation in framing and implementation of laws pertaining to peasants.

Naxalite Movement

The Naxalite movement erupted violently in 1967. It started as a spark in a small village , Naxalbari and within a few years spread to distant parts of India. The United Front government openly supported the movements of the landless who began seizure of land and also forcible harvesting. Many students from urban areas also joined the peasants in their struggle. With the fall of the second United Front government the police action against the peasant movements intensified and the first phase of Naxalbari movement fizzled out

Naxalism arose from certain basic factors – social injustice, economic inequality and the failure of the system to redress the grievances of the suffering people .

The Naxalbari uprising lasted just 52 days. The failure of the movement in Naxalbari was due to lack of strong party organization, powerful mass base , ignorance of military affairs and a formal attitude towards land reforms.

But it left a far reaching impact on many other parts of India specially Andhra Pradesh, Bihar, UP and MP.

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The Naxalite violence was at a peak from about mid 1970 to mid 1971. Terrorist activities were on the increase .

- Naxalite leaders like Charu Mazumdar, influenced people to create hundreds of Naxalbaris throughout India. and called for revolutionary struggle . He even set the target for liberation of India by 1975. A large no. of West Bengal youth responded to his call. He called upon the youth to join the poor and landless peasants and go to villages in large numbers instead of wasting their energy in passing exams.
- There were raids on government offices damaging property and brutal attacks on policemen
- In the atmosphere of violence anti social elements infliltrated into the Naxalite ranks which had a bad effect on the organisations' discipline and ideology. The anti social elements used the Naxalite umbrella to settle their own scores.
- The government took joint operations by the army and the police to tackle the violence. Suspected Naxalites were arrested, illicit weapons , ammunition and explosives were seized resulting in drop in violent activities
- Internal differences were building up within the organization which had a disintegrating effect. Also the Government pressure on Naxalites was building up and by 1972 almost all top Naxalite leaders were arrested. Charu's death marked the end of a phase in the Naxalite movement. Emergency declared in 1975 led to banning of almost all Naxalite groups in the country
- New opportunities for Naxalites again grew in 1977 with the defeat of Mrs Indira Gandhi . 4 Naxalite groups demanded the release of all political workers and withdrawal of cases against them . The then Home Minister agreed to release the Naxalite prisoners.
- The movement again touched a peak in 1991 and today it is in a fragmented state. There are about 40 odd groups operating in different parts of the country.

The origin and growth of Naxalite movement is due to a no. of complex economic, social and political factors – extreme poverty, economic inequalities and exploitation , unemployment , income inequalities . The factors which gave rise to Naxalism in the country still persist even today. The Movement has its ups and down but it continues to have a large support base because of the intellectual appeal of its ideology. The movement has developed an inherent strength .

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NAXALISM – ITS GROWTH AND IMPACT ON INDIA

Impact of Naxalism on Development

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Red Corridor

The impact of Naxalism over the development of the affected states is undoubtedly negative if measured with respect to the conventional economic markers employed for measuring development, namely GDP and per capita income. It is the social and political impacts of Naxalism on development that really leaves all in a fix. There have been multiple opinions about these aspects and the confusing bit is that all factions seem to be convinced of their part of the story and have logical reasons and events supporting it. In my view this is bound to happen considering the duration and the proportion of this movement. Naxalism has been in view since 1960's and has spread across the states of – West Bengal, Bihar, Chattisgarh, Jharkhand, Orissa, Andhra Pradesh, Maharashtra and eastern U.P. and recently there have been mobilization attempts in Karnataka and Madhya Pradesh as well. Though all Naxal groups are bound by a common ideology they tend to act and react in different ways and affect a diverse kind of population which lead to varied opinions.

IMPACT ON ECONOMIC DEVELOPMENT

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The economic condition of a state plays a pivotal role in its development. The Naxalite movement has severely impacted the economy of the affected states as well as India as a whole.

The major macroeconomic effects of the Naxal movement are :-

1. Reduction in per capita GDP growth – The nominal per capita GDP of all affected states excluding Andhra Pradesh and Maharashtra is below 1000 $. In comparison to this most of the unaffected states have a per capita GDP in excess of 1000 $ for the 2009 fiscal year

2. Higher inflation rates

3. Lower tax revenues – The Naxals run a parallel government in their areas preventing the governing agencies to collect taxes etc.

4. Lower domestic investment and higher expenditure on defense at the cost of lower expenditure on education and health

5. Lower exports, reduced bilateral trade flows and reduced foreign direct investment inflows. – Due to the Naxal violence and their extortion business foreign and domestic investment remains low. These problems are coupled with the lack of good transportation facilities which are also a victim of Naxal violence.

Micro-economic effects include lower tourist inflows, lower regional tourism market share, reduced usage of public transport, reduced long term investments in agriculture and other potential sectors, reduced enrollment in schools, lower job availability and lack of substantial opportunities

Some instances of Naxal violence adversely affecting the trade and economy are – damaging road construction machinery, shutting down and destroying bank branches, damage to railway lines, highways and telecom towers thereby inhibiting communication and transport and destruction of the pipeline for transporting iron ore slurry in Chattisgarh. According to reports, power and steel industry projects in Chattisgarh with investments of the order of Rs.130billion were stagnated due to Naxalite disturbances.

All in all it's a very grim economic condition which affects all sectors of industry and all class of people.

POSITIVE SOCIAL & POLITICAL IMPACTS

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As elaborated above the economic implications of the Naxalite movement are not so positive but still the movement has sustained for nearly 45 years and seems far from losing its steam. This has been possible only because the Naxalites have received unwavering support from the lower caste villagers and adivasis who were time and again crushed by the higher caste zamindars or governance authorities before the Naxal surge. A plethora of reasons contribute towards their sustained support:-

1. Forest (Conservation) Act 1980 placed the reserved forests of the entire country in the hands of the Centre. No portion of these reserves could be utilized without the prior permission of the government. This rule led to the eviction of many adivasis from the forests and their frequent abuse by the hands of forest officers. The Naxalites stepped into such disputes and provided protection to these adivasis from the forest officers as well as eviction from their habitat. This is a perfect example of the adversities attached to centralization.
2. The law and administration provides no succor to displaced people and treats them with hostility since such internally displaced forest dwellers tend to settle down again in some forest region which is prohibited. The Naxalite movement has come to the aid of such victims. The reason for displacement of people normally is extremes of poverty and social oppression, due to some irrigation or power plant projects and poor evicted from government lands. One such example was the displacement of adivasis by irrigation projects in Orissa who migrated to the forests of Andhra Pradesh. Without Naxal intervention these adivasis would have been evicted by forest officials from there as well.
3. The Minimum Wages Act remains an act on paper for most of the rural India. It is reported that the Naxalites have ensured payment of decent wages to the labourers. A famous example of this is the increase in payment rates secured by the Naxalites for tendu leaf pickers used for rolling beedis. The exploitation was so severe that the rates over the years increased over fifty times what the tendu patta contractors used to pay.
4. The pressure exerted by the Naxalite movement has had some effect in ensuring proper attendance of teachers, doctors etc. in Andhra Pradesh, Maharashtra and Chattisgarh.
5. In the matter of physical infrastructure like roads, school buildings, etc., the Naxalite movement has on certain occasions exerted pressure for its improvement but in certain locations and various occasions they have obstructed the laying of roads, rail lines and construction activites for the fear of police and paramilitary raids.

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6. The slogan of the Naxalites from the beginning has been 'land to the tillers'. They nearly brought an end to the absentee landlordism system although this activity is still prevalent in some places. The land seized from the rich landlords was given in the hands of the peasants who cultivated that land. This reallocation of land alleviated the situation of peasants. Either very rich land lords were targeted who would not be substantially affected by loss of a few acres of land or the cruel land lords were. Although there have been instances when such land acquisitions have occurred due to political or personal reasons rather than just ones.
7. Partly because of the efforts of the government and partly because of the Naxal threat bonded labour or 'begar' (bonded labour) has been nearly abolished.
8. The Equal Remuneration Act is yet another law made by the government that just proved to be a paper tiger. There has been no specific improvement in the situation of women in the Naxal ruled areas although there have been no reports of atrocities against women as well. The pay difference between men and women continue under the Naxal rule also. There are certainly some women in the Naxal cadres and the movement is supported by women.

From the looks of it, it seems that the Naxalite movement attempted to achieve equity in the society by means of class struggle and they did achieve it to some extent but at the cost of the economic development of the state.

NEGATIVE IMPACTS OF THE NAXAL MOVEMENT AND SECURITY FORCES

The recent increase in militancy amongst the Naxal cadres has attracted a lot of criticism. The Indian Government has gone ahead and stated that Naxalites are now the single biggest internal security threat for the country.

The immediate economic and social problems of the masses took a back seat and the battle for the supremacy with the state became the central theme. There have been a range of acts of violence which have no direct consequence on the rights of the people but invariably end up harming the masses.

Naxalites have always attempted to disrupt elections thereby not only preventing masses from choosing their leaders but also inhibiting them from exercising their fundamental right to vote.

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In April 2010, NDTV reported that the Naxals in the Jharkhand region have set aside their ideals and emerged as a mining mafia. The report claims that a multi crore mining scam is being staged by the Naxalites.

The Maoist extortion business is estimated to be around a whopping 2000 crore rupees. All contractors have to pay 5-10% of the project cost to Naxalites as 'protection money'.

There have been repeated incidents of Naxalites blowing up schools, trains and rail lines apart from government buildings which harm the common masses more than the politburo of governance.

A Sabotaged School

There have been reports that Naxals physically torture police informers by gruesome acts like beheading, hacking of limbs and even gouging out of eyes. Another incident that happened on 6 July 2007 when a group of armed Naxalites extorted Rs 65,000 from a farmer in Chikmagalur went on to demonstrate that the Naxals have lost the principles for which they fought once and are adversely affecting the lives of the people they once sought to help.

Masses have suffered from both the ends, i.e. by the hands of the security forces as well as the Naxalites. Salwa Judum which was a militia set up with the approval of the government to counter the Naxals caused the displacement of 43,740 people as of 31, December 2006 from Chattisgarh. Security forces have also been alleged of recruiting minors as SPO's (Special Police Officers) in the Salwa Judum. Salwa Judum has been alleged of practicing vigilante justice and their activist have been held responsible for heinous crimes like torture, rape and non-judicial executions.

Often villages and adivasis are caught in the cross firing between the security forces and the Naxals causing loss of life and property.

The Naxalites sure did bring about some equity and relief for the marginalized category of rural India from the rampant feudal ill activities but that has come at a huge cost for the entire nation in terms of both economic development and safety of the citizens. Moreover this movement no longer holds its people-centric approach. It has more or less become a terrorist group with only one principle which is to seize power.

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Development of these areas is a steep challenge, not only are they economically, socially stunted but these areas have people suffering from a much more unfortunate condition of not being able to exercise their fundamental rights. The policy for rehabilitating the affected areas should be to start development from grass root level. The only possible way for any progressive activity to take place in these areas is by peaceful negotiations and ceasefire.

NORTH EAST INDIA – INSURGENCY AND OTHER ISSUES

The Northeast region of India comprising of eight states – Assam, Nagaland, Manipur, Arunachal Pradesh, Mizoram, Tripura and Sikkim. North East India is a region poorly connected to the Indian mainland by a small corridor – Silghuri Corridor (also known as Chicken Neck – with a narrow width of only 23 kilometers.). North Eastern India has been facing problems of insurgency for near 5 decades, but things are now settling down and peace started to prevail.

What is insurgency?

An insurgency is an armed rebellion against a constituted authority when those taking part in the rebellion are not recognized as belligerents. Incase of Indian scenario it can be seen as armed rebellion and violent protests against Indian Government or authority.

Insurgency in North East India

Nagaland, Manipur, Assam and Tripura had been witnessing conflict since 1950-60 period, but since 1990, the intensity of conflicts started to decrease. Now the only state where prominent insurgency exist is Manipur. But in this region several armed factions operate. Some groups call for a separate state, others for regional autonomy while some extreme groups demand complete independence.

Reasons for conflict in North East India:

- Historical reasons – loosely administered under British India.
- Tensions between these states and the central government.

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- Tensions between tribal people, who are natives of these states, and migrant peoples from other parts of India.
- Geographical reasons – not well connected with present Indian mainland.
- Developmental reasons – Poorly developed due to lack of fund from Center/States.
- Environmental reasons.
- Military reasons – AFSPA (Armed Forces Special Power Act).
- Foreign Policy – Look easy policy and market changes bought.
- External support – China and Myanmar.

Insurgent Groups in North East India

Nagaland

- NSCN-IM
- NSCN-K

Manipur

- Peoples Liberation Army
- PREPAK

Assam

- ULFA
- NDFB
- KLNLF
- UPDS

Tripura

- National Liberation Front of Tripura
- All Tripura Tiger Force

Meghalaya

- ANVC
- HNLC

Recent Observations about North East India

Insurgency & Ceasefire

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1. The basic ingredient of insurgency i.e. popular support is drying up in the region. Insurgency is active only in Manipur. There are around 50 insurgent groups in Manipur.
2. Ceasefire and Suspension of Operations with militant groups allows them to indulge in extortion and kidnapping, which in turn help them in maintaining their clout over the people of the region.
3. There exists deep nexus between all the insurgent groups in the Northeast. The CPI (Maoist) is also in touch with the North east insurgents primarily to source weapons. Arms were given by the United Liberation Force of Asom (ULFA) to the CPI (Maoist) in West Bengal.
4. The biggest challenge to the North East is extortion carried out by various insurgent groups. Extortion has become meticulously organised activity in the region and is one of the major sources of funds for the militants.

Political

1. It is important to understand the culture and psyche of the people of North East while framing policy alternatives.
2. The perceived threat to the political identity of the Assamese people from the illegal migrants from Bangladesh lies at the core of the Assam problem. The indigenous people of Assam feel that in future the illegal migrants will become the majority population and they will lose political power.
3. The ceasefire agreements and peace negotiations have resulted in reducing the violence levels and given the civil societies of the region space to talk.
4. One of the ways to contain insurgency in the region is to delegate powers to the ethnic minorities through the Autonomous District Councils so that they can fashion their own development.
5. The implementation of Sixth Schedule in Assam has not benefited the tribal communities of the state. Following the 73rd and 74th amendments, the Central and state governments are providing huge amounts of financial resources to the Panchayati Raj Institutions (PRI) and municipalities. Since, the scheduled areas do not fall under the purview of the PRI and municipalities, they do not receive any share of these funds and as a result they lose out.

Development

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1. Security situation in the region has improved considerably in Assam and Meghalaya in particular facilitating conducive atmosphere for investment and development. The Northeast Industrial Policy initiated by the Government of India further contributed in encouraging investment and industries in the region.
2. However, the Northeast will not attract big industries because the region is resource deficit, and does not have economies of scale to match. Moreover, the security situation in the whole of the region has not improved uniformly.
3. The North East Council (NEC) and the Ministry for the Development of the North East Region (DoNER) have become fund disbursing agencies instead of strategic planning agencies. At present approximately Rs. 11,000 crore is lying idle with the Ministry of DoNER.

Look East Policy

1. The North East still remains inward looking focussing primarily on internal conflicts. There is no discussion on the benefits that could accrue to the region from the Look East Policy.
2. If the North East Region is opened up there is a fear of being swamped by cheap Chinese goods, which would spell disaster for the local manufacturing units.
3. Apprehensions exist that the development of communication links could result in developing strong links between the people of the North east with the people of China, Myanmar and ASEAN countries, which would undermine the unity and integrity of India.

Border issues

1. The international borders in the North east are extremely porous. Thus, cross border infiltration of militants, and smuggling of arms are rampant in the region.
2. China has differing claim in Arunachal Pradesh. Along the westernmost corner, Chinese claim line lay 20 kms south and in the eastern most extreme of Arunachal Pradesh it lay 30 km south.
3. International boundaries in the North East have not crystallised into lines separating sovereign countries on the ground.

Recommendations to solve North East India Problems

Insurgency

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1. Thorough background check of all insurgents groups should be carried out before the central government enters into any Ceasefire or Suspension of Operations Agreements with the insurgents.

Political

1. Political solutions to the Assam problem should be discussed openly as widely as possible to avoid backlash from the tribal and the minority population of the state.
2. A system of work permit should be issued so that the illegal Bangladeshi migrants do not end up as Indian citizens.
3. The Autonomous District Councils should be empowered.
4. Governance should be improved in a step by step manner. Strict supervision by senior officials should be initiated to improve the delivery system of the government.

Development

1. The Ministry of the Development of the North East region (DoNER) be merged with the North East Council (NEC) for better strategic planning and coordination of various developmental projects in the region.
2. Focus of the Ministry f DoNER and NEC should be on investment in mega-projects which will make big difference to the development of the region.
3. Institutional capacities in the North east should be developed urgently.
4. Pragmatic land use policy should be formulated for attracting industries in the region. Micro, small and medium enterprises should be encouraged.
5. Local tourism should be promoted. Tourists residing in the eight North Eastern states should be encouraged to travel within the region.
6. Niche tourism or high end tourism should be encouraged. Medical and higher education tourism should be encouraged.
7. The North east should become a single economic unit without disturbing the political boundaries of the states. No internal traffic barriers in the region. Exclusive five year plan for the North east focusing on development of infrastructure.

Border issues

1. Special economic zones along India-Bangladesh border, especially in Meghalaya and Assam should be set up.
2. States should focus more on the development and security of the border areas.

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3. Sentiments of the people of Arunachal Pradesh should be taken into consideration by the central government while discussing the frameworks for resolution of the border dispute with China.
4. Matching infrastructure and military capability should be build to ensure peace and enable negotiations from a position of strength.

CONFLICT IN NORTHEAST INDIA: ISSUES, CAUSES AND CONCERN

Introduction

The Northeast region of India comprising of eight states – Assam, Nagaland, Manipur, Arunachal Pradesh, Mizoram, Tripura and Sikkim[1]– a region poorly connected to the Indian mainland by a small corridor,[2] and surrounded by many countries such as Bhutan, Myanmar, Bangladesh and China, is the setting for a multitude of conflict that undermines the idea of India as a prosperous and functioning democracy.

For instance, the Naga insurgence, which started in the 1950s, known as the mother of the Northeast insurgencies, is one of the oldest unresolved armed conflicts in the world. In total, Manipur, Assam, Nagaland and Tripura have witnessed scales of conflict that could, at least between 1990 and 2000, be characterised as low intensity conflicts. However, it must also be mentioned that internal conflicts have been a permanent feature of the Asian political landscape since 1945, of which post-colonial India is no exception. Currently, most of the states in the region are affected by some form of conflict, expect for Arunachal Pradesh, Mizoram and Sikkim in which the situation is at the moment relatively stable. The reasons for the respective conflicts are wide ranging from separatist movements, to inter-community, communal and inter-ethnic conflicts.

Unfortunately, the data and information on the region is not sufficiently analyzed and communicated between the region and the Centre, contributing to further misinformation, mismanagement and alienation. At another level, conflict in the region has been an all pervasive phenomena, and in its violent form, it has not only affected the territorial and political sovereignty of the Indian state, but also the life of the various people living in the region in incomprehensible and inexplicable terms. In a drastic and dreaded sense, there is a “culture” of conflict and unfortunately, people have submitted to such an existence. However, amidst the widespread sense of helplessness,

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there is also an overwhelming desire and force to be free from such a situation of conflict which cripples the people from all sides.

To gain a holistic understanding of the problem that has historical and contemporary dimensions, it is important to assess and understand the various facets of the problem that interact with each other.

Historical reasons for the conflict

The historical connections among the traditional tribes in the Northeast are largely of Tibeto-Burman/Mongoloid stock and closer to Southeast Asia than to South Asia. It is ethnically, linguistically and culturally very distinct from the other states of India. Though cultural and ethnic diversity per say are not causes for conflict, but one of the major problem areas is that the Northeast is territorially organized in such a manner that ethnic and cultural specificities were ignored during the process of delineation of state boundaries in the 1950s, giving rise to discontentment and assertion of one's identity. Whereas,the colonial rulers took nearly a century to annex the entire region, and administered the hills as a loose 'frontier area', with the result, that large parts of the northeastern hill areas never came in touch with the principle of a central administration before.

Hence, their allegiance to the newly formed Indian nation-state was lacking from the beginning – accentuated by the creation of East Pakistan (today's Bangladesh) – which meant the loss of a major chunk of the physical connection between mainland India and Northeast India. Interestingly, 99 percent of the Northeast's boundaries is international and only one percent is domestic boundary.

Issues of governance

The Indian government's past and ongoing processes of national integration, state-building and democratic consolidation have further aggravated the conflict scenario in the region. For instance, the eight states comprising the Northeast is populated by nearly 40 million inhabitants who vary in language, race, tribe, caste, religion, and regional heritage. Therefore, most often, the clubbing of all these states under the tag of 'northeast' has tended to have a

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homogenizing effect with its own set of implications for policy formulation and implementation; not to mention local aversion to such a construct.

The politico-administrative arrangements made by the Centre have also been lacking. For instance, the introduction of the Sixth Schedule Autonomous Councils (currently there are ten such Councils in the region and many more demanding such status) ended up creating multiple power centers instead of bringing in a genuine process of democratization or autonomy in the region. Moreover, Para 12 (A) of the Sixth Schedule clearly states that, whenever there is a conflict of interest between the District Councils and the state legislature, the latter would prevail. It is even alleged that it is "a mere platform for aspiring politicians who nurture ambitions to contest assembly polls in the future" (Teresa Rehman, *Tehelka*, 30 January 2009).

The AFSPA (Armed Forces Special Power Act) for instance, shows the inability and reluctance of the government to solve the conflict with adequate political measures. The AFSPA was passed on 18 August, 1958, as a short-term measure to allow deployment of the army to counter an armed separatist movement in the Naga Hills, has been in place for the last five decades and was extended to all the seven states of the Northeast region in 1972 (with the exception of Mizoram). It was part of a bundle of provisions, passed by the central government, to retain control over the Naga areas, in which the Naga National Council (NNC) demanded further autonomous rights. The AFSPA became a powerful measure for the central and the state government to act against actors challenging the political and territorial integrity of India. As a result, the Indian army for the first time since its independence was deployed to manage an internal conflict. But, instead of resolving the problem, it led to an ongoing escalation of the conflict by bringing it on a military level. The regular violations of human rights has led to a radicalization and militarization of the region and weakened also the supporters of a political solution. According to the Human Rights Watch Report (August 2008), "The Act violates provisions of international human rights law, including the right to life, the right to be protected from arbitrary arrest and detention, and the right to be free from torture and cruel, inhuman, or degrading treatment. It also denies the victims of the abuses the right to a remedy." A fact-finding commission, appointed by the government in 2004, complained that the "AFSPA has become a symbol of oppression, an object of hate and an instrument of discrimination and highhandedness".

Though the conflict in the region is mired with complex political-economic issues, such as, struggle over natural resources, migration related issues,

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displacement, social exclusion, and so on, according to Dr Clemens Spiess, "the politics of identity lie at the heart of the bigger part of the current conflict constellations in the Northeast".

Foreign Policy imperative

India's 'look east policy' which was formulated in 1991 on the heels of India's economic liberalization, was a foreign economic policy initiative towards South East Asia. The Northeast which is geographically situated between mainland India and Southeast Asia is supposed to have had immense developmental benefits as a result of this initiative and hence, have synergy effects on reducing poverty in the region; as well as on insurgency and armed conflict. The region's diverse natural resources, rich bio-diversity and enormous hydro-electricity potential, among others, could also help to overcome the widespread feeling of backwardness among the inhabitants of the Northeast. But there is also increasing argument made that the impact of increased introduction of market imperatives in the traditional society of the region would have irreversible impact on the people's culture and life and it would also lead to increased settlement of mainland people to the northeast. Thereby it is of high importance, that the announced opening will take place in a regulated frame and through cooperation with the local people, otherwise it could aggravate the tensions between the center and the region.

The government has also faced criticism in the way in which it has been looking at the Northeast as an issue of territorial security rather than development per say. The fear of a growing Chinese influence, as well as, increasing cross-border terrorism (Myanmar, Bangladesh) in the region are some of the factors cited as reasons for limiting India in its attempt to open the region.

Outlook

To conclude,in the words of Clemens Spiess, the various problems and conflict constellations in the Northeast "represent(s) durable challenges to the integrative and accommodative capacity of Indian democracy". The HBS India programme on 'Democracy and Conflict', of which the Northeast is an important component, focuses mainly on the Northeast region of India and aims to support, facilitate and contribute to civil society engagement, participation, and intervention in the region with regard to conflict prevention. Thereby, facilitating intermediation between the various stakeholders involved in the diverse conflict constellations in the region, be it the public, civil society activists, state representatives, journalists,

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academicians and researchers; and contributing to the promotion of integration and socialisation into a democratic political culture through dialogue and civic education. The overall objective of the HBS programme is to promote the peaceful coexistence of conflict affected ethnic groups through strengthened democratic processes, with gender being a cross-cutting issue.

MANIPUR ISSUE,AFSPA AND ITS IMPACT.

Manipur - the land of the Loktak and the Sangai, which consist of different communities, was under British rule from 1891-1947AD. After Manipur was merged with the Indian Union on October 15, 1949 as a part C State after independence a small section of educated and modern middle class, which emerged in Manipur during colonial rule, assumed the leadership of the State. They like other ethnic groups of Northeast India however were unable to understand the socio-political complexity of new democratic polity after Independence.

When the British left India in 1947, Manipur once again regained its sovereignty only to be forcibly annexed by the Indian political leader and it created a sense of dissatisfaction in the minds of the Meiteis who have ample reason to believe that Budhichandra, the Maharaja of Manipur was made to sign the annexation treaty under duress, on September 21, 1949. This event is widely thought of as one of the principal reasons behind the insurgency upsurge in the Imphal valley.

Introduction

The recent developments in Manipur have once again brought into focus the question of application of the Armed Forces Special Powers Act 1958 (AFSPA) in Northeast India. On July 11, 2004, the alleged rape and killing of Thanjam Manorama, suspected to be a cadre of the People's Liberation Army (PLA), sparked agitations throughout Manipur for the withdrawal of the AFSP Act from Manipur.

Due to the disturbance and insurgency in the state, the Government of India promulgated the Armed Forces Special Powers Act 1958 in Manipur State. Since 1980, the whole of Manipur has been a "disturbed area"1 under the Act. Vide this Act,2 the security forces have been given some extra powers so as to operate against the insurgents in the disturbed areas.

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Feeling among People of Manipur

The 1972 amendments to AFSPA extended the power to declare an area disturbed to the Central Government whereas in the 1958 version of AFSPA, only the state Governor had the power. A section of the Manipuris feel that power should remain only with the state government. They also feel that the Section 3 of the AFSPA does not specify any time limit. The notification in Manipur issued in 1980 still continues even after 24 years, and thereby they feel that they have been deprived of the spirit of liberty, freedom and democracy for too long a period. The exercise by the armed forces of the unchecked powers to arrest, search, seize and even shoot to kill conferred under Section 4 of the Act has resulted in large-scale violation of the fundamental rights of the citizens under Articles 14,19,21,22 and 25 of the Constitution. The power under the Section 4(a) of AFSP Act3 has hurt the citizens of Manipur the most as they feel that the Act confers the armed forces with broadly defined powers to shoot to kill and that this is a law, which fosters a climate in which the agents of law enforcement are able to use excessive force with impunity.

It is alleged that security forces have destroyed homes and other structures presuming them to be used by insurgents under provisions of Section 4(b) of AFSPA.4 Manipuris also feel that arrests without warrants5 is a serious encroachment on the right to liberty of a person. The power of search and seizure under Section 4(d)6 has been extensively used by the armed forces in cordon and search operations leading to widespread violation of fundamental rights of citizens and the forces have kept arrested persons (Section 5)7 for several days in their custody.

Due to protection under Section 6 of the Act,8 some security force personnel even violated the human rights of people and left the victims without any effective remedy. The failure to identify those responsible for human rights violations and to bring them to justice has meant that some members of the security force continue to believe that they are above law and can violate human rights with impunity. The cases of Naga boys of Oinam village being tortured before their mothers by Assam Rifles jawans in July 1987; the killing of Amine Devi and her child of Bishnupur district on April 5, 1996 by a CRPF party; the abduction, torture and killing of 15- year-old Sanamacha of Angtha village by an Assam Rifles party on 12 February 1998; the shooting dead of 10 civilians by an Assam Rifles party in November 2000 are some of the glaring examples that are still fresh in the minds of Manipuris. Now the case of Manorama has led to a complete collapse of the administration in the state.

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Apunba Lup, a conglomeration of 32 organisations in Manipur, is spearheading the current stir, which has put the Government of India under tremendous pressure to repeal the AFSP Act. Leaders of Apunba Lup had met the Prime Minister in New Delhi and were assured that the Act would be reviewed.

Why Are Special Powers Essential

Every country dealing with insurgency or with terrorism has its own laws and legislations to tackle the menace. Likewise, India has laws to fight insurgency and terrorism, and has given legal powers to armed forces operating in 'disturbed' areas under AFSPA 1958.

The power to declare an area 'disturbed' lies with the Governor or the Central Government, who have to form an opinion that the use of armed forces in the aid of civil power is essential and then notify it as 'disturbed area'. The declaration of an area as a 'disturbed area' is for a limited duration and review of the declaration before the expiry of six months has to be undertaken by the executive.

A non-commissioned officer has also been conferred with the powers under the Act because it is he who is the commander of a section and leads it for any operation. While exercising powers under Section 4(a), the armed forces should use minimum force required for effective action. This force is to be used against armed militants.

While executing action under powers conferred under Section 4(b) of the Act during operations against militants, there are chances that a few houses may get damaged where the militants take shelter. Section 4(d) is essential, so as to search out the militants or any other equipment hidden in villages or in residential areas. Innocents are likely to be harassed during cordon and search operations. Though, the security force personnel are protected under Section 6 of the Act, but if they violate the law they are severely punished under the respective laws of Army and the Armed Forces. The powers conferred under the AFSPA have been upheld by the Supreme Court in 1998.9

The people influenced by the militants are concerned about human rights violations by security forces, but what about the violations committed by the militants? As per a police report, during 2000-2004, militants killed more than 450 civilians and kidnapped several senior government officials.

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Initially, there were only three militant groups; today, there are at least 26 militant groups operating in the small state. Most of the groups operate under the influence of external directors. There is also the menace of drug trafficking in the state. Overall, the situation in Manipur is alarming and to counter this, the armed forces operating in the state require special powers to support them.

General Effect, if AFSPA is Repealed in Manipur

a. It will cause a chain reaction in all states where the Act has been enforced.
b. No armed force would like to carry out any operation in the insurgent affected areas without proper legal protection for its personnel.
c. It will demoralise the armed forces and all initiative will be lost.
d. Whenever any offensive action is taken by armed forces, the militant groups will instigate the people/local authorities to initiate legal cases against the armed forces. Justice may be biased under the influence of militants.
e. The militants will get an upper hand and may be difficult to contain.
f. Incidents of extortion from the civilian population/government organisations will go unchecked.
g. Civil administration will be overrun by the militants and there will be chaos all around.

Remedial Measures

The general administration in Manipur is not able to give effective justice to the people, with the result that it has to depend on the security forces for its normal functioning. Therefore, the forces operating in the state have to be honest, law abiding and must respect the rights of the people of the state. The commanders at all levels should follow the principle of "use of minimum force" required for effective action. They should brief their men to respect all womenfolk. In case any woman is to be arrested, then it should be done with the help of a lady police/ force personnel, who should also remain present during interrogation. While carrying out search operations, the force personnel should associate a local respected person and also the owner of the house, and after the search, the owner should be permitted to search the search party is he so desires. One must challenge before opening fire and to ensure that one fires only in self-defence. A grievance cell should be opened at Sector Headquarters/ Battalion Headquarters so that the civilians can lodge complaints against the force personnel if they so desire and the commander should take necessary action as deemed fit. Police representatives must be associated with every operation conducted by the security forces.

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The training should be of high level so that the armed force may be able to handle all types of situations with professional competence. It is high time that the state police is trained to take over operational responsibilities from the Army and the BSF. The normal operations may be conducted by the state armed police and only major and pinpointed operations be left for the armed forces. Junior level personnel should be properly briefed to not to over react to any sensitive situation.

It is also important to evolve a mechanism to deal/ tackle with overground support structures that are generally well-connected with local politicians and are regarded in the society. Everything depends on intelligence and hence we must sharpen the skills of the armed forces for collection of hard intelligence. Senior commanders should handle civil society sensibly so as to extract sympathy and maximum information from them. This will also help in changing the perception of the local population in the larger interest of the Government/ Nation.

Conclusion

There can be no two options that insurgency has to be put down with a firm hand within the provisions of law and not to be dictated by the militants. You cannot tie both hands of the security forces and then ask them to fight armed militants. The militants will keep on exploiting the sentiments of the local people and they (militants) will try to reap benefits from such situations. Avoid any tendency to carry out blind operations against militants without specific intelligence/information. Indiscriminate arrests and harassment of people out of frustration for not being able to locate the real culprits should be avoided. Security forces should be very careful while operating in the Northeast and must not give any chance to the militants to exploit the situation. All good actions of the force get nullified with one wrong action. Any person, including the supervisory staff, found guilty of violating law should be severely dealt with. The law is not defective, but it is its implementation that has to be managed properly. The local people have to be convinced with proper planning and strategy.

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Why the Armed Forces (Special Powers) Act 1958?

The Armed Forces (Special Powers) Act of 1958 (AFSPA) is one of the most draconian legislations that the Indian Parliament has passed during its sixty-

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four years of existence as an independent country. It is a modified version of an old British colonial Act imposed to control nationwide struggle by the Indian masses for independence.

It has certain provisions: - under section 4 of the AFSPA Act – All security forces are given unrestricted and unaccounted power to carry out their operation, once an area is declared disturbed, even a commissioned officer, warrant officer, non commissioned officer or any other person of equivalent rank in the armed forces may, in a disturbed area, shoot, arrest, and search, all in the name of "aiding civil power."

The army can shoot to kill; the army can enter and search without a warrant, can destroy property and arrest anyone it chooses- without a warrant. Under section 5, any criminal caught should be handed over to the nearest police station with the "least possible delay". Under section 6 - no legal proceeding can be brought against any member of the armed forces under the AFSPA, without the permission of the central Government.

Common people affected due to the AFSPA

Life in Manipur is not secure due to the imposition of AFSPA. Due to the atrocities committed by the rude commandos, Paramilitary, army etc. the common people who work in the fields or do manual labour are the worst sufferers. Numerous innocent lives have been lost in addition to the large number of people who have disappeared without any trace. For example Y. Sanamacha, aged 15 years was allegedly picked up by army personnel in February 1998 and has gone missing since then.

Cases like the Malom massacre in which ten innocent civilians were killed by the security forces are the result of a sudden spurt in alleged fake encounter cases which has led to widespread unrest among the local population. Apunba Lup, a conglomeration of 32 organizations in Manipur, is spearheading the current stir, which has put the Government of India under tremendous pressure to repeal the AFSP Act. Leaders of Apunba Lup had met the Prime Minister in New Delhi and were assured that the Act would be reviewed.

Ineffective governance and its consequences

Manipuris are often misunderstood and humiliated by the people in other parts of India and unfortunately students, especially girls who visit the metros as well as other cities for educational purpose bear the brunt of this prejudice.

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This has played a big role in alienating the young generation of Manipur from the national mainstream.

Since the last eleven years, Irom Sharmila has been fasting for the repeal of AFSPA from Manipur, but no move has been made by the Centre to address the genuine grievances of the people by repealing this inhuman act. It has created an impression in the minds of the people that different yardsticks are adopted by the Centre in dealing with issues relating to the North East as compared to the States in the Indian mainland. This has made people to raise slogans like "Fight an armed miscreant with arms but let the innocent people live in peace".

Conclusion

Insurgency has to be put down with a firm hand within the provisions of law. One cannot tie the hands of the security forces and then ask them to fight armed militants. Any tendency to carry out blind operations against militants without specific intelligence/information should be avoided.

Indiscriminate arrests and harassment of people out of frustration for not being able to locate the real culprits should not be allowed to take place. Security forces should be very careful while operating in the Northeast and must not give any chance to the militants to exploit the sentiments of the people to their advantage.

All good actions of the force get nullified with one wrong action. Any person, including the supervisory staff, found guilty of violating law should be severely dealt with.

The law is not defective, but it is its implementation that has to be managed properly. The local people have to be convinced with proper planning and strategy.

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Self Determination and Secession (Separatist movements)

Self Determination

Self determination is the principle by which the people of a country exercises its right to choose its own government. It allows the people to live under laws of their own making or choice. Democracy enhances chances for self determination.

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There have been agitations for self determination (and sometimes secession) from various parts of the country.

Some of the self determination movements are

1. The Naga Movement:

- ✓ The Nagas are a tribe in the N E of India. Before independence Nagas demanded a separate Naga State and wanted to be under the British dominion rather than to be a part of India. They thought that India would introduce their laws and customs and replace Naga's customary laws.
- ✓ There were about 20 Naga groups but there was no unity or cooperation among them
- ✓ The increasing violence by the extremist Nagas troubled peace loving nationalist leaders
- ✓ In 1963 Nagaland State was set up. Underground Naga leaders were divided into 2 groups, and one group continued its insurgent activities in 1968
- ✓ In 1975, the Shillong Accord was signed. The underground leaders accepted the Indian Constitution and accepted Nagaland as inalienable part of the Indian Union

2. Bodo and Assam Movement :

- ✓ Bodos are one of the earliest settlers of Assam and are the largest tribes of Assam. They ruled over Assam till 1825. Bodos are ethnic and linguistic community .

47% of population of Assam were Bodos in 1947 but they declined to 27% in 1971.

- ✓ Even after independence,the area had been facing neglect in the area of development. It soon became a centre of dissent and demands for secession.
- ✓ The Bodos wanted more autonomy for the Bodo tribes and the Assamese were concerned with the expulsion of foreigners
- ✓ The Assam Government passed the Illegal Migrants Detection Tribunal Act . This further irritated the Bodos since for the rest of the country only the Foreigners Registration Act was applicable. They felt there should be a single law regarding foreigners throughout the country
- ✓ Language was another problem. The Assamese language was imposed on Bodos.
- ✓ The Bodos were facing a loss of identity and culture.

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✓ They demanded an autonomous status for tribals in the district , stop eviction of tribals who are landless and a separate Directorate for tribal education

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REGIONAL ISSUES

MODULE 4
***ECONOMIC DEVELOPMENT AND CHALLENGES*:**

1. THE ROLE OF MIDC IN THE ECONOMIC DEVELOPMENT OF MAHARASHTRA
2. SPECIAL ECONOMIC ZONE : ITS ROLE AND SIGNIFICANCE IN MAHARASHTRA
3. FOOD SECURITY ACT 2013
4. AGRARIAN ISSUES: RURAL INDEBTEDNESS, FARMERS' SUICIDES AND ITS IMPLICATIONS.

Maharashtra Industrial growth , SEZ and MIDC

The Annual Survey of Industries has revealed that the Maharashtra State has contributed 21% of gross value of output. The composition of organized industrial sector has undergone considerable change over the decade. The value of

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consumer goods industry has declined but the share of intermediate goods industry has increased

According to the Central industrial policy, Maharashtra state has taken steps to attract more and more investments in the industrial sector and implementing policies with respect to Special Economic Zones(SEZ) , MIDC and MSME's . The Industrial Policy has facilitated access to foreign direct investment and foreign technology.

1. Special Economic Zones (SEZ) Govt. of Maharashtra SEZ Policy is development oriented in order to encourage industrial growth in the state. The SEZ is the tax-free territory and the policies are targeted at propagating fast growth of the industrial sector. The main objective of SEZ Act are

- Promote exports
- Promote domestic and foreign Direct investments
- Creation of employment opportunities
- Development of infrastructure facilities

The SEZ scheme seeks to create a simple and transparent system and procedures for increasing productivity and the ease of doing business in Maharashtra. The Maharashtra State SEZ policy provides exemption of different kinds of state duties, taxes, time saving procedures for providing permits and land acquisitions etc

2.. The government introduced the MSMED (Micro, small and Medium Enterprise Development) Bill in 2006 to address the issues faced by it. The Bill handles issues related to labor laws that affect daily operations of micro units and suggest measures to check delayed payment and encourage flow of credits by banks and financial institutions

3. In order to encourage balanced industrial development , the Government has set up a scheme known as the Package Scheme of Incentives 2007 (amended) .

4. Maharashtra State has taken a number of initiatives to develop IT and IT enabled service (ITES) sectors in the State . 369 private IT parks are being established in Maharashtra. 55 have been already set up generating employment for more than a lakh of people. The growth rate of FDI in IT sector has been the highest in the country . Maharashtra is among the top 3 states in IT export

5. MIDC – the Maharashtra Industrial Development Corporation has set up IT parks. It is developing industrial areas with essential infrastructure like internal

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roads, water, electricity etc for faster industrial development . Also, with a view to arresting pollution, it has started hazardous waste management and common effluent plants on a joint venture basis with the help of local industrial associations.

With both the State government and the MIDC taking a proactive role in supporting diversified industrial development, Maharashtra manages to retain its status as the leader of Indian industrial growth.

SEZ – issues

The purpose of setting up Special Economic Zones by the government are

- Faster industrial growth
- To offer good investment climate for export oriented industries
- Earning foreign exchange
- Providing modern infra structure
- Good governance
- Location specific advantages
- Tax incentives
- Employment generation
- Technological improvement

High tech industries that have come up due to SEZs:

- Electronics Manufacturing Services, Semiconductor, Aerospace,
- Other industries benefited : Biotech, Pharmaceutical, automobile, textile.

The issue :

Over 500 SEZ's have been proposed in India of which 200 have been created already. World Bank is already thinking about the sustainability of such large number of SEZ's . SEZ may also create environmental problems.

SEZ provides special privileges for exporters and business ventures. The only requirement is the investor to be a Net Foreign exchange earner. SEZ offers maximum benefits with minimum formalities eg.

- Tax incentives , duty exemption
- Permit Off-shore banking units

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- Time saving procedures for clearance and minimum inspection
- Exemption for routine inspection of export and import cargo
- Considered as foreign territories for trade operations and duties and tariffs etc

Shortcomings

- Dilutes the power of local self government
- The SEZ Act 2005 does not call for Environment impact assessment
- It permits facilities like Golf Course, Desalination plants, hotels and non-polluting service industries within the coastal Zone Regulation area
- It isolates the Fisheries act 2005 besides others

There is a threat to the ecological system from many of the negative activities in SEZ, such as unregulated fishing activities, blast fishing , port development etc. Port developments tend to damage coral reefs, marine life and disturb the ecology of the region. Mundra Port has already been accused of violating Coastal Regulation Zone and destroying mangroves.

MAHARASHTRA ECONOMY –,

A.Maharashtra economy, Agricultural patterns

Industry is the backbone of Maharashtra's economy. The State alone contributes to 23% of the country's entire income. Mumbai, the capital of Maharashtra is the hub of country's textile mills.

Sugar industry has a significant contribution to the economy. There are other industries like the pharmaceuticals, petrochemicals, automobiles, engineering and others which constitute a considerable share of the state's economy.

Though largely an industrial state, agriculture also continues to be a part of the gross income. The black soil prevents cultivation of food crops and the principal crops include jowar, bajra, whet and pulses and several oilseeds like groundnut, soyabean, sunflower etc. Irrigation facilities are extensively available to reduce dependence on rain

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Agriculture pattern

Nearly 55% population depend on agriculture . Agriculture provides employment to a large number of rural people. However contribution of agriculture is reducing in spite of huge expenditure on irrigation because of unfavorable agro climatic conditions and faster growth of industrial sector. Failure of rainfall at critical stage of plant growth results in crop failure. The yield per hectare is much below the national average.

The growth of agriculture is important for sustaining food security and improving rural standard of living. Both the Central and State governments are helping with resources , creating infrastructure, facilitating easy availability of inputs, research & technology improvements.

1. Rashtriya Krishi Vikas Yojana has been set up by the government in 2007 to benefit the farming community and to achieve 4% growth rate. Areas of focus under the scheme are

- ✓ Preparation of agricultural and allied industry plans for the entire state
- ✓ Setting up micro irrigation system
- ✓ Increase production of cereals, pulses and oilseeds
- ✓ Enhance farmers income by adopting allied activities like animal rearing, dairy development, fishing etc along with agriculture
- ✓ Help farmers in marketing their produce at fair price

2. The National bank for Agriculture performs a key role in the development of agriculture . The public and private sector play a significant role in distributing the hybrid, and improved quality seeds of various crops.

3. Organic farming a new movement in Maharashtra and it is a welcome alternative. It reduces the use of chemical fertilizers, pesticides and herbicides and reduces the cost of cultivation

4. A number of major, medium and minor irrigation projects have been taken up by the State.

5. The Bharat Nirman Yojana is another initiative by the government of India for developing rural infrastructure – irrigation, rural housing , water supply, roads, rural electrification and rural telecommunication

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6. Food Security Mission was launched to increase the production of rice, wheat and pulses from Rabi season

7. The State government has announced a special package of s 1075 crores for 3 years and established Vasantrao Naik Shti Swavlamban Mission to deal with the problem of farmers suicides in the Vidarbha region. The PM also has announced special rehabilitation package fo 3750 crores for the region

THE FOOD SECURITY BILL OF INDIA: HIGHLIGHTS, BENEFITS, IMPLEMENTATION AND KEY ISSUES

After the rural job guarantee programme, the government is now focusing on an ambitious National Food Security Act aimed at drawing more people into the food security net. It has made a strong pitch for providing 35 kg of cereal at Rs 3 per kg every month to the poor of this country.

The government is earnest to fulfill the party's poll promise of enacting such a law, and has even provided the broad outlines of the proposed legislation. The rural job scheme and the information Act were conceived and piloted by the National Advisory Council (NAC).The Draft Right to Food (Guarantee of Safety and Security) Act enshrines freedom from hunger and malnutrition as a fundamental right.

It "provides for and asserts the physical, economic and social right of all citizens to have access to safe and nutritious food, consistent with an adequate diet necessary to lead an active and healthy life with dignity".

The Union Cabinet has approved the Draft National Food Security Bill. It seeks to provide subsidized food grains to over half of India's 1.2 billion population. The bill was presented to parliament and has been referred to standing committee.

Highlights of the Bill:

a. The food security bill promises 75 percent of rural population and 50 percent of urban households, the right to 7 kg food grains per person, at Rs.3 per kg for rice, Rs.2 per kg for wheat and Rs.1 per kg for coarse grains to the priority beneficiaries.

b. The general category will be provided at least three kilograms of food grains per person per month at half the minimum selling price.

c. The bill will also provide rations or cooked meals to children under 14 years of age, destitute including women and persons on the margins of society.

d. The bill provides for cost-sharing to pacify the states, which will implement the law. The states have also objected over the authority to decide on the criteria to identify the beneficiaries.

e. A three-tier grievance redressal mechanism at district, state and national level is also part of the legislation.

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f. The Bill provides for women above 18 years to be considered the head of the beneficiary household for purpose of issue of ration cards. There shall be social audit of the functioning of ration shops.
g. The entitlements would cost the government about Rs. 94,973 crore per annum, as against the existing food subsidy bill estimated at Rs. 67,310 crore. The food grains required to be procured to meet the obligations under the Bill is estimated at about 65 million tonnes, up from the average 50 to 55 million tonnes at present.
The Government had expressed concern that food subsidy, currently at Rs.63, 000 crore ($12 billion), may go up to Rs.1.2 lakh crore ($ 23 billion) if the bill is implemented. Rising fertilizer prices and the Minimum Support Price (MSP) of the grains was another concern.
Managing the finances would not be a problem but procurement would have to be improved. It is estimated that against the current procurement levels of 54 millions tons, the requirement may go up to 62 million tons.

Benefit for Women and Children:

About 2.25 crore pregnant women and lactating mothers are expected to benefit from the legislation that proposes to give Rs. 1,000 per month for six months as maternity benefit. Maternity benefits that are available only in 52 districts will be extended across the country. All this is commendable but there is need for caution since the economy is showing signs of sluggishness.
The budget deficit will need to be watched. Finding the money to fund the ambitious scheme would also be no mean task. With procurement of food grains required to rise from the current 54 million tons to 62 million tons, the Union government would be up against a major challenge especially in years of drought.
Aiming to empower women, the Bill also proposes that the ration card will be issued to the eldest female member of the family. The proposed Bill also holds great promises for children. Children in the lower and upper primary classes would be entitled to mid-day meals as per the prescribed nutritional norms.
The union budget for 2011-12 had provided for Rs 55,586 crore for food subsidy. But while revised estimates are that the food subsidy bill this year will be around Rs. 63,000 crore, the new law would require more food grains and a lot more money to implement.
Fears have been expressed that the new Bill, as and when enacted, will fuel both shortages and inflation. The fears are not misplaced because in August this year, the food grain stock with the government was 61.27 million tons, short of what will be required to implement the scheme.
The annual procurement of food grains by the government stands at 54 million tonnes and will have to be raised to at least 62 million tons, if the scheme is to be implemented.

Implementation:

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The draft law explains ways to implement the scheme and prescribes penalties for flawed delivery. While the state has to ensure uninterrupted supply of food-grain through the Public Distribution System (PDS), vigil on distribution will be through quarterly meetings between shop owners and representatives of local bodies who will be involved in the selection of the shop owner.

States will have to fully computerise their PDS within two years of the law and they "shall provide a toll-free number and a website where consumers can register their complaints. All complaints shall be addressed within 39 days of receipt and records of the same shall be made available in the public domain, including the Internet," says the draft.

A commissioner will be appointed in each state to monitor the scheme, suggest changes in it, investigate scarcities, and award penalties to public servants for failures. The penalties could be a fine of gross salary of one month up to five years for negligence, or imprisonment of six months to five years in case of "deaths or serious morbidity".

The Manmohan Singh government is to earmark over Rs 50,000 crore for the right to food programme. Though details of the programme's rollout are yet to be firmed up, the government does not foresee any major hurdles in implementing the scheme. Government sources say the Bill could come up during the winter session of Parliament.

Keeping in mind substantial layoffs in select sectors, in the wake of the global economic crisis, the government is expected to expand the scope of the programme to include sectors such as textiles as well as large sections of agricultural labour impacted by volatilities in the food sector.

Under the public distribution system, the BPL category excludes large sections of the poor, including 52% of agricultural labour households. At present, food stocks with the government are upward of 50 million tonnes, more than twice the storage capacity of the Food Corporation of India, on the back of high rice procurement (30.65 million tonnes) and a record wheat buy (over 24.7 million tonnes).

The need for subsidised food-grain for a wider section of people is also reflected in increased off-take. While the off-take in the Antyodaya system is around 90%, showing people's desperate need for cheap food-grain, the off-take for BPL families increased from 7.367 million tonnes to 22.845 million tonnes in 2005-06, out of an allocation of 27.32 million tonnes.

As far as above the poverty line (APL) families is concerned, the off-take is much lower, not because people do not need the grain but because for several years there was not much difference in the APL price and the market price.

For the first time, the onus of identification and, more crucially, delivery of grain to consumers could be pinned on panchayats in rural areas and local governments in urban areas, entailing never-before accountability on records of allocation and off-take of grain.

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A seamless marriage of current realities and provisions in the proposed legislation would also mean smoothing out existing wrinkles in food-grain availability and accessibility.

Key Issues:

There are three essential components of this proposal that need to be fleshed out. And these revolve around the issues of what and how much to give, at what prices and to whom.

a. There is less ambiguity on the first issue of what and how much. The present entitlement for the Antyodaya Anna Yojana (AAY) is 35kg of food-grains per poor household. The Congress party manifesto, however, promises only 25kg per month, way below the minimum nutritional norms. Secondly, the present BPL (below poverty line) or AAY entitlements are only for food-grains (rice and wheat) and do not provide for any other nutritional requirements such as pulses, an essential source of protein. For a nutritionally secure strategy, it is imperative that a minimum 5kg of pulses be added to the basket.
b. The second key issue is at what price. While the manifesto of the Congress party promises rice or wheat at Rs3 per kg, this is no better than the existing entitlement of the AAY. It is, in fact, higher than existing price of food-grains available to the BPL population in as many as eight major states of the country-Andhra Pradesh, Chhattisgarh, Gujarat, Karnataka, Kerala, Orissa, Tamil Nadu and West Bengal. These states account for 35% of the rural population. With Madhya Pradesh promising to follow suit, at least 40% of the rural population already enjoys food at Rs 3 per kg or less.
c. However, the third issue is the most crucial, which it is the number of beneficiaries that will be covered by the proposed food security Act. The promise made by the Congress party in its manifesto limits the entitlement to only BPL families. It is here that there is a lack of consensus between the states and the Union government. Going by the present methodology, the government estimates that 65 million households are BPL households and makes the food-grain allocations to states based on this. This number may go down to less than 60 million if the 2004-05 estimates from the Planning Commission are taken as the basis instead of the 1993-94 poverty figures that form the basis of the current estimates.

Against this, the total number of households that have been issued either a BPL or AAY card by state governments is 106.7 million. The state governments are currently doing this by providing additional subsidies from their own budgets.

In Andhra Pradesh, Tamil Nadu and Karnataka, for instance, it is almost universal, with around 80% of the population covered under the subsidized food scheme. Any attempt to restrict the number of beneficiaries to the present official poverty estimates (which are known to be flawed) will, therefore, lead to a

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reduction in the number of beneficiaries to almost half the existing number. Further, an Act should at least guarantee as much as is already being given.

While the estimate of poverty is one issue of contention, how to identify the beneficiaries for effective targeting is also unresolved. The problems with both these are well known and have been officially acknowledged with two expert committees working on resolving these.

The first committee headed by Suresh Tendulkar has been set up to examine the issue of estimation of poverty used by the Planning Commission and the second led by N.C. Saxena has been set up by the ministry of rural development to identify a suitable procedure for identification of BPL households. Both these committees are due to submit their report.

Providing subsidized grains is only one aspect of a food security Act. Such an Act should also address other issues such as malnutrition, especially among children and women, and social vulnerabilities due to barriers of age, caste, gender and disability.

Existing schemes such as the Mid-Day Meal Scheme or the Anganwadi programme for children under six, adolescent girls, pregnant and lactating mothers should also be brought into the ambit of the Act with strengthened universal entitlements. Such an Act has the potential to ensure that no person in the country sleeps hungry, and this must be realized.

Other View:

The proposed law aims to benefit 65 per cent of the population, which makes little sense unless the United Progressive Alliance (UPA) Government, by implication, is admitting that the vast majority, or two-thirds of the people of India, cannot survive without heavily subsidized food.

Since that is not the case, it remains inexplicable as to why such a large number of beneficiaries are being targeted. While it makes sense to protect the poorest of the poor from hunger and malnutrition, it is absurd to extend the same benefit to those who can do without heavily subsidized food.

Moreover, there are three related aspects, apart from enhanced and ill-affordable subsidy, which merit comment. First, the demand for food grains will result in a shift in agricultural patterns across the country with farmers focusing entirely on rice and wheat. This is bound to cause a shortfall in pulses and cash crops.

To meet that shortage, Government will have to resort to imports which, in turn, will fuel prices. Second, a scheme of this nature can be implemented only if there is a flawless storage and distribution system since neither exists, implementation is bound to suffer.

Third, the main problem with the NAC- conceived cockamamie schemes is that they are premised on the one-size-fits-all logic. There may be States which would rather spend the money on projects that can fetch long-term benefits and sustainable economic security for the poor.

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Growth in Hunger:

At the same time, it is most important to answer the questions being raised by those opposing NFSB. Today, development is only understood in the narrow terrain of economic growth and Indian policy makers seem to be infatuated by GDP numbers and their growth.

They have not stepped beyond their narrow, familiar paradigm and taken an interest in improving general living standards. How can Indian polity accept such a growth trend wherein 70 per cent of the total GDP is directly under the control of 8 per cent of India's elite?

Growth is important, because it helps create a conducive environment for the welfare of people. We cannot, however, accept a growth trajectory that curtails opportunities for the common people and allows grabbing of common resources for short-term gains.

While India's economy has been growing at a pace of 6 to 9 per cent in the past 12 years, under-nutrition among children has decreased by a trifling 1 per cent between 1998-99 and 2006. Should we accept a 'mere token 0.1 per cent decline in childhood hunger per year?

We also need to be honest in accepting the fact that the under-fed cannot contribute to the country, even if provided with opportunities because of lack of capabilities. We will have to build an environment of empowerment with nutritional security. Otherwise, how can one expect that the hungry would go to the industries, set up with huge public resources and subsidies, and start working as labour or engineer?

The growth story has a flip side as well. The present level of malnutrition results in 2 to 3 per cent decline in GDP. It delays education, triggers learning disabilities and affects the overall physical and cognitive development of children right from the conception stage.

Every year, we lose 1.3 million children who do not celebrate their fifth birthday and die of under-nutrition and lack of healthcare. Now as the developed world, which has enjoyed the highest level of affluence, is being devastated by a debilitating economic crisis and citizens their protest the prevalent economic policies, it is time for India to decide whether peoples' well-being should be its priority, or just creating a tiny island of opulence for a handful of people.

It is believed that the Bill, in its present form, is not adequately endowed with a vision to address the very structural causes of food and nutritional insecurity in the country. Three basic issues are at hand.

First, NFSB dwells on targeting beneficiaries, as against providing universal access, and re-invoking the contentious below poverty line (BPL)-above poverty line (APL) battle-lines by seeking to classify the population into "priority" and "non-priority" households.

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The intended benefits will be given to people based on these categories. It is a well-known fact that successive governments have failed to identify the poor, and as a result, the majority of our population continues to live with hunger.

Two, the Bill provides for a supply of 7 kg per month subsidised food grains per person in "priority" households, whereas the monthly requirement of a person is 14 kg. Third, the proposed entitlements do not deal with the problem of nutritional insecurity.

In India, people have suffered undernourishment mostly due to protein and fat deficiency. Hence, to cope with the problem, the government should have added pulses to compensate for protein and edible oil to replenish fat; the preamble of the Bill also mentions: "... the Supreme Court of India has recognized the right to food and nutrition as integral to the right to life".

The National Nutrition Monitoring Bureau figures show that 76.8 per cent of the population does not receive the prescribed nutrition. We need a strong political commitment; otherwise "growth in hunger" will be our leitmotif.

Increase in Food Subsidy:

Already, we are spending Rs. 67,310 crore on food subsidy, and there will be a tiny increase of another Rs. 30,000 crore if NFSB is enacted, which is a trifle 4 per cent of the taxes being usurped by the corporate- economists-government nexus. But consider the positive impact of this humane expenditure.

It will preserve human values and feed the 770 million people going hungry at present. The Indian government will only be giving a subsidy of Rs. 1,188 per person per year or Rs. 3.25 a day. The welfare politics has become very imperative in the past one decade or so.

The government has been running the Integrated Child Development Services, having a plan to spend Rs. 80,000 crore in the next five years; the Mid Day Meal scheme is already in place. We have 170 million children under the age of six, 45 per cent of them are undernourished but we barely spend Rs. 1.62 per child per day on their growth and nutrition.

There is an argument that it is better for the government to focus on productivity enhancement rather than focusing on doling out subsidies at the expense of tax-payers. But these two things are not mutually exclusive; they are complementary. Let us understand one thing: India is not a food deficit country; we produce surplus food grains, but due to various reasons it does not reach a large number of our hungry people. If this continues, the argument of productivity will not hold any weight. Yes, it is true that we still have one of the lowest per hectare productivity, but this is also the time to think on the adverse impact of technologies on agriculture.

Strengthen PDS:

A part of this discussion is linked to public procurement and minimum support price (MSP) for farm produce. If the government stops subsidising agriculture,

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profit makers will benefit and consumers will have to pay high prices. Just take the example of pulses.

We pay Rs 36 per kg as MSP to the farmer for tuar dal, but its market price was Rs. 110 some time ago. There is an urgent requirement to ensure maximum public procurement, which can only be done and applied through the Public Distribution System (PDS).

The other aspect deals with policy perspective. For the past 20 years, the per capita food production in India is stagnant at around 460 grams per person per day; pulses are the key source of protein, but the availability has dipped from 70 g per day in the 1960s to 42 g in recent times.

We adopted new technologies: hybrid seeds, chemical fertilizers and pesticides in order to increase agriculture production. Punjab sacrificed its community techniques and blindly used large quantities of chemicals, which has resulted in low soil fertility. Overall, the present draft of the Bill is just a modest beginning. We have to think and decide what our priority is.

An Analysis of the National Food Security Act,2013

Introduction

The national food security bill was enacted on September 12, 2013. It is[i] "*an Act to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matters connected therewith or incidental thereto*."

It aims at protecting all children, women and men in India from hunger and food deprivation. Many social, economic and political reasons have instigated its enactment. The objectives of this Act also include setting new standards of delivery, transparency and accountability for social programs. It also aims to provide a guarantee of adequate nutrition which is derived from the right to food as a part of the right to life under Article 21 (interpreted by the Supreme Court as a right to life with dignity)[ii], which is a fundamental right of all citizens.

Recently in *Ami Prabal vs. Union of India and Others*[iii] the Madhya Pradesh High Court held that if there is an obligation upon State for allotment of food grains, state should follow that order to secure food to citizens. As per the order of Supreme Court, families holding BPL & APL cards were entitled to receive food grains of 35 kg per month. However, BPL & APL card holders of state were getting only 20 kg per month as the number of card holders under Union of India was different from that of state of Madhya Pradesh which implied that real BPL families were not getting benefit as ordered by Supreme Court. Therefore, shortage of food was not to be blamed for the hunger-stricken strata but the lax attitude of the administration adopted for the identification of BPL & APL families. Moreover, food grains could also be saved from wastage due to

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inadequate storage capacity. Given that right to food is a basic human right and is also a sub set of right to life, the Court issued direction to the respondents for removal of anomaly of number of BPL & APL card holders in State while disposing the petition. This case forms one of the major instances which led the government to enact a legislation to cater to the right to food.

The act focuses on legal food entitlements i.e. the duty of central, state and local governments to provide food to the people, through subsidized grain, direct feeding programs and related interventions. According to the act –"Every person belonging to priority households shall be entitled to receive five kilograms of food grains per person per month at subsidized prices specified in Schedule I from the State Government under the **Targeted Public Distribution System**." [iv]The entitlements of the persons belonging to the eligible households at subsidized prices shall extend up to seventy-five per cent of the rural population and up to fifty per cent of the urban population.[v] The act also entails special provisions for every pregnant woman and children upto the age of 14 years.[vi]

This project determines the viability of the different provisions of National Food Security Act, 2013 by comparison and analysis of various sections.

Legislative history

There have been many attempts to enact a legislation to protect the Indian population from malnourishment. A PIL in 2001 exposed the excessive amounts of food grains rotting in government granaries which could have been better used to feed the starving population. Representing the People's Union for Civil Liberties (Rajasthan), HRLN filed Public Interest Litigation in the Supreme Court in April 2001 – seeking legal enforcement of 'Right to Food.' [vii]According to figures of the Government of India, there are thirty-six crore people living below the poverty line and there are more than five crore people who are victims of starvation. [viii]

The Court stepped in to curb this menace in the public distribution system and issued several orders. It affirmed the right to food as inevitable and upheld Article 21 of the Constitution of India, which guarantees the fundamental right to "life with human dignity." The Food Corporation of India was ordered to ensure that food grains do not decay and are put into proper use. The states were given the responsibility of implementation of the following schemes: the Employment Assurance Scheme, Mid-day Meal Scheme, Integrated Child Development Scheme, National Benefit Maternity Scheme for BPL pregnant women, National Old Age Pension Scheme, Annapurna Scheme, Antyodaya Anna Yojana, National Family Benefit Scheme and Public Distribution Scheme for BPL & APL families.

The petition by PUCL highlights two aspects of the state's negligence in ensuring food security: the breakdown of the public distribution system (PDS) and the inadequacy of relief programs in drought-affected areas. Following on this, it

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asked the Supreme Court to intervene, by directing the government to provide subsidized food grain to all families among other directions on employment etc. The petition also requests the court to order the central government to supply free food grain for all these schemes.

This case is one of the largest among the most complex litigations. Till 2005, 382 "affidavits" were submitted by the petitioner and respondents, 55 "interim applications" were filed, and 44 "interim orders" were issued[ix]. Supreme Court has passed orders directing the Indian government to: (1) introduce cooked mid-day meals in all primary schools, (2) provide 35 kgs of grain per month at highly subsidized prices to 15 million destitute households under the Antyodaya component of the PDS, (3) double resource allocation for Sampoorna Grameen Rozgar Yojana (India's largest rural employment programme at that time, now superseded by the Employment Guarantee Act), and (4) universalize the Integrated Child Development Services (ICDS)[x]. In an interim order on November 28, 2001, the Supreme Court converted most food and employment-related schemes into "legal entitlements". The environment created by the Right to Food Case facilitated the emergence of the NREGA. In an interim order of May 8, 2002, the SC also put in place an independent mechanism—the Commissioners of the Supreme Court—to ensure compliance of the state and central government with the orders of the court. The Commissioners submit bi-annual reports to the SC. The SC then asks the state and central governments to respond to the issues raised by the Commissioners.[xi]

Interim applications submitted from time to time by PUCL have further enlarged and consolidated these demands. The initial petition focused on the drought situation prevailing at that time, especially in Rajasthan, but the litigation now has a much broader scope. The main concern is to put in place permanent arrangements to prevent hunger and starvation thus fulfilling the concept of right to food.

The case has demonstrated that States cannot escape the responsibility of ensuring the Right to Food and it continues seeking to further strengthen the formulation and implementation of food related social security schemes. The case also forms one of the major forces behind the national food security bill. In its 2009 national election manifesto, the Congress had promised to enact a Right to Food law with the aim of guaranteeing access to sufficient food for all people. In October 2010, the National Advisory Council (NAC) drafted a National Food Security Bill, proposing legal entitlements for about 75 percent of the population. In January 2011, an Expert Committee set up by the Prime Minister under the chairmanship of Dr. C. Rangarajan examined the Bill and made several recommendations. A draft Bill was circulated by the Ministry of Food, Consumer Affairs and Public Distribution for public feedback in September 2011. The bill was originally introduced in Parliament in December 2011[xii].In May 2013

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India's government introduced an amended food security bill in the lower house of Parliament, doing away with an earlier proposal for separate categories of beneficiaries in urban and rural areas. After further amendments, deliberations and discussions in the two houses of the parliament the bill was finally enacted in September 2013.

International recognition of Right to Food

International law recognizes the human right to adequate food. The International Covenant on Economic, Social and Cultural Rights is the main covenant in this regard. The article 11.1 of the Covenant states that "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions", while the article 11.2 states that more immediate and urgent steps may be needed to ensure "the fundamental right to freedom from hunger and malnutrition". The right to adequate food is important for the enjoyment of other rights. It affirms that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the International Bill of Human Rights.[xiii]

In its General Comment 12, the Covenant on Economic, Social and Cultural Rights clarified that "the right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means for its procurement". According to the General Comment, the realization of the right to adequate food requires:

"the availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture and the accessibility of adequate food, including both economic accessibility and physical accessibility

Feasibility of the bill

The National Food Security Bill (NFSB) envisages distribution of about 61.2 million tons of cereals, primarily rice and wheat, through the existing public distribution system (PDS) and other welfare schemes (OWS), costing the exchequer about Rs. 1,25,000 crore annually which is about 1.1% of GDP. About 62 million tons of food grain will be needed under the food bill.[xiv]

Even if the grain quantity remains fixed each year, the subsidy cost will keep increasing annually because the rising input cost to the farmers will always keep the pressure to raise the minimum support price (MSP). This will increase ineffective cost of the grain to the government; the selling price at the TPDS is unlikely to change. It is also likely that because of the rising population, the food grain quantity will also increase. Therefore, given the rising costs of the scheme in coming years, its sustainability is questioned by many.[xv]

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In reality, a much bigger amount is wasted annually by way of rotting food grains stocked under unsafe conditions in the godowns of the FCI. Further, significant savings from the expenditure of the FCI are possible if it rationalizes its policies. Thus, it is wrong to say that the Food Bill will incur any extra significant expenditure by the government.

Analysis of various aspects of the bill

Food security

The Bill specifies that the central government, state governments and local authorities shall strive to progressively realize the objectives specified in Schedule III. These include, among others, access to safe and adequate drinking water and sanitation, healthcare, nutritional, health and educational support to adolescent girls, adequate pensions for senior citizens, persons with disability and single women. It is unclear why objectives that are not directly related to food security have been included in the Bill.

The Food Security Act should ideally be an opportunity for the government to show its seriousness of purpose and commitment. For that, however, it should go beyond piecemeal measures to comprehensively ensure that food is a basic human right, addressing both immediate hunger and, in the longer term, all the three aspects of availability, access and nutritional outcomes. This calls for a life-cycle approach, starting with addressing the rights of the child, continuing through to old age, adopting an inclusive approach, greater coordination between departments and ministries, making the necessary investments and budgetary allocations to ensure both adequate production and mechanisms to cope with climate change, and greater vigilance in ensuring effective distribution and utilization of allocations made. [xvi]

Distribution

Since entitlements shall extend up to 75 percent of the rural and up to 50 percent of the urban population, the exact extent of the entitlements is not clear. This implies that the actual number of people entitled to food may be less than 75 percent of the rural and 50 percent of the urban population. There are two issues with regard to these entitlements. First, the Bill does not provide a rationale for prescribing specific cut-off numbers for the share of the population included in priority and general groups. Second, the minimum requirement of including 46 percent of the rural population and 28 percent of the urban population in the priority group implies that the government will have no flexibility to revise this figure even if the share of the population living in poverty changes over time.[xvii]

Enforcement

In some cases, where the government is unable to deliver food to the PDS system the bill allows for cash transfers. This may defeat the main agenda of the bill as the cash can be used to buy non-food items by the people.

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While the Bill seeks to provide the legal right to subsidized food grain to 67 per cent of the population it creates a problem of identifying beneficiaries. It classifies the population into two categories of beneficiaries – general and priority – but is silent on how a priority household is identified. The bill has also not clearly defined terms such as social audit, childhood care etc. The Bill says that the states are to provide the records of the poor but it is unclear whether they have accurate records for this. It could lead to significant sections being excluded from the classification of beneficiaries.[xviii]

Another contentious issue is that the Bill envisages a cost sharing between the Centre and the states where the states will bear the cost for all the major schemes. These are all good provisions but they place a significant burden on the states[xix]. With regard to implementation it is unclear if the Centre can require the states to allocate funds without encroaching on the powers of state legislative assemblies. If a state does not have the funds for implementation or the state assembly chooses not to allocate, it could seriously affect the working of the Bill[xx].

But at the same time the bill envisages key proposals for improving enforcement and transparency like separation of roles between implementation and redressal with parallel seniority at the district level ; setting up of People's Facilitation Centre (PFCs) that can help the poor register their complaints ;establishment of a high-level credible, empowered, accessible and independent appellate body at the district, state and national level to provide support, independent critical advice and expertise to the implementing departments .

Mechanism

The PDS mechanism insulates the beneficiaries from inflation and price volatility and ensures access to food grains even in remote areas. But at the same time it leads to large leakages and diversions of subsidized food grain. There have been complaints of sub-standard quality of food grains distributed under this mechanism and at times there is adulteration of food grain.

In cash transfer system, there is cash in the hands of poor which expands their choices and relieves financial constraints to some extent. Also cash transfer programs involve low administrative costs because it does not need procurement, storage and distribution facilities. But this scheme requires extensive banking network and may expose recipients to price volatility and inflation. Under this cash can also be used to buy non-food items.

Criticisms

The bill and the subsequent act was criticized by many organizations due to various reasons –

Criticism by the Right to Food Campaign

The Right to Food Campaign finds the Bill extremely inadequate in offering food entitlements, and needs serious amendments before passage. It has been

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consistently demanding a comprehensive food security law that promotes agriculture production, provides for local procurement and local storage along with a decentralized PDS. It also wants safeguards against commercial interference in any of the food related schemes.[xxi]

Criticism by the National Commission for the Protection of Child Rights (NCPCR) The National Commission for the Protection of Child Rights (NCPCR) has criticized the bill on grounds such as exclusion of children under the age of two years from take home ration scheme under ICDS , the denial of entitlements to the third child under the two child norm , no mention of the term malnutrition among children in the bill.[xxii]

No role for State governments in decision making

Under the National Food Security Bill, the State governments do not have the right to identify the beneficiaries, or make efforts for giving better food security. At least 15 states including Chhattisgarh, Bihar, Tamil Nadu, Madhya Pradesh, Delhi and all 4 southern states already have their own subsidized food program and their own count of beneficiaries. The entitlements and count of beneficiaries under the Central Food Act are different and the Act is supposed to be implemented by the state governments. Most states provide wider coverage than the Central Act[xxiii]. The content of the proposed Act appears to assume that there are no state food programs. Thus, there will be confusion and implementation issues once the Bill is passed.

Critics point out that that eradication of malnutrition requires more than just removal of hunger. Simply providing for the basic minimum food is unlikely to do enough to improve India's high malnutrition levels. Food security is necessary but not sufficient for nutrition security. There is substance in this critique. For nutrition, the focus should be on children and women. The Food Bill does take a step ahead in that direction, although it could have done more on this front.

Many activists say that for the bulk of the beneficiary population of the poor, just five kg per month per person is insufficient and have to buy rest of the ration from the open market. The TPDS will provide only about 70 to 75 per cent of the food needs[xxiv]. There is nothing in the Bill for the destitute and starving.

While the Indian council of medical research norms recommend that an adult requires 14kgs of food grains per month and children 7kgs; the Bill provides for reduced entitlements to 5kgs per person per month. Also there is an absence of entitlements to pulses and oil in the PDS which does not effectively solve the problem of malnutrition.

Conclusion

The National Food Security Bill 2013 could be a game-changer for national food security if the government is able to overcome corruption and reduce leakage and wastage by involving the local bodies. Much can be learned from states like

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Chhattisgarh and Tamil Nadu, where increased local participation (through, for example, cooperative ration shops) and have made food distribution transparent and efficient.

Overall better results can be obtained by integrating various welfare schemes designed for the wellbeing of the poor masses. India can learn from countries such as Brazil, Ethiopia and Bangladesh, where income/food transfers were bundled with education and healthcare initiatives[xxv]. The success of such initiative should be measured in terms of how many poor are able to pull themselves from poverty and become self-reliant in the coming years.

Another paradigm shift needed in India's food security strategy relates to nutrition security. The Food Bill has provision of free nutritious meals to children and pregnant and lactating women, which is very encouraging. Four decades ago, the Green Revolution made India surplus in wheat and rice that are high-calorie but low-nutrient food. The bill, complimented with proper implementation can reduce the problem of food insecurity in India.

RURAL INDEBTEDNESS – A LINGERING PROBLEM OF THE INDIAN STATE

India is still a nation of rural realities. The sites of development in India, more often than not have been urban and peri-urban centres. Rural India has developed but the scale, magnitude, and rate of development has been partial in favour of urban spaces.

According to the 2011 Census, nearly 69% of Indian population is still rural. In absolute terms, more than 83 crore of India's population resides in its six lakh villages. A majority of this rural population is dependent on agriculture to sustain themselves. The obvious fallout of a long lingering agrarian crisis in the non-green revolution states is rural indebtedness. Often other factors like illiteracy and ignorance exacerbate rural indebtedness.

Status and Causes of Rural Indebtedness in India

Rural indebtedness has been a persistent problem of India's rural economy. The report, 'Situation Assessment Survey of Rural Households in India', released by the National Sample Survey Office (NSSO) in December, 2014 identifies that about 52% of rural households in India are indebted. The average loan per agricultural household is ` 47,000. Andhra Pradesh is identified as the highest with about 92% of its rural population indebted. It is followed by Telengana, which has about 89% indebted rural households and Tamil Nadu having about 82.5% rural indebtedness. This data reveals that while average income increased from 2002-2003 to 2012-2013 by 318%, rural indebtedness increased by 273.5%.

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The report has identified that about 60% of such loan was from institutional sources like the government, co-operative societies and banks. However, about 26% of such rural loans were from money lenders. The report has claimed lower the land holding, higher is the probability of a non-institutional loan.

Experts have attributed various causes of such wide and embedded indebtedness in rural India. The primary reason of rural indebtedness is linked to the inherent crisis of Indian agriculture. A large portion of the country's farmers are small and marginal farmers who are exposed to severe poverty. A farmer is often forced to borrow for several reasons. He has to borrow to continue his agrarian practices for example to procure seeds or equipment. Often the return is too less to repay the debt and thus starts a vicious cycle of indebtedness. One of the predominant causes of the scale of indebted in India is ancestral debt. Far too many farmers start their agrarian lives with a heavy burden of ancestral debt. Unable to repay these debts at a go, these farmers are forced to borrow further. Alcohol addiction has risen considerably in India's rurality. It is an important source of indebtedness. Exorbitant, showy expenses during social events such as marriages also contribute largely to indebtedness. To successfully deal with rural indebtedness social consciousness must be improved.

Rural indebtedness is also linked to the overwhelming nature of small agricultural holdings in India. More than 70% of Indian agricultural holdings can be termed as small (less than five acres). In such holdings large scale, modern farming is impossible. To have major economic yields in agriculture, one needs to maximize production, which remains a far cry for the majority of Indian farms. Malpractices carried out by money lenders can be seen as a major cause of continuation and worsening of these problems. Money lenders often force farmers to mortgage their lands and when a farmer is unable to repay the debt he faces the risk of losing his land. He is thus forced into further debt. Apart from this, illiteracy, ignorance and long lasting litigations can be seen as major contributors to the continuing indebtedness in rural India.

Is it a specifically Indian Phenomenon?

Rural indebtedness cannot be specifically associated only with India. It is a problem of the developing world; widely prevalent in Africa and many nations of Latin America. Even some of the more developed countries like China are also grappling with this problem.

In the book China's Trapped Transition: The Limits of Developmental Autocracy, author Minxin Pei observes that rural indebtedness had begun to reemerge in China mid-1990's. The book attributes this remerging indebtedness to a failed tax reform, which placed the heaviest tax burden on the weakest town and rural governments. These governments, to cope with this pressure, levied heavy taxes on the rural population, paving the way for rural indebtedness. The book observes

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by 2004, the total amount of public debt of towns and villages ranged between 600 billion and 1 trillion yuan and amounted for about 10% of the Chinese GDP.

Consequences of Rural Indebtedness

As stated earlier, the most serious consequence of existing rural indebtedness is further indebtedness. Due to heavy indebtedness, the income of many farmers is spent on repaying debts. The process of capital formation remains elusive in these cases. Therefore the tendency to borrow remains prominent. Apart from this there are serious social and economic consequences. As there is heavy burden of loans, the scope of upward economic mobility of Indian farmers remain low.

Indebtedness is a major barrier to modernization of agriculture. Since the scope of capital accumulation remains low, there is no opportunity to modernize farming as it requires heavy capital investment. This affects small and marginal farmers (who are an overwhelming majority in Indian scenario) more acutely.

Rural indebtedness creates a class of landless agriculturists. These people have mortgaged their lands or lost it. To sustain themselves they need to cultivate someone else's land, making themselves economically as well as socially marginalized and vulnerable. This has serious political fallouts as well. Impoverishment of farmers often fans anti-national political and separatists movements. The resurgence of Naxalism in Andhra Pradesh can be linked to its mammoth level of rural indebtedness. Simultaneously, it has a severe impact on heath and standard of living of the nation's rural population.

The National Crime Records Bureau (NCRB) in a report states there had been 5,650 cases of farmer suicides in India in 2014. The report states 20.6% of the suicides can be attributed to bankruptcy and prolonged indebtedness. The report also highlights that the states with a higher level of indebtedness record a higher number of suicides. Three of the highly indebted states, namely, Andhra Pradesh, Telengana, and Tamil Nadu account for about 20% of the nation's farmer suicides. Additionally, Maharashtra, where cotton farmers are exposed to acute crisis has recorded 2568 cases of farmer suicides.

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Statement 14: Average amount of outstanding loan (Rs '00) per agricultural household by size class of land possessed for major States

State	average amount of outstanding loan (Rs '00) per agri. hhs belonging to the size class of land possessed (ha)								csd. no. agri. households having outstanding loan (00)	proportion of indebted agricultural households (0.0%)
	<0.01	0.01 - 0.40	0.41 - 1.00	1.01 - 2.00	2.01 - 4.00	4.01 - 10.00	10.00 +	all classes		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Andhra Pr.	2409	739	893	1049	1623	3500	2494	1234	33421	92.9
Assam	4	8	24	67	71	173	0	34	5995	17.5
Bihar	73	138	132	341	279	424	1494	163	30156	42.5
Chhattisgarh	0	48	93	79	202	239	0	102	9538	37.2
Gujarat	69	120	247	311	826	1624	1148	381	16743	42.6
Haryana	95	192	737	900	1573	1162	4681	790	6645	42.3
Jharkhand	0	56	46	85	92	200	0	57	6464	28.9
Karnataka	355	778	633	987	1248	2321	3673	972	32775	77.3
Kerala	1690	1592	1944	3467	6070	7505	15726	2136	10908	77.7
Madhya Pr.	91	119	152	270	629	1168	1952	321	27414	45.7
Maharashtra	102	453	232	455	582	2071	3869	547	40672	57.3
Odisha	88	167	337	181	326	1302	22281	282	25830	57.5
Punjab	131	246	516	1641	2292	3266	9274	1195	7499	53.2
Rajasthan	1694	334	431	678	1031	1548	1528	705	40055	61.8
Tamil Nadu	377	674	1192	1200	2147	3224	4512	1159	26780	82.5
Telangana	563	578	794	1033	1097	1369	2690	935	22628	89.1
Uttar Pradesh	219	160	218	457	1075	1248	2178	273	79081	43.8
West Bengal	57	146	197	330	329	435	2760	178	32787	51.5
all India*	**311**	**239**	**354**	**548**	**949**	**1827**	**2903**	**470**	**468481**	**51.9**

Source: Situation Assessment Survey of Rural Households in India (NSSO)

The crisis remains real and it needs immediate attention of the government. Indebtedness is a product as well as a contributor of the Indian agrarian crisis. This crisis concerns the nation as India has an overwhelmingly rural population. The state's developmental processes must include and address this crisis.

The Way Out

To deal with this crisis, the government must recognize its enormity. The first step that needs to be taken is to significantly increase the scope and ambit of institutional credit in rural India. The state must also effectively deal with money lenders, who are often centres of political and economic influence in rural India. More meaningful steps for better irrigation and other agricultural facilities, which will increase productivity of agriculture, need to be taken. This can contribute positively to the increase of income of small and marginal farmers. The government has in many of the states legislations, scaled down ancestral debt. However, many of the farmers are ignorant of such schemes and take no advantage of the same. Making the small and marginal agriculturists aware of their rights needs more focus from governmental agencies. Co-operative societies and Self Help Groups (SHGs) can be successfully used to control and facilitate micro borrowings.

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The state must also promote agro-based products. This will help in economically uplifting farmers. Promoting organic farming and incentivizing the same can be an effective means of debt reduction. Organic products have a huge export market. Large scale production of organic products by small and marginal farmers can be a way to economic prosperity. The state should facilitate selling of organic products and take interest in making these products ready for the export market. Better storage facilities and transportation facilities can also indirectly reduce debts as a large amount of agricultural products are wasted due to lack of storage facilities.

Module 5

Social development and challenges:

- **Tribal Issues :Marginalisation of the Tribals, Forest Rights Act , Land Acquisition Act .**
- **Police reforms: Problems faced by Police and the Need for Reforms**
- **Illegal immigration from Bangladesh : Challenges and impact**
- **Developmental Issues: Displacement and rehabilitation**

TRIBAL MOVEMENTS

In India there are a number of tribes specially in Northeastern part of India – Orissa, Nagaland, Arunchal Pradesh , Manipur , Assam, Bihar and in some parts of Southern India. Tribal peoples constitute roughly 8 percent of the nation's total population. Tribals are drawn from a variety of races

Most tribes are concentrated in heavily forested areas . Historically, the economy of most tribes was subsistence agriculture or hunting and gathering. Tribal members traded with outsiders for the few necessities they lacked, such as salt and iron.

. Problems

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✓ Tribes live in secluded and largely inaccesible regions of the country. They live in harmony with nature but are deprived and poor..

✓ Tribes largely engage in shifting agriculture. However there has been large scale encroachments on their already limited land.The government has declared a large part of the land as forest area for conservation. The traditional food security is thus being threatened.

✓ In some areas due to the communication revolution, the tribals are linked to urban industrial centres, non-tribals migrate to tribal homelands reducing the % of tribal population . Tribal population is also reducing due to natural calamities, lower fertility rate, high mortality rate etc. Many tribes have become extinct.

✓ Tribals have also been evicted from their land by governments's macro development plans. Eg 5 factories were set up in tribal areas of Bihar .

✓ Education is not encouraged by parents.There are different dialects for several communities which makes educating even more difficult.

Tribal Movement:

Although tribal societies are considered to be rigid, changes are taking place – from within as well as due to political interventions. There have been rapid changes over the years that have caused a serious disintegration of the tribal societies.

They have started raising their demands before the political authorities. There are also certain organizations , non-tribal like the Christian Missionaries that act on their behalf. These give rise to movements sometimes of a violent nature. At the end of 1960's there were 36 ongoing movements of which 14 were concentrated in North east. The movements were for

- ✓ Political autonomy – Demand for Separate state within Indian union (Nagaland, Mizoram and Meghalaya became separate states in 1960's) and also for complete secession from Indian Union
- ✓ Forest biased movements
- ✓ Cultural movements – (demand for preservation of tribal language)

Jharkhand Movement:

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Jharkhand literally means “the land of the jungles”. And the Jharkhands are the original inhabitants (adivasis) of the region. They consist of tribes such as mundas, santhals, Savaras etc

After independence outsiders kept pouring in and the tribals were reduced to minority. Also a lot of tribals moved out to far of states like Gujarat, Maharashtra , Karnataka , Assam. It was felt that Jharkand was developing but not the Jharkhandis. Of the 7 industries set up in the region, the tribal representation was low.

A small tribal educated group emerged in these societies by the western education introduced by Christian Missionaries. These educated tribals showed concern for modernizing tribal societies and for conservation of traditional values. Tribal politics gradually developed into a struggle for freedom.

The Jharkhand Mukti Morcha (1972) was established and the all-India Jharkhand Students Union (1986) went through a lot of ups and downs. Jharkhand state was created in 2000 by carving out 18 districts of Bihar but some Tribal dominated districts are still not part of Jharkhand.

Bodo Movement:

- ✓ Bodos are one of the earliest settlers of Assam and are the largest tribes of Assam. They ruled over Assam till 1825. Bodos are ethnic and linguistic community .
  47% of population of Assam were Bodos in 1947 but they declined to 27% in 1971.
- ✓ Even after independence, the area had been facing neglect in the area of development. It soon became a centre of dissent and demands for secession.
- ✓ The Bodos wanted more autonomy for the Bodo tribes and the Assamese were concerned with the expulsion of foreigners
- ✓ The Assam Government passed the Illegal Migrants Detection Tribunal Act . This further irritated the Bodos since for the rest of the country only the Foreigners Registration Act was applicable. They felt there should be a single law regarding foreigners throughout the country
- ✓ Language was another problem. The Assamese language was imposed on Bodos.
- ✓ The Bodos were facing a loss of identity and culture.
- ✓ In 1968 all Bodo Students Union raised the slogan of Divide Assam Fifty- Fifty.

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- ✓ The tribals were agitated by the rise of Assamese nationalism which protected the Assamese speaking population. In 1984, all BOdo students Union gave a call for a separate state of Bodoland.
- ✓ Following the riots for 8 years a settlement provided for creation of "Bodoland Autonomous Council".

The policies of the government towards the tribals have changed over the years. They are working towards encouraging traditional arts and culture, respecting tribal rights to land and forest rights and providing support and training

Eg., The Scheduled Tribes (Recognition of Forest rights) bill 2005 was passed by the government. The Bill allows tribals and non-tribals living in forests (upto 2005) rights to use their forest land for livelihood since it is their ancestral land and they need the land to sustain their culture.

THE FOREST RIGHTS ACT

A WEAPON OF DEMOCRACY IN THE FORESTS

Millions of people live in and near India's forest lands, but have no legal right to their homes, lands or livelihoods. A few government officials have all power over forests and forest dwellers. The result? Both forests and people die. This Act recognises forest dwellers' rights and makes conservation more accountable.

THE SCHEDULED TRIBES AND OTHER TRADITIONAL FOREST DWELLERS (RECOGNITION OF FOREST RIGHTS) ACT, 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is a result of the protracted struggle by the marginal and tribal communities of our country to assert their rights over the forestland over which they were traditionally dependent. This Act is crucial to the rights of millions of tribals and other forest dwellers in different parts of our country as it provides for the restitution of deprived forest rights across India, including both individual rights to cultivated land in forestland and community rights over common property resources. The notification of Rules for the implementation of the Forest Rights Act, 2006 on 1st Jan 2008, has finally paved the way to undo the 'historic injustice' done to the tribals and other forest dwellers.

The livelihood of perhaps 100 million poorest of the poor (The Indian Forest Rights Act 2006: Communing Enclosures) stands to improve if implementation

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can succeed. The Act is significant as it provides scope and historic opportunity of integrating conservation and livelihood rights of the people.

We perceive this Act as a potential tool

- To empower and strengthen the local self-governance
- To address the livelihood security of the people, leading to poverty alleviation and pro poor growth
- To address the issues of Conservation and management of the Natural Resources and conservation governance of India.

SIGNIFICANCE OF THE ACT

- For the first time Forest Rights Act recognises and secures
- Community Rights or rights over common property resources of the communities in addition to their individual rights
- Rights in and over disputed land Rights of settlement and conversion of all forest villages, old habitation, un-surveyed villages and other villages in forests into revenue villages
- Right to protect, regenerate or conserve or manage any community forest resource which the communities have been traditionally protecting and conserving for sustainable use.
- Right to intellectual property and traditional knowledge related to biodiversity and cultural diversity
- Rights of displaced communities
- Rights over developmental activities

Why is this law necessary?

What are called "forests" in Indian law often have nothing to do with actual forests. Under the Indian Forest Act, areas were often declared to be "government forests" without recording who lived in these areas, what land they were using, what uses they made of the forest and so on.82% of Madhya forest blocks and 40% of Orissa's reserved forests were never surveyed; similarly 60% of India's national parks have till today (sometimes after 25 years, as in Sariska) not completed their process of enquiry and settlement of rights. As the Tiger Task Force of the Government of India put it, "in the name of conservation, what has been carried out is a completely illegal and unconstitutional land acquisition programme."

What are conditions like in the forest areas?

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Because of this situation, millions of people are subject to harassment, evictions, etc, on the pretext of being encroachers in their own homes. Torture, bonded labour, extortion of money and sexual assault are all extremely common. In the latest national eviction drive from 2002 onwards, more than 3,00,000 families were driven into destitution and starvation. In Madhya Pradesh alone, more than 125 villages have been burned to the ground.

The situation is so bad that the then Commissioner for Scheduled Castes and Scheduled Tribes, in his 29th Report, said that "The criminalisation of the entire communities in the tribal areas is the darkest blot on the liberal tradition of our country."

Why were people's rights not respected when these forests were declared?

The Indian Forest Act, 1927, India's main forest law, had nothing to do with conservation. It was created to serve the British need for timber. It sought to override customary rights and forest management systems by declaring forests state property and exploiting their timber. The law says that, at the time a "forest" is declared, a single official (the Forest Settlement Officer) is to enquire into and "settle" the land and forest rights people had in that area. These all-powerful officials unsurprisingly either did nothing or recorded only the rights of powerful communities.

The same model was subsequently built into the Wild Life Protection Act, passed in 1972, with similar consequences.

Mistakes may have been made, but surely these laws are the best way to protect our forests?

It is not just people who have lost. The very purpose of the Forest Acts was to convert forests into the property of a colonial department; and when you convert an ecosystem into someone's property, there will always be stronger claims to that property than conservation. To destroy a forest today requires nothing more than either a bribe to the local forest officer or an application to a committee in Delhi. The results include:

The loss of more than 90% of India's grasslands to commercial Forest Department plantations.

The destruction of five lakh hectares of forest in the past five years alone for mines, dams and industrial projects;

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The clearing of millions of hectares of forest for monoculture plantations by the Forest Department;

Recent proposals to privatise "degraded" forest lands for private companies' timber plantations.

Moreover, the forest laws destroyed all the community management and regulation systems that had existed before, forcing people to choose between either abandoning the forest entirely or living as 'criminals' within or near it. To this day it is a criminal offence for you or I to plant a tree in a reserved forest; but it is legal for the Department to fell the entire forest so long as it has Central government permission.

What does the Forest Rights Act do?

The Act basically does two things:

- Grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws.

- Makes a beginning towards giving communities and the public a voice in forest and wildlife conservation.

Who is a forest dweller under this law, and who gets rights?

There are two stages to be eligible under this Act. First, everyone has to satisfy two conditions:

1. Primarily residing in forests or forest lands;
2. Depends on forests and forest land for a livelihood (namely "bona fide livelihood needs")

Second, you have to prove:

- That the above conditions have been true for 75 years, in which case you are an *Other Traditional Forest Dweller* (s. 2(o));

OR

- That you are a member of a Scheduled Tribe (s. 2(c)); and
- That you are residing in the area where they are Scheduled (s. 4(1)).

In the latter case you are a *Forest Dwelling Scheduled Tribe*.

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What kind of rights do forest dwellers get under this Act?

The law recognises three types of rights:

Land Rights

No one gets rights to any land that they have not been cultivating prior to December 13, 2005 (see section 4(3)) and that they are not cultivating right now. Those who are cultivating land but don't have document can claim up to 4 hectares, as long as they are cultivating the land themselves for a livelihood (section 3(1) (a) and 4(6)). Those who have a patta or a government lease, but whose land has been illegally taken by the Forest Department or whose land is the subject of a dispute between Forest and Revenue Departments, can claim those lands (see section 3(1)(f) and (g)).

There is no question of granting 4 hectares of land to every family. If I am cultivating half a hectare on December 13, 2005, I receive title to that half a hectare alone; and if I am cultivating nothing, I receive nothing. If I am cultivating more than 4 hectares without documents or a dispute, I receive title to only 4 hectares.

The land cannot be sold or transferred to anyone except by inheritance (see section 4(4)).

Use Rights

The law secondly provides for rights to use and/or collect the following:

a. Minor forest produce things like tendu patta, herbs, medicinal plants etc "that has been traditionally collected (see section 3(1) (c)). This does not include timber.

b. Grazing grounds and water bodies (sections 3

c. Traditional areas of use by nomadic or pastoralist communities i.e. communities that move with their herds, as opposed to practicing settled agriculture.

Right to Protect and Conserve

though the forest is supposed to belong to all of us, till date no one except the Forest Department had a right to protect it. If the Forest Department should

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decide to destroy it, or to hand it over to someone who would, stopping them was a criminal offence.

For the first time, this law also gives the community the right to protect and manage the forest. Section 3(1) (i) provide a right and a power to conserve community forest resources, while section 5 gives the community a general power to protect wildlife, forests, etc. This is vital for the thousands of village communities who are protecting their forests and wildlife against threats from forest mafias, industries and land grabbers, most of whom operate in connivance with the Forest Department.

How are rights recognised?

Section 6 of the Act provides a transparent three step procedure for deciding on who gets rights. First, the gram sabha (full village assembly, NOT the gram panchayat) makes a recommendation – i.e who has been cultivating land for how long, which minor forest produce is collected, etc. The gram sabha plays this role because it is a public body where all people participate, and hence is fully democratic and transparent. The gram sabha's recommendation goes through two stages of screening committees at the taluka and district levels. The district level committee makes the final decision (see section 6(6)). The Committees have six members – three government officers and three elected persons. At both the taluka and the district levels, any person who believes a claim is false can appeal to the Committees, and if they prove their case the right is denied (sections 6(2) and 6(4)). Finally, land recognised under this Act cannot be sold or transferred.

Amended Forest Rights Act rules notified; more powers to gram sabha

<u>What the amended rules state</u>

- Forest dwellers can transport minor forest produce by any appropriate means of transport
- Transit passes for transporting minor forest produce will be issued by a committee constituted by the gram sabha
- The committee constituted under the gram sabha will prepare conservation and management plan for community forest resources after forest dwellers' rights on such resources are recognized
- The gram sabha committee can integrate its management plans with the forest department's working plans if it considers this necessary

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- The gram sabha will approve all decisions of the committee pertaining to issue of transit permits, use of income from sale of forest produce or modification of management plans

- Forest rights related to protection, regeneration and management of community forest resources by forest dwellers for sustainable use should be recognised in all the villages; in case this is not done in a village the reason should be recorded by the district-level committee formed to look into the FRA claims

- To ensure that right claims are not rejected illegitimately by the authorities, the new rules put additional conditions for rejection than those which were there in the draft rules. The authorities will now not be able to reject the claims for being absent from the field verification process

- No committee or individual official at the panchayat, block or forest range level except the forest rights committee shall be eligible to receive, decide or reject the forest rights claims

- State level monitoring committee to report on the progress of the implementation of the Act in the prescribed format, which requires it to furnish detailed information on community forest rights claims

Forest claims cannot be rejected arbitrarily

Mandating that forest rights related to protection, regeneration and management of community forest resources by forest dwellers for sustainable use should be recognised in all the villages with forest dwellers, the rules say that in case this is not done in a village the reason should be recorded by the district-level committee formed to look into the FRA claims. To ensure that right claims are not rejected illegitimately by the authorities, the new rules put additional conditions for rejection than those which were there in the draft rules. The authorities will now not be able to reject the claims for being absent from the field verification process.

Besides, no committee or individual official at the panchayat, block or forest range level except the forest rights committee shall be eligible to receive, decide or reject the forest rights claims. The rules say that satellite imagery and technological tools cannot be treated as the replacement of evidence prescribed in the Act for verifying the claims, but can only be used as supplements. The new rules also prescribe a format for the state level monitoring committee to report on the progress of the implementation of the Act which requires detailed information on community forest rights claims.

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Rules Summary The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 ƒ

The government notified the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Rules, 2012 on September 6, 2012.

These Rules amend the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Rules, 2008, notified under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. ƒ

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

he amending Rules introduce the process to be followed by the Gram Sabha and district level committee, the process for the recognition of rights and amends certain definitions. Some of the key amendments include: Gram Sabha ƒ

The Gram Sabha shall monitor the committee constituted for the protection of wildlife, forest and biodiversity. It has to approve all decisions of the committee pertaining to the issue of transit permits to transport minor forest produce, use of income from sale of produce, or modification of management plans. The collection of minor forest produce is to be free of all fees. The committee has to prepare a conservation and management plan for community forest resources. ƒ

The Forest Rights Committee (FRC) of the Gram Sabha shall not reexamine recognised forest rights or interfere in the verification of claims that are pending.

The number of Scheduled Tribes represented on the FRC has increased from one-third to two-thirds. ƒ

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The quorum of the Gram Sabha meeting has been decreased from two thirds to one-half of the members. Atleast one-third of the members present shall be women. While passing a resolution regarding the claims of forest rights, atleast 50 per cent of the claimants to forest rights or their representatives should be present. District level committee ƒ

The committee should ensure that a certified copy of the record of the right to community forest resource is provided to the Gram Sabha. State level monitoring committee ƒ

The committee should meet atleast once in three months to monitor the recognition, verification and vesting of forest rights, and furnish a quarterly report to the central government. Definitions ƒ ‘

Bonafide livelihood needs’ refers to the fulfillment of livelihood needs (earlier sustenance needs). These can be fulfilled through the sale of surplus produce. ƒ

A definition of ‘community rights’ was added and includes rights such as (a) ownership, access to collect, use and dispose of minor forest produce, (b) fishing and grazing, and (c) conversion of all forest villages into revenue villages. ƒ

‘Disposal of minor forest produce’ includes individual or collective processing and storage by the Scheduled Tribes. The produce can be transported through appropriate means of transport (earlier transportation was only permissible by head-loads, bicycle and handcarts). Process of recognition of rights ƒ

A process to identify unrecorded or unsurveyed settlements or forest villages by every Panchayat was introduced. A process of recognition of individual rights and community rights has been incorporated. The delineation of community forest resources may include existing legal boundaries such as reserve forests, protected forests and national parks.

RULE OF LAW & POLICE REFORMS

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The **rule of law** means no person is above law. The rule of law has been considered as one of the key dimensions that determine the quality and good governance of a country.

The principle behind the Rule of Law is- Law should be equally enforced and should be consistent with international human rights norms and standards. It also implies supremacy of law, an independent impartial judiciary , the right to fair trial without delay, rational approach to punishment and legal transparency.

Accordingly, arbitrary arrests; secret trials; indefinite detention without trial; cruel or degrading treatment or punishment; corruption in the electoral process, are all unacceptable.

The Rule of Law is the foundation of a civilised society. However in reality, Rule of Law is weakened - Police atrocities, custodial deaths, discrimination, harassment and , delays in justice are common features of our society.

Reasons : .

- ✓ Corruption and interference of politicians in the smooth working of the police force.
- ✓ Nexus between police & criminals and the judiciary & politicians . Some are connected with antisocial elements, .
- ✓ They abuse their power and authority
- ✓ Police is ineffective & inefficient and there is no accountability
- ✓ Outdated police Act and Police system
    - Common police for all investigations – crime, riot, protection ,security, intelligence etc
    - Outdated technology & weapons procedure , inadequate resources

Police reforms :

Several committees and commissions have put forth their recommendations for reforms but these have been pending for a long time. Laws relating to investigations and trial of criminals are governed by 3 laws framed in the late nineteenth century

- The Indian Penal Code
- The Criminal procedure Act
- The Evidence Act

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The need for reform has long been recognized . The lack of political will remains the greatest obstacle to police reform. – it suits the politicians to have subordinate police to become partners in their corrupt dealings .

The Supreme court has issued several directives to reform the existing police system. The supreme Court recommended that the Chiefs of Police be selected through a transparent process and they should be in office only for a fixed duration . This is necessary for accountability and independent functioning . The police must be responsible for not only the service they provide, but also must be answerable for each and every action of theirs and also for the money that they spend. Misconduct of police staff should be severely dealt.

Reforms must be addressed by well thought out laws . A good model for Police Reforms would be the Model Police Act drafted by Sorabjee Committee.

Some of the recommendations for Police reforms made by the committee include,

- State Police Complaint Authority to look after the complaints of misconduct against the Police officers of the rank of SP and above.

- criminal penalties for some of the common neglects like non-registration of FIR, unlawful arrest and detentions.

- National Security Commission headed by the union home minister for the selection and placement of chiefs of central police organizations.. In states the State Security Commission would act as a watchdog and be headed by the Chief minister.
- Fixed tenure for senior officers so that they are free of "political transfers".
- Separation of investigation and law and order duties. This, if implemented, will definitely help improve the quality of investigation and hence the conviction rate.

The recommendations made by Soli Sorabjee committee have a far reaching implications and it is only hoped that these are implemented at the earliest and in letter and spirit.

MIGRATION & DISPLACEMENT & RESETTLEMENT

Migration is physical movement of people from one place to another. It could be voluntary or forced.

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Displacement and Resettlement

Infrastructural development projects carried out by states, frequently result in the displacement of peoples from homes that stand in the way of dams, highways, or other large-scale construction projects. In the past, poor rural farmers have been victims of large scale development projects in developing countries. Development projects like dams and road building have displaced a large number of people from their place.

Among the many cases of forced displacement in India, Narmada River Dam project is the most widely discussed, criticized and publicized.

Displacement results in

- ✓ Loss of land, job and home
- ✓ Food insecurity
- ✓ Social disintegration
- ✓ Loss of access to common property
- ✓ Marginalization

In India, there are roughly 60 million displaced persons and project-affected persons from various states . As more and more land is required for industrial growth, the number of displaced persons are in the increase. 50-60 million project affected persons (PAP) have been deprived of a livelihood without physical relocation .

The majority of the PAP are tribals, rural poor communities like fisherfolk, quarry workers and landless dalits and scarcely 20% have been rehabilitated. The rest are left to fend for themselves. The situation has worsened with the onset of globalisation.. A number of Special Economic Zones (SEZs) are being planned all over India. The coal sector has been told to triple its production ,and massive dams are planned in several states. The outcome is more land and more displacement.

Issues

- ✓ PAPs have not received enough land and also face acute problems of fuel and fodder
- ✓ Lack of facilities in the new site, primary health centre, school, dispensary
- ✓ PAP's are finding it difficult to adapt to new sites
- ✓ Quality of land given is poor
- ✓ There have been cases of human rights violation
- ✓ Income in the new sites lower than the income of farmers in their old village

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Although relocation has been done in some cases, the rehabilitation is not satisfactory. There is family partition, unproductive land, loss of income , cut off from socio-cultural network, etc.

There has been several protests against project related displacements and the SEZ. . What is required a comprehensive rehabilitation policy

On October 11, 2007, the central government announced the National Policy for Rehabilitation and Resettlement 2007 (NPRR 2007), replacing the National Policy of 2003. The policy addresses some of the issues of rehabilitation and minimizing displacement, with the objective of striking a balance between the need for development and protecting the interests of the farmers and the landless. However there are criticisms about the policy and its implementation.

HIPPO EFFECT

Hippo Effect refers to

- H Habitat destruction
- I Invasive Species
- P Pollution
- P Population
- O Over grazing

Habitat Destruction : Habit Destruction is the process by which natural habitat is destroyed making it unable to support species. In the process the species which used the site are displaced or destroyed and made extinct. 89% of bird species, 83% of mammals and 91% of plant species have become extinct due to habitat destruction. Habitat destruction has been mainly caused by human activities, such as agricultural, mining , harvesting, deforesting, rapid industrialization and the so on. habitat destruction is ranked as the most important cause of extinction of species.

Invasive Species: Invasive species are newly entering species which may cause the disappearance of native species through altered biotic interactions. Invasive species are non- native plants or animals that adversely affect the habitats of native species. These species are widely distributed in all kinds of ecosystems or habitat . Invasive Species significantly disturbs the natural biodiversity.

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The alien or invasive species may kill or eat the native species to the degree of extinction. Introduction of goats and rabbits in pacific and Indian region has resulted in the destruction of habitats of several plants. Pathogenic micro organisms if introduced to new virgin areas may cause epidemics resulting in total elimination of native species.

Rabbits were introduced in Australia for sport shooting. Their population exploded and they destroyed vast area of rangeland, native wildlife and land used for sheep ranching

Pollution: Environmental pollution is the most subtle form of habitat destruction leading to loss of biodiversity. Pollution can cause reduction and elimination of sensitive species. Excessive use of pesticides, get mixed with the water of the aquatic ecosystem reducing the population of fish eating birds and falcons. Toxic wastes entering the fresh water bodies, coastal ecosystems are injurious to the biotic components of these systems. Coral reefs are in danger by pollution and industrialization. Sulphur dioxide, Nitrogen dioxide, Suspended particles cause negative effect on plants and animal species.

Population**:** Increase in human population and human activities are chiefly responsible for destruction of biodiversity. The ever increasing human settlement have been causing destruction of natural ecosystem to meet their demands for food, clothing and shelter. Millions of forests have been cleared, along with grass lands. Worst damage has been done to wet lands as they were considered to be useless in the ecosystems. Today the rich biodiversity of wetlands, estuaries and mangroves with unique species are under threat. As a result of human activities, marine biodiversity is also under serious threat.

Overharvesting: Forest lands are cleared to convert it to grazing land for cattle. Overgrazing leads to degradation. India has a large population but grazing land is limited to only 13 million hectares. The animals trample the seedlings and cause compaction to the soil so that its water storing capacity is decreased. Food has been the most priority for humans. Most of the nutrients are used up by Overharvesting and overgrazing.

OZONE DEPLETION:

The earth's atmosphere is composed of several layers. The layer, stratosphere occurs between 10-40 km above the earth's surface. It absorbs the UV radiation in sunlight which is harmful to living organisms . It contains ozone, a form of oxygen (O_3) . Ozone is a life savior if present in the stratosphere but a pollutant

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if present in our troposphere. When the UV radiation hits the ozone molecule, it breaks the chemical bond and splits the molecule . the UV rays then lose their strength and are prevented from penetrating the earth's atmosphere. The ozone layer thus protects the Earth from the ultraviolet rays sent down by the sun. If the ozone layer is depleted by human action, it can have adverse effect on the planet.

OZONE Depletion was first discovered in the mid-1980s in Antarctica. . Scientists noticed a decrease in ozone level in the stratosphere, which caused a massive hole in the ozone layer right above Antarctica . The discovery of this "hole" would mean more UV rays of sun reaching the earth . It could cause skin cancer, affect human immune system and crop growth, Ozone at the lower level is responsible for the urban smog but in the upper atmosphere absorbs UV radiation from the sun preventing it from reaching the earth where it could cause harm to humans, crops and other problems

Ozone depletion is expected to touch 10% by the middle of the century

Causes of Ozone depletion: & Effects

The most leading cause of ozone depletion is the production and emission of CFCs, chlorofluorocarbons. CFCs are used in industry in a variety of ways and have been amazingly useful in many products. Discovered in the 1930s CFCs came to be used in refrigerators, aerosols, home insulation, plastic foam, and throwaway food containers.

Accumulation of CFC's in the atmosphere could destroy the protective layer of ozone in the upper atmosphere . CFCs float to the upper atmosphere where the suns heat breaks them releasing chlorine atoms. Chlorine destroys ozone . With more and more CFC use, chlorine level in atmosphere is double the natural levels. The worst contributors of CFC's are refrigerators, aerosol cans . CFC's act as greenhouse gases

Researchers in 1974, proved that CFCs were entering the atmosphere, and they concluded that 99% of all CFC molecules would end up in the stratosphere. Only in 1984, when the ozone layer hole was discovered over Antarctica, it was convincingly proved that CFC caused ozone depletion.

Ozone depletion will cause climate change , change in wind pattern , and exposure to UV light will cause skin cancer, cataracts, change in life cycle of plants disrupting the food chain.

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Solution :

Many countries have called for the end of CFC production because only a few produce the chemical. However, those industries that do use CFCs do not want to discontinue usage of this highly valuable industrial chemical.

Despite the difficulties, international action has been taken to limit CFCs. In 1987, the first global agreement to limit the production of ozone depleting CFC's was signed in Montreal. 30 nations worldwide agreed to reduce usage of CFCs and encouraged other countries to do so as well.

However, many environmentalists felt the treaty did "too little, too late", The treaty asked for CFC makers to only eliminate half of their CFC production, making some people feel it was inadequate.

By the year 2000, the US and twelve nations in Europe agreed to ban all use and production of CFCs. Many other countries have signed treaties and written laws restricting the use of CFCs. In 2002 the European Union introduced legislation aimed at safe disposal of ozone depletion substances in fridge and other equipment.

Can Ozone depletion be reversed? - Even if CFCs were banned, problems would remain. There would still be no way to remove the CFCs that are now present in the environment. Clearly though, something must be done to limit this international problem in the future. The abundance of ozone depleting compounds in the lower atmosphere is now slowly declining.

Companies are finding substitutes for CFCs, and people in general are becoming more aware of the dangers of ozone depletion.

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