
PANORAMA.....

CURRENT EVENT ANALYSIS

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ENVIRONMENT

Gangotri glacier is retreating: report



The Gangotri glacier is retreating like other glaciers in the Himalayas and its volume and size are shrinking as well, a report titled 'Estimation of retreat rate of Gangotri glacier using rapid static and kinematic GPS survey' by scientists of the Almora-based G.B. Pant Institute of Himalayan Environment and Development states. The institute has been monitoring the Himalayan glaciers, particularly the Gangotri, since 1999. Ecessional moraines and broad glacial terrace-like features provide sufficient evidence of the shrinking of the glacier in the recent past between Gaumukh and Bhojbasa. However, post-1971, the rate of retreat of the glacier has declined. 2000 onwards, the average rate of retreat of the glacier per year has been about 12 to 13 metres.

A fluctuation in the recession rate of the glaciers has engendered widespread discussion on the effects of global warming. The Gangotri glacier is a big glacial body so its glacial response is slow. Also, global warming is not the only factor resulting in glacial retreat. However, it might be one of the factors. The retreat in the past decade was higher than it is in this decade. However, there is some disintegration in the upper regions of the glacier which shows that some tectonic activities are going on in the region. This might be alarming but it is under study.

The Gangotri, one of the largest Himalayan glaciers, is in Uttarkashi district. Originating at about 7,100 m above sea level, the glacier is 30.2 km long and has a width that varies between 0.5 and 2.5 km. The Bhagirathi, one of the main tributaries of the Ganga, originates from the glacier, which has retreated more than 1,500 metres in the last 70 years.

Save Our Snow Leopards (SOS)

WWF India, in partnership with Tata Housing Development Company, announced the launch of a project for the conservation of endangered snow leopards in the country.

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As a part of the project 'Save Our Snow Leopards' (SOS), the two organisations unveiled an online crowd funding campaign for species conservation in India, aiming to raise at least Rs. 15 lakh. The snow leopard population in India is estimated to be 400-700, while their worldwide number is around 7,000.

Project Snow Leopard is a manifestation of the Government of India's resolve to conserve biodiversity with community participation. To give it the same status of importance in the high altitude as that of Tiger in the terrestrial landscape. Snow Leopard is globally endangered species as well as the most important flagship species of the mountain region. They are at the apex of ecological pyramid suffer the most on account of relatively smaller population size and also because of man-animal conflict. This situation further gets aggravated by the hostile landscape forming its habitat. Snow Leopard has been included in the list of species under Recovery Programme to be funded through the umbrella scheme of integrated Development of Wildlife Habitats. There are more than 26 protected areas in the Himalayan landscape where snow leopard is reported. However, areas outside protected areas are equally important for a long range species like Snow Leopard. India is endowed with the unique wildlife assemblage of global importance in Himalayan and Trans Himalayan zones. Thus, implementation of Project Snow Leopard will give an opportunity for the conservation of this unique biodiversity. Application of landscape for conservation, capacity building of staff research on wildlife and human dimension in Snow Leopard habitat, adoptive management of project developing, grazing and management policies along with promotion of conservation and education awareness initiatives etc would require for conservation in these areas.

- The project is operational in five Himalayan States viz. Jammu & Kashmir, Himachal Pradesh, Uttarakhand, Sikkim, and Arunachal Pradesh with active support from wildlife institute of India and the Mysore based Nature Conservation Foundation.
- The project stresses on a landscape approach to conservation wherein smaller core zones with relatively conservation values will be identified and conserved with support and the larger landscape will be managed in such a way that it allows necessary development benefits to the local communities.
- The project thus places greater importance to careful and knowledge-based management planning of the landscapes.
- The adaptive management planning will involve participation of all key stakeholders so that action is taken by incorporating local wisdom and support. For facilitating effective planning and action, the project will set up enabling administrative mechanisms from the village duster level to the Central Government.
- At the Central level, a Steering Committee chaired by Director General of Forests & Special Secretary to the Government of India will help guide the project. Each State will have a State Snow Leopard Conservation Society that will coordinate work by the Landscape-level Implementation Committees, which in turn will coordinate work by the village Wildlife Conservation Committees.

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Posco Vedanta issue

The Union Environment Ministry has taken a decision in two high profile cases,

- Rejecting the forest clearance for Vedanta's bauxite mining project in Niyamgiri Hills of Odisha,
- Renewing the stand-alone environmental clearance for Posco's eight million tonnes per annum steel plant.

The rejection of Vedanta's proposal to dig in the Niyamgiri hills came after 12 village councils of Dongriya Kondh tribal groups rejected the project in their traditional forestlands.

The Supreme Court had empowered the village councils to decide on the project in order to protect their customary and religious rights. The court had asked the Environment Ministry to review its earlier decision to not permit the mining, based on the views of the tribal community.

The renewal of original clearance given to Posco's steel plant in 2007 by Environment Minister Mr Veerappa Moily, on the other hand, came after the Ministry delinked other components of the integrated project, including the port and the mining parts from its review process.

The Ministry was asked by the National Green Tribunal to review the environment clearance. The NGT had recommended that the ministry take a holistic view of the project, taking into account several components such as construction of a port, housing and roads, besides mining.

The Environment Ministry was unable to do so with the company not satisfying the requirements to get the port component cleared.

Vedanta and Posco: A tale of two projects

Pradeep Baisakh (infochangeindia.org)

On April 1, 2011, the Orissa government filed an application in the Supreme Court challenging the Centre's rejection of environmental clearance to the UK-based Vedanta Group's \$1.7 billion bauxite mining project proposed in the Niyamgiri hills. The state government filed the application through the Orissa Mining Corporation (OMC) against the Ministry of Environment and Forests' (MoEF) order, dated August 24, 2010, denying the project clearance. In its petition, the state government said that the MoEF's decision was in violation of a previous order by the Supreme Court giving the project the green signal. It also contended that the Centre's order was illegal and arbitrary.

So, why was Vedanta denied clearance and another project, POSCO, given the go-ahead? According to three members of the Meena Gupta-headed POSCO review committee (tribal affairs expert Urmila Pingle, former director general of forests Devendra Pandey and Madras High Court advocate V Suresh), constituted to look into the violation of various laws in the proposed POSCO project: "Both POSCO and Vedanta are alike in the sense that in both instances there is gross violation of the law with impunity."

This is a view shared by many who have been keenly watching the approach of the state and the central government towards the two much-talked-about projects -- POSCO steel and Vedanta alumina. So there was surprise that Vedanta was given the thumbs-down (August 24, 2010) while POSCO got the green signal (January 31, 2011). One failed to convince Sonia and Rahul

Gandhi's green soldier (Jairam Ramesh), while the other managed to win over Manmohan's ministerial colleague.

Basic facts about the two projects

POSCO signed an MoU with the Orissa government on June 22, 2005, to set up an integrated steel plant (steel-cum-power plant and captive minor port) in the Paradip area of Jagatsingpur district. Touted as the highest FDI in the country, an investment of Rs 51,000 crore was envisaged for the plant that would have a capacity of 4 MTPA (million tonnes per annum) initially, and would later be upgraded to 12 MTPA. Sterlite Industries Ltd, the parent entity of Vedanta, signed an MoU with the state on June 7, 2003, to set up an alumina refinery with a capacity of 1 MTPA (later an MoU was signed for expansion to 6 MTPA), at an investment of Rs 4,000 crore, in Niyamgiri, Kalahandi district.

POSCO needed an area of 1,621 hectares, of which 1,253 hectares was forest land. Vedanta's requirements were for 723.343 hectares of land for the alumina refinery and 721.323 hectares for bauxite mining. Forests cover 58.943 hectares of the land needed for the alumina refinery, and 672.018 hectares of that required for the mining project.

The Khandadhar iron ore mines in Sundargarh district were earmarked for POSCO, and the Niyamgiri alumina mines for Vedanta.

Geography and people

There are differences in the two projects in terms of people likely to be affected, and ecological and environmental ramifications. In Niyamgiri, the livelihood and rights of two primitive tribal groups -- the Kutia Kondhs and the Dongaria Kondhs -- are involved. The area is also important from an ecological point of view as it is rich in biodiversity and wildlife. In the proposed POSCO area, the primary sources of livelihood for people are fish, betel vine and paddy. Although few tribals live in the area, it is inhabited by a substantial number of other traditional forest-dwellers (OTFDs). On the ecological front, the project will cause damage to the coast.

Ashish Kothari, member of the inter-ministerial (MoEF and MoTA) committee to review FRA (Forest Rights Act) implementation that visited the proposed POSCO site to study whether FRA claims had been settled, says: "Even though the issue regarding tribals living in the Niyamgiri hills (proposed Vedanta project) are more pressing than those in the POSCO area (as there are very small numbers of scheduled tribes in this area), from the environment perspective and from the point of view of the rights of people, both POSCO and Vedanta are on the same platform. And of course from the point of view of violation of laws like the FRA and others, they are on an equal footing. In fact, Jairam's decision on POSCO is completely inconsistent with the decision on Vedanta. If he had applied the same yardstick used to deny mining and expansion of refinery capacity to Vedanta, the POSCO project would never have got clearance."

Initial clearances

Both projects received initial 'in principle' forest and environmental clearance (Stage 1), albeit with conditions, by the Ministry of Environment and Forests (MoEF) at different points of time in 2007 and 2008. But in both cases, the companies and state government were criticised for violating forest and environment laws and local people's rights. Activists who raised their voice

and protested the move to displace people were also targeted. In both cases, expert committees were constituted to look into violations.

Expert committees recommend withdrawal of clearance

Dr N C Saxena made some important observations and recommendations on both projects as head of the expert committee formed by the MoEF for Vedanta and by the MoEF and the Ministry of Tribal Affairs (MoTA) for POSCO. In both cases, Saxena recorded gross violations of the Forest Rights Act, 2006 by the state government and the companies involved.

In the case of POSCO, members of the POSCO review committee (headed by Meena Gupta) held that there was gross violation of environmental laws, fabrication of evidence, forest rights violations, and the suppression of facts relating to the Coastal Regulation Zone (CRZ). Most members of the Meena Gupta panel recommended prosecution of authorities that had violated provisions of the FRA and other environmental laws. But Gupta differed and gave a set of conditions for granting approval to the project. Incidentally, Gupta was environment secretary in the Orissa government when POSCO was given environmental clearance.

The forest advisory committee (FAC), which is a statutory committee affiliated to the MoEF, recommended withdrawal of all clearances given to Vedanta for mining in Niyamgiri as it found violations of the Forest Rights Act and forest conservation and environment protection laws. In the case of POSCO, the committee observed that due diligence had not been observed in the settlement of forest rights, and therefore it was a breach of law. It recommended temporary withdrawal of Stage 2 clearance for diversion of forest areas to the project.

Similar cases, but different orders

In Vedanta's case, the MoEF withdrew forest clearance for mining and stopped refinery expansion. But in the case of POSCO, the company was allowed to go ahead with certain conditions. The order did not mention mining at Khandadhar as it was sub-judice.

The order in the Vedanta case reads: "Upholding the recommendations of FAC, I (Jairam Ramesh) have come to the following conclusion: the Stage 2 forest clearance for Orissa Mining Corporation and Sterlite bauxite mining project on Niyamgiri hills... stand rejected." It goes on: "The primary responsibility of the ministry is to enforce the laws that have been passed in Parliament. For the MoEF, this means enforcing the Forest Conservation Act, 1980, the Environment Protection Act, 1986, the Forest Rights Act, 2006 and other laws. It is in this spirit that the decision has been taken."

Despite violations by POSCO, as shown in the findings of several expert committees, Ramesh did not deem fit to enforce the laws passed in Parliament. Overlooking the findings of the N C Saxena Committee, most members of the Meena Gupta Committee, and recommendations by the FAC, the order from Paryavaran complex reads: "Projects such as POSCO have considerable economic, technological and strategic significance for the country... 28 additional conditions for steel-cum-power plant and 30 conditions for a captive minor port..." On the issue of the Forest Rights Act, the order says that the state has to give an assurance that no other traditional forest-dwellers (OTFDs) live in the area. Ironically, the state had already submitted that there were no such people living in the area -- a fact found to be incorrect by the Saxena Committee. On August

3, 2010, Saxena wrote to Ramesh after his team's visit to the area: "There are other traditional forest-dwellers (OTFDs) in the area, contrary to what the district administration is saying. Both documentary and oral evidence exists to this effect..."

Prasant Paikrai, spokesperson of the POSCO Pratirodha Sangram Samiti (PPSS), says: "As POSCO has the highest FDI (as stated by the government) in the country, the central government seems to be interested. Major shareholders in the POSCO project are the US and Canada. The Indian government is carrying forward the western imperialist agenda. This is quite unfortunate. We from PPSS will continue our struggle until the project is scrapped."

The most ironical part of the two orders is that, in the case of Vedanta it extensively discusses various recommendations made by the expert committee to justify the decision. This is not the case with POSCO.

Decision guided by political compulsions?

Madhu Sarin, noted forest rights activist, says: "Jairam Ramesh seeks an assurance from the state government that there are no OTFDs in the area. This is despite the findings of two committees that he himself appointed and that visited the areas and examined so many records, that there are OTFDs and that the FRA claims of the people in the area have not been settled. This is quite unfortunate."

Most experts and activists believe Ramesh had little choice but to give approval to the POSCO project given that the PMO was interested in it. Kothari says: "It was easier for the government to say 'no' to mining in Niyamgiri as Vedanta already has a refinery in operation in the area. Now it can get mineral from elsewhere, as it is trying to do from Gandhamardan. But in the case of POSCO, if it withdraws forest and environment clearance the project will not come into being. Moreover, POSCO is a much bigger investment and the largest FDI in the country. The PMO is quite interested in this project. There is some inside news that India is interested in entering into a nuclear deal with South Korea. Taking advantage of this, the South Korean government is backing its private companies like POSCO."

Journalist and agriculture expert Devinder Sharma explains: "While Jairam is confident about 10 Janpath, which is concerned about the environment, he also has to listen to the prime minister and his coterie of economists. His role is to be seen in this difficult context. In the case of Vedanta, both Sonia and Rahul were listening to the concerns of the people, and he stood up for that. In the case of POSCO, it seems his heart was for stopping POSCO, given the kind of committees he set up to study violations of the law in the proposed area. But he was under pressure from the PMO, which is bent on selling out our national resources to companies in the name of development."

Tawang hydel unit -MoEF nod

The 800 MW, National Hydroelectric Power Corporation project has been pending with the MoEF since 2011. A year after the Forest Advisory Committee (FAC) gave its nod to the strategic Tawang II hydroelectric project in Arunachal Pradesh, the Ministry of Environment and Forests has cleared it.

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With China announcing three new hydroelectric projects on the river Brahmaputra early last year, the Centre has been keen on pushing the Tawang project. The Tawang hydro project would involve diversion of 116 hectares of forest land and at least 62 families are likely to be affected by it. The NHPC has last year obtained Central Electricity Authority's concurrence for the 600MW Tawang-I and the 800MW Tawang-II projects in Arunachal Pradesh.

According to the understanding arrived at between the State Government and NHPC, Arunachal Pradesh Government would undertake the basin study through a third party. An MoU in this regard is soon to be signed. Last year, Tawang witnessed demonstration by Buddhist monks, who launched a movement against construction of dams in the area voicing concern over the adverse impact of the hydroelectric project on the environment.

China's announcement has caught India on the backfoot because New Delhi still does not have a strong case to establish its right to use the water of Brahmaputra River, according to international law.

Sea change in Antarctic, or just a debate?



Unlike the Arctic, where sharp declines in recent decades in the ice that floats on sea surfaces have been linked to warming, sea ice in the Antarctic has increased, scientists who study the region say. Averaged over the entire Antarctic coast, the increase is slight — about 1 per cent a decade. At the same time, larger increases and decreases are being seen on certain parts of the continent.

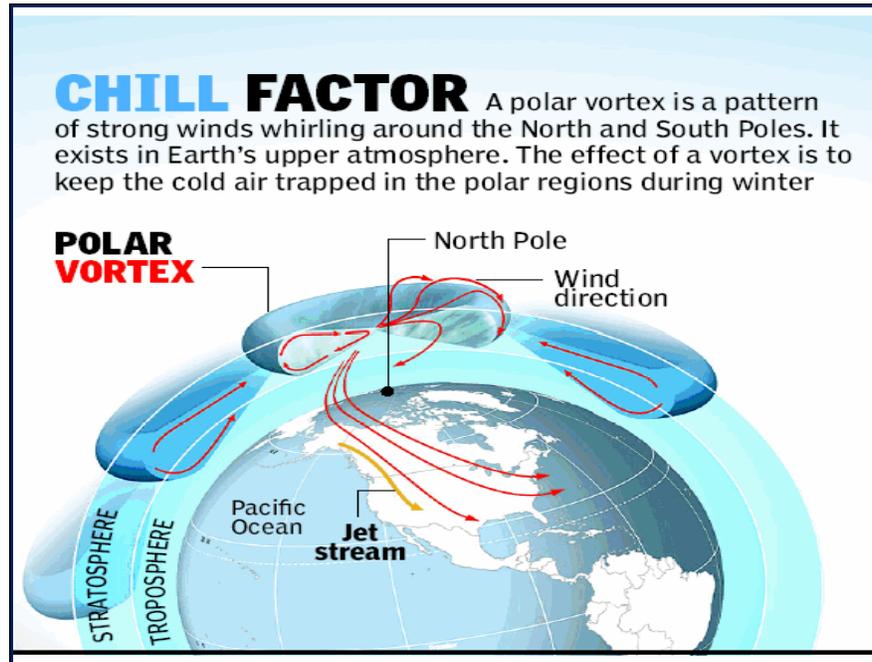
Most of the sea ice changes are occurring in an area covering about a third of the Antarctic coast, from the Ross Sea to the Bellingshausen Sea and the Antarctic Peninsula, said Paul Holland, a researcher with the British Antarctic Survey. Areas around the Ross Sea have seen large increases in ice, while in the Bellingshausen and along the peninsula, ice cover has declined sharply. Researchers agree that the changes in those seas are related to north-south winds that circulate clockwise around a stationary zone of increasingly lower-pressure air. That brings warmer air from the north into the Bellingshausen Sea and peninsula, pushing ice against the

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coast and melting some of it, and colder air from the south into the Ross Sea, which spreads the ice away from the coast and creates more of it. But why that low-pressure air is getting lower is still a subject of debate. Scientists say that increases in greenhouse gas concentration in the atmosphere, and depletion of atmospheric ozone, have changed temperature gradients from the tropics to the poles, which affects atmospheric circulation. The consensus now is that there is a net loss of ice from Antarctica's ice sheets and glaciers, and it is the melting of this ice, rather than any loss of sea ice, that concerns scientists who study.

GEOGRAPHY

North American cold wave



The 2014 North American cold wave was an extreme weather event affecting parts of Canada and the United States east of the Rocky Mountains, extending as far south as Central Florida, and Northeastern Mexico. An Arctic cold front, initially associated with a north 'easter tracked across Canada and the United States, resulting in heavy snowfall. Temperatures fell to unprecedented levels due to the front, and consequently low temperature records were broken across the U.S.

The freezing polar vortex that has gripped the U.S. has extended an abnormally mild winter in Scandinavia and disrupted the seasonal patterns of flora and fauna.

The weather system that brought snow, ice and record low temperatures to many parts of the United States this week left Iceland, Greenland and Scandinavia much warmer than normal.

On the back of a generally mild winter, there have been reports of bears emerging early from hibernation in Finland, changes in the behaviour of migratory birds off the coast of Sweden and plants appearing earlier than normal in Norway.

Scandinavia and Russia's cold weather comes from a high-pressure system that keeps warmer, more humid air and low-pressure systems with wind and rain from coming up from the Atlantic Ocean. The weakening of the jetstream that holds this in place has allowed cold air to spill further south into much of the United States and Canada, while bringing above—average temperatures to parts of Europe. Temperatures in Norway and Finland have been more than 4C above mean averages.

What is a polar vortex? What distinguishes it?

The polar vortex, is circulation of strong, upper-level winds that normally surround the northern pole in a counterclockwise direction -- a polar low-pressure system. These winds tend to keep

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the bitter cold air locked in the Arctic regions of the Northern Hemisphere. It is not a single storm. On occasion, this vortex can become distorted and dip much farther south than you would normally find it, allowing cold air to spill southward.

How frequently does this polar vortex distortion occur?

The upper-level winds that make up the polar vortex change in intensity from time to time. When those winds decrease significantly, it can allow the vortex to become distorted, and the result is a jet stream that plunges deep into southern latitudes, bringing the cold, dense Arctic air spilling down with it. This oscillation is known as the Arctic Oscillation and it can switch from a positive phase to negative phase a few times per year. This oscillation -- namely the negative phase where the polar winds are weaker -- tends to lead to major cold air outbreaks in one or more regions of the planet.

Where on Earth can this happen?

The polar vortex can lead to major cold air outbreaks in any portion of the Northern Hemisphere -- North America, Europe and Asia. This will lead to cold snaps in multiple locations, though not always.

How dangerous is a polar vortex distortion as compared to a tornado or hurricane?

It is completely different type of systems. A cold air outbreak caused by the polar vortex is much more widespread and lasts longer than a single storm. With the widespread drop in temperature, however, you can see significant winter storms develop, especially when the cold air is initially advancing into a previously warm region -- much like the nor'easter this past week.

Is it a side effect of global warming and should we expect more events like this?

It seems counterintuitive that global warming could cause significant cold snaps like this one, but some research shows that it could. We know that different types of extreme weather can result from the overall warming of the planet, melting of the Arctic Sea ice, etc. This includes extreme distortions of the jet stream, which can cause heat waves in summer and cold snaps in winter.

Karbi Anglong district

In Karbi Anglong district on the Assam-Nagaland border, 15-year-old unrest has flared up again. The fresh spate of ethnic violence between the Karbis and the Rengma Nagas started when members of the Karbi People's Liberation Tigers (KPLT) allegedly shot nine Rengma Nagas in Karbi Anglong. Since then, a cycle of retaliatory violence has claimed at least 19 lives and displaced thousands.



For decades, the discontent among these tribes was expressed through demands for autonomy. In many cases, the state responded by granting the tribes autonomous territorial councils. Karbi Anglong, an autonomous district under the Sixth Schedule since 1952, witnessed the rise of a Karbi statehood agitation in the 1980s. In the late 1990s, the movement turned violent, with Karbi militant groups increasingly involved in killings and extortion rackets. The Rengmas, in contrast, are numerically weaker. Despite a feeble demand for a regional council, they have little political space in the state. Yet both communities live in abject conditions and with few avenues for employment. The competing struggles for limited resources and opportunities have sharpened ethnic rivalries. It is a pattern that has become familiar by now — competing claims to increasingly scarce land were responsible, to a large degree, for the Bodo-Muslim violence of 2012. Tragedies like Kokrajhar and Karbi Anglong highlight the inadequacy of autonomous councils to meet the economic and developmental needs of the people.

In the case of the Karbi insurgency, the government's efforts to bring the rebels to the table for talks have been only partially successful. In 2010, it signed a ceasefire agreement with one militant faction, but the KPLT remained armed. An already charged situation has become volatile with the easy availability of arms in the region. If it is to stem the rising tide of violence in the region, the state government must cut off these channels of supply and address the longstanding grievances of the people.

The Karbi Anglong Autonomous Council (KAAC) is an autonomous council in the district constituted under the provision of the Sixth Schedule of the Constitution of India.

The Karbi Anglong District is situated in the central part of Assam. The population of the district is predominantly tribal. The major tribal ethnic groups of this district are Karbis, Dimasas, Kukis, Garos, Rengma Nagas, Bodos, Tiwas, Man (Tai Speaking), Khasi-Pnar, Hmars. Besides, a large number of non-tribal also live together in this hill region.

In accordance with the provisions laid down in the Sixth Schedule to the Constitution of India the functions and powers of Karbi Anglong Autonomous Council can be divided under three main heads- Legislative, Executive and Judicial.

Legislative Powers :-

The Governor of Assam was pleased to make the rules in the year 1951 for the first Constitution of District Councils for the autonomous districts comprising the tribal areas specified in Part A of the tribal appended to paragraph 20 of the said schedule and these rules called the "Assam Autonomous Districts (Constitution of District Councils) Rules, 1951".

The Karbi Anglong Autonomous Council in respect of all areas within the district shall have the power to make laws with respect to :-

- The allotment, occupation, or use or the setting apart of land other than any land which is reserved forest, for the purpose of agriculture or grazing, or for residential or other non-agricultural purposes likely to promote the interests of the inhabitants of any village or town.
- The management of any forest not being a reserved forest.
- The use of any canal or water course for the purpose of Agriculture
- The regulation of the practice of Jhum or other forms of shifting cultivation.
- The establishment of village or town committees or Councils and their powers
- Any other matter relating to village or town administration including village or town policies and public health and sanitation.
- The appointment or succession of chief or headman.
- The inheritance of property.
- Marriage.
- Social Customs.

The Autonomous Council has also been empowered to frame laws to regulate and control money lending and trading by persons other than the scheduled tribes.

Though the Karbi Anglong Autonomous Council have the powers to make acts, rules, but the Governor must give his assent to the acts, rules made by the Council . The Governor has the power to suspend or alter any act or resolution of the Council if he is satisfied that it is likely to endanger the safety of India.

Executive Powers :-

The Autonomous Council may establish, construct or manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, road and waterways in the district and in particular may prescribe the language and manner in which primary education should be imparted in the primary schools of the district.

The Autonomous Council has been allotted specific items of revenue for the efficient discharge of its functions and to meet necessary expenses. The following Financial power has been vested with the District Councils :

The Autonomous Council in respect of all land within the district shall have the power to assess and collect revenue in respect of such lands in accordance with the principles for the time being followed by the Government of Assam in assessing land for the purpose of land revenue in the State of Assam generally.

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The Autonomous Council shall have the power to levy and collect taxes on lands and buildings, and tolls on persons residing within such areas.

It shall have the power to levy and collect all or any or the following taxes :-

1. Taxes on profession, trades, callings and employment.
2. Taxes on entry of goods into a market for sale therein and tolls on passengers and goods carried in ferries.
3. Taxes for the maintenance of schools, dispensaries and roads.
4. Licenses or leases for the purpose of prospecting for, or extracting minerals. The Autonomous Council shall have the right of sharing the royalties accrued each year from licenses or leases for the purpose of prospecting for, or the extracting of minerals granted by the Government of Assam in respect of any areas within the autonomous district as may be agreed upon between the Government of Assam and the Autonomous Councils.

Judicial Powers:

Para 4 of the Sixth Schedule entitles the Council to constitute Village and Council Courts in the autonomous areas to adjudicate or try cases or customary laws in which both the parties are tribals. But no case involving offences punishable by death, transportation of life or imprisonment for not less than five years are heard or adjudicated by these courts. The District Council Court and the Regional Council Court are courts of appeal in respect of all suits and cases tried by the Village Council Courts and the Subordinate District Council Courts. No other court except the High Court and the Supreme Court of India have jurisdiction over suits and cases decided by the Council Courts.

In Assam Aoutonomus councils are at -

1. Bodoland Territorial Council
2. Karbi Anglong Autonomous Council
3. Dima Hasao Autonomous District Council
4. Rabha Hasong Autonomous Council (RHAC)
5. Mishing Autonomous Council(MAC)
6. Tiwa Autonomous Council (TAG)
7. Deori Autonomous Council (DAC)
8. Thengal Kachari Autonomous Council (TKAC)
9. Sonowal Kachari Autonomous Council (SKAC)

Gorakhpur-Haryana

2,800-MWe nuclear power project at Gorakhpur in Haryana will begin soon. In the pipeline since 2009, the project had faced stiff resistance from environmental activists as well as people living in the area.

In particular, a section of farmers in the neighbourhood has been protesting against the proposal to use water from the Bhakra dam for the plant on the ground that it would affect irrigation supplies and drinking water requirements.

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The plant, would have four indigenously developed pressurised heavy water reactors with a capacity of 700 MWe each. In the first phase, two reactors will be set up. They have been included for funding during the 12 Five-Year Plan period.

POLITY – GOVERNANCE

Rashtriya Kishor Swasthya Karyakram (RKSK)

The programme will comprehensively address the health needs of the 243 million adolescents, who account for over 21% of the country's population. The Rashtriya Kishor Swasthya Karyakram (RKSK) will bring in several new dimensions, which listed issues-

- Mental health
- Nutrition
- Substance misuse
- Gender based violence
- Non-communicable diseases.

The programme introduces community based interventions through peer educators, and is underpinned by collaborations with other Ministries and State governments, knowledge partners and more research. Referring to the strategic approach to RMNCH+A (Reproductive, Maternal, New born, Child Health + Adolescent) in which 'A' denotes adolescents, unveiled last year at Mahabalipuram, new focus on adolescents is in recognition of the fact that without adolescent health, maternal and child health outcomes may continue to elude.

5 by 5 RMNCH+A matrix has been developed which lists out the 5 high impact interventions under each of the 5 pillars, all of which need to be implemented together, at the same time, with high coverage and quality.

The programme is an effort to move away from a 'doctor-driven' effort towards a holistic and participative programme. The RKSK recognizes that all adolescents need attention even before the occurrence of any disease or problem, and in order to make informed decisions and choices.

The RKSK programme defines an adolescent as a person within 10-19 years of age, in urban and rural areas, includes both girls and boys, married and unmarried, poor and affluent, whether they are in school or out of school. This broad definition helps to address the myriad problems of adolescents across various groups and categories, she stated. The programme emphasis seven 'Cs'- coverage, content, communication, counselling, clinics and convergence. Active use of new technologies and social media platforms will form an integral part of the programme to reach the adolescents in their own spaces, with strategic partnerships with communities and peers.

Adolescent Reproductive and Sexual Health (ARSH)

With support from the David & Lucile Packard Foundation, Engender Health launched the ARSH project in 2008 in partnership with the Government of Jharkhand, where the sexual and reproductive health needs of adolescents are particularly acute. A majority of women in Jharkhand married before they were 18, while 1 in 4 girls age 15-19 is already a mother.

With the positive results of the project in Jharkhand, EngenderHealth is replicating the model in Bihar, where health needs among youth are similarly urgent. EngenderHealth will initiate the ARSH project in three districts, Patna, Darbhanga, and Gaya, with plans to scale up statewide.

ARSH project works to:

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- Train health care professionals at local clinics to understand and meet the health needs of young people. This includes training doctors, nurses, midwives, and other staff to treat anemia, identify risk factors in early pregnancy, counsel teens, and create a youth-friendly environment in the facility.
- Educate youth about their sexual and reproductive health and the availability of youth-friendly services to encourage them to access health services.
- Advocate for supportive policies to ensure a safe, comfortable, and responsive environment for adolescents to access health services.

Guidelines - Television Rating Agencies in India

The Union Cabinet approved the proposal of the Ministry of Information and Broadcasting for bringing out a comprehensive regulatory framework in the form of guidelines for Television Rating Agencies in India.

These guidelines cover detailed procedures for registration of rating agencies, eligibility norms, terms and conditions of registration, cross-holdings, methodology for audience measurement, a complaint redressal mechanism, sale and use of ratings, audit, disclosure, reporting requirements and action on non-compliance of guidelines etc.

Salient features of these guidelines are as follows:

- All rating agencies including the existing rating agencies shall obtain registration from the Ministry of Information and Broadcasting.
- Detailed registration procedure, eligibility norms, terms and conditions, cross-holding norms, period of registration, security conditions and other obligations have been delineated.
- No single company / legal entity either directly or through its associates or interconnect undertakings shall have substantial equity holding that is, 10 percent or more of paid up equity in both rating agencies and broadcasters/advertisers/advertising agencies.
- Ratings ought to be technology neutral and shall capture data across multiple viewing platforms viz. cable TV, Direct-to- Home (DTH), Terrestrial TV etc.
- Panel homes for audience measurement shall be drawn from the pool of households selected through an establishment survey. A minimum panel size of 20,000 to be implemented within six months of the guidelines coming into force. Thereafter the panel size shall be increased by 10,000 every year until it reaches the figure of 50,000.
- Secrecy and privacy of the panel homes must be maintained. 25 percent of panel homes shall be rotated every year.
- The rating agency shall submit the detailed methodology to the Government and also publish it on its website.
- The rating agency shall set up an effective complaint redressal system with a toll free number.

- The rating agency shall set up an internal audit mechanism to get its entire methodology/processes audited internally on quarterly basis and through an independent auditor annually. All audit reports to be put on the website of the rating agency. Government and TRAI reserve the right to audit the systems /procedures/mechanisms of the rating agency.
- Non-compliance of guidelines on cross-holding, methodology, secrecy, privacy, audit, public disclosure and reporting requirements shall lead to forfeiture of two bank guarantees worth Rs. one crore furnished by the company in the first instance, and, in the second instance shall lead to cancellation of registration.
- 30 days time would be given to the existing rating agency to comply with the guidelines.
- The guidelines would come into effect immediately from the date of notification.
- The Guidelines for Television Rating Agencies in India are designed to address aberrations in the existing television rating system. These guidelines are aimed at making television ratings transparent, credible and accountable. The agencies operating in this field have to comply with directions relating to public disclosure, third party audit of their mechanisms and transparency in the methodologies adopted. This would help make rating agencies accountable to stakeholders such as the Government, broadcasters, advertisers, advertising agencies and above all the people.

Background:

Television Rating Points (TRPs) have been a much debated issue in India since the present system of TRPs is riddled with several maladies such as small sample size which is not representative, lack of transparency, lack of reliability and credibility of data etc. Shortcomings in the present rating system have been highlighted by key stakeholders that include individuals, consumer groups, government, broadcasters, advertisers, and advertising agencies etc. Members of Standing Committee on Information Technology had also expressed concern over the shortcomings.

In 2008, the Ministry of Information & Broadcasting (MIB) had sought recommendations of TRAI on various issues relating to TRPs and policy guidelines to be adopted for rating agencies. TRAI, in its recommendations in August 2008, had amongst other things recommended the approach of self-regulation through the establishment of an industry-led body, that is the Broadcast Audience Research Council (BARC).

Since, the BARC could not operationalise the TRP generating mechanism, the Ministry of Information & Broadcasting sought recommendations of TRAI in September 2013 on comprehensive guidelines/accreditation mechanism for television rating agencies in India to ensure fair competition, better standards and quality of services by television rating agencies. TRAI recommendations on Guideline for Television Rating Agencies were received in September 2013. While supporting self-regulation of television ratings through an industry-led body like BARC, TRAI recommended that television rating agencies shall be regulated through a

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framework in the form of guidelines to be notified by MIB. It also recommended that all rating agencies, including the existing rating agency, shall require registration with MIB in accordance with the terms and conditions prescribed under the guidelines.

MGNREGS to include rural sanitation

India is the world's largest open air lavatory with over 620 million people practising open defecation in the country. Seeking to address this persisting problem, the UPA government has widened the scope of its flagship Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) to include works relating to rural sanitation in collaboration with the Nirmal Bharat Abhiyaan (NBA) Scheme.

- This interlinking is aimed at strengthening the base of rural livelihood and creates durable assets in rural areas and infrastructure at a village level. More specifically, it shall accelerate sanitation coverage in rural areas to provide privacy and dignity particularly to women.
- As per the Para 4 (1) IV (i) of the Schedule- I of the MGNREG Act , taking up rural sanitation related works, such as, individual household latrines, school toilets, Anganwadi toilets can be taken up either independently or in convergence with schemes of other Government Departments to achieve “open defecation free status.
- The amendment made to the existing guidelines incorporates various changes including Individual Household latrine (IHHL) works can be taken up either under NBA or independently under MGNREGS, as per the choice of the beneficiary.
- The guidelines specifically mention where IHHLs are taken up independently under MGNREGS, “the payment shall be based on the actual value of work done, subject to the overall outflow from MGNREGS funds limited to Rs. 10,000 per IHHL including the wage rate and material cost. Any expenditure over and above this amount shall be there beneficiary contribution.
- The design and specifications shall continue to be laid down by the Ministry of Drinking Water and Sanitation. The data of such IHHL’s shall be shared with implementing agencies to ensure “no further incentive is paid from NBA funds”. This will demarcate toilets taken up under NBA in convergence with MGNREGS and independently of the scheme.
- For all works taken up by the Gram Panchayats, including the rural sanitation works taken up based on the above guidelines, the cost of the material component including the wages of the skilled and semi-skilled workers shall not exceed forty per cent at the Gram Panchayat level.

EC around the elections

The Assembly polls in Andhra Pradesh, Sikkim and Odisha and by-elections in some constituencies will be held simultaneously with the Lok Sabha elections.

As per the preliminary plans, the “poll festival” might be held during April and May in 5-7 phases and the results are expected around May 20 well before the expiry of the term of the 15th Lok Sabha on May 31.

Nearly 80 crore electorate (including NRIs and service voters) will be eligible to exercise their franchise in about 10 lakh polling stations. The exact figure will be known only after the “summary revision of electoral rolls” is published this month.

Around 50 lakh security personnel, including the State police, would be on poll duty, under EC control. In the next few weeks, the Commission will meet representatives of recognised political parties, the Chief Secretaries and DGPs of the States and the Union Territories, the Chief Electoral Officers, general observers, expenditure observers and security observers to be deployed by the EC.

Election commission of India

A Constitutional Body

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

Election Commission of India is a permanent Constitutional Body. The Election Commission was established in accordance with the Constitution on 25th January 1950. The Commission celebrated its Golden Jubilee in 2001.

Originally the commission had only a Chief Election Commissioner. It currently consists of Chief Election Commissioner and two Election Commissioners. Onwards 1st October 1993 two additional Election Commissioners were appointed. The concept of multi-member Commission has been in operation since then, with decision making power by majority vote.

Appointment & Tenure of Commissioners

The President appoints Chief Election Commissioner and Election Commissioners. They have tenure of six years, or up to the age of 65 years, whichever is earlier. They enjoy the same status and receive salary and perks as available to Judges of the Supreme Court of India. The Chief Election Commissioner can be removed from office only through impeachment by Parliament.

Transaction of Business

The Commission transacts its business by holding regular meetings and also by circulation of papers. All Election Commissioners have equal say in the decision making of the Commission. The Commission, from time to time, delegates some of its executive functions to its officers in its Secretariat.

The Setup

There is functional and territorial distribution of work in the Commission. The work is organised in Divisions, Branches and sections; each of the last mentioned units is in charge of a Section Officer. The main functional divisions are Planning, Judicial, Administration, Systematic Voters'

Education and Electoral Participation, SVEEP, Information Systems, Media and Secretariat Co-ordination. The territorial work is distributed among separate units responsible for different Zones into which the 35 constituent States and Union Territories of the country are grouped for convenience of management.

At the state level, the election work is supervised, subject to overall superintendence, direction and control of the Commission, by the Chief Electoral Officer of the State, who is appointed by the Commission from amongst senior civil servants proposed by the concerned state government. He is, in most of the States, a full time officer and has a small team of supporting staff.

At the district and constituency levels, the District Election Officers, Electoral Registration Officers and Returning Officers, who are assisted by a large number of junior functionaries, perform election work. They all perform their functions relating to elections in addition to their other responsibilities. During election time, however, they are available to the Commission, more or less, on a full time basis.

The gigantic task force for conducting a countrywide general election consists of nearly five million polling personnel and civil police forces. This huge election machinery is deemed to be on deputation to the Election Commission and is subject to its control, superintendence and discipline during the election period, extending over a period of one and half to two months.

Budget & Expenditure

The Secretariat of the Commission has an independent budget, which is finalised directly in consultation between the Commission and the Finance Ministry of the Union Government. The latter generally accepts the recommendations of the Commission for its budgets. The major expenditure on actual conduct of elections is, however, reflected in the budgets of the concerned constituent units of the Union - States and Union Territories. If elections are being held only for the Parliament, the expenditure is borne entirely by the Union Government while for the elections being held only for the State Legislature, the expenditure is borne entirely by the concerned State. In case of simultaneous elections to the Parliament and State Legislature, the expenditure is shared equally between the Union and the State Governments. For Capital equipment, expenditure related to preparation for electoral rolls and the scheme for Electors' Identity Cards too, the expenditure is shared equally.

Political Parties & the Commission

Political parties are registered with the Election Commission under the law. The Commission ensures inner party democracy in their functioning by insisting upon them to hold their organizational elections at periodic intervals. Political Parties so registered with it are granted recognition at the State and National levels by the Election Commission on the basis of their poll performance at general elections according to criteria prescribed by it. The Commission, as a part of its quasi-judicial jurisdiction, also settles disputes between the splinter groups of such recognised parties.

Election Commission ensures a level playing field for the political parties in election fray, through strict observance by them of a Model Code of Conduct evolved with the consensus of political parties.

The Commission holds periodical consultations with the political parties on matters connected with the conduct of elections; compliance of Model Code of Conduct and new measures proposed to be introduced by the Commission on election related matters.

Advisory Jurisdiction & Quasi-Judicial Functions

Under the Constitution, the Commission also has advisory jurisdiction in the matter of post election disqualification of sitting members of Parliament and State Legislatures. Further, the cases of persons found guilty of corrupt practices at elections which come before the Supreme Court and High Courts are also referred to the Commission for its opinion on the question as to whether such person shall be disqualified and, if so, for what period. The opinion of the Commission in all such matters is binding on the President or, as the case may be, the Governor to whom such opinion is tendered.

The Commission has the power to disqualify a candidate who has failed to lodge an account of his election expenses within the time and in the manner prescribed by law. The Commission has also the power for removing or reducing the period of such disqualification as also other disqualification under the law.

International Co-operation

India is a founding member of the International Institute for Democracy and Electoral Assistance (IDEA), Stockholm, Sweden. In the recent past, the Commission has expanded international contacts by way of sharing of experience and expertise in the areas of Electoral Management and Administration, Electoral Laws and Reforms. Election Officials from the national electoral bodies and other delegates from the several countries - Russia, Sri Lanka, Nepal, Indonesia, South Africa, Bangladesh, Thailand, Nigeria, Namibia, Bhutan, Australia, the United States and Afghanistan etc. have visited the Commission for a better understanding of the Indian Electoral Process. The Commission has also provided experts and observers for elections to other countries in co-operation with the United Nations and the Commonwealth Secretariat.

New Initiatives

The Commission has taken several new initiatives in the recent past. Notable among these are, a scheme for use of State owned Electronic Media for broadcast/telecast by Political parties, checking criminalisation of politics, computerisation of electoral rolls, providing electors with Identity Cards, simplifying the procedure for maintenance of accounts and filling of the same by candidates and a variety of measures for strict compliance of Model Code of Conduct, for providing a level playing field to contestants during the elections.

Where the Chief Minister is the rubber stamp

Madabhushi Sridhar (The Hindu)

Without being a full-fledged State empowered with federal sovereignty and constitutional powers both under the State and Concurrent lists, it might be almost impossible for any government in Delhi to govern

A new political outfit, the Aam Aadmi Party (AAP), is getting on to the seat of “power.” But, its constitutional authority is shrouded in “powerlessness” because of various Union Territory limitations.

Meanwhile, in the national capital, the common man looks up to the AAP hoping that it can change the shape of governance — from the present mess to fresh pro-people governance. That hope is associated with several constitutional doubts about the real powers that a Chief Minister of Delhi could exercise to fulfil poll-promises.

A section of the media has compared the AAP’s rule with that of a “one day Chief Minister” in the Bollywood movie Nayak . This satirical remark finds base in the fate of minority governments supported by the Congress party in the past. Apart from the dynamics of there being a political risk, there is also a static legal impediment to the mission of the AAP. The strange problem is that New Delhi is neither a State nor even a glorified Union Territory (UT).

The administrator

The real ruler in the seven Union Territories is the Administrator. He continues to be more powerful even in Delhi and Puducherry where there are Legislative Assemblies and Chief Ministers with Council of Ministers. In governments in States, the Governor is generally called a rubber stamp, but in Union Territories, the Constitution itself has converted the Chief Minister into a rubber stamp.

A Chief Minister is generally regarded as first among equals in the ministers in the Council. In the Union Territory also, the Chief Minister leads a council which can be superseded by the de facto head administrator or de jure head, the President. Where does the Chief Minister stand? In the scheme of administration of a Union Territory under Part VIII of the Constitution and the Government of Union Territories Act, 1963 (UT Act), the Legislative Assembly is little more than a nominal force while the Council of Ministers is a recommendatory body of the executive while real powers are reserved with the Administrator and his ultimate boss, the President. Article 239 says the Administrator can act “as he thinks fit,” while the UT Act says “he can act in his discretion, and his decision shall be final.”

Compared to the Governor of a State, the Administrator of a UT is more powerful, and not just a nominal head. Both Article 239AA of the Constitution and UT Act, Section 44 confer enormous powers on the Administrator. Article 239AA (4) says in the case of difference of opinion between the Lieutenant Governor and his Ministers on any matter, the Lieutenant Governor shall refer it to the President for decision and act according to the decision given thereon by the President. Pending such decision, it shall be competent for the Lieutenant Governor in any case where the matter, in his opinion, is so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary.

Thus, according to Section 44 of the UT Act of 1963, the Administrator can differ with the Chief Minister or Minister and have his way “as he deems necessary.” Though he is under an obligation to refer it to the President, he will still be competent to make decisions in urgent situations.

Another significant feature is: the Parliament has power, as per Article 239AA (7) and (8), to change the provisions of the UT which will not be deemed to be the Amendment to the Constitution. The Union Government can exercise executive and legislative power on all State subjects with reference to a Union Territory, which is otherwise not possible in a full-fledged State Government. The whole scheme of Constitutional governance gets subverted “constitutionally” in a Union Territory, whether it has a legislative Assembly with people’s representatives or not.

In an ordinary State, it is very difficult to impose President’s Rule, especially after the constitutional amendments and Supreme Court’s judgment in the Bommai case. But suspending the Council of Ministers in a UT is very simple, i.e., the President can issue a direction suspending any provision relating to Council of Ministers as provided in Article 239AB.

According to Article 244, the President has powers to make regulations for a UT unless there is a legislature for that State. Even if there is a legislature which passes a law, the Administrator can reserve it for the assent of President, who might reject it, except in cases of a money bill. Even the Union Cabinet has no role.

While the Governor appoints the Chief Minister in States, the President appoints the Chief Minister and Ministers for Union Territories, who will hold office during the President’s pleasure. The President can also make rules (Section 46) for allocation of business to the Ministers. The President can also suspend any provision of this Act during “Emergency” based on a report of the Administrator under Section 51.

The Council of Ministers can aid and advise the Administrator and the President will have the advice of the Union Cabinet. The Administrator can override the advice while the President can act as he thinks fit. Thus, with reference to a UT, the role of democratic representative bodies and the Council of Ministers emerging out of it is almost ruled out.

Weakening amendment

As if the powers vested in the Union were not enough, Parliament by a constitutional amendment, divested executive and legislative powers over very key subjects like “public order, police, land and revenue” from the Delhi UT and vested them with the Union Government. The Delhi Legislative Assembly cannot exercise executive and judicial powers over these subjects listed in List II — “States List” as per Article 239AA.

Without being a full-fledged State empowered with federal sovereignty and constitutional powers both under the State and Concurrent lists, it might be almost impossible for any government in Delhi to govern as such. However, the AAP government can still offer a very responsive government within the sphere of its executive powers if it has political grit and willpower in fulfilling promises within these limitations and legal impediments.

SOCIAL ISSUES

Kanyashree scheme

This unique project was taken up to prevent child marriages and child trafficking by West Bengal government. The scheme aims at improving the status and well-being of a girl child by discouraging early marriage and providing incentives to continue her education through scholarships as well as vocational and sports training. The State has an adolescent population of 1.73 crore, of which 48.1 per cent are girls. It has a very high prevalence of child marriage, with majority of the women getting married before 18.

The incidence is higher in rural areas. Murshidabad, Birbhum, Malda and Purulia have the highest incidence of marrying off a girl child before she reaches the legal age.

Scholarship

Under Kanyashree, unmarried girls between 13-18 years and studying in VIII -XII standards in an institute affiliated to the government are eligible for scholarship. This apart, there is provision for one-time grant of Rs. 25,000 for unmarried girls between 18 and 19 years pursuing higher education or a vocational or sports course in a government affiliated institute.

India polio free for third straight year

India has a reason to smile as it completes three years without reporting any case of polio. It is only the second time in the history that a disease is being eliminated in India through immunisation after small pox in May 1980.

Officially the World Health Organisation (WHO) will certify India as polio-free after the last of random samples picked up would be tested. India's being declared polio-free is particularly important because it was the only country in the South East Asian region with polio cases.

Once India is declared polio-free, the entire WHO region would also become polio free. The WHO in 2012 removed India from the list of countries with active endemic wild polio transmission.

India carried a large burden of polio disease but has made impressive progress in the past 35 months. The number of polio cases came down from 741 in 2009 to 42 in 2010 and just one in 2011 – from West Bengal. No polio case has been reported in the country since then.

India won the war against polio through intense Pulse Polio Immunisation under the Global Polio Eradication Initiative in 1988 under which over 17 crore children were vaccinated in each round of vaccination with the help of 24 lakh vaccinators.

ECONMOMY

Yuan Intl currency

The Bank of China (BOC) has launched a bond worth 2.5 billion yuan (\$413 million) in London as part of its attempts to internationalize the Chinese currency. This is the first such Chinese move in the west.

The Chinese bonds would be listed on the London Stock Exchange and funds raised would be retained in London and used to further develop the offshore Chinese currency market and trade between China and the UK. China had earlier tried to increase yuan's usage in Asia and Africa. Beijing has so far concentrated on currency swap agreements and trade settlements to internationalize its currency in poorer countries that get Chinese financial aid and loans. By leveraging Bank of China Group's leading position in other major offshore RMB (Chinese currency) markets, London Branch has introduced a full range of RMB products and services in London as one of the first market movers.

Retrospective taxation

The government with acceptance of most of the recommendations on General Anti-Avoidance Rules (GAAR), it is yet to accept the issue on retrospective taxation.

India follows the source-based taxation rule, it was imperative that transfer of shares of a company abroad with assets in India be taxed, like what happened in the Vodafone and IBM cases. But giving a retrospective effect will send wrong signals to investors and cause uncertainty. It should be in the rarest of rare cases.

government is working on a resolution which would be applicable to all companies facing this problem. Government is also planning to include Controlled Foreign Companies (CFCs) within the Direct Taxes Code (DTC) where Indian subsidiaries were operating abroad in low-tax jurisdictions. Also, thinly capitalised companies, having more debt than equity, would be brought under GAAR. GAAR would not be used as a tax generation tool, but to prevent erosion of the tax base by avoidance. DTC and the GST were likely to be introduced in 2014-15 fiscal.

Background

The General Anti Avoidance Rule (GAAR)- proposed by the then Union Finance Minister Pranab Mukherjee during the annual budget 2012-13- is anti-tax avoidance rule, drafted by the Union Government of India, which prevents tax evaders, from routing investments through tax havens like Mauritius, Luxemburg, Switzerland. As per the guidelines, FII not opting for treaty benefits and ready to pay taxes will not come under GAAR, but those who do opt for dual taxation avoidance agreements will come under its purview.

GAAR is a concept which generally empowers the Revenue Authorities in a country to deny the tax benefits of transactions or arrangements which do not have any commercial substance or consideration other than achieving the tax benefit. Whenever revenue authorities question such transactions, there is a conflict with the tax payers. Thus, different countries started making rules so that tax can not be avoided by such transactions.

What is Difference between GAAR and SAAR ?

Anti Avoidance Rules are broadly divided into two categories namely "General" and "Specific". Thus, legislation dealing with "General" rules are termed as GAAR, whereas legislation dealing with "Specific avoidance" are termed as "SAAR"

In India till recently SAAR was in vogue i.e. laws were amended to plug specific loopholes as and when they were noticed or were misused enmasse. However, now Indian tax authorities want to move towards GAAR but are facing severe opposition as tax payers fear that these will be misused by tax authorities by giving arbitrary and wide interpretations. We can say SAAR being more specific provide certainty to taxpayers whereas GAAR being general in nature can be misused and is subject to arbitrary interpretation by tax authorities.

What are Tax Havens?

Tax havens are countries which have low tax regimes which provide individuals and business opportunities of tax avoidance or tax evasion. There are roughly 45 tax havens in the world today. In Indian context, Mauritius is considered to be the most significant tax havens or tax evading route. In more precise words the Mauritius route can be described as a channel used by individuals and Multi National Companies to evade paying taxes in India. The tax evasion in India through this route is estimated to be in tune with 55 billion dollar, mostly attributed to the loopholes in a bilateral agreement on double taxation.

Maharashtra Money lenders Act

The controversial Maharashtra Money Lending (Regulation) Act aimed at checking the exploitation of farmers by private money lenders was cleared by the Centre.

Background

Bill was sent to Centre the for seventh time after incorporating changes suggested by the Centre, which had objected to the overlapping of several provisions with central laws, including the Reserve Bank of India Act, Companies Act and the Banking Act. The Bill was passed in April 2010 by the state legislature following a spike in the number of suicides by farmers in Vidarbha. The law proposes a penalty of Rs 50,000 and five-year imprisonment for illegal money lending activities. Licensed money lenders will also have to strictly adhere to money-lending norms and would attract a penalty of up to Rs 25,000 and imprisonment of up to one year in case of violations.

Basic Criticism of GAAR

Many provisions of GAAR have been criticised by various people. However, the basic criticism of GAAR provisions is that it is considered to be too sweeping in nature and there was a fear (considering poor record of IT authorities in India) that Assessing Officers will apply these provisions in a routine manner (or read misuse) and harass the general honest tax payer too. There is only a fine distinction between Tax Avoidance and Tax Mitigation, as any arrangement to obtain a tax benefit can be considered as an impermissible avoidance arrangement by the assessing officer. Thus, there was a hue and cry to put checks and balances in place to avoid arbitrary application of the provisions by the assessing authorities. It was felt that there is a need

for further legislative and administrative safeguards and at least a minimum threshold limit for invoking GAAR should be introduced so that small time tax payers are not harassed.

Services for small businesses and low-income households

A committee on comprehensive financial services for small businesses and low-income households, set up by the Reserve Bank of India (RBI), has suggested that each low-income household and small business should be provided with convenient access to formally regulated lenders who have the ability to assess and meet their credit needs and offer a full-range of suitable credit products at an affordable price.

each district and every significant sector (and sub-sector) of the economy would have a credit to GDP ratio of at least 10 per cent. This ratio would increase every year by 10 per cent, the report said. The committee was hopeful that by January 1, 2016, each district would have a total deposits and investments to GDP ratio of at least 15 per cent.

The committee felt that everyone should have access to a range of insurance and risk management products at reasonable charges by January 1, 2016. This will allow them to manage risks related to commodity price movements, longevity, disability, and death of human beings, death of livestock, rainfall and damage to property.

By that date, each district should have a total term life insurance sum assured to GDP ratio of at least 30 per cent. This ratio should increase every year by 12.5 per cent with the goal of reaching 80 per cent by January 1, 2020.

Every resident should be issued a Universal Electronic Bank Account (UEBA) automatically at the time of receiving his/her Aadhaar number. An instruction to open the bank account should be initiated by Unique Identification Authority of India (UIDAI) upon issuance of an Aadhaar number to an individual over the age of 18.

(UEBA) should attract no account opening fee. The bank would be free to charge for all transactions. The committee recommended that the RBI issue a circular indicating that no bank could refuse to open an account for a customer, who had adequately fulfilled KYC (know your customer) requirements.

Priority sector lending

On priority sector, the committee recommended adjusted priority sector lending target of 50 per cent against the current requirement of 40 per cent with sectoral and regional weightage based on the level of difficulty in lending. It also recommended risks and liquidity transfers through markets. "In view of the fact that banks may choose to focus their priority sector strategies on different customer segments and asset classes," the committee recommended the regulator to provide specific guidance on differential provisioning norms at the level of each asset class.

On definition of non-banking finance companies (NBFCs), the committee favoured two categories one for core investment companies and another for all other NBFCs. It advocated regulatory convergence between banks and NBFCs based on the principle of neutrality with regard to classification of non-performing assets and the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002 eligibility.

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The committee suggested the creation of a state finance regulatory commission (SFRC). All the existing State Government-level regulators could be merged into it. Functions such as the regulation of non-government organisations, micro finance institutions and local money services business could be added on.

CAG can audit mobile companies' accounts

The Delhi High Court has ruled that the Comptroller and Auditor-General (CAG) can audit the accounts of telecom companies with a rider that the audit has to be only an audit pertaining to the receipts (revenues) and no more.

A Division Bench dismissed the plea of the Association of Unified Telecom Service Providers of India and Cellular operators Association of India that under Article 149 of the Constitution, CAG is empowered only to audit the accounts of the Union and of the State governments and such authorities or bodies as may be prescribed by or under any law made by Parliament.

They further argued that if a constitutional provision (Article 149) imposed restrictions on the power of a constitutional authority, no law made by Parliament could widen that power.

Stating that "writ petitions are dismissed," the Bench said that "the audit has to be only an audit pertaining to the receipts and no more. The Comptroller and Auditor General would not confuse himself with his wide all embracing power under Section 14(2) of the Comptroller and Auditor General (Duties, Powers and Conditions of Service) Act, 1971 which includes inquiries into aspects like faithfulness, wisdom and economy in expenditures."

Breaching boundaries

(Indian Express)

The court's ruling allowing CAG audit of private companies sets the stage for institutional overreach. The biggest concern touched off by the Delhi High Court judgment permitting a CAG audit of private telecom companies has to do not so much with the violation of their privacy but the change or dilution in the objective of the CAG. If the government received Rs 2,000 crore from the telecom companies but reported

Rs 1,000 crore to Parliament, for instance, the matter would fall within the CAG's jurisdiction. But cheating or violation of contractual obligation should be dealt with by investigative agencies or contract law, not by the CAG. The government needs to arrive at better contracts and audit requirements in the contracts instead of burdening the CAG.

In interpreting the law to allow the CAG to audit telecom companies, the court states: "The rule and the section fit perfectly into the constitutional scheme of every rupee flowing into the Consolidated Fund of India, by way of revenue, to be audited by the Comptroller and Auditor General of India." Before celebrating this as a victory of transparency and a blow to crony capitalism, however, we should pause and ask why the CAG was created and whether it has a clear and defined objective. The primary mandate of the CAG is to find accounting violations of the government of India, to prevent the government from making expenditure under false pretenses or not recording income accurately. All money due to the government of India goes to the Consolidated Fund. Does this not include all taxes collected by the government? Could an

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implication of this judgment be, then, that the government may appoint the CAG to audit every taxpayer who pays, or is liable to pay, any tax to the government?

Through the CAG, Parliament can keep a check over whether the executive is making expenditures the legislature has not approved of. The Indian government's accounts are in very bad shape. We are yet to move to a double entry book-keeping system. Moving the attention of the CAG to actions of private companies may afford some glee in the short term, but it may well prove to be harmful in the long run.

INDIA AND WORLD

Nuclear Threat Initiative- Nuclear Materials Security Index

A report issued on the security of deadly nuclear materials found steady improvement, with seven countries in the last two years giving up most of their uranium and plutonium that can be readily turned into weapons. Their actions lowered the number of nations with appreciable fuel for atomic bombs to 25 from 32.

report came from the Nuclear Threat Initiative, a private advocacy group in Washington that promotes safekeeping of nuclear materials and urges governments to strengthen their defences against atomic terrorism. The first edition of the report, the Nuclear Materials Security Index, came out two years ago, just before the 2012 summit. It surveyed the precautions each country had in place and ranked them based on their security practices, something that had never been done publicly.

The updated rankings contained a number of surprises and potential embarrassments. Australia remained in first place and even raised its score two points on a scale of 100, to 92 from 90. It did so by reducing its quantity of nuclear materials and by ratifying a treaty that commits countries to criminalise acts of nuclear terrorism and to cooperate in bringing nuclear criminals to justice.

The NTI Nuclear Materials Security Index is a first-of-its-kind public benchmarking project of nuclear materials security conditions on a country-by-country basis in 176 countries. Initially launched in 2012, the NTI Index, prepared with the Economist Intelligence Unit (EIU), helped spark international discussions about priorities required to strengthen security and most important, is encouraging governments to provide assurances and take actions to reduce risks. NTI is a nonprofit, nonpartisan organization with a mission to strengthen global security by reducing the risk of use and preventing the spread of nuclear, biological, and chemical weapons. The NTI Index assesses the contributions of 25 states with one kilogram or more of weapons-usable nuclear materials toward improved global nuclear materials security conditions. It assesses states in five categories:

- (a) Quantities and Sites
- (b) Security and Control Measures
- (c) Global Norms,
- (d) Domestic Commitments and Capacity
- (e) Risk Environment.

An additional 151 states, with less than one kilogram of weapons-usable nuclear materials or none at all, are assessed on the final three of the categories.

India and NTI

India has been ranked below its two nuclear-armed neighbours – Pakistan and China – in the list of countries with a weak nuclear material security in the world, according to a US-based think-tank.

In the 2014 Nuclear Threat Initiative's Nuclear Materials Security Index released, India has been ranked 23rd out of 25 countries with weapons-usable nuclear materials. India received 41 out of 100 points, which is improvement by one point from the 2012 score.

India and these countries are included in the list of 25 countries with one kilogram or more of these materials, which also includes all other nuclear-armed states.

Factors contributing to India's score

This is due to a number of factors, including weak regulations that are written as guidance rather than as requirements; increasing quantities of weapons-usable nuclear materials for both civilian and military use and gaps in its regulatory structure such as a lack of an independent regulatory agency.

External risk factors, such as high levels of corruption, which undermine confidence in implementation or enforcement of security measures and also increase the risk that officials may contribute (even unwittingly) to the theft of nuclear material are also among the factors.

Both India and China improved their scores since 2012 by one point by contributing to the IAEA Nuclear Security Fund, which supports the implementation of nuclear security activities.

NTI recommended that India's nuclear materials security conditions could be improved by strengthening its laws and regulations for mitigating the insider threat, for the control and accounting of nuclear materials, and for the physical security of materials during transport.

India's existing regulations could be strengthened by taking a more prescriptive approach to security measures, as most countries already do, rather than simply recommending security measures. India's nuclear materials security conditions could also be improved by completing the establishment of an independent nuclear regulatory agency, in fulfilment of a commitment made at the 2012 Nuclear Security Summit.

Indian opinion

India has dismissed a report by an influential U.S. think tank that placed it 23rd out of 25 countries in terms of securing its nuclear stockpile from non-state actors. The report by the Nuclear Threat Initiative (NTI) improves India's score by a mere one point on the basis of a financial contribution to the International Atomic Energy Agency's (IAEA) Nuclear Security Fund.

A democracy like India with a healthy tradition of debate on nuclear issues needs to balance transparency with the need to protect its citizens against terrorism, with which it has to contend with unlike most countries listed by NTI. NTI's ranking of countries did not account for different stages of nuclear processes and that is why Australia has topped the list although it undertakes only uranium mining. Corruption is another marker in the NTI list. Senior Indian officials however wondered how that related to nuclear security. Issue is also about the aspect of production of fissile material that had been overemphasised.

2014 Nuclear Security Summit

The 2014 Nuclear Security Summit will be a summit held in The Hague, the Netherlands, on March 24 and 25, 2014. It will be the third edition of the conference, succeeding the 2012 Nuclear Security Summit. The 2014 summit will chart the accomplishments of the past two years, identifying which of the objectives set out in the Washington Work Plan and the Seoul Communiqué have not been met and proposing ways to achieve them.

Focus on the following achievable and visible goals

1. Optimal security for and, if at all possible, a reduction in the use of highly enriched uranium and plutonium.
2. Ratification of the amended Convention on the Physical Protection of Nuclear Material by more countries to ensure that the amendment enters into force as soon as possible.
3. More frequent reviews of state security structures by IAEA advisory missions.
4. National registration and protection of highly radioactive sources (e.g. medical equipment).
5. Greater role for industry in nuclear security, to enhance the security culture and existing regulations. States should provide information to their own people and the international community to demonstrate that they are taking appropriate measures to maintain the security of their nuclear material and facilities.
6. These confidence-building measures will increase trust in the international protection system.

The Washington Communiqué

- ✓ Reaffirms the fundamental responsibility of states to maintain effective security of all nuclear materials and recognizes the need for cooperation in this area;
- ✓ Recognizes that highly enriched uranium (HEU) and separated plutonium require special precautions and encourages the conversion of reactors from HEU to low enriched uranium (LEU) fuel and minimization of use of HEU, where feasible;
- ✓ Supports the objectives of international nuclear security instruments, including the Convention on the Physical Protection of Nuclear Material, as amended, and the International Convention for the Suppression of Acts of Nuclear Terrorism, as essential elements of the global nuclear security architecture;
- ✓ Reaffirms the essential role of the International Atomic Energy Agency in the international nuclear security framework and will work to ensure that it continues to have the appropriate structure, resources and expertise to carry out its activities;
- ✓ Notes the positive contributions of mechanisms like the Global Initiative to Combat Nuclear Terrorism, to build capacity among law enforcement, industry, and technical personnel;
- ✓ Recognizes the continuing role of nuclear industry in nuclear security; and
- ✓ Supports the implementation of strong nuclear security practices that will not infringe upon the rights of States to develop and utilize nuclear energy for peaceful purposes and technology and will facilitate international cooperation in the field of nuclear security.

The Washington Work Plan

The Work Plan lays out the specific steps for realizing the goals of the Communiqué, including ratification and implementation of international treaties; support for Security Council Resolution 1540; conversion of civilian facilities from HEU to non-weapons-useable materials; research on new nuclear fuels; detection methods and forensic technologies; development of corporate and

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institutional cultures that prioritize nuclear security; education and training; and joint exercises among law enforcement and customs officials to enhance nuclear detection opportunities.

Seoul Communiqué

Reaffirms the fundamental responsibility of States to maintain effective security of all nuclear materials, including through the Convention on the Physical Protection of Nuclear Material (CPPNM) as amended, and the International Convention for the Suppression of Acts of Nuclear Terrorism (ICSANT); reiterates broader participation in the Global Initiative to Combat Nuclear Terrorism (GICNT) and the G8 Global Partnership Against the Spread of Weapons and Materials of Mass Destruction; continued support of UN Security Council Resolutions 1540 and 1977.

Concept of Gift baskets

Certain countries involved in the NSS are interested in taking a specific security theme a step further. These countries are being given the opportunity to offer a 'gift basket', an extra initiative. The idea is for presenters of such gift baskets to acquire the backing of as many countries as possible, which will in turn function as role models for a given aspect of security. For example, the Netherlands, with the help of the highly respected Netherlands Forensic Institute (NFI), has taken the lead in further developing a gift basket that fosters expertise and cooperation in the field of nuclear forensics (forensic analysis of incidents involving nuclear or radiological materials) and international cooperation in this field.

India-U.S. On WHO resolution

It urges member-states to address the issue in national health plans and reinforce legal framework. India and the United States will jointly move a resolution to address violence, particularly against women and girls, at the Executive Board meeting of the World Health Organisation in Geneva.

The resolution on "The role of health sector in addressing violence, particularly against women and girls" will be supported by Belgium, Mexico, the Netherlands, Norway and Zambia. The draft resolution impresses upon the WHO member-states to give priority to specific measures to stop violence.

The resolution calls for resource allocation aimed at preventing and eliminating all forms of violence, which can be done by achieving gender equality, empowering women and by increasing the focus on prevention, protection and accountability in laws, policies and programmes, and their implementation, monitoring and evaluation. The resolution calls upon the WHO to develop a 'Global Plan of Action' for addressing all forms of inter-personal violence, in particular against women and children, taking into account the unique role of the health sector in a multisectoral response. "Ensure that due consideration is given to the importance of [curbing] violence, in particular violence against women and children, in the elaboration of the post 2015-development agenda.

On its part, the Ministry of Health and Family Welfare is already revisiting the 'Medico-legal Examination Report on Sexual Violence and Guidelines for Medical Examination on Sexual

Violence Victims', including the definition of sexual violence, health consequences and reporting for sexual violence, psycho-social support for sexual violence survivors, guidelines for interface with other agencies such as police and the judiciary.

The draft guidelines and revised pro forma of medico-legal examination basically deal with the right of victims to unhindered access to medical treatment and for better recording of medical evidence in order to get the perpetrators convicted. The draft will bring about uniformity in medical examination and treatment of sexual assault survivors in the country.

In addition to focussing on raising public awareness of women and girl's rights, including their reproductive rights, the resolution calls for engaging men and boys, as well as families and communities, as agents of change in promoting gender equality, and preventing and condemning violence against women. The resolution wants a Global Status Report on Violence brought out every four years, beginning 2014, which will provide a baseline measurement for countries and a tool to monitor activities relevant to implementation of the Global Plan of Action at the country-level through data collection and monitoring legal environment and prevention programmes.

India - Sri Lanka: Need For Specific Ministry To Address Fishing Issues - Analysis

By N Sathiya Moorthy

News reports that Sri Lanka's Fisheries Minister, Dr Rajitha Senaratne, will be in New Delhi this week, for discussions with Union Agriculture Minister Sharad Pawar, also in charge of Fisheries, if taken to the logical conclusion and in the right direction, has the potential to take larger bilateral issues away from what is essentially a livelihood concern in the two countries. Considering that fishers' issues, including IMBL violations, arrests and years of detention in prisons in Pakistan in particular, have not been central to bilateral relations, any effort in that direction on the Sri Lankan front too should be welcome.

Central to the problem is the existing politico-administrative structure in the country. Despite six decades of Independence, 7,500-km long coastline and increasing dependence on sea-food for sustenance and protein for substantial sections of the population, the Union Government is yet to consider 'fisheries' worthy of a separate ministry and minister with a mission and mandate to call their own. This has meant that marine food development has received step-motherly treatment at the hands of the Agriculture Ministry, eternally busy with land-based issues, starting with rains that often fail, fertiliser prices and availability, minimum support price, export/import variables, and attendant vote-bank politics. With the result, bilateral and multilateral issues and problems pertaining to fishing, particularly in the Sri Lankan context, have come to be treated as a diplomatic episode, not a livelihood issue, with scope for mutual understanding and cooperation in developing the available resources.

Nothing drives home the point better than the continual instances of the Sri Lankan arrest of Tamil Nadu fishermen, out there in the seas on a livelihood mission. On the reverse side, the Indian Coast Guard too has been known to have arrested Sri Lankan fishers with their catch, for violating the Indian territorial waters. Both end up spending days and weeks in each other's

prisons, with no permanent solution yet in sight. This is so despite an agreement between the fishers in the two countries as far back as 2010, covering Indian (Tamil Nadu) fishers in Sri Lankan waters, but yet to be formally attested by any government on either side of the Palk Strait. In the absence of a 'fisheries' ministry at the Centre, with a minister and secretary to call its own (even if he were a minister of state with independent charge), what essentially should have remained mostly an 'internal issue' of India pertaining to the nation's 'internal waters' (with Sri Lanka in this case) has assumed greater and/or worse bilateral significance than may have been required. Addressing 'internal issues' within 'internal waters' wholesome could have limited bilateral issues with Sri Lanka to stray incidents of arrests of fishers and capture of their boats.

The vastness of the Indian seas apart, fewer Sri Lankan fishers, in contrast, used to be arrested in Indian waters than the other way round. It is also here the 'ethnic issue' in Sri Lanka has had a role to play, almost from day one. All Indian fishers harassed and/or arrested in Sri Lankan waters are from Tamil Nadu. Almost all Sri Lankan fishers arrested in Indian waters are Sinhallas. Rarely is there a Sri Lankan Tamil fisher arrested in Indian waters. If there is one, it would have been for other reasons.

The temptation for the 'competitive' Tamil Nadu polity to mix up the fishers' issue with the larger 'ethnic issue' in Sri Lanka cannot be overlooked. To the credit of their Tamil counterparts in Sri Lanka should it be said that the latter had generally desisted from making a political issue out of it thus far. Their non-political class has stopped with flagging the livelihood issue, alongside the Government in Colombo, with elements that at times tempted to politicise it. However, in the months and years to come, 'competitive Tamil politics' in Sri Lanka's Tamil areas on the fishing issue cannot be ruled out either.

Livelihood, not diplomatic issue

A separate ministry for 'fisheries' at the Centre could have effectively made the distinction in this regard. With the focus, for instance, on the Palk Bay fishing dispute, it would have meant that a ministry would have forcefully taken up not only the problems but also implemented solutions that were within its mandate with greater vigour and vitality, responsibility and accountability than a mere department within the vastness of the Indian Establishment could hope to.

Today, every problem of the kind, when whipped up, lays at the door-steps of the Ministry of External Affairs (MEA). The latter is expected to resolve the immediate problem of arrests and attacks, post haste. Until the next series of attacks and/or arrests, there is none to address the issues flagged by the earlier one(s). They have remained diplomatic issues pertaining to rights and violations, not governmental/bilateral initiatives aimed at reducing Tamil Nadu fishers' dependence on year-round catch from Sri Lankan waters.

The MEA is not tasked with addressing the 'livelihood' issues of the Tamil Nadu fishers, for instance. The same applies to Gujarat fishers crossing the international borders into Pakistani borders, of their brethren from West Bengal getting into Bangladesh waters. The reverse, in both cases, is as true as those involving Indian and Sri Lankan fishers across the Tamil Nadu coast. Unlike perceived and propagated in Tamil Nadu, Indian fishers arrested in Pakistani waters are held prisoner with no consular or humanitarian assistance for 10-15 years, until a Summit talk

between the leaders of the two countries provides an occasion for Islamabad to extend a 'gesture' of the kind.

Addressing the 'livelihood issues' of Indian fishers in Indian waters involve ensuring that there are enough stocks for them to catch and make a decent living out of it, on a daily and seasonal basis. Like in other sectors of the food industry, the Governments at the Centre and the States would be forced to address issues pertaining to marketing, storage, minimum price, replenishing marine stocks, etc – as has become habitual with land-based agro-industries. It would also flow that the Indian fishers do not resort to over-exploitation of the available stocks of fish, to leave the 'internal seas' bare for all times to come.

Other issues apart, this is what has happened on the Indian side of the Palk Bay, for instance. This is also what the Sri Lankan Government and the Tamil-speaking fishers in the Northern and Eastern Provinces of that country are anxious to avoid in their waters, by allowing free access to Tamil Nadu fishers with their unenviable track-record at over-exploitation in India's 'internal waters' in those parts. Through a bilateral agreement in 2008, Sri Lanka granted permission for Tamil Nadu fishers to cross the IMLL, for practising their vocation. The issue of 'fish life' is as relevant as the 'fishers' livelihood', both under the 2008 bilateral government agreement, and the bilateral fishers' understanding, two years later.

There is also a need to restructure the administrative set-up in the States. In Tamil Nadu, for instance, for political reasons, fisheries is a separate ministry, with an independent minister. But for historic reasons, fisheries does not have a separate Secretary. Whoever the official, much of his mentally-allocated time for one of the subjects under his care is often spent on fire-fighting on arrests and detentions – in the Sri Lankan waters, over the past so many years, with similar arrests in the distant Gulf region, adding to his/her woes in recent years. The situation is no different in other States, either, if one were to use the Centre's own apathy as a bench-mark.

Fishers' talks

It is in this overall background that the upcoming talks between the fishers' representatives (possibly accompanied by officials from the two nations, and States) have to be viewed. The non-governmental initiative on the fishers' agreement of October 2010 (Chennai), reiterated in March 2011 (Colombo), has addressed most of the livelihood issues. What is in store is to revive the process, and for the Governments in the two countries to operationalise them on both sides. This means that the Sri Lankan Government should stick to the October 2008 bilateral official agreement on allowing Indian fishers into the Sri Lankan waters – on the number of days agreed upon in the fishers' pact of 2010.

In the reverse, the Governments in India will have to ensure that the fishers' agreement on Indians not resorting to bottom-trawling and purseine nets, both of which are acknowledged as destroying marine resources totally, and the lives of the Sri Lankan Tamil fishers, on a daily basis. Implementation by the Centre in India is difficult for the Coast Guard to enforce any direction of the kind, once the fishing trawlers are out in the sea. It is relatively easier for a determined State Government to enforce such arrangements, by appropriate directives to the Fisheries, Revenue and coastal and land-based police on the ground.

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Otherwise, extraneous issues that have the potential to complicate matters need to be kept out of fishers' talks, as the negotiating teams are not the ones legally and constitutionally competent to address such issues, based on IMBL and the like. If anything, fishers are also not overly concerned about them, they focussing almost exclusively on their lives, livelihood and freedom from harassment and detention in the seas – and long weeks and months in each other's prisons. In the case of Sri Lankan prisoners, given the Indian constitutional scheme, they are spread across prisons in more States than one (namely, Tamil Nadu), requiring concerted Central efforts, but not all the States are as responsive.

Between them, the two national Governments will also have to ensure that the diplomatic initiatives and procedures, with legal complexities attending on them, are suitably addressed and followed, at every stage. That way, all through the future of bilateral fishing equations, with Sri Lanka or other neighbours, the role of the Ministry of External Affairs (MEA) cannot be undermined. It has to be re-focussed, so as to ensure that their only job pertaining to Sri Lanka is only that of obtaining the release of Tamil Nadu and Puducherry fishers arrested by the Sri Lanka Navy (SLN). There is much more to bilateral relations, but then it is with a resolution to the fishers' issue, they need to start.

HISTORY – CULTURE

World Sufi Spirit Festival (WSSF)

World Sufi Spirit Festival (WSSF), held annually at two venues in Rajasthan, will feature artists from Iran, Morocco, Lebanon, Azerbaijan and Tajikistan besides India. The WSSF has been bringing together Sufi performers from across the world on a single platform, giving listeners an opportunity to come face to face with Sufi traditions.

To be held from February 17-23 at the Mehrangarh fort in Jodhpur and the Ahichhatragarh fort in Nagaur, the festival will also see performances by Sufi singers Kavita Seth from India and Javed Bashir from Pakistan — both known for their rendition of popular Hindi film songs. The WSSF, which has been playing host to some of the leading exponents of Sufi music from across the world, is patronised by international artist Sting.

ETHICS, INTEGRITY AND APTITUDE

The right to privacy in the digital age

Kamlesh Bajaj (The Hindu)

While other nations should not localise servers as that may balkanise the Internet, the U.S. has to do more to show that it is not infringing on the rights of global citizens

Much has happened in the last six months, in different parts of the world, after the global surveillance programme of the United States National Security Agency (NSA) was revealed by Edward Snowden, a former NSA contractor. In the U.S., there was a lot of noise made by privacy and liberty groups — such as American Civil Liberties Union, Center for Democracy and Technology, and Electronic Frontier Foundation among others — and some Senators and Congressmen. Even U.S. President Barack Obama raised some questions on the propriety of such a massive surveillance programme. He set up a committee under the chairmanship of Richard Clarke, former National Coordinator for Security, Infrastructure Protection, and Counterterrorism for the U.S., to review the programme for recommendations to scale it down so as to be less intrusive in the lives of Americans and others. Within three months, the committee submitted its report to President Obama — on December 12, 2013 to be precise.

In the months leading up to the submission of this report, there were strong reactions from the European Union, especially Germany and France. Angela Merkel's personal mobile phone was kept under surveillance by the NSA. She was put on a par with the Brazilian President Dilma Rousseff, whose phone gave away several governance and economic secrets to the Americans. The EU leaders condemned the NSA; the American ambassadors in various European cities were summoned and asked to explain their government's actions. Threats were held out that the safe harbour extended to the U.S. for EU data flows would be withdrawn. Although the Brazilian President sent a strong signal by cancelling her visit to the White House, she was sought to be pacified through the offer of ICANN CEO Fadi Chehadé for holding a conference in April, 2014, in Brazil to consider or establish a new governance framework for ICANN, which currently governs the Internet under the exclusive control of the U.S. government.

In the meantime, Brazil and Germany had moved a resolution in the UN for nations to agree on privacy protection for citizens in cyberspace, which was passed by the General Assembly on December 18, 2013, as 'Right to Privacy in the Digital Age'. It was sponsored by more than 50 countries, including India, and approved unanimously by the 193 members. The resolution upholds the right to privacy for everyone when billions of innocent individuals around the world have been victims of the sweeping mass surveillance conducted by the U.S. and the United Kingdom from their domestic soil. It reaffirms the human rights core principle that individuals cannot be denied human rights simply because they live in a country different from the one that is placing them under surveillance.

The resolution calls upon states to end violations of privacy by ensuring that national legislation complies with obligations under international human rights law, and "to review their procedures, practices and legislation regarding the surveillance of communications, their interception and collection of personal data, including mass surveillance, interception and collection, with a view to

upholding the right to privacy by ensuring the full and effective implementation of all their obligations under international human rights law.”

The Clarke Committee in its report, titled “Liberty and Security in a Changing World”, observes that advances in ICT continue along with increased globalisation of trade, investment and information flows, as also the national security threats. Information collection by intelligence cannot distinguish between ‘domestic’ and ‘foreign’, leading to violation of the privacy of American citizens and foreigners. Even strategic relationships with allies get into difficulties because of pursuing “multiple and competing goals at home and abroad”. These goals include: protecting the nation against threats to national security, foreign policy interests, the right to privacy, democracy, civil liberties, the rule of law promoting prosperity, security, and openness in a networked world. But the recommendations do not suggest that bulk data of U.S. persons or non-U.S. persons should not be collected under Section 702 of the Foreign Intelligence Surveillance Act (FISA). While it does make some recommendations on ‘probable cause’ for U.S. citizens to be shown to the Foreign Intelligence Surveillance Court (FISC), there is no such concession for non-U.S. persons.

It is interesting that the committee acknowledges, albeit indirectly, that the U.S. government is undermining encryption standards, and subverting or weakening commercial encryption software, by advising the government not to do so. Likewise, it recommends that surveillance of foreign leaders should be done after due consideration of possible reactions by concerned countries, if it ever becomes public. The committee does not recommend that bulk data collection, in the form of meta-data of phone calls, under Section 215, be stopped. Instead it should be held by a private entity, and made available to the NSA after a judicial order by the FISC. There are several other recommendations, some of which will cause discomfort in the intelligence community. No wonder, in the congressional hearings, both the NSA and the Director, National Intelligence, have strongly urged that the surveillance programme should be allowed to continue in its present form, since it is essential for its counterterrorism operations.

The committee reiterates the position of the U.S. government on the Internet for global agreements, namely freedom of expression, Internet governance through multi-stakeholderism, use of the mutual legal assistance treaty process for gaining access to electronic communications, not engage in espionage to steal trade secrets through surveillance, not to sabotage financial systems. In a clear message to the Brazilian President, it recommends that countries should not try to locate servers in their territories, or prevent data trans-border data flows. While other nations should not localise servers as that may balkanise the Internet, the U.S. has to do more to show that it is not infringing on the rights of global citizens or undermining the sovereignty of nations.

Will the U.S. review its laws, procedures and practices regarding the mass surveillance of communications, their interception and collection of personal data to uphold the right to privacy by ensuring the full and effective implementation of its obligations under international human rights law, as per the UN resolution, to which it was a party?

MISCALLENEOUS

Janet Yellen

Janet Yellen — a skilled economist— made history on as the US Senate confirmed her to be the first woman to lead the Federal Reserve in its 100-year history.

Yellen, 67 , will take over as chair of the Fed after Ben Bernanke's term comes to a close at the end of this month. In doing so, she will take the reins of the world's largest economy and become the most powerful person in the world of finance.

Prior to becoming the Fed's vice chair, Yellen served as president of the San Francisco Federal Reserve Bank. She also had served a stint on the Fed's board in the 1990s and was a top economic adviser to President Bill Clinton.

Ariel Sharon

Ariel Sharon, one of the most influential figures in Israel's history, a military commander and political leader who at the height of his power redrew the country's electoral map only to suffer a severe stroke died near Tel Aviv. He was 85.

A cunning and unforgiving general, he went on to hold nearly every top government post, including prime minister at the time he was struck ill. In many ways, Mr. Sharon's story was that of his country's. A champion of an iron-fisted, territory-expanding Zionism for most of his life, he stunned Israel and the world in 2005 with a Nixon-to-China reversal and withdrew all Israeli settlers and troops from Gaza. He then abandoned his Likud Party and formed a centrist movement called Kadima focused on further territorial withdrawal and a Palestinian state next door.

QUESTIONS

1. List the various wildlife protection projects by India with Geographical reach and add a note on role of Himalayan ecosystem in Indian biodiversity balance . 10 mks.
2. Mark any five glaciers in India on map . Glaciers are indicators of the ever rising climate change , Explain . 10 mks.
3. What are the constitutional provisions of autonomous district council ? What is the issue of Karbi-Analong district ? 10 mks.
4. Write a note on changing role of Election commission of India . 10 mks.
5. What is International structure for nuclear security and Indian efforts at national level For the purpose. 10 mks.
6. What is 'Gift baskets' in light of nuclear threat initiative index ? 5 mks.
7. What are the supreme court's interpretation of Right to Privacy ? What are new challenges to it in digital age ? 15 mks.
8. CAG is the fourth pillar of Democracy. Comment . 10 mks.
9. Why Polio eradication is challenge at global level . Write Indian success story in case of polio eradication. 10 mks
10. What is sustainable solution to India –Srilanka fisherman row ? Give Geographical Challenges in this case . 15 mks
11. What is currency float ? What is Chinese model on currency management. 10 mks.
- 12 . What are recent changes in MGNREGA scheme . What are reasons for these Changes ? 10 mks.
13. Write note on India –U.S partnership to prevent violence against women at at W.H.O platform. 15 mks.