

EDITORIAL

Dear Reader,

Yesterday we celebrated the 66th Republic Day and showcased our strength and progress. We also reminded ourselves of the goals we have to achieve. One pledge we should take is that no Indian should go to sleep hungry and be denied a life of dignity. In a previous Policy Watch, we had shared with you the life of the Sahariya tribes. Today we bring you a similar and yet a different story about the life of Musahars.

The Musahars were in news a few years ago when it was reported that they eat rats due to poverty and lack of food. This cover story takes you through the kind of life the Musahars lead and the extreme poverty and indignity they face in their daily lives. Many well intentioned schemes are made by the government to help such marginalised groups of people who are in the periphery in every sense – social and economic. However, the benefits don't reach for those it is intended to because of not only poor implementation but also because of the social biases that exist against them. They are caught in a world of misery caused by indebtedness, lack of education and opportunities. Musahars are just one example, there are many such groups and we will bring to you each story.

Among the other stories in policy watch are the demands from civil society for more development funds for the minorities in the coming budget, UN predicts unemployment will increase due to slower growth and inequality and only 28% of the jan dhan yojana accounts are active.

If you have any ideas on how to make policy watch more reader friendly please do let us know.

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COVER STORY

At the margins.....the life of Musahars**Discrimination and Denial**

"Joy comes and goes, can't remember any. If I try to recall, only pain comes to mind", said Mahender Manjhi, a Musahar from Shri Rampur village of Gaya district in Bihar. (Arun Kumar, 2006).

The everyday life of Musahars shows a grim picture of discrimination, subjugation and exploitation. Their story is that of one of the most marginalised communities of our society who are denied even the basic needs of survival, leave alone dignity and respect. Musahars who are supposedly descendents of the Kol Tribe of Chhotanagpur (Jharkhand) are mainly settled in the states of Bihar, eastern UP and northern MP. Officially Musahars are Scheduled Caste, but they have a long history of living as 'untouchables'.

This cover story brings to the fore, the caste based discrimination faced by the Musahars, that have put them at the margins of the society, denying them any kind of social, economic and political protection. Thus there emerges a very complex relationship between discrimination and denial that forces them to give up any hope for upliftment. Worst of all, the discrimination experienced is internalised, to the extent that Musahars question their own abilities and rights.

Challenging the rigid caste system and reckoning that legislation alone cannot improve the situation of the Musahars; the cover story advocates the need to emancipate marginalised community from bondage, exploitation and discrimination through community mobilisation.

Dalits among Dalits

Musahars, who constitute of 3.5 million people nationally, and in Bihar alone their presence is close to 2.1 million (Indian Exclusion Report, 2013), are the largest source of agricultural labourers in the region.

The origin of the name 'Musahar' is not very certain but it is likely that it has reference to their hunting and eating rats ('masu' means flesh and 'ahar' means 'food'). However there is a strong sense of stigma associated with the name of the community. Though they belong to the Dalit community, the other Dalit groups have segregated Musahars from themselves. Recognising their backward status as 'Dalits among Dalits' and exclusion, they are categorised as 'Mahadalits' by the Bihar State Mahadalit Commission, established in 2007. This is reflected on a wide range of human development indices where the Musahars have very unpleasant statistics. Musahars are the "poorest of the poor" in India (India Exclusion Report, 2013) and its worst impact is on their children who die of malnutrition or starvation. Positioned at the periphery of the caste hierarchy, they are kept away from the benefits of food and employment from the Government.

Caste discrimination has also weakened the implementation of the Integrated Child Development Scheme that aims at improving the overall health of children below six years of age.

"The one anganwadi centre in our village does not open whole of the monsoons.....And since we are untouchables, the anganwadi workers, gives us only the leftovers of the meal after the upper caste children have been fed." Prabhansh, Madhepura *district of Bihar* (News Click, 2013)

InfoChange India documented the tragic death of many children in Belwa, Eastern UP where most of the Musahar families cook food only once a week and had limited access to the food-grains from the public distribution system. (InfoChange, 2006).

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As per the Census 2001, literacy rate of Musahars is also the lowest amongst the Dalits (Table-1).

Literacy Rate	All SCs Bihar	Dhobi	Pasi	Dusadh	Chamar	Bhuiya	Musahar
Persons	28.5	43.9	40.3	33.0	32.1	13.3	9
Female	15.6	27.9	25.3	18.5	16.8	6.5	3.9

Table 1: Literacy Rate (Source: Census 2001)

A perception of the low ‘educability’ of Musahars, out of many factors, is also the caste discrimination that students face in school. Negative remarks and physical violence against the Musahar students by teachers and other students deter them from attending schools.

“The teacher didn’t let us go to the toilet. One day, I asked her for permission to go to the toilet but she said, ‘Sit down, go later.’ So I urinated outside the window and she hit me so hard with a stick that my hand broke. I went to the hospital to get my hand bandaged. I had my hand in bandage for 10 days. Even now when I am working, I feel a lot of pain” as narrated by Vijay, 14 year old, from Pindra, UP; Source: Human Rights Watch

Economic Marginalisation

Landlessness and indebtedness is an indispensable part of the life of Musahars. Musahars or ‘kamia’ are landless agricultural labourers who work on the land of the landlords or ‘malliks’ and in return get paid in kind or wages as low as Rs `25–40 per day. Having limited assets and also lack of alternative skills, they have fewer livelihood options, compared to other communities. As represented in Table 2, amongst the Scheduled Castes, Musahars constitute the highest proportion of ‘Agricultural Labourers’ followed by Bhuiya, Chamar and Dusadh; whereas the presence of Musahars in ‘Other Workers’ category is very less.

Economic Category	All SCs	Chamar	Dusadh	Musahar	Pasi	Dhobi	Bhuiya
Cultivators	7.9	7.9	10.3	2.7	12.3	14.8	6.6
Agriculture labourers	77.6	80.2	75.9	92.5	46.5	48.1	86.8
House Hold Industry	3.3	2.1	1.6	0.8	12.2	9.6	1.0
Other Workers	11.2	9.8	12.2	4.0	29.0	27.5	5.6s

Table 2: Percentage Distribution of Workers in four Economic Categories (Source: Census 2001)

The wage that a Musahar earns by working on the land of the landlords is far below the wages he would earn if he worked elsewhere, but his choice is limited by his indebtedness. With no savings and less income, Musahars depend on their landlords for loan at steep rate of interest. In most of the cases, the burden of repayment is passed down to the next generation, thus the bondage continues.

"Why don't you get out of Kamia system (bondage)?" - "Like an animal, I am tied up right now. It's like a jail. How will I get out of it? He would say, repay the loan. Now, this is duniyadaari; how will I get out without paying?" "How much money do you owe him?" - "At the time of my marriage, he had helped me with a calf worth 60 rupees, two goat - kids worth Rs 15 each, a sari worth Rs 35 and Rs 75 in cash - total rupees 200. I have been in bondage ever since for these Rs 200". - Nanku Manjhi, 49 years old (Arun Kumar, 2006)

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To add to the misery, there are other forms of dependence too, such as Musahars having to use common lands in the village, for livestock and personal needs, mostly belonging to the upper castes or occupied illegally by them. In return, Musahars are further exploited by having to give their services for free to the landlords.

Benefits vs. Discrimination

There are well intentioned welfare schemes and benefits designed for disadvantaged communities but it is time to evaluate legislations which have only partially responded to the problems of such marginalised communities like the Musahars. In fact, government schemes and programmes have often reached the other Dalits and elites bypassing the Musahars.

The India Exclusion Report, 2013 by the Centre of Equity Studies states that “The failure of the development effort for Musahars, in this reading of failure of laws and schemes, is not due to any oversight, poor resources or bureaucratic incapacity—rather, it is a deliberate act by those responsible for development to deny it to Musahars (and communities like them), in an attempt to perpetuate the unequal order, where the Musahar is the servant and the upper caste person is the master.”

Conveniently, Musahars have also been denied information and awareness related to the benefits even by the village Panchayats, who are a part of the feudal structure, and are biased towards the so called superior castes. There is little or no representation and participation of the Musahars at the local level governance.

“The concept of demanding work through MGNREGA is still alien to them as their job cards and passbooks are with the village mukhiya (headman). The ones who had these with them said that they never got any money, however their passbook entries and job cards showed that around Rs.4000 had been withdrawn in the past. (As narrated to PACS by the Musahars from Baghakhal village in the Gaighat block of Muzaffarpur district, Bihar)

Self Discrimination

Shilp Sikha Singh, a researcher who has been writing about Musahars explains, “The secret behind the Musahars’ acceptance of and resignation to their fate lies in their self-image, which has been partly imposed and partly constructed through their historical experience.” Long history of discrimination from other communities has made the Musahars succumb to the indignity and injustice, affecting their self-esteem. Musahars often justify their own discrimination.

“We were vanmanush...surviving on wild fruits and animals...we were dumb and gullible with no sense of the world and its ways (budbak)... therefore people also maintained distance from us...untouchability was invited by our own practices...now we are learning manners”, says Ramvilas (Shilp Shikha Singh, 2013)

To get out of this vicious circle of discrimination and marginality, it is not sufficient to only get rid of the economic bondage or avail welfare schemes, but it is important to challenge and deconstruct a whole set of social relations which are woven around the system of caste based discrimination.

Inclusion through Mobilisation

Exclusion to inclusion, this journey of the Musahars seems to be a distant dream. Yet small but significant steps have begun, where Musahars are being mobilised to uplift their social status and get their voice and rights recognised.

In 2004, Action Aid, supported by the Poorest Areas Civil Society (PACS) programme, started mobilising the Musahars in Bihar and UP through the Musahar Vikas Manch (MVM) and Musahar Vikas Pahal (MVP), respectively. In areas that they work in, the communities of Musahars have been made aware of their rights as citizens and the role

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of the State. Members have been brought together to discuss their problems and fight their common cause and collectively pursue the concerned officials in the local area. When the issues are not resolved at the village level, Manch members take the issue to the district-level federation. Today MVP and MVM work closely with local administration and have also been successful in getting homestead and agriculture land rights for the landless Musahars. This has boosted their self-confidence. Strong women and men community leaders have also been successful in linking the community to various schemes and entitlements like ration, pension schemes, Indira Awas Yojna etc.

“As part of the MVP, we would sit and discuss our rights and ways to empower ourselves. In one of our meetings, we learnt that as a landless community, we also had right to this land. So we decided to do something about it”, says Rampatiya Devi (The Hindu, 2013)

Through organising various rallies, demonstrations, interface camps, attempts are being made to constantly bring the voice of the unheard and unseen Musahars to the forefront of the public domain. The Lok Shakti Sanghathan in Bihar, which is one of the nine Indian member constituents of the World Dignity Forum, have been organising public rallies and protest marches for the Dalit communities. In 2005, they organised the Musahar Maang Diwas or Musahar Rights Day in New Delhi advocating for socio-political inclusion of the Musahars by giving voice to their problems. This event saw a large participation of Dalit groups from all over the country.

It is now time to bring together the entire forum and give momentum to the individual struggles of the Musahars.

Looking Forward

Musahars, one of the ‘most excluded groups’ are trapped under overlapping social, economic and political exclusions that have been strengthened through cultural sanctions. Legislations which have been put in place to respond to these disadvantages have not been able to defend the interests of the Musharas partly because they have failed to break the rigid caste structure. One way to challenge the social structure based on exploitation and denial of rights is by organising the Musahars as a vocal and united group.

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HEADLINES

ILO: New Indian Government Should Continue Policies Like MGNREGS

(*The Financial Express*, January 20, 2015)

Guy Ryder, the Director General of International Labour Organisation (ILO), has said that the new Indian Government should continue social policies like the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) brought in by the Congress-led UPA Government. He described the measure as a “remarkable positive” trend in reaching the most distressed sections of the society as MGNREGS guarantees at least 100 days of employment a year to at least one member of every rural household.

He added, “Social policy is a matter of great concern in India and the (new) government must pursue policies adopted by the previous government like the guaranteed employment for certain days for rural poor.” According to ILO, inequality has reached levels where it blocks social mobility. The need to address these excessive inequalities, human waste, misery and suffering has to be highlighted. Unemployment needs to be tackled not just for the fear of economic instability, but for its deeper effects on the vulnerable sections.

According to the World Employment Social Outlook report compiled by ILO, South Asia faces a huge challenge of jobless growth. In the region, an annual average economic growth of 6.1% from 2009 to 2014 corresponded to employment expansion of only 1.4% for the same period. With the exception of Nepal, most South Asian countries face an additional challenge of low labour force participation for women. To tackle this problem and to truly reach out to the marginalised and the distressed, programs like MGNREGA need to be actively strengthened further by the Government, instead of its dilution.

<http://www.financialexpress.com/article/economy/new-indian-govt-should-continue-policies-like-mgnregs-ilo/32568/>

Date accessed: 21.01.2015
(Kasturi Mishra)

Only 28% of Jan Dhan Yojana Accounts Active

(Jayshree P.Upadhyay, *Business Standard*, January 22, 2015)

The recent initiative of the current government to promote financial inclusion does not indicate the desired results. According to the data released by the ministry, only 28% of the accounts opened under the Pradhan Mantri Jan Dhan Yojana (PMJDY) are active, with about Rs 9,000 crore deposited in these. In other words, though about 115 million bank accounts were opened under the scheme, but majority of them are still having zero-balance. Among these 90 million accounts were at public sector banks (PSBs), 4.1 million at private banks and rest with regional rural banks.

In order to keep these accounts active, ministry are taking various measures. They have connected Direct Benefits Transfer (DBT) scheme to these accounts. So far, the DBT for liquefied petroleum gas, along with those for a few other schemes, have been linked with these accounts. Further, department of financial services has decided to give banks commission to keep these accounts active. A circular to this effect has already been issued to banks.

71% of the accounts opened under PMJDY at PSBs are zero-balance, as against 64% zero-balance accounts at private banks. Even among the PSBs, 95% of accounts opened at State Bank of India under PMJDY are zero-balance.

“Public sector banks have much greater rural penetration compared to the private sector,” said Has Mukh Adhia, secretary in the department of financial services.

http://www.business-standard.com/article/finance/sbi-yes-bank-lead-in-zero-balance-accounts-under-jan-dhan-yojana-115012100174_1.html

Date Accessed: 22.1.2015
(Shruti Issar)

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Macro Economic Dimension of India

Table 1: General Inflation Rates in Indian States: January 2015 (%)

States	Rural	Urban	General
All India	4.71	5.32	5.00
Northern Region			
Jammu & Kashmir	4.55	4.72	4.63
Himachal Pradesh	4.66	4.07	4.53
Punjab	5.87	5.01	5.48
Chandigarh	4.18	6.04	5.97
Uttarakhand	3.58	3.48	3.50
Haryana	5.99	5.05	5.66
Delhi	2.31	3.31	3.31
Uttar Pradesh	4.13	4.49	4.24
Western Region			
Rajasthan	6.16	4.49	4.29
Gujarat	4.81	4.44	4.61
Maharashtra	5.53	5.82	5.74
Goa	7.15	4.63	5.87
Lakshadweep	8.87	4.39	6.43
Daman & Die	5.72	7.70	6.42
Dadra Nagar & Haveli	2.68	2.73	2.65
Central Region			
Madhya Pradesh	4.91	5.00	4.94
Chattishgarh	3.85	6.24	4.64
Southern Region			
Andhra Pradesh	3.68	5.48	4.42
Karnakata	5.45	7.44	6.52
Kerala	6.96	8.40	7.50
Tamil Nadu	5.62	7.29	6.52
Puducherry	4.97	6.38	6.01
Andaman & Nicobar Island	9.33	2.12	5.63
Northeastern Region			
Arunachal Pradesh	8.33	-	-
Assam	2.70	6.06	3.36
Manipur	1.82	3.81	2.57
Meghalaya	11.70	8.91	4.05
Mizoram	4.48	3.66	4.05
Nagaland	10.88	6.61	9.17
Tripura	9.14	6.46	8.36
Sikkim	2.93	7.35	3.88
Eastern Region			
Bihar	4.75	3.23	4.50
Jharkhand	1.17	2.94	1.76
West Bengal	2.86	3.94	3.30
Odisha	5.11	5.49	4.64

Source: State-wise monthly inflation rates are estimated from year on year Consumer Price Index (CPI) data of MOSPI. There is one month time lag in CPI data (New Series 2010=100) provided by MOSPI, Government of India.

Table 2: Inflation Analyses for Last Six Months: All India

Months	Rural	Urban	Combined
August 2014	8.45	7.34	7.96
September 2014	8.35	7.04	7.80
October 2014	6.68	6.34	6.46
November 2014	5.60	5.55	5.60
December 2014	4.02	4.69	4.30
January 2015	4.71	5.32	5.00

The above table 2 shows that All India Inflation rates for rural, urban and combined sectors have seen continuous decline over the months from August 2014 to December 2014. While in January 2015, the rates have increased marginally across its rural, urban and combined sectors.

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Finance Minister Hints at Further Rationalisation of Subsidies in Budget 2015-16

(Mayur Shetty, *Times of India*, January 20, 2015)

Union finance minister hinted at further rationalisation of subsidies in the coming budget, which has already started with direct bank credit of Liquefied Petroleum Gas (LPG) subsidy to consumers. In an interaction with the captains of industry, finance minister said, in the coming months all subsidies would be rationalised and targeted at poor. Recommendations of the Expenditure Commission report of former Reserve Bank of India (RBI) governor Bimal Jalan would be incorporated in the coming budget.

Stressing the need to improve infrastructure sector, the government is committed to involve the private sector. "The old public-private partnership (PPP) model is stressed, but needs to be revived," stated the finance minister. Promising to improve the investment climate in the country, the minister said goods and services tax or GST will be one which will lead to increasing investment. States will also earn through a new venue of taxation called the service tax, he said.

TVS Motor Company's chairman wanted removal of draconian provisions in the new Company Law. The finance minister questioned the chambers of commerce for not pointing out lacunae in the draft bill. The minister also said that the government was seized of issues particularly those of rules of origin, relating to several free trade agreements (FTAs).

<http://timesofindia.indiatimes.com/business/india-business/Jaitley-hints-at-further-rationalizing-of-subsidies/articleshow/45948067.cms>

Date Accessed: 20.01.2015

(Devyani Bhushan)

Likely Budget Proposal- Government may Cap Cash in Hand at Rs 10 Lakh

(Sanjib kr Baruah, *Hindustan Times*, January 19, 2015)

The income tax department may cap at Rs 10 lakh the amount of cash a person can keep at home or carry in transit in a likely budget proposal aimed at checking black money. The tax authorities also propose to make furnishing of PAN (personal account number) mandatory in case of high-value purchases, which could be fixed at Rs 1 lakh.

Strict penalties, being worked out, would be slapped if unaccounted cash in excess of Rs 10 lakh was recovered. The Supreme Court has appointed a special investigating team (SIT) to conduct a thorough probe into black money

stashed abroad by Indians. At present, there is no prescribed limit on the amount of cash an individual can hold in hand. It has led to arbitrariness in asking the individuals about the source of the cash though certain parameters such as the standard of living are taken into account. While this move may work out fine in urban areas, it remains to be seen how the threshold limit works out in rural areas which do not have access to good banking channels. The proposed change would enable enforcement agencies to act against violators as well as seize unaccounted currency.

The Central Board of Direct Taxes (CBDT), the apex board for direct tax collection, also wants PAN to be mandatory for purchases of Rs.1 lakh and above. If the buyer doesn't have a PAN number, any of the documents accepted by the government's as proof of identity such as Aadhaar number would be acceptable. The seller, too, would have to enter PAN number in the invoice.

<http://www.hindustantimes.com/india-news/tackling-black-money-govt-may-cap-cash-in-hand-at-rs-10-lakh/article-1308231.aspx>

Date Accessed: 20.01.2015

(Devyani Bhushan)

Budget 2015-16 : Civil Society Demands More Development Funds for Minorities

(Vijdan Saleem, *Down to earth*, January 17, 2015)

Civil society organisations have demanded increase in budget allocation for Ministry for Minority Affairs (MoMA) to make up for shortage of funds for development needs of minority groups across sectors. The demand was put forward through a document, "Policy Asks and Expectations from Union Budget 2015-16", which was presented by civil society budget groups collectively as the People's Budget Initiative, under the aegis of Centre for Budget and Governance Accountability (CBGA). While the budget allocation for Union Ministry of Tribal Affairs is Rs 4,498 crore in 2014-15, MoMA has got only Rs 3,734 crore so far in the present fiscal.

The 12th Five-Year Plan also noted that there is a need to increase the financial allocation for the ministry to scale-up interventions under multi-sectoral development programme by earmarking greater financial outlays across board and making educational schemes demand-driven, which according to the plan require greater allocations for MoMA. District Information System of Education (DISE) data reveals that as of 2011-12 around 11 muslim children were vying for one scholarship. The policy document recommends budgetary allocation and unit costs of scholarships to be enhanced to the levels of scholarship for Scheduled Castes and Scheduled Tribes and the application procedures to be simplified as well. The document demands

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that the Union Budget 2015-16 should introduce a statement on fund allocations for the welfare of minorities in all programmes and the schemes covered in the 15 Point Programme, as is being presently done for Scheduled Castes and Scheduled Tribes.

“Policy Asks and Expectations from Union Budget 2015-2016” states that the Union Government needs to urge most of its ministries to identify the needs, difficulties and challenges confronted by the minorities in their sectors of concern and also identify measures that could be taken by them to address those special difficulties/challenges. It also recommends that the amount of additional resources required for formulating special projects for them, be specified.

<http://www.downtoearth.org.in/content/budget-2015-16-civil-society-demands-more-development-funds-minorities>

Date Accessed: 19.01.2015

(Devyani Bhushan)

Make in India Likely to Get Major Boost from Union Budget

(Sidhartha & Surojit Gupta, *Times of India*, January 19, 2015)

Make in India is likely to get a high priority in the 2015-16 Union Budget, including tax breaks and other measures for various sectors, as Make in India is the centerpiece of the current government’s efforts to revive manufacturing and create jobs. In December 2014, the secretaries of various departments presented a blueprint of 25 identified sectors to the prime minister.

The moves are expected to focus on boosting domestic production and reducing imports. There are recommendations to lower excise duties, like that on footwear by 6%. The commerce department has suggested a reduction in the customs duty on gold and silver from 10% to 2%, however this will have to be looked at with reference to the import bill and the impact on exchange rate. The defense ministry is seeking to reduce dependence on imports and to obtain a tax holiday on local manufacturing. The department of information technology has also suggested income tax benefits to attract electronics and telecom equipment manufacturers into the country and reform the inverted duty structure where the customs tariff on finished goods is lower than those on components. The civil aviation ministry has suggested incentivizing maintenance, repair and operations (MROs) be exempted from service tax so as to reduce foreign exchange outgo. It has also proposed that airline operators be allowed to issue tax-free infrastructure bonds to help raise funds. For MSME, the ministry has proposed direct tax exemptions during the first three years of operations. For metals and cement it has been suggested

that the customs duty on steel products be increased, while allowing duty-free import of raw materials and ore in order to discourage imports. The petrochemicals sector is likely to get a boost in local manufacturing by having higher import duty on finished products and low rates on feedstock.

The mining sector has sought an annual budgetary support of Rs. 50 crore to encourage exploration. The petroleum ministry has asked for targeted fiscal measures through interest subvention and long-term funding for manufacturing clusters from the Oil Industry Development Cess. The tourism ministry has demanded an annual budget of Rs. 3000 crore, compared to around Rs. 2000 crore as of now.

<http://timesofindia.indiatimes.com/india/Union-Budget-likely-to-provide-big-thrust-to-Make-In-India/articleshow/45935076.cms>

Date accessed: 19.01.2015

(Kasturi Mishra)

Pre-Budget Consultations with IT, BPO, eCommerce Sector Officials

(*The Economic Times*, January 14, 2015)

This article reflects the concerns of top officials from IT, BPO and eCommerce sectors as presented to the Finance Minister in a pre-budget consultative meeting. Certain issues related to taxation and provision of incentives for setting up data centres in the country has come up. They have suggested ways to help in the growth of software product firms and start-ups in India. Concerns have also been raised regarding issues such as double taxation, VAT and treating of software as physical goods.

The industry stressed on clarifications on issues like Advanced Pricing Agreements (APAs) under the Double Taxation Avoidance Agreements (DTAA). Concerns were raised with regard to procurement of technical equipment and services for the government especially in the areas of eGovernance. The challenges of a move towards a digital economy requires addressing issues relating to incidence to multiple taxation or interpretation by States with regard to eCommerce and the treatment of eCommerce. The Finance Ministry, in its official statement, said that suggestions included incentives for setting-up of data centres within the country. It added the need to give tax incentives for building infrastructure for large data centres and cloud services within the country to ensure data security as well as to have a big network of large software products companies within the country, as mentioned by the industry.

Other suggestions made by the IT industry include promoting innovations by allowing angel funding, stable tax regime, direct tax benefits for the sector, tax benefits for cashless transactions, resolving issues relating to double

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taxation on software products, transfer pricing and duty drawback. The need for revision/clarifications on issues like foreign tax credit policy, drawback scheme for services, carry backward of business losses among others was also brought out in the pre-Budget consultations.

http://articles.economictimes.indiatimes.com/2015-01-14/news/58065937_1_data-centres-finance-minister-arun-jaitley-avoidance-agreements

Date accessed: 18.01.2015

(Kasturi Mishra)

Budget 2015-16 May Take Special Steps to Boost Public Spending on Infrastructure

(The Pioneer, January 20, 2015)

The Finance Minister has expressed that the Government will take “special steps” to boost public spending on infrastructure and initiate measures to rationalise subsidies. The Government is currently faced with a constraint of fiscal deficit in revenue. The Government has highlighted the need for increasing public investments in infrastructure to boost economic growth.

The need for reviving PPP model has been expressed. All possible subsidies are likely to be “rationalised”, as LPG subsidies are already going through banks. The suggestions of the Expenditure Finance Commission, headed by former RBI Governor Bimal Jalan, are expected to be incorporated in the Budget 2015-16. These suggestions call for large scale rationalisation of subsidies so as to curb the oil and fertilizers subsidy bills.

The Finance Minister has indicated that implementation of GST will help improve the business climate; while not making the states lose any revenue. This implementation, according to the Minister, is likely to add to GDP, make business easier and even lower taxes, in the long run. Further, the Government believes that establishment of rural infrastructure and industrial corridors would increase the price of land and generate employment for rural youth. The need for stability in tax and other policies has been stressed upon, in order to make India an attractive investment opportunity.

<http://www.dailypioneer.com/business/jaitley-hints-at-special-steps-to-boost-public-spending.html>

Date accessed: 20.01.2015

(Kasturi Mishra)

RBI Allows Banks to Act as Insurance Brokers

(Financial express, January 16, 2015)

The Reserve Bank of India (RBI) has said that banks will be allowed to offer insurance brokerage services by setting up a subsidiary or through a joint venture if they meet certain conditions.

According to the RBI, banks are not allowed to undertake insurance business with risk participation departmentally and may do so only through a subsidiary or joint venture set up for that purpose. For undertaking insurance business with risk participation, banks should have a net worth of not less than Rs 1,000 crore and a capital to risk (weighted) assets ratio (CRAR) of not less than 10 per cent. The level of net non-performing assets should not be more than 3 per cent and the bank should have made a profit for the last three years.

After unveiling the draft norms for banks’ entry into insurance broking a year ago, the RBI was facing opposition from public sector banks. As there were differences of opinion within the RBI, the proposal was delayed for some time.

<http://indianexpress.com/article/business/business-others/rbi-allows-banks-to-act-as-insurance-brokers-through-jvs-subsidiaries/>

Date Accessed: 19.01.2015

(Devyani Bhushan)

State, Political Interference in the Affairs of the Regulators Is Undesirable: CCI Chief

(India Infoline News Service, January 20, 2015)

Continued interference by the state to protect vested interests is undesirable and compromises efficiency of a Regulator whose independence requires a high degree of political and judicial maturity, Chairman of the Competition Commission of India (CCI), said at the Associated Chambers of Commerce and Industry of India (ASSOCHAM) 95th foundation day. He said creation and sustenance of independent regulatory institutions requires a high degree of political and judicial maturity. He emphasised that the regulators have to be balanced.

After unsavoury events of the past few years in the allocation of natural resources like coal, transparency and clarity in the process is being injected. Auctions are set to become the norm in grant of many resources. “However, it would be desirable if these tentative attempts are carried to their logical conclusion by converting executive orders into

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rules bringing them under Parliamentary oversight," said the chairman of the CCI.

There was also an agreement amongst members and panelists that there should be a provision in the law to hold those regulators accountable who pass judgements on flimsy grounds and do immense damage to the reputation of the companies, and investors. These regulators pass judgements and then go while companies suffer loss of image and reputation. By the time the aggrieved companies get justice, damage is already done to their reputation. ASSOCHAM members agreed that the regulators should also be made accountable.

http://www.indiaonline.com/article/news-top-story/state-political-interference-in-regulators-affairs-is-undesirable-cci-chief-115011900336_1.html

Date Accessed: 20.01.2015

(Devyani Bhushan)

GOVERNANCE AND DEVELOPMENT

POLITICS AND GOVERNANCE

Tibetan Community Against Acquiring Indian Citizenship Rights

(*The Hindu*, January 19, 2015)

The Tibetan community, living in exile in India as refugees, has not welcomed the Election Commission's directive which allows Tibetan refugees to register for voter identity cards for Delhi Assembly elections which in turn will enable them to acquire Indian citizenship.

The directive has created a deep divide amongst the Tibetan community. The main reason given against acquiring citizenship rights is that it would "dilute their struggle" for a free Tibet for which they must remain as refugees in India.

N.K. Trikha, the national convenor of Core Group for Tibetan Cause said, "Acquiring Indian citizenship will knock the bottom out of their reason for living in exile with a determination to return to their motherland or see her become free at some point in time." He added that the community would lose its sovereign identity as Tibetans in exchange for a few "mundane" advantages if they were to acquire Indian citizenship.

Tenzin Tsundue, Tibetan activist and writer, thanked the Indian government for granting voting rights to his compatriots living in India but, said that if Tibetan were to give up their nationality and become loyal to another country, they would lose the right to speak as a Tibetan.

A total of 94,203 Tibetans live in exile in India according to the 'Demographic Survey of Tibetans in Exile' by planning commission of Central Tibetan Administration.

<http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/tibetan-community-divided-over-citizenship-rights/article6800538.ece>

Date Accessed: 20.01.2015

(Afreen Faridi)

Centre Working on Labour Law Changes

(Somesh Jha, *Business Standard*, January 23, 2015)

The centre is planning to reform Industrial Disputes Act, in line with the amendments as enacted by Rajasthan recently, as per the sources. Changes to the said act had been demanded by the businesses in the past as well, but it was always opposed by the trade unions.

Further, the centre had formed an inter-ministerial group

headed by the additional secretary of the labour ministry to review and discuss the rationalization of the labour laws. The union ministry is working on clubbing 44 labour laws into five segments. These segments can be categorized as industrial relations, wages, social security, working conditions and welfare cess.

"We have taken stakeholders' views, which will be discussed at a later stage," said a labour ministry official, on condition of anonymity. Saying it was a "mammoth" exercise, he added inter-ministerial deliberation was on. "We are working on the thematic codes and examining each law individually. This is a time-consuming process."

As per the amendments to the Industrial Disputes Act enacted by the Rajasthan government, the factories employing up to 300 workers can retrench these without taking permission, as against factories which employed up to 100 workers, as per the initial Act. As this law falls under the concurrent list in the Constitution, states can bring in amendments, with Centre's approval. At the central level, the Act still allows only factories employing up to 100 workers to retrench employees without taking government permission.

http://www.business-standard.com/article/economy-policy/centre-working-on-labour-law-changes-115012201187_1.html

Date Accessed: 23.1.2015

(Shruti Issar)

GOVERNMENT

NDA Government to Bring New BSF Amendment Bill

(*Indian Express*, January 19, 2015)

The Ministry of Home Affairs is set to bring out a new Bill to amend the Border Security Force (BSF) Act, 1968. The amendment Bill is set to replace the BSF (Amendment) Bill, 2011 introduced in the Rajya Sabha by the UPA government in 2012.

The Bill introduced by the UPA sought to provide the BSF with powers of "search and seizure" anywhere in India. The BSF (Amendment) bill, 2011 was strongly opposed by Prime Minister Narendra Modi during his term as the Chief Minister of Gujarat. It is interesting to note that although Shri. Narendra Modi opposed the Bill in a letter to former Prime Minister Manmohan Singh in 2012 but, the state government did not express any opposition to the Bill when asked for its views in November 2011.

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R.K. Singh, former Home Secretary and currently a Member of Parliament (BJP), had defended the “search and seizure” powers granted to the BSF by stating before a parliamentary standing committee that, such powers “were an enabling provision that would permit the deployment of BSF personnel for internal security duties in the hinterland and will allow the government to empower them appropriately to perform their duties.”

Currently, the BSF has powers to “search and seize” only when within the prescribed border belt viz. 80km in Gujarat, 50km in Rajasthan and 15km in West Bengal, Assam and Punjab. Such limits do not exist for the states Jammu and Kashmir, Meghalaya, Nagaland, Mizoram, Tripura and Manipur. The powers of search and seizure are granted to BSF under the Customs Act, the Passport Act, the Narcotic Drugs and Psychotropic Substances Act and the CrCP.

<http://indianexpress.com/article/india/politics/to-amend-bsf-act-centre-to-drop-upa-bill-bring-its-own/>

Date Accessed: 20.01.2015

(Afreen Faridi)

SECURITY

India Short of Half a Million Policemen (Devyani Shetty, *Scroll.in*, January 18, 2015)

As per the data released by the National Crime Records Bureau, India is short of half a million police officer, which is roughly a shortage of 23% across the country. Though as per the United Nations recommendations, there should be one policeman for every 450 people, unfortunately there is one policeman for 709 people in India. The police to people ratio is also skewed. “While North Eastern states like Mizoram and Manipur have 1 policeman for every 110 and 98 people, respectively, Bihar and Uttar Pradesh have much higher ratios of 1,298 and 1,282, respectively.” The police density, number of policemen in 100 sq km, for states like Delhi is over 5000, the number is mere 11.8, 23.7 and 26.9, respectively for Arunachal Pradesh, Rajasthan and Himachal Pradesh respectively.

About 10% increase in crimes was reported in 2013. While many reasons can be attributed to this increase, the data clearly shows that India needs to strengthen its police system and hire more cops.

<http://scroll.in/article/697748/India-short-of-half-a-million-policemen>

Date Accessed: 22.1.2015

(Shriyam Gupta)

HEALTH

Forum of Domestic Manufactures Warns Regarding Risks from 100% FDI in Medical Devices

(PT Jyothi Dutta, *The Hindu Business Line*, January 20, 2015)

Late in December, 2014, the government allowed 100% foreign investment in the medical devices sector under the automatic route to encourage domestic manufacturing and also potentially opened existing Indian companies to foreign acquisition. Before this, 100% foreign investment was allowed in brownfield pharma (existing Indian company), foreign investors had to seek the permission of Foreign Investment Promotion Board before acquiring an Indian company. This condition was dropped, allowing 100% FDI in existing and new projects. This decision was set to take effect from January 21, 2015. However, the Association of Indian Medical Device Industry (AIMED) has written to the Prime Minister urging his office to intervene on a sector that has been identified by the Government for the promotion of local manufacturing and reduced import dependency.

AIMED has written that if 100% FDI in brownfield projects is implemented, it will kill the remaining domestic struggling medical device manufacturers or make them easy target for being bought by MNCs. Additionally, it will only increase country’s import dependency while leading to total domination of this sector, (which is slated to grow to Rs. 1,80,000 crore) by 2030, by foreign companies. They claim that the last time companies were allowed 100% investment without any conditions or manufacturing obligations, “foreign companies simply put up only marketing and warehousing hubs without undertaking any significant manufacturing in India. They simply imported the medical devices which increased India’s overall import dependency.” The government earlier brought in gatekeepers like the FIPB to evaluate large acquisitions, especially of existing operations, after key Indian players had sold entire or parts of their business to foreign companies.

The association has also highlighted the fact that there is a bustling environment for small and medium size industry in Japan, Europe and ASEAN countries. However, India seems to be following the US model wherein the MNCs are being allowed to dominate, exploit and grow by mergers and acquisitions. MNCs have in fact already been allowed to capture a large chunk of the market through progressive reduction in import duties over time. Further capturing may ultimately harm the consumers in rural India, who will find it impossible to access the expensive branded devices from MNCs.

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<http://www.thehindubusinessline.com/economy/fdi-in-medtech-takes-effect-tomorrow/article6805147.ece>

Date accessed: 20.01.2015

(Kasturi Mishra)

Probability of NCD Death on Rise:

WHO

(Daily Pioneer, January 20, 2015)

India's performance in reducing death from non-communicable diseases (NCDs) is worst than almost the whole of sub-Saharan Africa and South Asia. A recently released report of World Health Organization (WHO) alarms towards increase in NCD death. According to the report, "the probability of dying from the disease among people in the 30 to 70-year age group has increased to 26.2 per cent in 2012 from 26.1 per cent in 2010 in the country." As per the WHO, the four main NCDs are cardiovascular diseases, cancer, diabetes or chronic respiratory diseases, which have emerged as the leading cause of fatalities globally.

Reporting the findings of the report, The Daily Pioneer states, "Switzerland fares the best with a 9.2 per cent chance and Tajikistan the worse with a whopping 40.8 per cent chance of a premature NCD death. Out of the world's 56 million deaths, NCDs were responsible for 68 per cent — 38 million deaths in 2012 — making it the leading cause of death globally, the report said." It further states, "Most premature NCD deaths are preventable. Of the 38 million lives lost to NCDs in 2012, 16 million or 42 per cent were premature and avoidable — up from 14.6 million in 2000."

Commenting on the situation of India, lead author of the report Shanthi Mendes said, "India has the resources. It needs to strengthen its primary health care system in an integrated way not with a vertical approach and working on universal health care coverage. India has reached the space age but what about its people?" The report has called for more action and advocated for nine particular targets to reduce death probability. "The nine targets include reduction in harmful use of alcohol, insufficient physical activity, salt/sodium intake, tobacco use and hypertension, halt the rise in diabetes and of obesity, and improve coverage of treatment for prevention of heart attacks and strokes, as per the report."

<http://www.dailypioneer.com/nation/probability-of-ncd-death-on-rise-who.html>

Date Accessed: 21.01.2015

(Jeet Singh)

Snacks and Pan Masala form a Child's Diet in Rajasthan's Baran District

(The Hindu, January 19, 2015)

Baran district of Rajasthan is rampant with child malnutrition as children, even toddlers, are only given pan masala and snacks as food. The children are also given an intoxicant which induced sleep.

Even if the parents of children afford nutritious meals, they feed their children junk food as its cheap and readily available. There is lack of awareness about health and hygiene.

The Sahariyas are a vulnerable tribe living in isolated habitats in Rajasthan. The tribe reports high rates of infant mortality, fertility and low levels of education. The Sahariya tribe is worst affected with the problem, reporting high rate of malnutrition among its children. Last year 12 deaths were reported, between September and November, whose underlying cause was malnutrition.

A French non-governmental organisation Action Against Hunger (ACF), reported the levels of severe acute malnutrition (SAM) at 7.6% and severe chronic malnutrition at 14.9% among children aged 6-59 months in the Baran district. As per the National Family Health Survey-3, SAM was 8.4% among the Scheduled Tribes, 7% among the Scheduled Castes and 5.2% among the Other Backward Classes in Rajasthan.

Shivangi Kaushik, deputy programme manager, ACF said, "These are preventable deaths and hospitalisations. Unfortunately, the community is so isolated that they are not even aware of what is good or bad for children. Despite screening, treatment and monitoring, the children fall back into the SAM category once they are discharged from the centres."

<http://www.thehindu.com/todays-paper/tp-national/snacks-and-pan-masala-a-childs-diet-in-rajasthan-dt/article6800204.ece>

Date Accessed: 20.01.2015

(Afreen Faridi)

AGRICULTURE

Government Keen on Common Market for Agricultural Produce-Budget 15-16

(India.com, January 17, 2015)

Union Finance Minister informed representatives of various agricultural groups that the government is aiming to move

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towards creating a national common market for agricultural commodities to improve the supply chain. The Finance Minister was participating in a pre-budget consultative meeting with representatives of agriculture groups.

The Minister said that as per estimates of GDP for the second quarter, (July-September) of 2014-15, the growth in the agriculture and allied sectors was 3.2 per cent. He said that following the below normal monsoon, the production of total kharif foodgrains is estimated to be 120.27 million tons during 2014-15, as compared to 129.32 million tons in 2013-14 and 117.18 million tons in 2012-13. He further said that although rainfall deficit was worst felt in Haryana, Punjab and Uttar Pradesh, the impact on production was limited, as most of the crops in these states are grown under irrigated conditions. He said that allied sectors of agriculture have also shown a good performance. The finance minister said exports have shown a 3.1 percent growth rate (up to November 2014) and growth rate of imports was 4.4 per cent during the same period. He said that as per the provisional figures available, as against the farm credit target of Rs. 8,00,000 crore for the year 2014-15, an amount of Rs. 3,70,828.60 crore has been disbursed till September 30, 2014.

Suggestions received by the union finance minister included fixation of remuneration prices for agriculture crops, incentives to encourage agriculture research, education and extension activities including investments in technological innovations and advancement in agriculture research; and impetus to micro irrigation financing, research and development, support to the Pradhan Mnatri Krishi Sanchai Yojana and strengthening of existing irrigation facilities among others. Some other suggestions included placing greater emphasis on agriculture research and education, grant of allowances for agriculture research, extension and education be raised from the current level of around 0.8 per cent of agriculture GDP to at least 1.5 percent and giving the Indian Agriculture Institute the status of 'Institute of National Importance'.

<http://www.india.com/news/india/government-aiming-to-move-towards-national-common-market-says-arun-jaitley-250390/>

Date Accessed: 19.01.2015

(Devyani Bhushan)

COMMUNALISM

Growing Religious 'Intolerance' has to be 'Nipped in the Bud', Observes Delhi High Court

(DNA, January 18, 2015)

Delhi High Court dismissed a PIL against Amir Khan's block buster 'PK' seeking directions to delete "objectionable" scenes from 'PK' claiming that the contents of the film have hurt the religious sentiments of Hindus. In its order, the Court cautioned towards increasing instances of religious intolerance. A bench of Chief Justice G Rohini and Justice RS Endlaw said, "the present petition is an instance of a growing tendency in the country of intolerance and which tendency has to be nipped in the bud and unless done so, is likely to spread like wild fire and which the country can ill-afford." The bench also observed that there is nothing to be censored in the film, seeing a film was a conscious choice of the spectator and those offended by the content or the theme of a particular film were free to avoid watching it.

The High Court said the film, which broke the box office records with over Rs 600 crore global business, illustrated the social evil prevalent and cannot be considered as contemptuous of the essential tenets and beliefs of Hindu religion or as promoting communal attitude.

The recent order of High court said, "We are unable to hold the film or any sequence thereof being contemptuous of the essential tenets and beliefs of Hindu religion or as promoting communal attitude. The said sequences have to be necessarily shown to illustrate the social evil prevalent." The court further said, "The sequences of the film to which objection is taken are in the nature of a satire bordering on parody on certain Hindu customs and practices. The said sequences in the film can thus also be seen as socially beneficial, helping a better understanding of the religion." The bench further said that "in a diverse country as ours, citizens and residents profess nearly all religions, people are used to a high level tolerance in the matters of religion".

<http://www.dnaindia.com/india/report-growing-religious-intolerance-has-to-be-nipped-in-the-bud-observes-delhi-high-court-2053550>

Date Accessed: 21.01.2015

(Jeet Singh)

SOCIAL JUSTICE

Illegal Eviction of Tribes from Kanha Tiger Reserve

(Down To Earth, January 16, 2015)

An increasing number of forest dwellers of Kanha Tiger Reserve in Madhya Pradesh are complaining of forced eviction from the forest. Eviction from the forest, in the name of conservation, started in June 2014.

Baiga and Gond tribes have their ancestral homes in the tiger reserve. As per media reports, about 450 families or 3,000 forest dwellers from the Baiga and Gond tribes were evicted in June 2014. Forest dwellers accused the forest department of threatening them by saying that the forest department would unleash elephants on their crops and homes if the forest dwellers did not leave immediately.

Human rights organisations such as Survival International oppose the move and are angry with the government. Stephen Corry, director of Survival International stated that the communities of Baiga and Gond tribes would be completely destroyed if their eviction is not ceased and if the government doesn't allow them to return to their dwellings in the tiger reserve.

Narendra Kumar, principal chief conservator of forests and chief wildlife warden, government of Madhya Pradesh, defends the position of state government saying, "The relocation of these forest dwellers was not forced and was indeed voluntary. Only after people agree, the gram sabha of any village passes a resolution after which the money for rehabilitation is allocated. Typically an amount of Rs 10 lakh is allotted to each unit. Every family is considered a unit and those above 18 years of age are eligible to receive the money for rehabilitation."

Many tribals refute his claim by clearly stating that neither did they want government's money nor were they willing to leave their land.

Even as a few environmentalists have claimed that tribal people encourage poaching, Survival International rejects such claims stating that tribals not only did not poach but were the best conservationists who had carefully managed the tiger's habitat for many generations.

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According to the latest report, Status of Tigers in India-2014, by Ministry Of Environment and Forests, the tiger population in India stands at 2,226 in the year 2014, marking an increase of 30.5% since 2010.

<http://www.downtoearth.org.in/content/stop-illegal-eviction-tribes-kanha-tiger-reserve-urge-activists>

http://articles.economictimes.indiatimes.com/2015-01-20/news/58268299_1_tiger-cubs-national-tiger-conservation-authority-tiger-population

Date Accessed: 24.01.2015

(Afreen Faridi)

INDIA AND WORLD

INTERNATIONAL AFFAIRS

UN Study Predicts Rising Global Unemployment Due to Slower Growth, Inequality, Turbulence

(United Nations News Centre, January 20, 2015)

In its report, 'World Employment and Social Outlook-Trends 2015', the International Labour Organization (ILO) note that an additional 10 million people are likely to be unemployed by 2019. This will increase the number of unemployed people from 202 million to 212 million. Such will be a result of the slower growth, widening inequalities and economic turbulence.

About 61 million people have lost jobs due to recession since 2008. People aged between 15-24 are most hit by the crises. Global youth unemployment was about 13% in 2014 and is likely to increase. Unemployment is also fuelled by structural factors. There has been a decline in middle-skilled jobs such as clerical jobs while an increase in low-skilled work (security personnel) and high skilled work such as lawyers, doctors and engineers.

"Inequality is rising and is predicted to continue doing so, according to the report, with the world's richest 10 per cent earning 30 to 40 per cent of total income and the poorest 10 per cent earn between just two and seven per cent." Such a situation can create uncertainty for investment. Rising inequality is reduces trust in the government and increases social unrest which have been increasing since the 2008 crisis.

ILO Director-General Guy Ryde pointed out that almost half of the world's workers lack access to basic necessities. Situations for women are worse. He also noted that the situation can improve if issues of aggregate demand, stagnation in Eurozone and uncertain prospects for productive investment are handled.

<http://www.un.org/apps/news/story.asp?NewsID=49844#.VL9HpUttIpF>

Date Accessed: 21.1.2015
(Shriyam Gupta)

Data Shows 63 Million Adolescents Out of School – Joint UN Agency Report

(United Nations News Centre, January 19, 2015)

A joint report by UNESCO and UNICEF stated that about 63 million children are not in school because they are poor and marginalized. IT found out that dropout rate increase, as children get older. The report noted, "one in ten children of primary school age is out of school compared to one in five adolescents." Moreover, about 121 million children and adolescents either did not start school or dropped out. Children living in conflict, child labourers and discriminated are worst affected.

The usual approach of more teachers and books, has not been enough to ensure education of the marginalized children. Data shows that no progress has been achieved in reducing the number of adolescents out of school since 2007. If trends continue, about 25 million children will not step into school. Worst affected countries include Eritrea, Liberia and Pakistan.

Unfortunately the international community's promise to achieve 'Education for All' by 2015 has not been achieved. UNICEF's Executive Director, Anthony Lake noted that three areas need attention. These include, getting children into schools, ensuring they stay in school and improving quality of learning. Ms. Irina Bokova, Director General of UNESCO, highlighted that targeted intervention is required especially for girls, children displaced by violence and children with disability. For an effective policy response, governments need to provide robust data of marginalized children. Many children remain invisible within current data methods. "Children with disabilities are amongst the least visible – reliable data simply don't exist – and they are being overlooked in national responses to out-of-school children."

<http://www.un.org/apps/news/story.asp?NewsID=49834#.VL9MIUttIpF>

Date Accessed: 21.1.2015
(Shriyam Gupta)

OPINION/BOOKS

OPINIONS

The Best Tribute to Charlie Hebdo is the Debate on Freedom of Speech

(Economic and Political Weekly, January 17, 2015)

Recent killing of cartoonists at Charlie Hebdo has resurrected the debate on freedom of expression. While people condemned the violence, they also expressed concerns over the content of the magazine that could be racist, Islamophobic and sexist.

Advocates of the magazine's content point out that the weekly is anti-right, anti-colonial and anti-religious and its makers are former members of the French Communist Party. Critics highlight that there is a difference between mocking at the marginalized and questioning power. Moreover, the caricatures reinforce certain prejudices in the society. Readers of the magazine state that the content is in line with the history of French humour that is especially hard on tradition and religion.

Opponents feel that the same history also involves colonialism and racism that Muslims faced. The difference, with which Judaism is treated in comparison to harshness that Islam faces in the cartoon, is a testimony to show that the magazine is indeed racist.

The issue has become a large-scale debate that spans across time zones. It is the first time that a global conversation on an issue has taken place on social media. Such has led to almost a direct conversation between people. Does this show that a 'global public' is emerging?

Debate regarding whether expression is absolute does not have a direct answer. New developments have made us rethink our prior positions and middle ground regarding rights and responsibilities. The long-term impact of this 'global conversation' cannot be asserted but it certainly shows that the question of freedom and expression now needs to be engaged on a global scale.

<http://www.epw.in/editorials/venge-east.html>

Date Accessed: 21.1.2015

(Shriyam Gupta)

The Courts Must Decide Whether Free Expression is a Constitutional Right

(Economic and Political Weekly, January 17, 2015)

In December 2014, the Supreme Court held that it would not ban the film 'PK', on the grounds that these are matter of entertainment and that it should be an individual choice to watch a movie or not. Further, it stated that the 'constitutional right of the filmmakers must be upheld'. However, the same court decided to hold a different line of argument for 'Textures of Loss', a film by Pankaj Butalia.

'Textures of Loss' are a documentary that highlights the real plight of people in Kashmir during the years of strife beginning at the end of the 1980s. Some sentiments related to the film are critical of the Indian State and the armed forces. .

"So what is the yardstick to judge a film that "offends" the state, or the sentiments of those who support the Indian state's policy in Kashmir?" Should it be disallowed as was done by both the censor boards and the appellate authority? If freedom of expression is a constitutional right, why shouldn't it be held in only one case? Why should the same standards not be applied to the documentary?

The judges asked whether it has become fashionable to depict one side of Kashmir? Such response by the apex and not "entertaining Butalia's plea is extraordinary, particularly in the light of its earlier observations in the case of PK." The film 'Haider', which also depicts the Indian security forces in a poor light, got through the untouched. Yet, documentary filmmakers are always scrutinized. Should a documentary filmmaker present a 'balanced' picture, or record reality as part of oral and visual history? If the court continues to speak in multiple voices, it will only create confusion that will be exploited.

<http://www.epw.in/editorials/two-films-two-opinions.html>

Date Accessed: 21.1.2015

(Shriyam Gupta)

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