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UNDERSTANDING ARTICLE 370



WEEKLY ROUND UP OF NEWS ON POLICY

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UNDERSTANDING ARTICLE 370

Recent remarks by political representatives have once again emphasized on the need for a comprehensive debate on Article 370. As such it is imperative to first decode the Article itself and then critically analyze the questions surrounding the debate.

This article will attempt to highlight the insolent treatment meted out to Article 370 over time that has resulted in the erosion of autonomy guaranteed to the state of Jammu and Kashmir and the need to restore the ‘inviolability’ of Article 370.

Why was Article 370 incorporated?

It was argued that for a variety of reasons Kashmir, unlike other princely states, was not ready for integration. India had been at war with Pakistan over Jammu and Kashmir and while there was a ceasefire, the conditions then were still “unusual and abnormal” and that part of the State’s territory was in the hands of “rebels and enemies.”ⁱ

The involvement of the United Nations brought an international dimension to this conflict, which has now been contested. Ultimately, it was resolved that the “will of the people through the instrument of the [J&K] Constituent Assembly will determine the constitution of the State as well as the sphere of Union jurisdiction over the State.” In sum, there was hope that J&K would one day integrate like other States of the Union (hence the use of the term “temporary provisions” in the title of the Article)ⁱⁱ.

Decoding Article 370

The relationship between India and the state of Jammu and Kashmir, as expressed through Article 370ⁱⁱⁱ is as follows:

- Although under Article 238 (which now stands deleted) the state of Jammu and Kashmir was incorporated as one of the states of India, provisions of the Article were not applicable to the State as compared to others.
- Only Articles 1 and 370 were applied to the state of Jammu and Kashmir, while the rest of the articles could only be made applicable by presidential orders, in consultation with the Government of Jammu and Kashmir, in matters related to the Instrument of Accession (IOA).
- Under Article 370(1)(b)(ii), the president was given the powers to pass presidential orders over matters not specified in the IOA. However, the passing of such orders was made subject to the concurrence of the state government.
- Under Article 370(1)(d), the power of the state government to accord concurrence to the orders passed by the president in matters other than the items mentioned in the IOA would end, once the state’s Constituent Assembly was convened. Additionally, it states that the power of the Constituent Assembly to rectify such orders would end the day the Constituent Assembly was dissolved.

An analysis of Article 370 highlights the extent of autonomy that was guaranteed to the state of Jammu and Kashmir, so much so that it was allowed to have its own Constitution, judiciary, legislature and executive. Its autonomy was further underscored by the fact that the parliament also needed the state government's concurrence for making laws on subjects not specified in the IOA, thus giving the State more powers to determine its own laws.

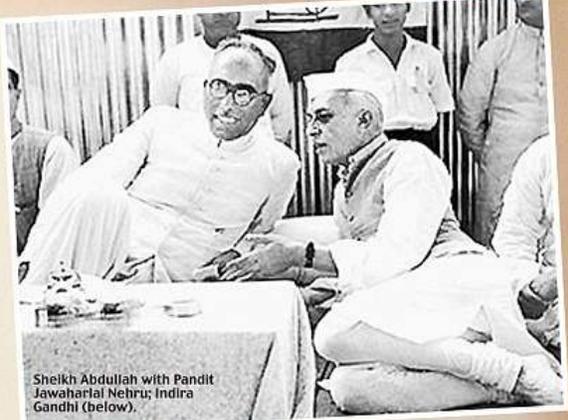
Tampering Autonomy

Despite the constitutional guarantee, the approach adopted towards the autonomy of Jammu and Kashmir has resulted in the loss of trust and assurance that the state of Jammu and Kashmir had in its democratic relationship with India. It is surprising to see how the Constitution of India has been grossly misused to encroach upon the autonomy of the State.

A Special Deal

Article 370 of the Constitution is a law that grants a special autonomous status to Jammu and Kashmir. It means:

- Except for defence, foreign affairs, finance and communication, all other laws passed by the Indian Parliament need to be okayed by the state government before they are made applicable. This was specified in the Instrument of Accession signed by Maharaja Hari Singh (right) when he agreed to join the union of India in 1947, instead of going with Pakistan
- As a result of this, the citizens of Jammu and Kashmir are governed by state-specific laws which come under the Constitution of Jammu and Kashmir; instead of those for the rest of India, especially where citizenship, ownership of property and some fundamental rights are concerned.
- The first Article of the Constitution of Jammu and Kashmir says that the state is and will remain an integral part of India.
- This article, along with Article 5 that defines the contours of jurisdiction of the Indian Parliament regarding law-making for the state, cannot be amended.
- This arrangement was further ratified by the 1974 agreement between the then Prime Minister Indira Gandhi and the then Prime Minister of J&K, Sheikh Abdullah (appointed by Hari Singh).
- The 1952 Delhi Agreement also specified that the State should have its own flag in addition to the union flag and they should have same status.
- It was agreed that head of State called Sadar-i-Riyasat (or the Prime Minister) was to be elected by the State legislature.



Sheikh Abdullah with Pandit Jawaharlal Nehru; Indira Gandhi (below).

- The agreement opposed imposition of Article 352, empowering the President to proclaim general emergency in the State.
- The state legislature has a six-year term, unlike other elected bodies, which have a five-year period, including Parliament.
- In the most recent controversy over Art 370, BJP's prime ministerial candidate said on Sunday that it discriminates against women. He had said that if a woman from J&K marries someone from outside the state, she loses her right over property in the state. This, however, is not correct, since first a notification to this effect was struck down by the state high court and then a law proposed by the PDP (and supported by the National Conference) to overturn this was ultimately never passed.



Source: <http://www.dailymail.co.uk/indiahome/indianews/article-2517118/Attacked-sides-J-K-leaders-lash-Modi-Article-370-comment-CM-Omar-accusing-mixing-state-laws-Centre-policies.html>

Article 370(2) provides that the president can pass orders to extend the provisions of the Constitution of India to the state of Jammu and Kashmir with respect to subjects mentioned in the IOA. For application of the provisions not mentioned in the IOA, the presidential order was subject to the agreement of the state government as long as the state's Constituent Assembly was not convened.

Once the Constituent Assembly was convened, the concurrence given by the state government was to be put before it, thus, making it the final authority to confirm such a presidential order.

The Constituent Assembly of the State finished its work of drafting the State's Constitution and was dissolved in the year 1956. This should have ideally resulted in the ending of the president's power to pass orders with regard to matters other than the ones mentioned in the IOA.

However, presidential orders were invariably passed from 1950 to 1986 pertaining to matters which required concurrence as well as ratification of the "now dissolved" Constituent Assembly, thereby undermining the autonomy of the State.

Such presidential orders effectively diluted the autonomy by restricting state's legislative powers while extending the Centre's control over the state by means of legislative, financial and judicial provision.

Judicial Scrutiny

The authority of the president to pass presidential orders has come up before the Supreme Court only three times till date and therefore, it becomes imperative to discuss how the issue was dealt by it.

In *Prem Nath Koul v State of Jammu and Kashmir*, a constitutional bench collectively observed that the constitution-makers attached great importance to the final decision of the Constituent Assembly under Article 370(2) and ruled that "the Constitution-makers were obviously anxious that the said relationship should be finally determined by the Constituent Assembly of the state itself"

However, in *Sampat Prakash v State of Jammu and Kashmir*, the Supreme Court held a view contrary to its earlier judgment in *Prem Nath Koul*. In this case, while taking into consideration, the concurrence which the government of Jammu and Kashmir was required to give when Constituent Assembly was yet to be framed, the Court overlooked the question of whether a government can give concurrence after the dissolution of the Constituent Assembly. While giving the widest possible meaning to the word modification used in Article 370(1), the Court has allowed the central government to - extend the provisions of the Constitution of India to the state of Jammu and Kashmir. The consequence of giving such an interpretation resulted in the undermining of Article 370.

In *Mohammed Maqbool Damnoo v State of Kashmir*, on the question of who is the government for the purpose of giving concurrence under Article 370, the Supreme Court again overlooked the decision of the constitutional bench in *Prem Nath Koul* and held that the "Sadr-e-Riyasat" was the same as the appointed governor.

Though overlooking a precedent is not something new to the judiciary, it has mostly been done in instances where there existed a plethora of judgments on the same subject and reference to each and every precedent was not necessary.

'Special Status': A Comparative Constitutional Analysis

It is important to compare the present state of affairs in India with similar situations across the world where nations have not only recognized the distinct political identities of special regions but have also granted and respected their autonomy so that they may function well within constitutional frameworks.

In order to establish that irrespective of the nature of the Indian Constitution the special status granted to Jammu and Kashmir needs to be upheld, a comparison has been drawn between the special status granted to the state of Jammu and Kashmir under the Indian Constitution with that of the federal constitution of the US and the unitary constitution of China.

US Constitution

Under the US Constitution, units of the US federation were assigned symmetrical status and authority. Thus, independent states joined together on the basis of the terms and conditions of power sharing.

Political scientists have defined asymmetrical federation as the result of a compromise between regional autonomy and national integration. In such a case, both, the State and the national governments are two separate entities and both derive their powers from the federal constitution.

The bargain made between the state of Jammu and Kashmir and India can be seen as a political one. The bargain was that in return for the jurisdiction over the three subjects of - accession, the State will be protected. Thus the terms and conditions of the bargain gave India a basis to govern the state of Jammu and Kashmir. However, it would not be an exaggeration to state that this legal relationship established between the state of Jammu and Kashmir and India will lose its legitimacy once these terms and conditions are violated.

Article 370 establishes the relation between the state of Jammu and Kashmir and the state of India. Like in the case of US, where states have come together on the basis of the terms and conditions, the state of Jammu and Kashmir has established the relation with the Constitution of India on the basis of the IOA.

The special status originally granted to the state of Jammu and Kashmir thus cannot be taken away or be allowed to wither away, as the relationship between the two states was based on certain terms and conditions laid down in the IOA. These have to be respected in order to retain the legitimacy and moral ground to govern the state of Jammu and Kashmir. Also, it is by virtue of Article 370(1)(c) that Article 1 of the Constitution of India applies to the state of

Chinese Constitution

The Chinese constitution is a rigid unitary system whereby the central government controls the entire country; it provides for setting up of special administrative zones under Article 31 of the constitution of China^{iv}.

By virtue of Article 31, Hong Kong was accommodated into the People's Republic of China on 1 July 1997 under the "one country two systems principle". Hong Kong thus enjoys autonomy in having a constitution of its own; having independent executive, administrative and judicial powers; controlling its own external affairs etc. The arrangement of Hong Kong within the constitution of China demonstrates the autonomy it enjoys without undermining the sovereignty of China.

Thus, even in a rigid unitary constitution, a state or region can be given special status under specific circumstances as seen in the case of Hong Kong. The circumstance for the special status of the state of Jammu and Kashmir was the IOA signed between India and the then monarch of Jammu and Kashmir.

Conclusion

Although Article 370 provides legality and validity for the governance of the state of Jammu and Kashmir by India, the application of the powers and rules under this Article have to be subjected to the IOA, since it is a manifestation of the bargain between India and Jammu and Kashmir, which served as a basis for the insertion of Article 370 in the Constitution of India.

A comparison with the autonomy granted by the constitution of China and the US to its units is enough to establish that Article 370 is neither against the federal character nor against the unitary scheme of the Indian Constitution.

Prepared by: Ashwin Varghese and Deepti Somani

Sources:

ⁱ <http://www.thehindu.com/opinion/lead/understanding-article-370/article5426473.ece>

ⁱⁱ *Ibid.*

ⁱⁱⁱ Noorani, A G (2000): "Article 370: Law and Politics", *Frontline*, 16 September, Vol 17, Issue 19

^{iv} Benny Y T Tai (2003): "China/Hong Kong", *International Journal of Constitutional Law*, 1:147.

Parliamentary panel for Central body to check improper depiction of women in India

(PTI, December 9, 2013)

A parliamentary panel has recommended the creation of a Central body for the regulation of cases of indecent representation of women to curb instances of improper depiction of women in print and other media

The Standing Committee on Human Resource Development has suggested that scope of the Indecent representation of Women (Prohibition) Act should be widened to include depiction in audio-visual and electronic forms.

The Committee has also recommended creation of a central authority to regulate cases of indecent representation of women and receive or take complaints and decide upon them, would be the most effective way to enforce the legislation. The authority shall consist of members.

from all important bodies like the Advertising Standards Council of India, the Press Council of India, I&B ministry headed by Member-Secretary of the National Commission of Women (NCW). The panel welcomed the broadening of the definition of the term 'advertisement' to include newer forms of communication and media under the proposed legislation is a welcome step. It suggested that advertisements in digital form or electronic form or hoardings, SMS, MMS should be brought within the ambit of the Act.

http://zeenews.india.com/news/nation/parliamentary-panel-for-central-body-to-check-improper-depiction-of-women-in-media_895557.html

Date Accessed: 12.12.2013

(Deepti Somani)

Reality check: In Bihar, every 4th primary, middle teacher failed Class V-level test

(Santosh Singh, *The Indian Express*, November 28, 2013)

The "mandatory competency test" for primary and middle school contractual teachers recruited by the Bihar government revealed dismal results- **24 per cent of the teachers failed the test.** The test results show a disappointing picture of the quality of education system in the state.

Bihar government recruited over 2.5 lakh contractual teachers since it launched its mega drive to fill the vacancies in 2007. The drive specifies that "middle school teachers must be graduates and primary school teachers must have passed their Class 12 exam." The test was conducted in September this year, based on the syllabi of classes 3 to 5. 43,477 teachers appeared for the exam, out of which 10,614 teachers failed the test.

The pass marks is 45 per cent for teachers belonging to general category and 40 per cent for the rest. The teachers are provided two chances to clear the competency test, otherwise they lose their job.

Principal Secretary, HRD, Amarjeet Sinha said, "We have initiated teachers' and schools' reports to ensure quality of education. The competency test is a way to ensure the teachers' level of knowledge."

<http://www.indianexpress.com/news/reality-check-in-bihar-every-4th-primary-middle-teacher-failed-class-v-level-test/1200529/>

Date Accessed: 9.12.2013

(Mahima Malik)

Indian Economy is Stable: RBI Governor

(*India Today*, December 11, 2013)

The RBI Governor has confidence that the government would contain the fiscal deficit at the target of 4.8 per cent of GDP. On growth prospects, the RBI Governor said the agricultural sector has picked up following a good monsoon and India is likely to harvest a good crop. Several stalled projects have been cleared with the hope that investments will start in the second half of this financial year. "So that's relatively good news on the growth front. I think growth is stabilising, though it's too early to call it bottomed out at this point," Rajan added.

On the current account deficit, Rajan said part of the reduction is on account of suppressed gold imports. He said, "This was necessary in the short run but it is not desirable over the medium term. Similarly, not all measures to reduce the fiscal deficit are of the highest quality."

The Governor said the central bank would take more steps in the weeks ahead to increase liquidity in the government securities (G-secs) market. India is much better prepared for the US Federal Reserve tapering its stimulus programme.

Indicating towards betterment of Indian economy he said that the rupee, which fell to a historic low of 68.85 against the dollar in August, has recovered since then and closed at 61.04 on Tuesday. Rajan said the steady rupee is evidence of stability in the economy as well as improved external conditions.

<http://indiatoday.intoday.in/story/rbi-governor-raghuram-rajan-political-parties-economic-bills/1/330618.html>

Date Accessed: 12.12.2013

(Jeet Singh)

National mission for sustainable agriculture being launched in twelfth plan

*(Press Information Bureau,
December 09, 2013)*

The National Mission for Sustainable Agriculture (NMSA), which seeks to transform Indian agriculture into a climate resilient production system through suitable adaptation and mitigation measures in domains of both crops and animal husbandry, is being launched during the Twelfth Five Year Plan.

NMSA as a programmatic intervention focuses on promotion of location specific integrated/composite farming systems; resource conservation technologies; comprehensive soil health management; efficient on-farm water management and mainstreaming rainfed technologies.

NMSA identifies 10 key dimensions namely seed & culture water, pest, nutrient, farming practices, credit, insurance, market, information and livelihood diversification for promoting suitable agricultural practices that covers both adaption and mitigation measures through four functional areas, namely, Research and Development, Technologies, Products and Practices, Infrastructure and Capacity building. During XII Five Year Plan, these dimensions have been embedded and mainstreamed into Missions/Programmes/Schemes of Ministry of Agriculture including NMSA through a process of restructuring of various schemes/missions implemented during XI Five Year Plan and convergence with other related programmes of Central/State Governments.

<http://pib.nic.in/newsite/erelease.aspx?relid=101133>

Date Accessed: 03.12.2013

(Ashwin Varghese)

SEBI introduces stricter norms for insider trading

(ET Bureau, *Economic Times*, December 13, 2013)

A SEBI appointed expert panel has revised the insider trading regulations to bring ministers, judges and policy makers with access to price-sensitive information under the ambit of new insider trading norms.

A report prepared by Sebi's 18-member insider-trading committee, headed by former judge N K Sodhi, has recommended bringing such individuals under the regulatory net. "A new feature of the proposed regulations is that of treating public servants and persons holding statutory positions reasonably expected to have access to UPSI (unpublished price-sensitive information) as connected persons and thereby prohibiting them from trading when in possession of UPSI," said the report.

The other norms which were tightened included barring insiders from passing price-sensitive information, Trading prohibited in listed securities when in possession of sensitive information, Insiders with sensitive information can trade with a pre-scheduled trading plan, Trades by promoters, employees and immediate relatives to be disclosed internally to the company, Trades of over Rs 10 lakh within a calendar quarter to be disclosed to exchanges.

<http://economictimes.indiatimes.com/opinion/editorial/sebis-stricter-norms-welcome-additions-to-insider-traders/articleshow/27253912.cms>

Date Accessed: 13.12.2013

(Simi Sunny)

A case for universal pension

(Jayati Ghosh, *Frontline*, Print edition: December 27, 2013)

In a situation of increasing life expectancy and crumbling traditional

support structures, the writer puts forward a case for universal social pension scheme that does not rely on contribution by a person or an employer can help the elderly.

While India prides itself on being a "young" society, the country will soon have an increasing share of elderly people. It is estimated that in another decade, there will be nearly 20 million people above the age of 80 years, nearly 70 million above the age of 70 years and around 165 million of 60 years and above.

Currently, 8 per cent of the population is above 60 years of age and two-thirds of them are dependent on others for their day-to-day maintenance. However, "public policy in India has tended to assume that traditional familial ties will ensure that the elderly will be taken care of by their near kin, and therefore, it has tended to be less than forthcoming in the social provision of some income security for those who are no longer able to work because of age or disability". But such systems are breaking down and internationally, it is now widely recognised that the care of the elderly is the common responsibility of society.

In countries where most economic activity is in informal work and a lot of labour is also unpaid, the case for universal social pension that does not rely on contributions by the person or the employer is a very strong one. That is why **over one hundred countries—including many at relatively low levels of per capita income such as Nepal, Guatemala and Kenya—have instituted pension schemes that are non-contributory and universal** (with some exclusion criteria) in nature.

In India, the need for such a pension scheme was officially mooted by the National Commission for Enterprises in the Unorganised Sector (NCEUS). However, the government has not moved forward with a universal pension scheme that would provide half of the minimum wage to all elderly people, saying that it will cost

a lot for the government, will be inflationary, etc.

But some State governments have been more receptive with Kerala having a pension scheme for unorganised workers and Rajasthan, Goa and Haryana having tried to put in place a universal pension scheme.

While some State governments are already showing what is possible, there are limits to how much can be done by State governments given the structure of fiscal relations and the financial constraints faced by the States. The case for the Central government taking this issue seriously and instituting a universal pension is, therefore, urgent.

http://www.frontline.in/columns/Jayati_Ghosh/a-case-for-universal-pension/article5425248.ece

Date Accessed: 11.12.2013

(Amrutha Jose Pampackal)

DEVELOPMENT

People reject draft impact report on Sutlej hydel projects

(*The Hindu*, December 08, 2013)

The people of Sutlej valley have rejected the draft study report on the cumulative environment impact on the river basin presented by the Indian Council for Forestry Research and Education, Dehradun, on behalf of the Himachal Pradesh government.

Local representatives and environmentalists said that a month's notice should have been given for the public consultation after sharing the executive summary of the environment impact assessment (EIA) report under the Environment Impact Assessment Notification. They complained that a short notice of just four days was given to the stakeholders.

"We do not know whether the consultants have studied the impact of the hydropower projects that have already been constructed that have led to drying up of drinking water sources, loss of forests and farm land, apart from the impact of blasting for tunnelling and road construction," said Shyam Singh Chauhan, a member of the Mandi District Zila Parishad.

"There is no indicator that the consultants have determined the carrying capacity of the Sutlej basin or have included in their draft recommendations, stretches of the river that should be left free flowing. Without such recommendations, the report itself would make no contribution to the preservation of environment," said Nek Ram Sharma of Sutlej Bachao Jan Sangharsh Samiti.

Representatives of organisations from Spiti, Kinnaur, Mandi, Kullu and Shimla targeted the manner in which the projects were being constructed in

the valley with indiscriminate blasting resulting in the drying up of drinking water sources. Hardly any water was being released downstream of the dam sites.

They have demanded that consultation be done at the Tehsil level with an appropriate prior notice. Secretary (MPP and Power) R.D. Nazim conceded the demand and also promised that two members of the consultants' team would revisit the project-affected areas to record the impact of construction activities.

<http://www.thehindu.com/sci-tech/energy-and-environment/people-reject-draft-impact-report-on-sutlej-hydel-projects/article5437183.ece>

Date Accessed: 10.12.2013
(Ashwin Varghese)

Tripura Land Bill irks rubber growers

(*The Shillong Times*, December 10, 2013)

All Tripura Rubber Growers Association has opposed the Tripura Governments move to pass the 'controversial' Tripura Land Reforms Act (10th amendment). Tara Bhusan Saha, secretary of the Association informed that rubber plantation has brought a sea change in the socio-economic condition of the state. Around 40,000 planters are involved in the sector and if the amendment bill is passed in the Assembly around 2 lakh families involved in the rubber plantation will suffer in the state.

Calling the Bill an attempt to derail the rubber plantation and rubber based manufacturing units he further stated that the Bill proposes 45 kani land as maximum ceiling to be possessed by an individual. But, in Tripura, there are many rubber planters who have rubber plantation spreading over 50 kani to 100 kani, therefore if the Bill is passed many planters will lose their land.

"As per the Rubber Board projection, the state could have rubber plantation spreading around 1 lakh hectares land.

Out of which rubber has been planted in 61 hectares leaving a shortfall of around 39,000 hectares. The government could bring necessary change in the TLR Act only after achieving the target for rubber plantation. Around 50 rubber planters from across the state joined a meeting here and discussed various issues related to the Land Reform Bill (amendment)."

<http://www.theshillongtimes.com/2013/12/10/tripura-land-bill-irks-rubber-growers/>

Date Accessed: 13.12.2013
(Junty Sharma Pathak)

GOVERNMENT

Fin Min presents road map for regulators to follow best global practices

(Anindita Dey, *Business Standard*, December 06, 2013)

According to the recommendation of the Financial Sector Legislative Reforms Commission (FSLRC), the finance ministry has prepared broad guidelines to modify the operations of all regulators in line with best global practices.

One of the major recommendations is to bring in transparency in regulatory meetings. Unlike the current practice, the current mechanism envisaged will float a paper even before the decision is made. This is to elicit public response across stakeholders before the policy is made in principle. The idea is not to catch the public off guard on any policy decision unless it is sensitive for the market, they added.

Secondly, such disclosures have been also suggested for customers so that their views are taken prior to a decision on a policy being made. According to officials, such recommendations have been made in areas of regulatory governance, transparency and improving

operational efficiency aimed at customer satisfaction. To this effect, based on the broad guidelines, all financial regulators have been asked to finalise an action plan. Such directions have been given to impose accountability on the regulators.

According to FSLRC recommendation, the Commission has adopted five pathways to accountability.

- 1) The processes that the regulator must adhere to have been written in considerable detail in the draft code.
- 2) The regulation-making process (where Parliament has delegated lawmaking power to regulators) has been established in the draft code with elaborate checks and balances.
- 3) Systems of supervision have been established in the draft code with emphasis on the rule of law.
- 4) Strong reporting mechanisms have been established in the draft code so as to achieve accountability.
- 5) A mechanism for judicial review has been established for all actions of regulators through specialised tribunals.

http://www.business-standard.com/article/economy-policy/finmin-presents-road-map-for-regulators-to-follow-best-global-practices-113120500621_1.html

Date Accessed: 10.12.2013
(Shruti Issar)

AERB slammed for lack of policy

(Rashme Sehgal, *The Asian Age*, December 10, 2013)

A parliamentary panel on Monday, December 9 slammed the Atomic Energy Regulatory Board (AERB) for failing to bring out a comprehensive nuclear radiation safety policy despite having a specific mandate in its constitution order in 1983.

This non existence of safety norms has generated a situation where 91% of

the medical X-ray facilities in the country are not registered with the AERB and are therefore outside its regulatory control.

The panel pointed out that despite the Supreme Court having directed the setting up of a directorate of radiation safety in each state; it was set up only in Mizoram and Kerala.

This resulted into the failure of conducting mandatory regulatory inspections for radiology units and to have a detailed inventory of all radiation sources. An additional observation made by the panel was that there is no legislative framework in place for the decommissioning of nuclear power plants.

It also expressed “dismay” at the “protracted delays” on part of the department of atomic energy (DAE) to confer statutory status with enhanced legal powers to the AERB. While countries such as Australia, Canada, France, United States have already conferred legal status to their nuclear regulating bodies, the legal status of AERB remained that of a mere subordinate authority with powers delegated to it by the central government. Failure to have an autonomous regulator is “clearly fraught with grave risks”.

<http://www.asianage.com/india/aerb-slammed-lack-policy-214>

Date Accessed : 10.12.2013
(Shruti Issar)

RBI eases ECB norms for Infrastructure Companies

(Dinesh Unnikrishnan & Makarand Gadgil, *Live Mint*, December 03, 2013)

The Reserve Bank of India (RBI) has eased norms for companies raising foreign funds for infrastructure projects. Companies can now raise funds through the external commercial

borrowing (ECB) route for their infrastructure projects through their holding firms or core investment firms, which will enable them to arrange finances for these projects faster.

In a notification RBI said that such funds should be used in special purpose vehicles (SPVs) for a specific project. Presently, SPVs are allowed to bring in ECB funds for infrastructure projects, while there were restrictions for parent firms in doing so. The new norms, applicable with immediate effect, will make availing ECB funding easier for infrastructure firms. **The new norms will reduce the time to achieve financial closure and also offer more flexibility to infrastructure companies in terms of options for raising funds for various projects.**

The apex bank, however, has listed a series of conditions to avail this facility. For instance, infrastructure projects are to be implemented by the SPV established exclusively for the project. Besides, the SPV should give an undertaking that no other method of funding, such as trade credit, will be utilized for that portion of fresh capital expenditure financed through ECB proceeds.

<http://www.livemint.com/Politics/juRXqFZWuM08eJlbTtxGaL/RBI-eases-ECB-norms-for-infrastructure-companies.html>

Date Accessed: 11.12.2013
(Neha Singh)

Mid Year Economic Indicators

(*National Council of Applied Economic Research*, November 16, 2013)

National Council of Applied Economic Research has compiled the midyear economic indicators given by finance ministry recently which has tabulated below:

- GDP Growth rate projected at between 4.8-5.3 per cent.
- WPI based average inflation rate projected at 6.8 per cent.
- Fiscal deficit for the centre estimated at 5.1 per cent of GDP. .

Agriculture

- Favourable monsoon has brightened the scope for a good agricultural output.
- Growth rate is expected to increase to 3.9%.
- Food inflation is expected to come down in the second half of the year..

Industry and Services

- The industrial sector continues to under-perform due to sluggish growth in manufacturing and contraction of output in the mining and quarrying sectors. Industrial growth is revised downwards to 2.9%.
- Capital goods have been particularly volatile (15.6% growth in July followed by a 2 percent decline in August and another decline of 6.8 % in September)
- Output of eight core industries has improved with steel, cement and electricity industry leading the improvement. Consumer durables and basic goods, which accounts for 54% of the IIP, pulled overall growth down.
- The growth of services sector is lower, compared to last year, resulting in downward revision of estimates to 6.6%.

Public Finance

- Though early to predict, indications are that with growth likely to be significantly lower than projected in the budget, it may be difficult to achieve the budgeted tax –GDP ratio of 10.9 per cent even with the budgeted tax buoyancy of 1.4 per cent during 2013-14.
- The cumulative fiscal deficit reached 3.7% of GDP during April–September 2013 versus the budget estimate of 4.8% of GDP for the full FY14.
- A shortfall in tax revenues; increasing subsidy burden;

difficulty in achieving the divestment target; rise in the food subsidy burden; and pre election sops are some of the reasons likely to hamper the recovery of economy in FY14..

Money, Credit and Finance

- The monetary situation continues to be extremely challenging. RBI hiked the MSF rate sharply and tightened liquidity in July in response to market volatility, followed by a rollback of some liquidity tightening measures. The repo rate was raised in quick succession in September and October and currently stands at 7.75%.
- The stock market registered highs and lows with the Sensex slipping in August and recovering to an all-time high of 21,034 on 30th October 2013.
- The slowdown in the economy impacted both deposits and credit growth. The deposit growth slowed down while credit growth was higher when compared to the previous year.

External Sector

- The first half of the year witnessed considerable turmoil driven by strong outflows of capital. The rupee fell sharply against the dollars during May–early September though it has since recovered.
- Trade balance responded to policy measures by the government and RBI with gold imports declining and exports picking up. This resulted in a reduction of the trade deficit compared to last year.
- External risks have decreased. However, the improvement in the current account deficit (CAD) cannot be taken for granted. It needs more structural adjustments and greater attention must be paid to altering the pattern of financing of CAD.

Prices

- Inflation has re-emerged as a major problem with both the wholesale and retail consumer price inflation levels at a high of 6.46 % and 9-10% respectively at the end of September 2013.

- Inflationary expectations have got entrenched.

http://www.ncaer.org/MYR_Summary.html

Date Accessed: 11.12.2013

(Neha Singh)

RBI shouldn't grant banking licences to companies:

Parliamentary panel

(The Economics Times, December 10, 2013)

The standing committee on finance, headed by former finance minister and senior BJP leader Yashwant Sinha, has suggested that the Reserve Bank of India (RBI) should not grant new banking licences to companies since the banking business is highly leveraged and involves public money and public welfare.

The RBI has received 26 applications to start a new bank, including from Anil Ambani-led Reliance Capital, Aditya Birla Nuvo, Shriram, Religare and L&T Finance. RBI governor Raghuram Rajan has indicated the RBI could award licences early next year, taking into consideration recommendations of a screening committee to review the applications.

The government is not bound to accept the recommendations of standing committees of Parliament, but if corporate ownership is seen as negative then some of the professionally-managed companies with diverse ownership stand a good chance of getting a licence. **The committee has expressed apprehension that management of private banks may deploy their funds to extend undue favour to their industrial owners, just as happened in the pre-nationalised era.** "The committee is apprehensive that industrial or business houses may not be geared to achieve the national

objectives of financial inclusion, priority sector lending, etc," the report said.

The parliamentary committee, however, favoured a suitable mechanism to enable aggrieved applicants to seek review of decisions with a view to ensure fair play and justice in the licensing process. **The committee also recommended an increase in the minimum capital requirement for the new banks to Rs 1,000 crore from the present Rs 500 crore.**

http://articles.economicstimes.indiatimes.com/2013-12-10/news/45035502_1_new-banking-licences-reserve-bank-banking-business

Date Accessed: 12.12.2013
(Neha Singh)

EDUCATION

Entry of foreign universities to set up their campuses in India

(Press Information Bureau, December 11, 2013)

The new University Grants Commission (UGC) (Establishment and Operation of Campuses of Foreign Educational Institutions) Rules, 2013 will ensure that only high quality foreign educational institutions are permitted to set up campuses and offer education services in the country, since only the top 400 institutions as per global rankings would be eligible to open campuses in the country. Moreover, Existence of high quality FEIs would contribute to enhancing existing capacity of higher education system; arresting the brain drain and drain of resources from the country; availability of education and research facilities of international standards; quality gains in Indian higher educational institutions through collaborations and partnerships etc. This would also facilitate higher investments in the higher education

system including Foreign Direct Investment (FDI) in the higher education system. Indian students would be benefitted with the entry and operation of FEP through access to globally renowned and quality academic institutions in Indian higher education sector at relatively lower costs. These FEPs would also add to the existing capacity in higher education in India.

Under the proposed Rules, Foreign Educational Institutions (FEIs) can set up campuses in India once the FEIs have been notified as Foreign Education Provider (FEPs) by the UGC, subject to fulfilment of certain eligibility conditions.

The Ministry of Human Resource Development had sought comments and observations of the Department of Industrial Policy and Promotion (DIPP) and the Department of Economic Affairs (DEA) on the Rules. Both DIPP and DEA have supported the proposal.

<http://pib.nic.in/newsite/erelease.aspx?relid=101411>

Date Accessed: 11.12.2013
(Ashwin Varghese)

HEALTH

India's public spending on health is lowest in world

(The Economic Times, December 06, 2013)

Addressing the meeting of the Mission Steering Group of the National Health Mission, Health Minister Ghulam Nabi Azad noted that India's public spending on health is lowest in the world and pointed out that the allocation to National Health Mission in first two years of 12th Plan is only 18 per cent of promised outlay and has called for augmenting resources.

In response to this, he noted certain government interventions to counter this. He said that 28 states and Union

Territories have articulated the policy of providing free essential medicines to all patients visiting public health facilities have provided about Rs 3,500 crores during the current year while the National Rural Health Mission has supplemented the state's efforts with about Rs 2,000 crores.

In the meeting he also "cleared proposals for revision/new incentives related to Multi Drug Resistant TB and those related to Drug Sensitive TB in tribal and difficult areas and TB-HIV co-infected patients...A proposal for pooling of united grants, annual maintenance grant and Rogi Kalyan Samiti grants and revision of quantum of united grants to Community Health Centres or equivalent and District hospitals was also cleared."

Proposals "for provision of recurring cost for the first referral units (community health centres, maternity homes, etc) under the National Urban Health Mission" and for the "expansion of Hib vaccines in the Universal Immunisation programme as liquid pentavalent vaccine (DPT+Hep B+Hib) in 11 states from October 2014 and remaining 16 states from April 2015" were also cleared.

http://articles.economicstimes.indiatimes.com/2013-12-06/news/44864384_1_national-health-mission-public-spending-ghulam-nabi

Date Accessed: 09.12.2013
(Deepti Somani)

ENERGY

The Iran-US deal could be a game-changer for India's economic future –

Mani Shankar Aiyar

(Mani Shankar Aiyar, The Week, November 29, 2013)

The writer talks about India's possible energy future in the context of the recent US-Iran deal on Iran's nuclear

programme which will lead to a relaxation of sanctions, permitting India to resume normal economic relations with Iran, especially in the field of energy.

India had earlier backed away from the Iran-Pakistan-India gas pipeline due to the US saying that the full brunt of its domestic Iran Libya Sanctions Act would be brought to bear on us if we went ahead with the IPI pipeline. “We were willing to go slow on or even give up on IPI if we could be freed from ‘nuclear apartheid’.”

India needs massive amounts of natural gas to meet its energy demands, and it has the world's largest reserves of oil and gas in its neighbourhood. No country is geographically better situated for importing natural gas through pipelines than India, unless it is China. “But, unlike China ... we have allowed a blinkered foreign office to become the worst stumbling block in working towards policies that would give us energy security through natural gas until nuclear energy ... might enable us to switch from natural gas to nuclear power.” **We need a major re-orientation of our foreign policy to work towards an Asian Oil and Gas Community, as the precursor to an Asian Union, in keeping with Jawaharlal Nehru's grand vision.**

Alas, while Europe, America and Africa have unions of constituent nations, Asia remains divided. The writer feels that we can at least have an Asian gas grid which could link Iran to India through Pakistan and then, perhaps, extend that line through Myanmar to Kunming in China. Iraq, Syria and the Gulf emirates could be brought into the grid. He also envisions an imaginative policy on imported LNG with regasification plants dotting our coastline.

The writer sees the Iran-US deal as the possible beginning of “Asia retaking its traditional role as the vanguard of all human progress”.

<http://week.manoramaonline.com/cgi-bin/MMOnline.dll/portal/ep/theWeek>

[@](http://Content.do?tabId=13&contentId=15604655&programId=10350717&categoryId=-193221&BV_ID=@)

Date Accessed: 11.12.2013
(Amrutha Jose Pampackal)

TECHNOLOGY

ECOSAN Toilets Change Venu's Village

(Sugata Roy, *Unicef*, November 22, 2013)

Till 2008, no family in Pongvnantnagar village, Krishnagiri district in of Tamil Nadu used toilets and defecated in the open, putting at risk the health of inhabitants as well as the dignity of women. Thanks to innovative EcoSan toilet models close to 200 families in this village have now toilets.

When Venu, a former employee of the Medical Corps of the Indian Army returned home after retirement, he could not believe to see his whole village defecating in the open. “I was shocked to see there were no toilets in my village. It was difficult for me to accept the practice of open defecation,” he explains.

However, things changed for better after the introduction of Ecological Sanitation (EcoSan) toilet model with support of UNICEF.

Advantages of Ecosan model:

- For regions with high levels of ground water or a rocky terrain, which make it difficult for a conventional leach pit toilet to function, the technology works well.
- The amount of water required is minimal, making it feasible for areas with poor access to water supply.
- An EcoSan toilet separates faeces, urine and wash water, immediately channels urine and wash water to enrich surrounding soil and convert

faeces to compost through dry, sealed storage.

- As all the wastes are utilized making it a zero waste technology.
- Provides an opportunity to improve agriculture harvest.

Venu and his family started using the compost and the urine in their Jasmine and Rose farms. The good yield from the Jasmine farming on the land less than an acre, gave Venu income of of Rs 25,000 every month.

http://www.unicef.org/india/reallives_8562.htm

Date Accessed: 6.12.2013
(Divashri Mathur)

ENVIRONMENT

Green tribunal dismisses Madhya Pradesh's plea on sand mining

(Anupam Chakravatty, *Down to Earth*, December 07, 2013)

The National Green Tribunal (NGT) recently said that district level environmental committees formed by the Madhya Pradesh state government to approve mining plans are in conflict with the Central environment laws on sand mining and cannot prevail above them. The observation came in response to a plea recently filed by the state government and MP State Mining Corporation in the Supreme Court, seeking exemption from ban imposed by NGT in August on mining of minor minerals, including sand, without environmental clearance from MoEF.

On March 23, the state had made changes to the Madhya Pradesh Minor Minerals Rules, 1996, by constituting district level environmental committees for granting clearance to projects and notified that in addition to MoEF and State Environment Impact Assessment Authority (SEIAA), these committees were competent to give environmental clearance for any mining activity in an area less than five hectares (ha).

While all the state governments were asked by NGT in August to take action against mining without the consent of MoEF, Madhya Pradesh government filed an affidavit before the NGT that stopping the work would cause a loss of more than Rs 100 crore. It also argued that it should be exempted from following NGT orders as it had constituted district level committees in accordance with rules and directions issued by MoEF.

In its order, the NGT bench cited a few sections from Mines and Minerals Development Act, 1957, Environment Protection Act 1986, and

Environmental Impact Assessment Notification 2006 which empower only Central government to form laws related to environmental clearances for mining. While dismissing the plea, the order stated, "In no way can the state enact a law which would be in conflict with or would change the very course of the law laid down by the Centre. This conflict between the provisions of the amended rules of 2013 and the notification of 2006 may lead to the very fundamental attack as to the legislative competence of the provisions."

<http://www.downtoearth.org.in/content/green-tribunal-dismisses-madhya-pradesh-s-plea-sand-mining>

Date Accessed: 10.12.2013

(Jeet Singh)

LAW AND JUSTICE

SC asks govt. to make milk adulteration punishable with life imprisonment

(*India Today*, December 05, 2013)

The Supreme Court has urged state governments to consider making necessary amendments to the law to make production and marketing of adulterated milk, which is injurious to human consumption, an offence punishable with life imprisonment.

"The observation by a bench of Justice K.S. Radhakrishnan and Justice A.K. Sikri came after it took note of Uttar Pradesh, West Bengal and Odisha having made the sale of adulterated milk, contaminated with synthetic material, an offence punishable with life imprisonment. Adulterated milk having synthetic material is harmful to heart, lungs, liver and is even cancerous. It also affects ladies, also those pregnant." Asking the states to make more stringent the law to deal with production and sale of milk which is harmful to human beings, the court observed that the maximum

punishment of six months for such offences under the Food Safety and Standards Act was grossly inadequate.

Seeking the details of prosecution and number of convictions related to cases on adulteration of milk with synthetic material, the court said that though every year thousands of tonnes of sweets are seized and destroyed during festive season of Diwali and Holi, they are not accompanied with prosecution of those involved in making and selling adulterated sweets.

<http://indiatoday.intoday.in/story/make-milk-adulteration-punishable-with-life-imprisonment-sc/1/327957.html>

Date Accessed: 09.2013

(Anjana John)

Government clarifies that juvenile not to be awarded life term, death sentence

(*Live Laws Network*, December 06, 2013)

According to a proposed amendment of the Juvenile Justice Act, life imprisonment or capital punishment will not be awarded to juveniles above 16 years of age who are guilty of murder, rape, acid attack or gang rape. This is to ensure that the government steers clear of violating the United Nations Convention on Rights of Child (UNCRC).

According to NCRB data, between 2002 and 2012 there has been an increase by over 86% in the involvement of juveniles in murder while an increase by 142% in the incidents of rape by juveniles during the same period. Overall, last year about 1.2% of the total crime in the country was committed by juveniles.

According to the women and child ministry, longer prison term than the three years mandated under the Juvenile Justice Act should be awarded to juveniles who fall between

the age bracket of 16-18 years and are guilty of heinous crimes or found to be repeat offenders of crimes like kidnapping, trafficking, attempt to murder or outraging the modesty of a woman and the Juvenile Justice Board (JJB) will decide whether the juvenile will be tried under Indian Penal Code or the Juvenile Justice Act. Further, the age of the child is not to be lowered, however, considering the rising involvement of juveniles in crimes a decision to amend the law has been taken so that Juvenile Justice Board can take a decision on whether a juvenile can be tried under IPC based on mitigating circumstances. Along with the added proviso that the Board will conduct this assessment within a month, the proposed amendment says that “nothing contained in any other law for the time being in force, the provisions of this act shall apply to all cases involving detention, prosecution, penalty or sentence of imprisonment of juveniles in conflict with law under such other law”. The proposal has been sent to the ministries of law and home affairs for consultations.

The assessment will be based on mitigating circumstances which will be brought out by the social investigation report, nature, seriousness of the offence and the juvenile’s culpability and ability to understand the consequences of the offence committed. The amendment also clarifies that no capital punishment or life imprisonment would be awarded to juveniles.

<http://www.livelaw.in/government-clarifies-that-juvenile-not-to-be-awarded-life-term-death-sentence/>

Date Accessed: 12.12.2013

(Deepthi Somani)

GENDER

Poor Law Enforcement fails to check Female Foeticide

(Khundan Pandey, *Down to Earth*, December 10, 2013)

Despite more stringent legal measures with amended provisions under the Pre-conception and Pre-natal Diagnostic Techniques (PC&PNDT) Act, there have been 143 convictions only since 1996 punishing people for conducting sex determination tests.

Maharashtra with 52 convictions leads the nation followed by Haryana (30), Punjab (26) and Rajasthan (22). In Uttar Pradesh, Bihar and Uttarakhand there has not been a single conviction till date.

A total 1,242 machines have been seized and 65 medical licenses have been cancelled across the country. The impact of these events gets reflected in the Census 2011 that shows a decline in the child sex ratio (0-6 years) from 927 in 2001 to 919 per 1000 boys in 2011.

<http://www.downtoearth.org.in/content/data-indicates-poor-enforcement-law-check-female-foeticide>

Date Accessed: 10.12.2013
(Pallavi Ghosh)

UN passes 'defenders of women's rights' resolution

(*Mumbai Mirror*, November 29, 2013)

A UN General Assembly committee has agreed a landmark first resolution on women's rights defenders such as Malala Yousafzai, despite a hard fought campaign by an alliance including the Vatican to weaken the measure. "African nations, the

Vatican, Iran, Russia, China and conservative Muslim states had sought to weaken the resolution passed by the assembly's human rights committee, diplomats and activists said."

The campaign for women's rights defenders has been given a huge boost in recent months by the likes of Malala, the Pakistani teenager shot in the head by the Taliban for her battle for girls' education, and Denis Mukwege, the Democratic Republic of Congo doctor briefly forced into exile for his work helping rape victims. The resolution calls on all states to publicly condemn violence against women human rights defenders, amend legislation that hinders them and give activists free access to UN bodies.

<http://www.mumbaimirror.com/news/world/UN-passes-defenders-of-womens-rights-resolution/articleshow/26543335.cms>

Date Accessed: 09.12.2013
(Anjana John)

CHILDREN

230 million children under 5 never registered: UN

(*The Indian Express*, December 11, 2013)

According to UN, nearly 230 million children under the age of five around the world have never had their birth registered, which often means they will be barred from education, healthcare and social security. A report by UNICEF to mark its 67th birthday said globally that amounts to one in three children under five.

"Last year, the report says, only around 60 percent of all babies born were registered at birth, with the lowest levels of registration in south Asia and sub-Saharan Africa." The report also says that birth registration and a birth certificate is vital for

unlocking a child's full potential, and if societies fail to count them, and don't even recognise that they are there, they are more vulnerable to neglect and abuse. According to UNICEF failure to count children not only often excludes them from accessing education, health care and social security but affects the development of their communities and countries.

"It cites many barriers to birth registration, from parents who are unaware of its importance to cultural barriers and fear of the consequences of reporting a birth including the misuse of personal information such as race, religion or birth out of wedlock." It also says that children living in rural or remote areas, from poor families, and born to uneducated mothers are most likely not to be registered. UNICEF called for programs to address the reasons families don't register children, including high fees and lack of awareness of laws and procedures.

"The 10 countries with the lowest birth registration levels, according to UNICEF, are: Somalia (3 percent), Liberia (4 percent), Ethiopia (7 percent), Zambia (14 percent), Chad and Tanzania (16 percent), Yemen (17 percent), Guinea-Bissau (24 percent), Pakistan (27 percent) and Congo (28 percent)."

<http://www.indianexpress.com/news/230-million-children-under-5-never-registered-un/1206274/>

Date Accessed: 11.12.2013
(Anjana John)

Children of migrant labourers deprived of basic facilities

(*The New Indian Express*, December 07, 2013)

Children of migrant labourers in the India are deprived of basic health, education, nutrition and security and are also alarmingly exposed to exploitation and bonded labour, notes a survey on "Status of children of

migrant workers in seven cities of India”, conducted by Aide et Action across Bhopal, Chennai, Delhi, Guwahati, Hyderabad, Jaipur and Patna.

The report notes that around “12.17 per cent of the children were threatened and harassed at the worksites while 9.52 per cent met accident... Around 0.54 per cent were beaten up by employers. The worksites had awful living conditions deprived of basic health, sanitation and education facilities. Around 39 per cent of the children were never enrolled in school and were frequently afflicted by fever, dysentery and skin diseases.”

The Chairperson of National Commission for Child Rights Protection Kushal Singh notes that the approach “to child issues has to be changed from welfare based to rights based. The National Council for Protection of Child Rights (NCPCR) has a special focus on issues of children affected by migration. It is working with State Governments to deal with the issues.”

<http://www.newindianexpress.com/states/odisha/Children-of-Migrant-Labourers-Deprived-of-Basic-Facilities/2013/12/07/article1932862.ece>

Date Accessed: 09.12.2013
(Deepti Somani)

REGIONAL

Maharashtra urges companies to spend CSR money on schools

(Live Mint, December 06, 2013)

In an attempt to boost educational facilities in the state, Maharashtra is trying to persuade companies to invest in schools as part of their corporate social responsibility (CSR) expenditure.

The Maharashtra government has proposed to spend around Rs.33,952 crore, or 2.21% of the state’s gross domestic product, on school education in the next financial year. But 80% of it will be spent on paying the salaries and pensions of teaching and non-teaching staff.

This will leave only around Rs.6,790 crore for building school infrastructure. Under the new Companies Act certain big corporate entities are to spend at least 2% of their average net profits of the preceding three years on CSR. According to a report by Bloomberg data, Maharashtra alone has 155 listed companies with a combined net profit of Rs.1.83 trillion that will be setting aside around Rs.3,665 crore for CSR efforts.

Experts feel that the state government should also allow companies to monitor how funds donated by them are used and whether the money is really making a difference to education in order to avoid from a false sense of pride.

<http://www.livemint.com/Companies/sfMdViNX9hdF9ZjdfbEXP/Maharashtra-urges-companies-to-spend-CSR-money-on-schools.html>

Date Accessed: 10.12.2013
(Pallavi Ghosh)

Rehabilitation hope for sex workers in Assam

(Daulat Rahman, *The Telegraph*, December 8, 2013)

With the aim to bring down the number of HIV- cases in the state, the Assam State AIDS Control Society have come with a rehabilitation project of sex workers since the HIV virus is the highest amongst this group.

The project plans to engage sex workers in other jobs by providing skill development programmes and self- employment opportunities so that

they can quit their present occupation. It will also provide financial assistance to those who want to begin their own businesses.

Official data reveals that 8,580 HIV-positive and 5,916 AIDS cases have been detected in Assam from 1998 to September this year.

http://www.telegraphindia.com/1131209/jsp/northeast/story_17659163.jsp#.UqglafQW3Yp

Date Accessed: 10.12.2013
(Pallavi Ghosh)

India's agenda aimed at food subsidies in WTO meet in Bali

(Neil Chatterjee, *Bloomberg*, December 03, 2013)

India's position in the recent World Trade Organisation's talks in Bali are aimed at arriving at "a permanent solution to the rising demands for amendments to WTO rules that exempt food security programs from being counted under subsidy spending caps." In order to achieve food security, India seeks to "subsidize up to 10 percent of certain food staples."

According to Commerce Minister Anand Sharma, the rules for determining farm subsidies are outdated. He also rejected the issue of subsidising foodgrains to the developed countries as not even being a "subject of discussion."

Additionally, the host of the international meet, Indonesia, has been criticised for import curbs on foods to promote local industry. The Indonesian government also pursued rules restricting beef and soybean imports after prices soared.

Anand Sharma said, "We cannot continue to have rhetoric of a development agenda without even a reasonable attempt to address the issues which are of primary concern to developing economies."

<http://www.bloomberg.com/news/2013-12-03/food-subsidies-challenge-wto-ability-to-keep-trade-deal-on-table.html>

Date Accessed: 10.12.2013
(Mahima Malik)

Coal port plan will kill Great

Barrier Reef: Activists

(*Times of India*, December 11, 2013)

Raising objections for neglecting the concerns of UNESCO apart from scientists, tourism operators and fishermen, conservationists criticised the Australian government's approval of the Adani Group authorising them to expand a major coal port on the coast of Great Barrier Reef.

The Environment minister is being criticized for placing business interests above environmental threats the project poses to already sensitive Great Barrier Reef. UNESCO's World Heritage Committee will decide in June if the reef is endangered.

According to government scientists, the reef is formally considered to be in "poor" condition with an overall 15 per cent decline in coral since 2009 due to cyclones and floods, pollution and attacks by the coral-eating crown-of-thorns starfish.

<http://timesofindia.indiatimes.com/home/environment/developmental-issues/Coal-port-plan-will-kill-Great-Barrier-Reef-Activists/articleshow/27222279.cms>

Date Accessed: 12.12.2013
(Pallavi Ghosh)

India to set up power transmission line with Nepal and Bhutan

(*The Daily Star*, December 06, 2013)

India's External Affairs Minister Salman Khurshid, in the World Energy Policy Summit 2013, said that "India is working to set up an energy efficient electricity transmission line (HVDC-High Voltage Direct Current) with

Nepal and Bhutan as part of its energy security plans."

The HVDC technology is important because, "less electricity is lost in transmission than with conventional AC technology. It also requires fewer transmission lines, which means less land has to be cleared."

He noted that the "country also hopes to have power transmission connectivity with Asean and Saarc countries, including Pakistan, Afghanistan and Myanmar." "India has been working for the last few years to put in place a multilateral Saarc Market for Electricity (SAME) and has plans to set up a larger Saarc transmission grid."

In October, Indian Prime Minister Manmohan Singh opened the 71-km Baharampur-Bheramara HVDC (high voltage direct current) transmission link – designed to facilitate cross-border electricity transfer of up to 500MW – connecting the power grids of India and Bangladesh.

Morover the government has plans to augment the existing line between Bhutan and India "to import up to 5,000 MW of power from Bhutan by 2020 through HVDC transmission line."

"On the other hand, Nepal currently imports about 150MW power from India...Last year, India's state-owned PGCIL had completed a 40MW transmission line to the Himalayan nation. Besides, many Indian companies have plans to set up power plants in Nepal to tap its hydro-power generation potential."

<http://www.thedailystar.net/beta2/news/india-to-set-up-power-transmission-line-with-nepal-and-bhutan/>

Date Accessed: 09.12.2013
(Deepti Somani)

INTERNATIONAL AFFAIRS

International migration: Data Card

(R. Syresh, *Frontline*, December 19, 2013)

In the light of a major rise in international migration, the UN put forward an “**eight point agenda**” to ensure that migrants get safe and secure working conditions in destination cities. The article highlights the vital statistics and the measures proposed by the UN for the welfare of international migrants. According to United Nations global migration statistics of 2013, **around 3.2 per cent of the world’s population, are international migrants.** The number of international migrants stands at 232 million people as of 2013 statistics, compared to 175 million in 2000.

The data also reveal that:

- Almost half of the migrants are women.
- One of every 10 migrants is under the age of 15.
- Four of every 10 migrants live in developing countries.
- South-South migration is as common as South-North migration.
- Europe remains the most popular destination, with 72 million international migrants in 2013, compared with 71 million in Asia.

Statistics highlight that global remittances, including remittances to high-income countries, are expected to reach \$550 billion (Rs.35 lakh crore) in 2013. However, countless migrants pay their life savings to unethical recruiters and end up in debt bondage.

U.N. Secretary-General Ban Ki-moon has put forward an eight-point agenda to make migration work for migrants, societies of

origin and societies of destination alike:

1. Protect the human rights of all migrants
2. Reduce the costs of labour migration
3. Eliminate migrant exploitation, including human trafficking
4. Address the plight of stranded migrants
5. Improve public perceptions of migrants
6. Integrate migration into the development agenda
7. Strengthen the migration evidence base
8. Enhance migration partnerships and cooperation

<http://www.frontline.in/other/data-card/international-migration/article5393282.ece?homepage=true>

Date Accessed: 8.12.2013

(Mahima Malik)

SOUTH ASIA

Pakistan and Iran to speed up gas pipeline construction

(*The Indian Express*, December 10, 2013)

Pakistan and Iran have decided to fast track the implementation of an ambitious multi-billion dollar gas pipeline project that will help meet some of the requirements of the energy-starved country. Both countries have agreed to formulate a road map to address the challenges and have effective coordination and cooperation on this significant Project, a Pakistan Foreign Office statement said on Tuesday. The announcement comes days after a breakthrough pact between Iran and global powers over its controversial nuclear programme.

“It was also agreed that a meeting will be held shortly between the experts from both sides to review parameters for accelerating work

on I-P Gas pipeline. Iran has almost finished its work of the USD 7.5 billion project, but Pakistan has run into repeated problems in paying for the 780-kilometre section to be built on its side of the border.

Conceived in the 1990s as the “peace pipeline”, the project initially had India on board and was scheduled to be completed by December 2014. “US laws call for automatic sanctions on states and financial organisations that invest in Iranian oil and gas projects. The threat of sanctions has scared away many international investors. However, the new deal between Iran and the western powers over its nuclear programme has raised hopes for the pipeline. When the project is completed, Iran would export 21.5 million cubic meters of gas per day to Pakistan.”

<http://www.indianexpress.com/news/pakistan-and-iran-to-speed-up-gas-pipeline-construction/1205835/1>

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(Anjana John)

With most patents, China biggest intellectual property growth driver, says Report

(Vanita Srivastava, *Hindustan Times*, December 10, 2013)

According to the World Intellectual Property Organization (WIPO), which was released on 9th December China with the highest number of patents filed and received, is the biggest driver of the intellectual property growth in 2012. The Chinese patent office recorded the highest number of the patent applications from across the world.

“The Indian patent office was at the eighth position with 43,955 applications received. India’s last position was seventh. China also filed the highest number of patents at 560,681 in 2012 while India filed only 18,020 patents, managing the 14th position.”

WIPO director general Francis Gurry said, “While economic recovery since the 2009 crisis has been uneven and has failed to bring down the high levels of unemployment, IP filings have increased at a faster rate than before the crisis.”

<http://www.hindustantimes.com/world-news/with-most-patents-china-biggest-intellectual-property-growth-driver-says-report/article1-1161237.aspx>

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(Simi Sunny)

EAST AND SOUTH EAST ASIA

South Korea to expand Air Defense Zone

(Chico Harlan, *The Washington Post*, December 08, 2013)

This article highlights the latest move in a regional struggle over airspace above the East China Sea. South Korea on December 8 2013, announced the expansion of its air defense identification zone, known as an ADIZ extending it farther south into an area that overlaps with similar zones maintained by Japan and China.

Air defense identification zones are not territorial claims, but they mark airspace that countries consider important to monitor. Officials in Washington and across Asia say the competing aerial zones raise the risk of mishaps that could trigger a broader conflict.

South Korea’s Ministry of -National Defense said the new zone would include two small islands and a submerged rock that is the subject of a long- running dispute with China.

China two weeks ago declared its own ADIZ across a wide section of the East China Sea — a move that Seoul, Tokyo and Washington have protested. China’s new aerial zone includes a rock 15 feet below the water’s surface known internationally as Socotra. The formation lies within the economic zones of both China and South Korea, and it has long been a point of modest contention between the neighbors.

http://www.washingtonpost.com/world/south-korea-will-expand-its-air-defense-zone-defense-ministry-says/2013/12/08/ead68fa-5fd8-11e3-8d24-31c016b976b2_story.html

Date Accessed: 9.12.2013
(Divashri Mathur)

Indonesia’s Sumatran tiger population threatened by Palm Oil industry of which India is the biggest consumer

(Pallavi Aiyar, *The Hindu*, December 06, 2013)

Indonesia’s once “abundant megafauna — the tiger, the rhinoceros, the elephant and the orangutan — is today classified as critically endangered.” The main cause is not poaching but “the ravaging of their habitat — Indonesia’s forests — by mining, pulp paper interests, and most specially, by the palm oil industry.” Incidentally, India is the world’s largest importer of palm oil – which is used as cheap cooking oil in a variety of

processed foods and in a range of cosmetics – the very resource which is behind much of the habitat destruction that threatens Indonesia’s large mammals.

The rate of deforestation in Indonesia is amongst the highest in the world. The World Wildlife Fund Indonesia’s Tiger and Elephant species programme coordinator, Dr. Sunarto, says that the island of Sumatra has lost more than two-thirds of its natural lowland forest — the most suitable habitat for elephants and tigers — over the past 25 years. As a result, elephant numbers have approximately halved from an estimated 5,000, to between 2,400 and 2,800, during the same period.

According to Greenpeace, “the palm oil sector was the single largest driver of deforestation in the 2009–2011 period...Indonesia is the world’s largest producer of palm oil and the industry accounts for 11 per cent of Indonesia’s export earnings, second only to oil and gas.”

The article notes that, “In a report, *Frying the Forest*... Greenpeace demonstrated how Indian companies like Ruchi Soya bought oil from known environmental offenders, like Indonesia’s Duta Palma. A palm oil growing and exporting group, Duta Palma has repeatedly been found to be in violation of Indonesian laws, including operating without a concession title, illegal clearance of deep peatlands and intentional burning of forests to make way for oil palm plantations.”

According to Avimuktesh Bharadwaj, “forest campaigner with Greenpeace India, no Indian company has yet committed publicly to sourcing palm oil from guaranteed zero deforestation sources. Adani Wilmar is on record stating that sustainable palm oil ‘at competitive prices’ is ‘inaccessible’ in India due to the lack of procurement infrastructure.”

The author concludes by noting that, “Ultimately, the survival of the tiger among other fauna in Indonesia is contingent on not just better national laws, but on consumers in countries like India realising the link between their chocolates and face cream and the destruction these products engender in geographically distant places.”

<http://www.thehindu.com/opinion/op-ed/dim-hope-for-the-sumatran-tiger/article5426482.ece?homepag e=true>

Date Accessed: 10.12.2013
(Ashwin Varghese)

MIDDLE-EAST Going beyond “Growth”: Empowering the Middle Income Countries

(Mark Tran, *The Guardian*,
December 10, 2013)

The Organisation for Economic Co-operation and Development (OECD), in its recent report, “**The Development Co-operation Report 2013: Ending Poverty**,” states that emerging economies, including India and China, should focus on “**empowering people**” as a solution to sustainable development. It specifies that “new development goals need to address the problems of increasing number of poor people living in middle-income countries (MICs).” It is also revealed that **India and China have half of the total ‘bottom billion’ in the world** (which are the billion poor people living in extreme income poverty). As important suggestions, the report emphasises the need for “smart aid”, encouraging concessional loans to MICs and the efficacy of universal approaches rather than the targeted ones.

The Report suggests that policies of nations must go beyond the focus on economic growth alone and the issue of rising inequality must be addressed. According to OECD secretary-general Angel Gurría, diversity rises with increasing levels of income growth which has further increased “global interdependencies.” In the light of rising challenges, broader measures to estimate and address poverty and inequality are essential for sustainable development.

Andy Sumner, co-director of International Development Institute, said that there is a new “bottom billion” — the billion poor people living in extreme income poverty in MICs, half of them in India and China. He also questions the validity of World Bank’s yardstick to define ‘poor’- living on US\$1.25 a day- for MICs.

Stephen Klasen, head of the Ibero-America Institute for Economic Research, suggested setting “a new global goal of reducing income poverty on national measurements of poverty that are internationally coordinated and consistent.”

Sumner makes the important suggestion relating to support from OECD’s Development Assistance Committee (DAC) to developing nations. He argues for:

- A Shift from grants to concessional loans (which is cheaper than borrowing from private capital markets)
- Co-financing global or regional initiatives such as vaccination programs or green infrastructure
- Policy-related research and knowledge exchanges between MICs and other countries

The post-2015 agenda needs to reflect the increasing number of MICs which will imply a greater demands on traditional donors and

support— better coordination of trade, migration and other policies.

Donors also need to think about smart aid. OECD Development Co-operation Directorate director Jon Lomoy said donors need to be smarter about aid at a time when official development assistance — US\$130 billion last year — is being eclipsed by other financial flows (remittances last year came to US\$401 billion).

Smart aid implies “channeling aid money through recipient’s own financial systems instead of using donor systems.” MICs need to strengthen tax collection systems, encourage foreign investment and engage the private sector. Lomoy also said that “it is easier to use aid to mobilize private and domestic resources in middle-income countries.”

The Report also states that programs that are more universal in their approach “based on concepts of human rights, social protection policies such as national health insurance and pensions” work better than target approaches.

<http://www.taipeitimes.com/News/editorials/archives/2013/12/10/2003578673/2>

Date Accessed: 10.12.2013
(Mahima Malik)

Peace prospects and energy security for India from the US-Iran deal (Shailendra Tyagi, *Open*, December 14, 2013)

The article looks at the economic impact that the US-Iran deal will have on India. The author notes that the two countries “struck an interim deal by which the West would lift some of its stiff sanctions on Iran in exchange for a freeze of the latter’s nuclear programme...It lets Iran back with full capacity into the global market for crude oil, the country’s principal source of revenues, after a prolonged period of economic hardship that Iranian citizens

found difficult to endure.” He further notes that “The Islamic Republic’s supreme leadership appears to have decided to trade its nuclear ambitions for the benefits of global commerce (and perhaps greater voice in world affairs). “If Iran keeps its promise, geopolitical risk would reduce [and] help promote energy price stability” notes Robert McNally of the US-based Rapidan Group.

What this for a big oil importer like India is that if “If Iran is able to revive its exports...back to its pre-sanctions level of over 2.5 million barrels per day, up from about a million barrels today”, it would ultimately bring down the price of oil.

Moreover, the author notes that this deal “could signal the end of US objections to the long-proposed Iran-Pakistan-India gas pipeline. By the time it materialises, world dynamics of the gas market may have changed, thanks to US shale-gas exports. Yet, neighbourhood access to gas could boost India’s energy security in a big way. According to Arvind Mahajan, an energy expert at KPMG, India needs explore multiple gas sources within a cost-benefit framework.”

<http://www.openthemagazine.com/article/business/peace-prospects-and-energy-security>

Date Accessed: 14.12.2013
(Ashwin Varghese)

AFRICA **UK axes £100m** **southern Africa** **aid programme** **over ‘serious** **concerns’**

(Rowena Mason, *The Guardian*, December 04, 2013)

Britain is axing a £100m aid programme to reduce poverty in Africa after accidentally channelling some money through

the Zimbabwe government and finding "serious concerns" about financial oversight.

“Justine Greening, the development secretary, told parliament she was scrapping the five-year programme, which has been helping to build roads, raise trade standards, and eliminate agricultural diseases.”

“According to Britain, millions had already been spent on various projects run by Trademark Southern Africa, but £46m will now be clawed back by the government following investigations by auditors and the Independent Commission for Aid Impact. Weak governance also resulted in £80,000 of payments through the Zimbabwe ministry of agriculture for a fruit fly eradication programme in contravention of UK government policy.”

<http://www.theguardian.com/global-development/2013/dec/04/uk-axes-southern-africa-aid-serious-financial-concerns>

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(Anjana John)

AMERICAS **Puerto Rico Bill** **banning street** **vendors, beggars** **faces criticism** **from public**

(*The New Zealand Herald*, December 7, 2013)

A recently introduced Bill in Puerto Rico, which bans panhandlers and vendors at intersections on the island, has been subjected to harsh criticism from public and civil society. The proposed Bill faced criticism on the grounds that it would work against the poor. The Bill will be debated further to create a schedule for vendors to occupy the already congested

intersections only during certain hours.

The Bill is intended to make roads safer at frequently congested intersections and proposes that vendors found in violation of it would face penalties ranging from \$200 to \$50. Jose Baez, a legislator backing the Bill, claimed that the Bill is aimed “to make roads safer at frequently congested intersections where panhandlers compete with vendors hawking water, newspapers and other goods to drivers.” Adults and children also occupy intersections to collect donations for personal causes. However, people have criticized the measure through radio shows and social media citing that it is unfair to the poor. People have been occupying roads in order to earn a living amid rising economic crisis in the country. **Potential amendments would be introduced in order to create a schedule that would allow panhandlers and vendors at stoplights only during certain hours.**

http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=11168576

Date Accessed: 11.12.2013
(Mahima Malik)