



Conquer Mains Challenge - Day 10

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GS 2 & 3

Topics: Government policies and interventions for development in various sectors and issues arising out of their design and implementation.

Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes.

Conservation of Environment.

Forest Rights Act

Why in News?

Aimed at protecting the rights of forest dwelling tribal communities the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 promised much. However, over the years its implementation has been tardy and there have been concerted efforts to dilute it.

About Forest Rights Act (FRA):

The legislation, which was passed in December 2006, concerns the rights of forest-dwelling communities to land and other resources, denied to them over decades as a result of the continuance of colonial forest laws in India.

The Act grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws.

Rights under the Act:

- **Title rights** - i.e. ownership to land that is being farmed by tribals or forest dwellers subject to a maximum of 4 hectares; ownership is only for land that is actually being cultivated by the concerned family, meaning that no new lands are granted.
- **Use rights** - to minor forest produce (also including ownership), to grazing areas, to pastoralist routes, etc.
- **Relief and development rights** - to rehabilitation in case of illegal eviction or forced displacement; and to basic amenities, subject to restrictions for forest protection.
- **Forest management rights** - to protect forests and wildlife.

Eligibility:

Eligibility to get rights under the Act is confined to those who ***“primarily reside in forests” and who depend on forests and forest land for a livelihood***. Further, either the claimant must be a member of the Scheduled Tribes scheduled in that area or must have been residing in the forest for 75 years.

Process of recognition of rights:

1. The Act provides that the gram sabha, or village assembly, will initially pass a resolution recommending whose rights to which resources should be recognised.
2. This resolution is then screened and approved at the level of the sub-division (or taluka) and subsequently at the district level.
3. The screening committees consist of three government officials (Forest, Revenue and Tribal Welfare departments) and three elected members of the local body at that level. These committees also hear appeals.

Why this law was necessary?

What are called “forests” in Indian law often have nothing to do with actual forests. Under the Indian Forest Act, areas were often declared to be “government forests” without recording who lived in these areas, what land they were using, what uses they made of the forest and so on. 82% of Madhya forest blocks and 40% of Orissa’s reserved forests were never surveyed; similarly 60% of India’s national parks have till today not completed their process of enquiry and settlement of rights. As the Tiger Task Force of the Government of India put it, “in the name of conservation, what has been carried out is a completely illegal and unconstitutional land acquisition programme.” Hence, this was law necessary.

What are the main concerns now?

It is being alleged that some recent move by the centre have diluted the Act in several ways. These include:

- A series of legislation that undermine the rights and protections given to tribals in the FRA, including the condition of “***free informed consent***” from gram sabhas for any government plans to remove tribals from the forests and for the resettlement or rehabilitation package. The requirement of public hearings and gram sabha consent has also been done away with for mid-sized coal mines.
- The ***amendments to the Mines and Minerals (Development and Regulation) Act***, the Compensatory Afforestation Fund Act and a host of amendments to the Rules to the FRA also undermine the FRA.
- The government has declared its commitment to ensuring “***ease of business***”, which translates into clearing all private sector-sponsored projects in tribal-inhabited forest areas.
- ***The National Board for Wildlife***, with the Prime Minister as Chairperson, was reconstituted, slashing the number of independent experts from 15 members to three, packing it with subservient officials.
- Also, there is the deliberate freeze of the ***actual implementation of the FRA***. Neither individual pattas nor pattas for community forest resources are being given.

Various factors that have prevented the proper implementation of the FRA since its passage in 2006 include:

1. Process of documenting communities' claims:

The process of documenting communities' claims under the FRA is intensive — rough maps of community and individual claims are prepared democratically by Gram Sabhas. These are then verified on the ground with annotated evidence, before being submitted to relevant authorities.

The Gram Sabha is treated as a public authority under the FRA, and if the higher authorities under the law reject its claims, substantive reasons have to be provided for doing so. This exhaustive process is why the official diktat to implement the FRA so quickly lacks any understanding about the extent of the task and labour involved.

2. Reluctance of the forest bureaucracy to give up control:

Another main factor inhibiting the FRA's full implementation is the reluctance of the forest bureaucracy to give up control. The forest bureaucracy has misinterpreted the FRA as an instrument to regularise encroachment. This is seen in its emphasis on recognising individual claims while ignoring collective claims — Community Forest

Resource (CFR) rights as promised under the FRA — by tribal communities.

To date, the total amount of land where rights have been recognised under the FRA is just 3.13 million hectares, mostly under claims for individual occupancy rights.

3. Narrow interpretation of the FRA:

The narrow interpretation of the FRA is also to be blamed. It is against the letter and spirit of the law, which seeks to undo historical injustices and return the forests to community jurisdiction. It also contradicts the estimates for forest area collectively used by tribal and other forest communities that are provided by government agencies themselves.

4. Environment Ministry's moves:

The Environment Ministry's conduct also causes concern. Entrusted with stewarding our forests, it has instead concentrated great energy on how to hasten their felling (through the forest clearances it awards). In doing this, it appears that it has, among other things, mounted a prolonged effort to see if and how meaningful community participation can be eliminated from the clearance process.

What needs to be done now?

The government can start by recognising the role played in the FRA's meagre implementation by the forest bureaucracy's resistance as well as the acute lack of awareness of FRA's community rights provisions in State administrations and forest communities. In almost all States, the Forest Department has either appropriated or been given effective control over the FRA's rights recognition process. This has created a situation where the officials controlling the implementation of the law often have the strongest interest in its non-implementation, especially the community forest rights provisions, which dilute or challenge the powers of the forest department.

- If the government is serious about implementing the FRA, it should confront the forest bureaucracy and make it clear that any obstruction on their part is unacceptable. The little progress that has been made in implementation so far has been due to close coordination between tribal departments, district administrations and civil society.
- There is also a clear need to strengthen the nodal tribal departments, provide clear instructions to the State and district administrations, and encourage civil society actors. Without a strong political will, this historical transformation is unlikely to take place.

Way ahead:

Many states have a poor record of implementation of the act: Bihar, Jharkhand, Himachal Pradesh, Karnataka, Kerala, Odisha, Telangana, Uttarakhand, Uttar Pradesh and West Bengal have been identified as having lagged behind in implementation of the FRA. The misuse of a law cannot be the reason to dilute it or call for its repeal. Land is a valuable resource for those who live off it and one way of ensuring lesser fragmentation is to approve community forest rights which take a long time for clearance. People are at the centre of protecting forests and conservation and if the FRA is not delivering its promise, it can be blamed squarely on the government's devious approach and its barely concealed intent to enfeeble the law.

Conclusion:

The implementation of the Forest Rights Act, 2006 has been opaque and there is serious lack of awareness about its provisions not only among the beneficiaries but also among the officials in charge of implementing it. Given the complaints from either side, it is time the government reviewed the law and also looked at the objections raised when it was first tabled as a bill.

GS Paper 2

Topic: Salient features of the Representation of People's Act.

State-funded elections

What is state or public funding of elections?

This means that government gives funds to political parties or candidates for contesting elections. Its main purpose is to make it unnecessary for contestants to take money from powerful moneyed interests so that they can remain clean. In some countries, state funding is extended to meeting some specific forms of spending by political parties, not confined to electioneering alone. Countries keep changing laws relating to state funding depending on experience and financial condition.

Need for state- funded elections:

According to a recent resort to the Right to Information Act, the Association for Democratic Reforms found that the total income of all political parties in India from 2004-05 to 2014-15 was ₹11,367.34 crore. The report revealed that 69%, of the income of political parties come from unknown sources, and this segment has been steadily on the rise.

Between 2004-05 and 2014-15 the average income of all the political parties in India was just over ₹1,000 crore, and comes to about ₹2,000 crore at present annually.

Various proposals in this regard:

- Some major reports on state funding include those given by the Indrajit Gupta Committee on State Funding of Elections (1998), Law Commission Report on Reform of the Electoral Laws (1999), National Commission to Review the Working of the Constitution (2001) and the Second Administrative Reforms Commission (2008).
- Except for the 2001 report, all other recommended partial state funding only, given the economic situation of the country.
- The 1998 report said that state funds should be given only to registered national and state parties and that it should be given in kind only.
- The 1999 report concurred with this but also recommended first putting a strong regulatory framework in place including internal elections, accounting procedures etc.
- The 2001 report said that first a regulatory framework needs to be established before thinking about state funding.

Why public funding is good?

- Political parties and candidates need money for their electoral campaigns, to keep contacts with their constituencies, to prepare policy decisions and to pay professional staff. Therefore, public funding is a natural and necessary cost of democracy.
- Public funding can limit the influence of interested money and thereby help curb corruption.
- Public funding can increase transparency in party and candidate finance and thereby help curb corruption.
- If parties and candidates are financed with only private funds, economical inequalities in the society might translate into political inequalities in government.
- In societies where many citizens are under or just above the poverty line, they

cannot be expected to donate large amounts of money to political parties or candidates. If parties and candidates receive at least a basic amount of money from the State the country could have a functioning multi-party system without people having to give up their scarce resources.

Arguments against state funding:

- There are divergent views on the efficacy of state funding of elections. Some have been dismissive of the idea. Those against this idea wonder how a Government that is grappling with deficit budgets, can provide money to political parties to contest elections.
- They also warn that state funding would encourage every second outfit to get into the political arena merely to avail of state funds.
- Also, given that state expenditure on key social sectors such as primary healthcare is “pitifully small”, the very idea of the Government giving away money to political parties to contest polls, is revolting. Therefore, opponents ask the government to channelize public resources towards and not diverted from such essential services.

Why it is difficult to go for public funding?

- The funds that a political party advances to its party candidates in an election vary from one candidate to another, and there is much variation across political parties in this regard. In the 2014 Lok Sabha elections, 263 members of the House claimed that they received a total of ₹75.59 crore from their parties, which averages out to roughly ₹28 lakh each. However, it is believed that an MLA spends on an average about ₹5 crore to get elected. The legal limit of ₹28 lakh is far off this mark.
- Assuming that there are five contending candidates in a constituency, and even if each one of them does not spend as much, but just half of their elected counterpart, an amount of about ₹15 crore will be spent in each constituency, which with about 4,215 MLAs in India works out to an about ₹13,000 crore per annum.
- While the legal limit that a Lok Sabha candidate can spend is ₹70 lakh, a victorious candidate on an average does not spend less than ₹10 crore for the purpose. Suppose we assume again an average of five candidates per constituency, and halving the amount to losers, about ₹30 crore will be spent in each Lok Sabha constituency, and given 543 members of the Lok Sabha, about ₹3,300 crore per annum.
- Then there are elections to the Upper Houses, both at the Centre and in some States, and the local governing bodies. Hence, it is argued that public funding places unnecessary burden on the exchequer.

What needs to be done?

- The government should consider state funding of political parties contesting elections. But such funding should be limited to parties recognised as 'national' or 'State' by the Election Commission of India, and to candidates directly fielded by such recognised parties.
- Budgetary constraints could come in the way. Therefore, a good start could be made with partial funding — that is, with the state taking care of certain expenditures of the recognised parties. The aim should be to discourage political parties from seeking external funding (except through a nominal membership fee) to run their affairs, carry out their programmes and contest elections.
- A separate Election Fund with an annual contribution of some Rs 600 crore by the Centre and a matching amount by all States put together should be created. Only those parties which have submitted their income tax returns up to the previous financial year could avail of state funding.
- Every candidate of the party eligible for state funding should be given a specified quantity of fuel for vehicles during an election campaign and a specified quantity of paper to prepare electoral literature.

Conclusion:

Poll funding has been a source of funnelling black money and cleaning up the poll process is necessary. Looking at the number of parties in India, it is easy to suspect that some of them have been floated by national or state parties to park their income from dubious sources, because such parties are not subject to the Election Commission's scrutiny. The current form of political funding has become a burden on the economy. Many parliamentarians have raised concerns over the use of excessive money in election campaigns. This presents the government with the best chance to carry out significant anti-corruption reforms in the history of independent India.



GS 3

Topic: Major crops cropping patterns in various parts of the country, different types of irrigation and irrigation systems storage, transport and marketing of agricultural produce and issues and related constraints

Agribusiness

Why in News?

The agricultural sector in India has entered a new low. Trends in agriculture are distressing. These distressing trends highlight the enormity of the challenges lying ahead for the Indian agricultural industry.

Why a strong agricultural sector is important for India's growth?

- Nearly three-quarters of Indian families are directly or indirectly dependent on agriculture.
- Nearly 70% of India's poor depend on rural income, especially on agriculture.
- To feed the currently undernourished population, India would require a 3-4% increase in food supply. With the population expected to grow even further, the strain on the sector is likely to grow more in the coming years.
- Also, it constitutes 10% of the overall exports.
- Besides, India's food security also is dependent on agriculture.

Why India is called a global agricultural powerhouse?

India is the largest producer of milk in the world. It is one of the leading producers in pulses, spices and has world's largest cattle herd. It has also largest area under wheat, rice and cotton. The country is amongst top producers in the production of rice, wheat, cotton, sugarcane, farmed fish, sheep & goat meat, fruit, vegetables and tea. The country has some 195 m ha under cultivation of which some 63% are rainfed (roughly 125m ha) while 37% are irrigated (70m ha).

Main concerns with regard to Agriculture:

- Based on the sector's current trajectory, the demand-supply mismatch in crops is likely to hit more than 15% by 2020, with the gap worsening to 20-25% by 2025 if unaddressed.
- Agricultural productivity levels have been stagnant for the past 10 to 15 years, with our crops requiring around two to four times the average global water intensity.
- Wastage levels in our agricultural supply chain hover between 30% and 40%.
- More than a third of farmer households today live below the poverty line.

- The NITI Aayog recently highlighted that the sector is 28 years behind its time.

For Indian agriculture to make up for lost time, changes will be needed across four main dimensions:

1. Productivity:

There is significant room for improvement for India's agricultural productivity. Indian farmers produce an average 2.9 tonnes of rice per hectare, whereas the global mean is 4 tonnes per hectare. To fix this gap, a range of improvements will be needed on inputs, resource availability and farming methods.

However, adopting best practices to boost productivity will call for a significant investment in farmer awareness programmes. If our farmers have access to the best seeds, can leverage state-of-the-art treatment practices and cultivate the right crop portfolio, productivity can be enhanced by 15-20% over a 10-year period.

2. Farmer income:

Several surveys and studies have highlighted the plight of the Indian farmer. Some studies have shown that 40% of farmers would quit if they had alternative employment choices. This calls for a two-pronged approach.

- The first is to fundamentally change the economics of a farm, by not only improving productivity, but also ensuring farmer financing issues are well addressed. Subsidized rural credit, creation of innovative agri-financial instruments like sale option contracts and rural insurance are key elements that can help in this regard.
- Second, as farmer financial well-being is highly correlated to a robust rural ecosystem, there should be special focus on the development of supply chain-related infrastructure (warehousing), the food processing sector and logistics.

3. Ownership models:

Most farm holdings in India are small. Many farm owners are ageing and their next generation is migrating to urban India for jobs. The challenges of effective land utilization will, therefore, be under further pressure in the years to come.

- Also, agricultural rental restrictions have not been revisited to reflect the realities of a very different India today. Many land owners keep their land fallow or underutilized. Even where informal rental agreements exist, land owners remain hesitant of long-term leases for fear of losing their land. At the same time, tenants

feeling the duration of tenancies being too short and unpredictable, do not invest in productivity enhancing improvements.

- The recent draft on the law to formalize leasing of agricultural land is a step in the right direction. More than just regularizing rentals, the Draft Model Act makes it possible for all the estimated 25 million farmers renting agricultural land to qualify for bank finance, insurance and other government benefits.

4. Technology:

Adoption of new business models and technologies in the agricultural sector can also boost India's agricultural productivity.

- Sensors, such as those that monitor soil, weather and crop conditions, or animal biometric collars, help agriculture by enabling real-time traceability and diagnosis.
- Automation solutions including technologies like agricultural robots that can simplify farm work in a variety of ways, e.g., plough a field in just an hour, compared to the full day taken by a human.
- Engineering solutions such as vertical farms optimize resource consumption and effectiveness.

What should the government do?

Build national awareness of agri best practices: This requires driving an integrated national programme involving research institutions, state administrations as well as the private sector.

Drive land aggregation: The government must take steps to encourage contract farming and producer companies. However, this requires facilitating lease-based models of land aggregation while protecting the land-ownership rights of farmers. Additionally, wasteland development should be used to pilot commercial farming.

Revamp policies related to procurement and movement of agri commodities: Three changes are critical here. Firstly, to provide remunerative incomes to farmers, procurement at minimum support price should only be done when prices go below that level. This should apply even to procurement for buffer stock and any social schemes. Secondly, the government needs to drive the implementation of a standardized Agricultural Produce Market Committees Act. Finally, to enable free inter-state movement of agri commodities, the Essential Commodities Act should be scrapped.

Streamline subsidies to encourage sustainable use of inputs: The current subsidy policy encourages over-use of inputs like power, water and fertilizers. These incentives can be redesigned without compromising end-goals of productivity or costs.

How can digitization help?

- The digitization and use of technology in agriculture has, so far, been taking place in confined application fields. The logical step for the sector, especially in India, would be to build an all-inclusive digital platform.
- An inclusive platform will be able to provide end-to-end services for farmers—from selecting crops, optimising plantation timings, seeding and fertilization rates based on plants' actual needs and regulatory requirements and limits.
- All the data collected during a crop's cycle can be compared with other farmers who grow the same crop in similar conditions. Lessons learnt from one field can be applied automatically to another to maximize output.
- Such an approach can help to improve the yield of major broad-acre crops by between 20-30%.

Are loan waivers a solution to the agrarian crisis?

Loan waivers, though temporarily necessary for the revival of farming, do not provide conditions for a secure credit system in the long term. Such relief measures that temporarily ease the pain on farmers, however, will fail to make a significant difference to their lives in the long run.

The waiver of loans implies that banks will have to be compensated by the government for the amount involved. This means that large sums of money, which could have otherwise gone to strengthen the agricultural infrastructure and research – such as seed production, soil health enhancement and plant protection, will not be available.

Will organic farming help in mitigating the crisis?

Organic farming helps to improve soil fertility and avoids the use of pesticides, which get into the food chain. So, biologically and nutritionally organic farming confers many benefits.

The major problem is price support to organic products in order to compensate for the loss in the yield.

As far as the farmer crisis is concerned, it is largely related to economic factors and organic farming can help those farmers who are able to produce high-value organic products for the national and international market.

Can GM technology help address food security challenges?

There are many methods of plant breeding, of which molecular breeding is one. Genetic modification has both advantages and disadvantages. One has to measure the risks and benefits before arriving at a conclusion.

- First, we need an efficient regulatory mechanism for GM in India.
- We need an all-India coordinated research project on GMOs with a bio-safety coordinator.
- We need to devise a way to get the technology's benefit without its associated risks.

Barring the U.S., most countries have reservations about adopting GM technology. Europe has banned it on grounds of health and environmental safety. Normal Mendelian breeding itself is sufficient in most cases. Parliament has already suggested a law based on the Norwegian model where there are considerable restrictions on GMOs.

Advantages of cooperative farming:

The advantages of aggregating small farms into larger, voluntary, cooperatives include greater capacity to undertake lumpy investment in irrigation and farm machinery, more efficient farming practices, greater bargaining power and better terms in the purchase or leasing of land, access to credit, purchase of inputs and the sale of produce.

Conclusion:

As the country with the largest arable land acreage, India can not only ensure its own food security, it can also become a source of food for the entire planet. The potential of the sector to become a growth engine for India and food provider to the world can definitely be achieved. Hence, the government should not only respond to the immediate challenges facing the farmer and the agricultural sector but also reboot the agricultural policy to create an ecosystem for the future of Indian agriculture.
