

PRISM

A PPF Dispatch

Vol4; Issue . 5 & 6 | September - October 2022



Policy Perspectives Foundation (PPF) is a non-profit, apolitical think tank on matters of national interest. PPF's activities focus on complex and inter-connected challenges to peace, stability and development in India in cognizance of the external dimension. PPF is committed to spreading awareness, building capacity and promoting resilience.

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Understanding Conflict and War: The Way Forward

- Gautam Sen

The European conglomerate has a very deep rooted civilizational and cultural consciousness. However a serious student of war and conflict wrote not long back that " Hybrid War in Ukraine will have a blowback impact on Europe....Now it is here, and soon Germany, France and many East European nations will plunge in chaos and disorder". He further argued that "Compromise on Ukraine with Russia will be the larger question in front of Europe by November 2022. As one analyses through the conceptual lens of International

Relations theory and the impediments that will be faced by Russia one can see that Putin has put his foot in his mouth by involving Russia into a land warfare (subtitled hybrid warfare) a term that the new generation of defence analysts have become so passionate that they advocate constantly to first about undermining Western Europe and second live in the articulation/narrative creation falsified notion of grandeur of reuniting the lost territories by Russia in 1991, and make Russia once again the second super power of the cold war period.

Europe is the mother of "democracy" and the Western school of International relations. To understand these two thought processes takes



a lifetime of study and introspection. The making of the former Soviet Union with 157 'Soviets' was an aberration in the post WW-II period as it juxtaposed the Marxist Leninist theory of Communism and socialism which devalued the term 'democracy'. To understand the Soviet power, its readiness and acquired power by the acquisition of nuclear and all other categories of weapons of mass destruction, it became necessary on the part of the US and NATO to become a countervailing force to this ill manufactured super power in the post WW-II which officially conducted electoral polls regularly – the only thing was that there was only one name to vote for the highest post and every citizen was supposed or voted for the same person for the fear of being persecuted.

History of the Past:

The IR theorists thus had to extend the theory and practice in international relations and figure out as to why the former Soviet Union disintegrated to become what is called Russia today and about the falsified grandeur of Russia presently to become once again the global military hegemon by frightening the world by precipitating constantly a total war like situation between the East and the West as was done during the cold war period in the second half of the 20 th. Century by involving in an Arms Race of unimaginable magnitude with a nuclear stockpile which had the capacity to destroy the world many times over. However, before further analysis, one must understand how and why the basic concept of Marxist Leninist theory of inevitability of war between the capitalists and the proletariats underwent "Revisionism" due to the advent of nuclear weapons with kill ratio beyond imagination. Stalin was dogmatic in his assessment that war was inevitable between the capitalists and the proletariats. With her armed forces being trained well with strong ideological will defined by state and the state monopoly over capital. Thus the Soviet Union under Stalin theorised that war was inevitable, in theory possible and in practice winnable. Much of the

development of superior manpower psychologically well motivated, weaponisation of resources and monopoly of research and development only to create more and more lethal chemical and biological weapons plus the nuclear weapons of mass destruction dictated the strength of the standing Army and military equipment too. The levels of arms race between the Soviet Union and the United States in particular and NATO in general became unrealistic in nature. Thus the first revisionism was propounded by Khrushchev when he realistically rationalised that "war is inevitable, in theory possible but in practice may not be winnable". Gorbachev further rationalised the revisionism to that "war is neither inevitable, nor in theory possible or in practice winnable". Thus much of the reduction of Arms Race between the US and the former Soviet Union in terms of manpower of standing Army, numerical quantity of nuclear weapons leading to Strategic Arms Limitation Talks (SALT-SALT II) was due to this realisation of the futility of a total nuclear war between the two superpowers. It must be observed that during the height of oil war perpetuated by the oil producing countries in the second half of the 20 th Century when the entire Western Europe including Japan was on the brink of an energy crisis, the West quickly got out of the crisis in a matter of five years.

The Present:

It will be essential to again restate that Putin is in for a major debacle as very recently Germany has unveiled the "energy security strategy". So one should be rest assured that nothing will happen to the Western European countries and Ukraine will not be the anvil for Russia to hammer it down and emerge once again as a superpower. Putin knows it now and Gorbachev before he passed away showed his frustration and unhappiness over Putin's policy on Ukraine. Putin's attempt to completely change the political economy of the world by using the Ukraine crisis has been quite a failure. It is too premature to comment on a possible Russia-China collusion at global strategic level. It is another complicated issue

in which China may have already learnt from the Ukraine war that they should not even venture to invade Taiwan at least in the next ten years. The cosmetic decision of China's disengagement in Eastern Ladakh must be seen as merely China's attempt to buy time to study more closely the restructuring of the Security architecture by the West European countries, new addition of non-NATO states and whether the US is truly a declining power.

Crystal Gazing the Future:

Yes the war is a possibility as Plato said "only the dead have seen the end of all wars." But the question is what will define war and what will be the nature and character of war. The possibilities of the "charge of the light brigade" are not there to define war as an act to display valour and men fighting for "Nam, Nishan and Ijjat ". While the nature of war will remain to win but the process of conducting war will not be in the geographical battlefields or campaigns or in the theatres in order to prove physical superiority but in the use of technology and economics to subjugate the autonomy of a nation state by dominating cyber space, communication, the economic and human security by attrition and virtual occupation of the psychology of the human elements. The collateral damage will be much more than the nature of war that has been recorded in the past six thousand years of its history. There will be no total winners and no full losers but will see the immense destruction of the peaceful existence and that of governing administration of life style both actually and virtually. Tranquillity will occur when man and technology will embark on deep space exploration and go where no man has gone before as space will be the final frontier and man would have mastered over "time" to traverse millions of light years to seek new worlds and new civilisations and new life forms. The 21st century is the age of the mind over matter to understand the nature of man more than the nature of war. The key element is the role of education which widens the horizon of the mind be he a civilian or a

military man to find solutions to security issues

The Indian Case:

Dr. Radhakrishnan in his 776 page First Education Commission report in 1947, stated elegantly about the purpose of education and the necessity of every academic institutes of learning, Universities to pay attention to the study and the causes of war and the process of mitigating through the understanding to achieve peace and harmony. He emphasised that he believed that Universities have adequate intellectual capital and capacities to contribute meaningfully to study the phenomenon of war, conflict and violence and provide alternatives to mitigate them. He further observed that every discipline and faculty in Universities must incorporate the study of war and peace in their syllabus. While the Western country's Universities, Institutes of excellence, Academies and Think Tank have constantly attempted to instil inquisitiveness and curiosity amongst their students and teaching staff attributable to critical thinking the same has not happened in India despite the fact that there are more than one thousand Universities and nearly fifty thousand colleges in India. Without a process of critical thinking in place, no nation state can create strategic culture or strategic thinking so essential to safeguard our national interest and national security. It is interesting to note that after Radhakrishnan Report was made public, Nehru read it but Maulana Azad made a remark by stating that "Jawahar is too busy to understand its implication" Nehru the democrat and sometimes his own opposition leader in the Parliament tried to make amends to the scathing remarks of Maulana and created by an act of the Parliament the UGC. Moral of the story is leave the term "education" to those who are educated and we must concentrate on training and accountability to produce actionable policy formulations to make the Indian nation state self-reliant, resilient and policy oriented. In military affairs stop "tacticising strategy" and move on to "strategizing tactics". It will pay

rich dividends and ensure that “Galwan” does not happen again and that the Armed Forces are exposed to become educated in their Service tenure so as not to forgo its rights to negotiate on matters military to other government organisations.

Conclusion:

To sum up, service experts giving opinions on conducting warfare or determining the nature of warfare should remain confined to the art of warfare and not on the politics of warfare which is not in their line of training. It will do immense good if they choose to remain politically conscious and refrain from being political. Those who get the opportunity to be responsible to look after the publication of the professional journals in the think tanks they serve must remain focused on understanding the changing directions of conflict and analyse from the viewpoint of tactical and strategic military aspects. Any attempt to include the political matrix of the politics of, politics for and politics about the emerging conflict situation arising out of contemporary political flashpoints like Ukraine will be inappropriate at this juncture. In the end it can be added that the future of Russia is at stake and not that of the Western European countries or that of the United States or that of China

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Mainstreaming Animals Issues in Disaster Risk Reduction (DRR)

- KM Singh (IPS Retd)

Over the last couple of decades natural disasters in India have caused widespread destruction to life and property, including high casualty of animals. This has a devastating impact on the rural caused widespread destruction to life and caused widespread

destruction to life and property, including high casualty of animals. This has a devastating impact on the rural economy and livelihood of villagers as animals have been an integral part of the daily life of about 70% of the rural population in our country. India is blessed with the largest population of cattle and buffalo in the world. It is also the largest producer of milk. For the rural population in our country animals are sources of economic well being , food security, companionship and more broadly they promote generation of wealth. Therefore, the challenging task for the future is to protect our livestock through proactive mitigation and capacity building measures with regional and global cooperation.

Most of the animal breeds in India are admired for its heat tolerance and its inherent resistance to diseases and ability to thrive under diverse climatic conditions. However, despite these inherent strengths our animal husbandry sector faces serious challenges including ever increasing incidents of both natural and man made disasters. It has been mentioned in the Flood Guidelines of NDMA that on an average over 94,830 animals perish every year in floods alone. The losses and impact on account of other disasters on animals are equally significant but are not getting reported or highlighted by the media. These challenges are increasing manifold with environmental threats which our planet faces today. Significantly, this issue of animal welfare finds mention at Article 48 in the Directive Principles of the Constitution of India and also in the National Policy on Disaster Management with relevant recommendations on this issue. This issue has become all the more relevant now in the wake of declaration "in the 'Sendai Framework of Disaster Risk Reduction' (SFDRR) which lays specific emphasis on "strengthening the protection of livelihood and productive assets, including livestock, working animals, tools and seeds'.

The vision enshrined in the National Policy and SFDRR relating to animal welfare calls for

legislative support for effective implementation. However, in the Disaster Management Act, 2005, there is no specific mention of animals. Similarly, the Secretary, Animal Husbandry Department, who does all the work in this field, is not a Member of the National Executive Committee in the Act. This is a gap which needs to be addressed by including appropriate provision relating to management of animals in disasters in the Act.

Inclusion of issues relating to management of animals in disasters in the DM Act will provide legal and institutional support for investment on various risk reduction measures in this field. Our experience in handling cyclones on the east coast amply illustrates the effectiveness of investment in risk reduction and mitigation measures. On the strength of the provisions of the DM Act, a 'National Cyclone Risk Mitigation Project' (NCRMP) was launched in the two coastal states of Odisha and Andhra Pradesh in 2011. The impact of the investments in the various risk mitigation initiatives in this project was that while in the 1999 super cyclone in Odisha over 10,000 human lives were lost, in two very severe cyclones in the same region in 2013 (cyclone Phailin) and 2014 (cyclone Hudhud), the casualties of human lives were only 21 and 17 respectively. A similar risk reduction initiative with legal and institutional backing is needed for management of animals in emergencies.

During the last few years NDMA initiated a few risk reduction initiatives in this field following series of discussions with World Society of Protection of animals. These initiatives include, establishment of Veterinary Emergency Response Units (VERU), training of NDRF in rescue of animals in disasters, development of training module for NIDM and effective management of animals in emergencies. VERUs, established in the veterinary universities in the states, are assigned the role to act as regional training centres with the primary task of imparting training on animal specific issues related to disaster management for the veterinary

students, para-Vets, farmers and other relevant stakeholders. Only 6 VERUs have been set up so far at Patna, Guwahati, Chennai, Anand, Jabalpur and Palampur (HP). This programme needs to be extended to all the states.

As regards training of responders, around 300 NDRF personnel have undergone Training of Trainers (ToT) programmes organised at different VERUs by the Policy Perspectives Foundation (PPF) in association with World Animal Protection and state administrations. As a result of these training, NDRF has rescued 14,178 animals till mid 2021. The training of responders should be an ongoing process with personnel of SDRF in states also being trained in animal rescue operations. National Institute of Disaster Management (NIDM) needs to take proactive initiative in organising capacity building and awareness generation programmes for all stakeholders in this field in association with State Disaster Management Authorities, Training Institutions in the states, VERUs and other veterinary institutions. For the success of this initiative, involvement of Panchayati Raj institutions would be very important.

In the context of including animals in the legislative framework in India, it may be relevant to mention that most countries in the world, including

the USA had no legislation on this issue until a couple of decades ago. However, following high casualties of animals and pets in Hurricane Katrina in 2005, major changes were made to federal and state emergency laws in the USA with respect to animals to include provisions for evacuation, rescue, recovery, shelter and tracking of animals and pets in disasters. Inclusion of similar provisions in the legislative framework in our country has become all the more relevant in the wake of the verdict of Uttarakhand High Court in July 2018. It mentions that throughout the state of Uttarakhand animals should be treated as 'legal entities' adding

that animals should not be treated as 'property'. This verdict echoes the famous statement of Mahatma Gandhi saying that "the greatness of a nation and its not moral progress can be judged by the way in which its animals are treated. Since issues relating to management of animals in disasters translates directly into the livelihood protection of rural families, poverty reduction and food security, it may be relevant to initiate a well chalked out strategy to ensure that these issues get appropriate attention and its rightful place in the disaster management framework in the country.

With this aim the Policy Perspectives Foundation and Sphere India organised a national level workshop under the aegis of Ministry of Animal Husbandry, National Disaster Management Authority (NDMA) and Veterinary Council of India at the India International Centre, New Delhi on 22nd June, 2022. The objective of this workshop was to generate awareness among stakeholders on management of animals in emergencies, institutionalise animal related issues in Disaster Management framework at national and state levels, formulate an appropriate framework of coordination for multi-stakeholders in this field, further the initiative to establish VERUs in veterinary universities in states to impart knowledge & skill to veterinary students, veterinarians, and farmers and also carry forward the programme of capacity building of responders (NDRF & SDRF etc.) for swift rescue operations.

The recommendations of this workshop, inter alia, include amendment to DM Act to include animal related issues, capacity building of all stakeholders in this field, amendment to minimum standard of veterinary education in all colleges and establishment of more VERUs in states etc. These recommendations may hopefully pave the way to draw a road map for appropriate amendments in the DM Act to include animal care and protection into national, state and district disaster management plans and an

action plan for capacity building of all stakeholders in this field.

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Constitutional Provisions and the Question of Water Resource Management

- Dr. Nazima Parveen

The debates on interstate water-related issues in India have largely remained confined to the interstate water disputes and their resolution mechanism, as discussed in the previous article, even though both concerns - the water resource management and dispute resolution - have evolved out of a comprehensive framework of constitutional provisions. More specifically, it has evoked debates on interstate and Centre-state relations especially when it comes to understanding legislative control over water resource management and development. Although the responsibility of the resolution of transboundary water disputes is very much linked to the question of control over water, focus on the former has diverted the debate completely and resulted in the assumptions that water needs to be centralised. It is often argued that the ambiguous constitutional provisions and the uneven division of legislative powers between the States and the Centre is one of the main reasons for the emergence and intensification of interstate water disputes. A number of national commissions have also highlighted this ambiguity while, at the same time, holding the Central governments' apathy responsible in this regard. Therefore, it is imperative to explore answers to two interrelated questions regarding the division

of rights and responsibilities between the Union and States: What is the source of federal structure and legislative control over natural resources and dispute resolution? Who has legislative control over transboundary water resources?

Colonial Legacy and the Indian Federation:

It is important to mention that the constitutional-legal mechanism has also, like water disputes, evolved out of colonial policies (see table). Water had always been considered a central subject under the British provinces due to the unitary nature of the State. On the contrary, Princely states, which accounted for two-fifths of India and were not ruled directly by the British government, had their own control on water resources. More so, water and irrigation had been a community-managed subject in those parts for a long time. The British government made various laws to infringe upon the traditional control over agrarian relations and natural resources in princely states. The Government of India Act, 1919 was the first Act that made provisions to establish indirect control over these resources. The Act 'provincialised' water and natural resources including land established the British government's authority over the management of interprovincial matters. Thus, the matters of inter-provincial concern or issues affecting the relations of a province with any other territory (princely states) also became a subject to legislation by the central legislature.

The GOIA 1935, which became the basis for constitutional provisions in the Independent India, further 'rationalised' the dispute resolution process by enabling the imperial State to impose its power over Princely states across the Indian subcontinent, especially in relation to the transboundary water bodies (rivers flowing between British provinces and the Princely States). It was the first law that made provisions to legislate river disputes between two provinces or between a province in British India and a (federated) Indian state/princely state. The provincial legislative

list, which became Entry 17 in the State List in the Constitution of independent India, included matters related to "water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power." At the same time, sections 130 to 134 of the Act dealt with "interference with water supplies." It defined procedures of complaints concerning matters between provinces or princely states to the Governor-General. The Act authorised the Governor-General to appoint a commission to investigate the issue and make the final decision based on the inquiry commission's report. Even though the all-India federation of states had not materialised in its complete form, it allowed the Imperial State to perpetuate its power over the Princely states. These provisions established a highly unclear and ambiguous framework. These ambiguities became quite evident with the merger of princely states in the Indian Union since the 1935 Act was the source of the Indian Constitution.

The constitution of India carved out federal principles for the establishment of democratic republic. It made provisions to define India as a union of the States with a relatively strong Centre. In principle, this federal structure emerged as a reference point to outline the future balance of power among different provincial-territorial constituents, which are technically named 'the States'. Thus, the resolution of possible disputes, which were not discussed thoroughly at this stage due to unclear provincial arrangement, arising from the sharing of natural resources like water and land between the states had to be interpreted in this unionist framework. This framework was primarily based on the provisions made under the GOI Act 1935. The Act had introduced an adjudicatory resolution for the river water disputes. However, the merger of a number of princely states into the Indian Republic and later the reorganisation of states complicated the situation as the borders of these states and management of water resources became too complex to be administered in independent India.

The constitution adopted the provisions of the GOI Act 1935 (section 131-135) to create a process that would provide a space for consensual resolution as well as, wherever necessary, adjudication by a judicial or quasi-judicial forum. Following this, Article 262 of the Constitution empowered the Parliament to devise a suitable mechanism for the “Adjudication of disputes relating to waters of interstate rivers or river valleys.” The Clause (2) of the Article made a provision for Supreme Court's jurisdictional bar on dispute resolution considering the uncertain shape of the Union (or federation) and the likelihood of continued assertions of individual sovereignties in future. It says: “...Parliament may, by law, provide that neither the Supreme Court nor any other court shall exercise jurisdiction in respect of any such dispute or complaint.”

Constitutional Provisions and Water Resources:

The Constitution made the legislation of water resources a state subject under State List, Entry 17. This placing of water resources is often evoked to argue the States have a predominant role in managing water resources, which leads to interstate water disputes. It is claimed that the states, especially the upper riparian states, have a power, guaranteed under the constitution, to manipulate transboundary water resources accordingly. This assumption led to the firm belief that shifting water to the Concurrent List would provide a more significant role to the Centre, bringing the necessary coordination. However, a close look at the related constitutional provisions and legislative discourse offers a comprehensive understanding of rights between the centre and States.

First, the provision under Entry 17 of the State List is subject to Entry 56 of the Union List – 1 especially when it comes to the question of interstate rivers. Entry 17 reads: “Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power, subject to the provisions of Entry

56 of List 1 (Union List).” It simply means that States do not have exclusive power to manage water resources. Instead, it is subject to parliaments’ control. Entry 56 emphasises public interest and extends the scope of the Centre's involvement to matters where one State's actions affect another State in a harmful manner. This power applies even in those cases where a river flows entirely within a State's boundary. The provision says, “Regulation and development of interstate rivers and river valleys, to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.” It specifies that parliament can decide over the regulation and development of transboundary rivers and river valleys in the interest of the public. The first provision makes water a state subject but it is qualified by Entry 56 in the Union List. Moreover, under Article 262, Parliament has an exclusive right to legislate over the matters in Entry 56.

Furthermore, there are a number of other provisions that allow the Union government the possibilities of more control and management of the country's water resources. For instance, Entry 20 in the Concurrent List about economic and social planning also requires the States to take clearance from the Centre for any water resource development project including the irrigation projects, hydropower, flood control, etc. Similarly, several other laws like the Forest Conservation Act, 1980, Environment Protection Act, 1986 and water (Prevention and Control) Act, 1974 which empower the Centre to play a decisive role in matters related to the distribution of resources and protection of the environment. It means that the states require clearances and considerations from the Centre for taking any action in the respective fields.

Secondly, some water bodies involve international borders. Three major river basins, namely Ganga, Brahmaputra, and the Indus, cross the international borders with Pakistan, Bangladesh, Nepal, and China. The utilisation of such waters (either as an upper

or lower riparian) requires the Central Government to play an essential role in establishing an understanding with other countries. Article 253 and items 10 and 14 of the Union List (List I of the Seventh Schedule) confers general powers on the Centre to conduct foreign relations, enter into treaties and agreements, and enact legislation to affect international agreements. Following this right, the Indian government has entered into various treaties with Pakistan, Bangladesh, and Nepal and have signed many Memorandum of Understanding (MOUs) with China related to hydrological information in the flood season.

Similarly, water diplomacy is another important aspect that requires Centre's involvement in water management in matters relating to border-sharing states. Water diplomacy focuses on disagreements and disputes that include situations in which user groups (nationally or internationally) have competing uses for a scarce resource that can lead to disputes or disasters like floods or droughts destabilising communities or regions. So water diplomacy requires: (a) water management at home, and (b) negotiations, dispute-resolution mechanisms, and the establishment of consultation platforms at the international level. This cannot be done without the active involvement of the Centre and State's cooperation. For instance, many projects in the State of Jammu & Kashmir were dependent upon successful negotiations between India and Pakistan under the Indus Water Treaty of 1960. Thus, the Centre's role and the State's involvement in the context of such treaties and agreements and in their subsequent implementation is essential.

It shows that the constitution has made adequate provisions for the regulation and development of interstate water resources in public interest. It was also done in the anticipation of possible disputes over water-sharing. Thus, the imagination that the Centre does not have sufficient legal control over water is technically inappropriate. However,

the ambiguous legislations and the general reluctance of Central governments towards water management has led to contrary opinion.

Legislative Mechanism for Water Management:

The reorganisation of territories under the States Reorganisation Act, 1956 resulted in redistribution of natural resources since the process changed the configuration of riparian and non-riparian states. The Parliament, thus, using its power to legislate under Article 262, brought two important Acts: The Interstate Water Disputes Act (IRWDA), 1956 and River Boards Acts (RBA), 1956. While the IRWDA was enacted to adjudicate disputes between States over interstate waters, RBA was enacted to regulate and develop interstate rivers as provisioned in Entry 56 in the Union List.

The Act enabled the setting up of River Boards by the Centre. According to provisions of the Act, the Central government may, on a request of the State Government or otherwise, establish a Board for the matters concerning the regulation or development of an interstate river/river valley, any specified part of a river/river valley, or as notified by the Central Government. It also mandated that different Boards could be established for different rivers/river basins.

It means that if central management of any interstate river basin is desired, it could be done either through specific legislation for that basin or by setting up a Board under the River Boards Act 1956. One of the important features of the River Boards established under this Act is the consultation with the state governments at all stages to ensure a practicable agreement is reached amongst the water-sharing states. Functions of the Board are also extensive covering a number of areas of action including conservation of the water resources of the interstate river, schemes for irrigation and drainage,

development of hydro-electric power, strategies for flood control, promotion of navigation, control of soil erosion, and prevention of pollution. But the functions of the Board are advisory and not adjudicatory.

The purpose of RBA was regulation of interstate rivers by the Central Government in the public interest. It was the only instance where the Centre has used powers provided under Entry 56 in interstate water and basin-related matters. But this intent became redundant due to many reasons. First, the Act restricts the Boards to an advisory role not as a regulating authority in influencing States and their actions. Although there is a provision for judicial arbitration in case of disagreement between States over the Board's advice, it sounds redundant because the Act does not empower River Boards to impose any obligations over the States. States are bound only by the agreements they enter into through mutual consent regarding sharing water resources, but not by any directive given by the Boards. In this sense, the River Boards stand useless, a fact recognised by the Doabia Committee Report (2012). In the absence of alternative institutional mechanisms to manage interstate rivers, the conception of the River Boards as advisory needs to be scrutinised. It becomes more important to revise the role of River Boards after the onset of coalition politics in the 1990s since States have become more assertive and decisive.

Secondly, there is no mechanism to resolve any disputes arising out of the schemes implemented by the Boards to "develop and regulate" interstate rivers cannot be referred to tribunals for resolution. The IRWDA's scope (will be discussed in the next column) excludes the matters referred to arbitration under RBA (Section 8 of IRWDA). These disputes are subject to judicial arbitration by courts. Similarly, River Boards cannot be set

up under RBA to oversee or implement Tribunal's awards (For example, institutions like the Narmada Control Authority to implement tribunal awards are not River Boards). Thus, in case of the recurrence of disputes after the award, the RBA does not provide any mechanism. The matter, thus eventually, is referred to the Supreme Court.

Thirdly, the provisions and spirit of RBA requires formation of Boards in consultation with the interested States. However, it has been observed by a number of commissions that the states have neither been proactive nor enthusiastic about setting up boards under RBA. It is apparently because the states have felt that the setting up of boards may lead to diminution of their powers (Doabia Committee Report, 2012, p 3). Fourth, a number of River Boards were set up under other legislations, not RBA. Specifically, these were formed to implement a mutually agreed sharing agreement between States and that too through alternative legislations. For example, the Tungabhadra Board, Upper Yamuna Board, Bhakra Beas Board, Brahmaputra Board, Betwa River Board, etc. have not been established under the provisions of River Boards Act, 1956.

Fifth, the Centre has also not exercised either route to constitute a specific River Board or River Basin Organization under the provision of this Act. For instance, the Ganga Basin Authority notified in February 2009 has been set up under the Environment Protection Act. In this sense, the Central governments' reluctance as well as the State governments' non-cooperation made the RBA redundant. The National Commission for Review of Working of Constitution (NCRWC) termed RBA a "dead letter" and recommended replacing it with more comprehensive legislation (NCRWC 2002).

The discussion demonstrates that the Centre has not effectively exercised its powers under Entry 56 and always allowed States to take more responsibility for water management.

The purpose of RBA was to avoid disputes which may arise between the water sharing states, and to ensure effective regulation and development of the country's rich water sources. But, the wilful abdication of constitutional duties by the Centre led to a dominant view that the Centre's control over water resources' use needs to be extended to reduce the possibilities of the emergence and recurrence of interstate water disputes. In other words, the centralization of natural resources is proposed as a possible solution. This opinion emerged strongly, especially with the recognition of water as a scarce resource that needs to be managed properly.

One of the reasons behind this assumption is that the focus of water-related issues has remained dispute resolution rather than water management. Thus, IRWDA acquired more attention in comparison to RBA. It is important to note here that RBA is a comprehensive Act that makes provisions for the overall development of river basins. The Act, if implemented effectively with necessary amendments, can change the way water resources are treated. Thus, it is essential to discuss the perspective of the review commission and its implications on the larger policy framework and the subsequent legal development from the perspective of water management that could help reduce the number of disputes in the first place. The River Basin Management (Draft) Bill, 2018 proposes to replace the RBA, 1956 and suggest provisions to establish a Central Advisory body to guide states. It also proposes the establishment of 13 River Basin Authorities. The states have shown reluctance and expressed danger of the centralisation of water resource management and development, especially in this phase of coalition politics when states have become more assertive and decisive. Thus, the proposed bill needs to be revised in the light of the RBA, 1956 and the emerging concerns for water federalism.

Author is currently an Associate Research Fellow at Policy Perspective Foundation. Contested Homelands:

Politics of Space and Identity deals with issues related to the rights of ethnic and religious minorities, communalization of space and the politics of urban transformation in colonial and postcolonial South Asia.

One Year of Taliban: Woman's Agency Still a Myth

-Tehmeena Rizvi

The decommissioning of American forces from Afghanistan left quite a gruesome and horrifying image in all of our minds. We all saw the doomsday-like visuals of afghani's falling out of american military carriers like sand off a boulder. It was a frightening concept of a fear mongering, highly patriarchal and un-democratic organisation running the show in a country.

Taliban takeover has made catastrophic situations for women on multiple fronts. More than one year after their takeover Afghanistan of today is becoming a hellhole for its women. From changing the system of women's access to education to limiting their mobility, they have become an embodiment of every woman's nightmare. In a place like Afghanistan where war and misery have been going on for decades, special attention was required and efforts were required in order to reestablish normalcy and education amongst the women. However, the current situation has only made things worse for them and even a slight hope of improvement has been tarnished by the present regime. The psychological and social wellbeing of the women has gone so low, that it would take several years of intensive care and counselling to return to the daily routine. According to a U.N. Women report: "In practice, restrictions on women's freedom of movement often go beyond what is prescribed in decrees," due to the intimidation attached to taliban. After the Taliban takeover, women employees working in the government departments were forced to stay at home. Approximately three million girls are currently banned from getting secondary education in Afghanistan, according to UNICEF.

Just recently, innumerable numbers of girls

have protested in Afghanistan's Paktia province after Taliban authorities shut their schools just days after classes resumed, and the protest harboured global limelight. At a higher level, The academic week has been split so that male and female students can be taught separately, for three days each.

Academics and education experts opine that this segregation, and the shortage of female lecturers, has reduced the quality of education, particularly for women. Some subjects have even been discontinued for female students, according to some scholars and students. Human rights campaigners and groups have accused the Taliban of trying to erase women from all walks of public life. In June, several thousand Taliban clerics and tribal leaders gathered to discuss issues of national importance. But Taliban leaders did not allow women to participate, which drew worldwide outrage.

International bodies like the United Nations are openly spilling the beans on the painful scenario of Afghanistan women under Taliban rule. Recently a renowned UN rights expert said women's freedoms had significantly deteriorated since the Taliban returned. "There's no country in the world where women and girls have so rapidly been deprived of their fundamental human rights purely because of gender," Richard Bennett, the special rapporteur to UNHRC on the human rights situation in Afghanistan.

Even the women participating in the economic activities in Afghanistan are dwindling after the Taliban takeover. A whopping 77 percent of women's CSOs have had no projects in 2022 due to a lack of funding, while some heads of organisations and civil society members have left the country. Since the Taliban takeover, foreign donors have drastically cut aid to Afghanistan, where there is a major economic and humanitarian crisis. The gruelling poverty under Taliban rule has made women of Afghanistan its first victim.

Child marriage is not thoroughly tracked in Afghanistan, with gaps in concrete, holistic data about the number of children affected, UNICEF has reported children being sold as young as 20 days old for future marriage, with girls disproportionately affected. Now, amid spiralling poverty and the difficulty of finding sustainable jobs – only five percent of Afghan families have enough to eat daily, and inflation for essential household goods is at 40 percent (PDF) – even more families are struggling. THIS Makes most of girl child vulnerable for Child marriage.

Even before the Taliban seized power, Afghanistan was ranked among the five poorest countries in the world, with almost half the population suffering from chronic food insecurity.

A year after the Taliban took control, aid agencies say nearly all Afghans now live in poverty. Amid all this, women of Afghanistan are grappling with horrible choices. A good number of Afghan women are now selling their babies. Poverty in Afghanistan has risen to a point where scores of women line up in front of bakeries in capital Kabul daily to beg for bread and keep their children alive. Women after selling their daughters are forced even to sell kidneys to feed their families. The fact of the matter is that 48 percent of the population in Afghanistan consists of women and thus Taliban need to dawn upon the reality fast that the country cannot progress without the active participation of its women in building society, especially one which is war torn.

The all important menstrual hygiene has plummeted to a new low in the past one year, with a very small percentage of women having access to basic menstrual hygiene. Afghan girls lack access to menstrual products and education not just at home, but in school as well. Nearly half of women and girls are left in the dark when it comes to menstruation in the first place since education in such areas is virtually non-existent. One hopes Taliban who call themselves the

The whole World needs to brainstorm on how to help the women of Afghanistan recover from trauma & tragedy and get them the basic human rights that they have been deprived of for so many years now. The media, having covered it immensely in the beginning but slowly fading, should get it back into the light of discussions. In its entirety, humanity should empathise with the plight of the Afghan people & especially the women, extending all the aid possible.

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(This article was initially published in News
Kashmir / Oct 3 - 9, 2022)*

Ongoing Humanitarian Crisis in Myanmar and Implications for India

-Dr Chandani Tiwari

Senior General Min Aung Hlaing and other military commanders attempted a coup in February 2021. This decision was made after the military's proxy party, the Union Solidarity and Development Party (USDP), suffered a significant defeat in the 2020 elections. The junta formally convened the State Administration Council, arrested Aung San Suu Kyi, and charged her with corruption and other charges. It placed under house arrest members of her party, the National League for Democracy (NLD), other parties, and numerous activists. The ongoing conflict in Myanmar resulted in a military coup which toppled the democratically elected government and has become a nightmare for Myanmar and other nations in the area. Since then, the opposition has become more politically organised, established the Campaign for Civil Disobedience (CCD), and helped organise strikes and large-scale demonstrations. It also seeks a more robust internal unification via the National Unity Government (NUG), which acts primarily in exile. Concurrently, the resistance has become more violent, leading to an all-out armed clash with the military forces.

Despite massive opposition and widespread international condemnation of the coup, the military is determined to maintain its reclaimed authority. The security forces' violence, arrests, and fear campaigns escalate daily. In March 2022, the military reported at least ten aerial attacks in Karen State's Muttra (Papuan) District territory controlled by Brigade 5 and Brigade 6 in Myawaddy and Kawkareik townships. In the Thaton District of Mon State, an army base and a police station were simultaneously attacked, marking the first time the Karen National Liberation Army (KNLA) collaborated with resistance forces in the state. In many regions of Myanmar, civil wars have erupted, and millions of Burmese are on the verge of abject deprivation. Myanmar remains involved in a prolonged conflict that has split the nation apart on the political, economic, and social levels. Myanmar increasingly resembles a failed state, while the international community remains largely passive.

Several major world leaders immediately criticised the coup and demanded the immediate release of Ms. Aung San Suu Kyi and the other arrested government officials by the Myanmar military. Since the 2021 coup, the administration of Joe Biden has taken a stricter stance. The Biden administration sanctioned military personnel and others associated with military corporations and conglomerates under its jurisdiction. Officials have condemned the junta's human rights violations and urged ASEAN nations to exert further pressure on the junta. China will back Myanmar's military administration "no matter how the situation develops" in the coming months and years, according to Foreign Minister Wang Yi, and Beijing "has always placed Myanmar in an important position in its neighbourly diplomacy" and wishes to "deepen contacts and cooperation." China has maintained and often strengthened its traditional ties with the most powerful northern ethnic armed organisations (EAOs) while expanding ties with the junta. China is becoming indispensable to all the most

significant military forces in Myanmar. Dependent on China, the junta is encircled by well-armed EAOs in China's orbit, and growing influence and power as the military's deadly campaign against pro-democracy groups continues. In a similar vein, Lavrov stated that the Russian government was in "solidarity with the attempts to stabilise the situation in the country," adopting the junta's term for its merciless efforts to crush the widespread opposition to its authority. Russia has maintained unwavering support for the junta since its ascension to power; it was one of the few governments to send delegations to the Armed Forces Day parade in March 2021, which coincided with deadly crackdowns on anti-coup demonstrators; and it has continued to export weapons to Myanmar. Canada supports Myanmar's people in pursuing a peaceful, inclusive, and democratic society. Canada has clearly condemned the military of Myanmar's illegitimate seizure of power, the overthrow of the democratically elected civilian government, and the arrest of lawmakers, civil society leaders, journalists, peaceful protesters, and human rights advocates.

In addition to the previous sanctions in Myanmar, the U.S. imposed new sanctions in February 2022 against individuals and entities associated with Myanmar's rulers in coordination with Britain and Canada, ahead of the one-year anniversary of the military takeover that ousted the country's democratically elected government. The sanctions freeze any assets controlled by the U.S. and limit the ability of those listed to do any business in dollars. In view of the continuing grave situation and of intensifying human rights violations in Myanmar/Burma, many rounds of sanctions have been imposed. The European Union imposed sanctions on Myanmar Oil and Gas Enterprise (MOGE) on 21 February 2022, but the sanctions encompass exemptions. If the French authorities permit using exemptions, Total Energies may want to maintain bankrolling fuel line sales in addition to stocks to the genocidal junta. Furthermore, numerous energy companies across the world

have drawn out from Myanmar, disinclined to have their money soaked in Burmese blood. This list comprises Malaysia's Petronas, Australia's Woodside, France's Total, America's Chevron, and Japan's Mitsubishi. Disreputably missing from this list, nevertheless, is South Korea, apparently an upholder of democracy in Asia. South Korea should be dismayed that its companies, with collaboration and backing from its government, are providing enormous funds to the region's Myanmar military and other reprehensible regimes.

The intensity of the conflict is pushing tens of thousands of people to flee their homes in Myanmar and seek refuge in India's frail north-eastern provinces, posing significant concerns for India. These challenges include security threats and pressures on local populations as refugees traverse India without enough access to food or medicine and the likely spread of infectious diseases, particularly COVID-19. Beginning in March 2021, refugees began crossing into India from Myanmar. By January 2022, an estimated 20,000 Chin refugees were living in refugee camps along the Myanmar border in the southern districts of Mizoram. According to local press accounts, the Chin refugees reside in improvised refugee camps in the countryside, where up to one hundred individuals sleep in a single room. Village communities organised by prominent institutions such as the Young Mizo Association and the Mizo Baptist Church, which have also organised fundraisers and distributed aid, are responsible for housing all refugees. This has exacerbated tensions between the state governments of Mizoram and Manipur, as well as New Delhi, on how to manage the flood of refugees. The conflict in the border regions between India and Myanmar affects India's planned geostrategic economic initiatives in Myanmar, including the India-Myanmar-Thailand.

Trilateral Highway Project and the Kaladan Multi-Modal Transit Transport Project. These

two initiatives form the backbone of India's Act East Policy, which seeks to expand the country's influence in the east. Both projects extend through Manipur and Mizoram into Myanmar, a traversing area that has been the epicentre of a worldwide attempt to remove military control and is now subject to frequent air raids and military operations.

Despite the crisis attracting global attention and calls for international intervention, India, Myanmar's nearest democratic neighbour, has maintained cautious neutrality and has not taken a proactive approach to the ongoing violence. Alongside a long-held policy of non-interference in other countries affairs, India's approach stems from a need to balance its support for democratic ideals, secure its strategic interests, and avoid the insurgency spillover into the Indian border. At a press briefing, Spokesperson in the Ministry of External Affairs Arindam Bagchi said India has urged for the release of political prisoners and supported any attempts to resolve the current situation, including through efforts of the 10-nation ASEAN. Recently, the Association of Southeast Asian Nations (ASEAN) hosted the Consultative Meeting, which Cambodia initiated as the ASEAN Chair on 6th May 2022, the ASEAN Humanitarian Assistance Delivery Arrangement Framework; the Meeting agreed that the AHA Centre, in close consultation with the Myanmar Task Force, will identify states and regions for the implementation of this Framework. These states and regions include Kayah, Kayin, Magway, Saigang and Bago. Addressing this subject will necessitate

skilful diplomatic strategies entailing direct and indirect connections to the government, NGOs, and others in Myanmar. What is immediately needed is raising awareness of the problem and giving solutions, both at bilateral and regional levels. Engagement with the military government as well as others concerned about the well-being of the people of Myanmar is the first step.

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