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Contents

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Interstate Water Conflict Resolution Mechanisms and Challenges

- Nazima Parveen

The Interstate River Water Dispute Act, 1956 (IRWD) has been the most debated legislation when it comes to discussing water-related issues in India. The recently proposed amendments under the IRWD, (amendment) Bill, 2019 has revised these discussions highlighting the ambiguities and obscurities in the existing legislation. Apart from the provisions of the law being a cause of delays in dispute resolution, it has also been a subject of discussions in matters related to Centre-State relations.

It is because, first of all, the provisions of the law appoint the Union government as an arbitrator or the authority to make adequate arrangements for the resolution of disputes. The involvement of the Central governments, thus, adds a dimension to interstate disputes. Secondly, the issues emerging between the water-sharing states have largely remained confined to resolution mechanisms and not over the water management, as discussed in the previous article, making this specific legislation more debatable. The law has, thus, been amended many times with IRWD, 2019

being the recently proposed changes. However, quite ironically, the resolution mechanism still remains a challenging task even after the many amendments. Thirdly, the provisions of the law limit the involvement of the Supreme Court (SC) in water-related issues while the multiple stakeholders find a refuge in the Court to challenge the awards (adjudicated by the Water Dispute Tribunals (WDT) - a central authority) that they are not satisfied with. Such developments have not only complicated the resolution mechanism but has also transformed the issue into a manifold one. It is often argued that the ambiguous constitutional provisions, especially regarding the intervention of the SC, the complicated, unclear and time-taking procedure of the formation of national tribunals are some of the main reasons behind the intensification as well as the recurrence of interstate water disputes. Thus, it is imperative to understand the constitutional provisions related to dispute resolution, technical aspects of the provisions and its implications on water disputes.

Constitutional Framework and the IRWDA, 1956

The IRWDA, 1956, was formed simultaneously with the State Reorganisation Act, 1956 since a number of land and water disputes between the states were envisaged as a result of the process of reorganisation of territories, which resulted in redistribution of natural resources between the 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. The IRWDA was enacted to adjudicate disputes between States over interstate waters, and the RBA was designed to regulate and develop interstate rivers as provisioned in Entry 56 in the Union List (discussed in the previous part).

Moreover, the constitution made a number of provisions to encourage cooperation and negotiations between the states and/or between the states and the Union in case of disputes. Article 263 made a provision for the establishment of an Inter-State Council (ISC) by an order of the President. The Council would be responsible for inquiring, advising and discussing the disputes that may arise between two or more states or those disputes which are federal in nature involving the Union government. In the same vein, part III of the State Reorganisation Act, 1956 provided for the establishment of Zonal Councils (ZCs) to encourage regional cooperation and to bring the disputing states together on a cultural platform. Following this, a number of ZCs were formed as statutory bodies. A number of ZCs were formed immediately after the pronouncement. However, the ISC was not formed until the National Commission on Centre-State Relations, called the Sarkaria Commission, recommended it be established with immediate effect.

The IRWD Act was the most important step towards the resolution of the water disputes that would arise in the use, control, and distribution of an interstate river or river valley following the reorganisation of states. It enabled the setting up of tribunals by the Union government to adjudicate where direct negotiations between the disputing states have failed. For instance, explaining the role of the Union Government, Section (3) of the Act explains that if a state government makes a request regarding any water dispute and the Central Government is of opinion that the water dispute cannot be settled by negotiations, then a Water Disputes Tribunal is constituted for the adjudication of the water dispute. The Tribunals would give its award after assessing the disputes, and the actual situation. The award would then be published in the Gazetteer by the Union Government. Empowering the Tribunals

status, the Act further says that the decision of the Tribunal is final and binding on the disputing parties. It is, therefore, an obligation of the states that they must give effect to it. The provisions of the Act, however, did not deliver amicable solutions. In fact, some of its provisions complicated the disputes further especially in the post-1990s political and economic scenario. The formation of coalition governments at the Centre with an increased participation of regional political parties; the phase of economic liberalisation; introduction to three-tier system of governance, as discussed in earlier articles, encouraged the states to become more assertive about their rights over water and started demanding for the decentralisation of water resource management. In this changed political scenario, the provisions of the law were questioned from different perspectives. For instance, the Act did not frame a time limit for the formation of a tribunal, adjudication of a dispute, or even for publishing its report in the Gazetteer by the Union Government. The institutional set-up of the Tribunals also caused delays in deciding over disputes. It resulted in unwarranted delays in addressing and acting upon the disputes, which, in some cases, needed immediate attention.

Most importantly, such delays transformed the inter-state disputes into the Centre-State one. However, it was not the only problem. The states, in many cases, refused to abide by the adjudication and the award settled by the tribunals. They resorted to challenge it in the SC through Leave Petitions. This situation evoked a few fundamental questions challenging the constitutional arrangements in this regard: who has the authority over dispute resolution – the parliament or the SC? Can the states approach the SC against tribunal awards?

Who has the authority over Dispute Resolution, constitutionally?

The Constituent Assembly of India empowered the parliament to make laws and deal with the water-related issues between the states. Article 263 made a specific provision for judicial bar in dealing with the disputes related to water. But these provisions turn out to be highly ambiguous when encountered with other provisions especially in relation to the intervention of the SC. A number of national commissions formed for the review of the Centre-State relations and the working of the constitution revisited the two fundamental Articles – 262 and 263 – and the related clauses in this regard to understand the jurisdiction better. Article 262 of the Constitution empowers 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 262 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."

Complying with Article 262, IRWDA was drafted to this spirit of autonomy to states. The IRWDA requires Parliament to refer interstate water disputes to independent tribunals. Further, the tribunals' award will have the 'same force' as that of the Supreme Court. Section 11 of the Act further maintains, "Notwithstanding anything contained in any other law, neither the Supreme Court nor any other court shall have or exercise jurisdiction in respect of any water dispute which may be referred to a Tribunal under this Act."

This clause is further established explaining the original jurisdiction of the SC. Defining the word "dispute" comprehensively, the constitution covers tussles that arise before the judiciary and the disputes for whose resolution extra-judicial machinery is required. Article 131 of the Constitution is the principal provision that creates the judicial mechanism. On the SC of India, it confers exclusive jurisdiction to deal with disputes emerging between the states and/ or between the states and the Government of India concerning any law or the extent of legal rights, except the water disputes.

However, this bar became contradictory with the provisions under Article 136, especially due to the ways in which the states and other non-state actors approached the SC challenging the original jurisdiction. According to Article 136, the SC in its discretion may grant special leave to appeal from any judgement, decree, determination, sentence or order in any cause or matter, passed or made by any court or tribunal in the territory of India. This is called a "Special Leave Petition" (SLP). The states and other non-state actors including community organisations and NGOs have frequently used Article 136 to prevent this bar on legal, jurisdictional, environmental, and constitutional issues inviting discussions on the technical aspects of resolution mechanism rather than the disputes itself. Although this has helped raise individuals' or groups' participation in adjudication over interstate water disputes especially from the perspective of Fundamental Right (Art. 32 – SCs duties for the enforcement of Fundamental Rights), the task of dispute resolution has become much more challenging than ever with thousands of SLPs pending in the SC. This situation has also put a question mark on the legal status of the tribunal's awards.

The SLPs under Article 136, especially by the non-state actors contradict provisions of Article 131, concerned with the original jurisdiction of the SC. Under the Article, suits about interstate disputes in SC can only be filed by the States of the Union Government, and not by the non-state actors. The non-state actors including the NGOs and activists have raised concerns regarding environmental damage, rehabilitation, and alternate livelihood avenues, which do not come under the purview of tribunals. In this situation, affected non-state parties have accordingly approached the SC citing the violation of human rights and Fundamental Rights granted by the Constitution. Thus, apart from water, the SC has intervened in water-related disputes through other issues of importance involving water: environmental laws that include water bodies in their purview, forest laws, issues concerning climate change, and the need for sustainable development. In such cases, the court has invoked its jurisdiction under the Life and Liberty clause of the Constitution (Article 21).

It shows that the interstate water disputes have been brought to the courts from different directions. It has extended the role of the SC and challenged the exclusive status of the tribunals. For instance, the SC directly monitored the construction of the Sardar Sarovar Dam, invoking these powers. Such intervention in water disputes has been a point of debate amongst the scholars. Some scholars have made the SC responsible for unnecessary delays. They argue that the Court has not been adequately trustworthy in complying with this bar and have accused the body of having assumed jurisdiction over interstate water disputes in practice. These scholars suggest that this unique arrangement of the judicial bar should be preserved.

The review commissions have also noted that there are a number of instances when SC's

intervention with interstate water disputes directly violate the provisions of IRWDA arguing that it has undermined tribunals and consequently damaging the underlying spirit and sentiments of federalism. Thus, most of the commissions have highlighted the need to strengthen the existing framework by amending the legislation to encourage timely resolution.

However, given the crucial reasons behind the intervention of the SC, a number of scholars like Ramaswamy Iyer argues that rather than repealing the IRWDA completely or giving extra-judicial powers confined to the tribunals, an amendment should be made to allow an appellate authority status to the SC. Similarly, some scholars have justified this as a necessary intervention especially with regard to the situations where the matter of central laws is to be addressed or in cases where an already adjudicated disputes recur. It has been observed that the Court is bound to intervene since there is no authority to ensure the implementation of the tribunal's award. In such a scenario, the disagreeing states approach the court as they have no other option or institution available to discuss their grievances against the tribunal's award. Thus, the scholars agree that it is not an easy task to assess whether the SC has violated the bar; considering that it is subject to complex and intricate legal interpretations.

Moreover, the SC's intervention has also been seen as an important feature of democratic federation where the states and the non-state actors can have a platform to express their grievances. These considerations are the basis for some practitioners arguing in favour of lifting the bar on the SC's jurisdiction. But, given the complex nature of the SC's role and the disputes, the issue has remained highly complicated to address even for the policy makers. This is also one of the reasons for the issue being under-researched. It has also been a consistent concern for various government-appointed committees. NCRWC (2002) is the only commission that has favoured bringing the interstate water disputes within the original jurisdiction of the SC. But no viable solution has been found till date. The SLP by Telangana immediately after the reorganisation and achievement of the status of a separate state, is the most recent addition in the list of SC's intervened cases of water disputes. The state of Telangana refused to abide by the Krishna River Water Tribunal's award granted in 2013 and filed an SLP asserting for redistribution of river water amongst four states instead of three.

What's Wrong with the IRWDA?

The Sarkaria Commission (1988) was the first that identified the limitations of the IRWDA, especially about delays, lack of expertise and the legal authority of the tribunal's awards. The Commission highlighted the limitations of the Act and the ways in which it is affecting the Centre-state relations. The commission recommended that the Act should be amended for a timely resolution as well as to strengthen the tribunals so that the award had the same force and sanction behind it as an order or decree of the SC to make it binding on states. It also suggested amendments with immediate effect to make it practical for a timely resolution of disputes. Most importantly, the commission recommended the establishment of the Intergovernmental Council (known as ISC) as a platform to deal with the recurring water disputes, as mentioned above. The erstwhile Sub-Committee of the Interstate Council considered Sarkaria Commission's recommendations. Later, Punchhi Commission (2010), the Second Administrative Reforms Commission (2008) recommended the amendment of IRWDA

specifically to expedite the process and adjudicate awards.

The IRWD was amended multiple times in 2002 and 2007 following the commission 's recommendations. In fact, these amendment Acts went a step further to the Sarkaria Commission to improve the original provisions of IRWDA, 1956. The five-year time limit for the Tribunal's award, proposed by the Commission, was reduced to three years under the amendment Act, 2002. It also reduced the time required for dispute resolution from the formation of the Tribunal to adjudication and implementation of the final Award with its publication in the gazetteer. The IRWDA has been amended multiple times but the ambiguities and obscurities in the procedural aspects of the formation and functions of the tribunals still hinder the resolution. For example, the Cauvery Water Disputes Tribunal, which was constituted in 1990, gave its final award in 2007. Further, the notification of the award took another six years and was notified in 2013. It is, thus crucial to scrutinise the technical aspects of the Act and its implications.

First of all, the institutional framework and guidelines that define these proceedings are highly ambiguous, which makes conflict resolution more complicated. The continuous delays in the formation of tribunal, adjudication of award and its subsequent publication in the Gazette became the biggest hurdle in dispute resolution. For example, in the Godavari water dispute, the respective states made the request for a Tribunal in 1962. But it was constituted in 1968 after six years of complaint, and the award was given in 1979. It was later published in the Gazette in 1980. Similarly, the Cauvery Water Disputes Tribunal, which was constituted in 1990, gave its final award in 2007.

Secondly, the tribunals are empowered to adjudicate, and its decisions are made binding for the states. But, the provisions of the law do not ensure compliance from the states for the implementation of the award. In fact, there has been a shift in tribunals' approach, from deliberative to adversarial, which has complicated the process further.
Thirdly, there is a lack of agency which could ensure the implementation of tribunal's award. Tribunals are dissolved after the adjudication of awards. In case of disagreements, the states often do not comply with the award. Thus, the absence of a provision or a reliable means for implementing the tribunal awards has led to ambiguous situations allowing recurrence and escalation of disputes even after having a legislative procedure in place. It has resulted in an increasing trend towards indulging in extended litigation, and has also partly warranted the intervening of the SC in the disputes since the states have no other option but to approach the court.

Fourthly, tribunals have lacked expert opinion in the decision-making process. This is because the Tribunal's composition is not multidisciplinary, and it consists of persons only from the judiciary. This lack has reduced the disputes merely on the share of water between states, whereas the environmental and developmental concerns raised by the states further complicate the scenario.

Inter-state River Water Disputes (IRWD) (Amendment) Bill, 2019

A revised Interstate River Water Disputes (Amendment) Bill, 2019, was introduced in the Lok Sabha in July 2019. The Lok Sabha passed the Amendment Bill on 31 July 2019. It is now subject to be passed by the Rajya Sabha. The Bill is being considered as a way

forward in speeding up the resolution of long-festering interstate water disputes. by establishing a single central tribunal in place of the numerous existing ones.

The (Amendment) Bill, aims to address the failure of existing tribunals to resolve water-related disputes in a time-bound manner. It proposes a permanent Dispute Resolution Committee (DRC) to avoid delays and adjudicate the awards effectively. The most important feature of the Bill is the provision for a two-tier resolution mechanism for resolving any dispute by the Dispute Resolution Committee (DRC) and a Centralised Permanent (single standing) Tribunal with multiple benches, instead of the various tribunals that exist now. The Bill provides for the dissolution of existing tribunals and the transfer of the pending cases to the permanent Tribunal. The Tribunal's decision would be final, binding on States, and have the "same force as an order of the Supreme Court."
It binds the Centre to set up the DRC to amicably resolve the issue by negotiations in one year. In case the dispute persists, the matter could be referred back for reconsideration. If the DRC cannot settle the dispute, the Centre must refer it to the interstate Tribunal within three months. The maximum time allowed for the Tribunal to examine and report the dispute, under the proposed bill, is three years. In case of disagreements on the Award, the DRC would have to resolve the issue in one-and-half years. Nevertheless, the Tribunal's decision can be challenged through SLP in the SC, but it should be resolved within one-and-half year. In this sense, the Bill has provided for the resolution of a dispute within six years' time. Furthermore, publication of the Tribunal's report in the gazetteer is no longer required. The Bill also made it compulsory to build a data collection system at the national level for each river basin through an efficient agency.

The Bill has made a step for addressing the issues from multiple perspectives in order to deal with their impact on the environment. According to the bill, the central government may appoint two or more experts (to be called assessors) serving in the Central Water Engineering Service and of the chief engineer rank.

It seeks to streamline the adjudication of such disputes and make the present legal and institutional architecture robust to overcome existing challenges. However, it also raises some significant concerns that should be discussed. The representatives of the state governments and the environmentalists have raised some serious concerns. They argue that there is a fear of centralization of power and possibilities of partiality, especially about the appointment of tribunals by the Central Government advisory or the selection committee. The selection committee would have the Prime Minister and two Union ministers, besides the Chief Justice of India.

It addresses the demerits of the earlier legal mechanism. The two-tier system of dispute resolution with a permanent Dispute Resolution Committee has given some hope to deal with delays. But it is yet to be seen how it deals with the recurring disputes if they are under judicial trial.

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From Obsolescence to Sustainability: The 'Right to Repair' Movement

- Manika Malhotra

In the current era of digital transformation, electronic gadgets have become an integral part of our lives, serving various purposes. During the pandemic, our reliance on internet-capable devices has significantly increased. Inexpensive smartphones and affordable data plans have played a crucial role in enabling Indians to access the internet. Nowadays, it is incredibly easy to purchase electronic gadgets through e-commerce websites with just a single click. However, there is a significant difference between being a consumer and being a conscious and aware consumer. It is quite puzzling that when we replace our electronics, we rarely question the durability and lifespan of these products. For instance, when purchasing a brand-new mobile phone, consumers are aware that the device is likely to stop functioning properly within a span of 3-5 years, if not sooner. Despite this knowledge, consumers seldom question the durability or raise concerns about their right to repair and extend the lifespan of their own items.

The deliberate design of products to outlast their usability, despite the possibility of a simple technical upgrade, has resulted in unnecessary repurchases and the generation of unwanted e-waste. Manufacturers are actively promoting and fostering a culture of 'planned obsolescence'. This practice not only limits affordability but also imposes restrictions on individual choice.

Examples include mobile phone slowdowns restricted ink cartridges, non-standard screws, and non-replaceable batteries. Apple was fined for not disclosing iPhone slowdowns in 2018.

Furthermore, manufacturers have established a monopoly on repair services. When there is limited competition in the repair market, prices tend to rise while the quality of service may decline.

Many companies, including Apple, have been resistant to allowing independent repair shops access to necessary replacement parts. This prevents consumers from choosing where to get their devices repaired and limits their options. It often takes legal action or public pressure to compel companies to offer repair programs or make replacement parts available to independent repair shops. This monopolistic approach and resistance to repair not only restricts consumer choices but also hampers sustainability efforts by discouraging repair and promoting a disposable culture.

The 'Right to Repair' (RTR) movement, originating in the 1950s, advocates for laws globally that support consumers' ability to repair their electronic devices. Notably, the United States passed the Motor Vehicle Owners' Right to Repair Act in 2012, with Massachusetts being the first state to implement it.

This act required manufacturers to provide repair documents and information to individuals. The movement aims to encourage companies to make spare parts, tools, and repair information readily available to customers, thus extending product lifespans and reducing e- waste. The focus goes beyond hardware, also encompassing vital components like batteries, memory, and processing power.

Initially, major tech giants opposed the

RTR but Microsoft and Apple have since changed their stance. Apple announced a 'Self Service Repair' program to provide genuine parts and tools for customer repairs, available in US, UK and seven European Countries. This initiative offers customers to complete their own repairs. Apple provides credits for recycling used parts, and the store offers a wide range of individual parts and tools. This shift by Apple towards independent repairs is seen as a significant triumph in this regard, and it has the potential to promote greater durability and longevity in electronic devices.

Authorised repair centres usually have limited locations, resulting in inconvenience and additional costs for consumers. Independent repair shops can offer more accessible and affordable repair services, especially in areas where authorised service centres are scarce. The movement also encompasses repairs by unauthorised repair shops, along with other repair options. It advocates for the right of consumers to choose where and how their electronic devices are repaired, whether it's through authorised repair channels, independent repair technicians, or by individuals themselves. Some manufacturers design their warranty policies in a way that discourages consumers from seeking repairs outside of authorised channels. They may consider the warranty void if the device is opened or repaired by unauthorised technicians. Hence, this initiative addresses barriers and challenges consumers face when seeking repairs outside of authorised channels. It advocates for fair access to parts and information, challenges warranty policies that discourage unauthorised repairs, promotes designs that prioritise repairability, and seeks to provide diverse and affordable repair options. The movement aims to empower consumers to make informed decisions about repairing their electronic devices.

The RTR movement in India is gaining momentum as consumers and activists advocate for legislation that grants individuals the right to repair their electronic devices. The movement in India aligns with similar efforts taking place globally to promote a more transparent and sustainable electronics industry. In India, several organisations and initiatives actively support the movement, advocating for consumer rights and the empowerment of independent repair technicians. Repair Café India organises repair events and promotes a repair culture. The Indian Repairers Collective is a collective of repair professionals and activists working towards raising awareness and advocating for policy changes. Restart Project India focuses on creating awareness, providing repair resources, and advocating for the right to repair. The Consumers' Legal Protection Forum (CLPF) works to protect consumer rights and supports the right to repair through advocacy and policy work. The Internet Freedom Foundation (IFF) also lends support to the movement by advocating for consumer-friendly legislation and consumer rights. These organisations have made significant progress in creating awareness. They have engaged with policymakers, raised public awareness, collaborated with manufacturers, established repair networks, and influenced policy reforms.

The RTR movement is still in a nascent stage in India. While there is growing awareness and advocacy around the RTR and its importance for consumers and the environment, the movement is relatively new and is still gaining momentum. The next step must involve a multi-faceted approach to address the issue. Advocacy efforts should focus on legislative action, pushing for the

inclusion of right to repair provisions in legislation. Strengthening partnerships between organizations, consumer groups, repair technicians, and manufacturers is crucial for effective advocacy, resource sharing, and raising awareness. Engaging with the electronics industry is important to encourage voluntary adoption of repair-friendly practices and providing access to repair manuals and spare parts. Consumer education is key to empowering individuals with knowledge about their rights and repair options, encouraging them to make informed choices and demand repairable products. Conducting research and data collection on repairability, consumer experiences, and the impact of restricted repair practices can provide valuable insights for advocacy and policy discussions. Collaboration with international organizations allows for learning from successful initiatives in other countries and sharing best practices. Continuous advocacy efforts through media engagement, events, and social media can raise awareness, build support, and exert pressure on manufacturers and policymakers. To break free from the take-make-consume-dispose model, consumers must assert their right to repair. By doing so, they can challenge the prevailing norms and advocate for more sustainable and durable electronic products.

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Rising Child Sexual Abuse Cases - A Continuing Concern

- Pooja Kumari

The latest data from the National Crime Records Bureau - NCRB (2021), shows a worrisome year on year rise of more than 6500 cases under the POCSO Act, with corresponding rise in the number of victims remains a matter of serious concern for the Government at the centre and the states as well as the society at large. Since, the POCSO Act is concerned only with crimes against children the matter assumes critical importance. The data also reflects that merely enacting tough legislations and punishments is not enough to bring the scourge under control. There is a need for a more vigorous and sustained collaboration between the government and the society to achieve tangible socially beneficial outcomes in this sphere.

Growing children need special care and attention, both at home and also outside including in the schools, where they often spend more time than they do at home. The issue of child safety in schools has emerged as a matter of anxiety for the parents, the caregivers and other stakeholders too. It is critically important, therefore, that those who work in the field of child welfare must pay a greater attention to the activities happening at school as well as at home. Children as well as parents, usually have trust in the institution of schools as both caregiver and teacher. In fact, it has been seen that children often open up to their teachers even before they talk to their parents.

Needless to add that ensuring security and safety of children, requires very sensitive handling with full recognition of its socio-economic and psychological fallouts. An additional worrisome factor is the impact of technology and the easy access available to children of devices like smartphones etc..The fact that these devices also play a role in providing security and communication to children, has added a complex dimension. It is an inescapable reality that a lot more effort than that is being done at present, are needed to protect the vulnerable children.

The importance of this matter may be gauged from the guidelines issued to the schools by the National Commission for Protection of Child Rights (NCPCR) which says: 'Schools must have a strong system in place for taking swift action and reporting cases of sexual abuse. Under the law, all cases of sexual offences against children need to be reported to the nearest police station. Try and recruit a full-time counsellor or a visiting counsellor to the school. Psychiatrists and psychologists have a key leadership role in constructing focused family life education programmes.'

Measures taken by the government and our legal system to control the CSA need strengthening in both aqualitative and quantitative sense. An unpleasant truth is that even the measures prescribed by the Government are yet to be fully implemented particularly in rural and the fringe areas of the cities. Paucity of manpower and resources hamper putting in place effectively even the measures that enjoy wide support from the stakeholders including the Government. How many schools even in the megacities follow the guidelines of the NCPCR is a big question! There is a need for psychological counsellors at school for students. At present this is not available in every school, even in Mega cities.

Similarly, the POCSO Rules (2020), rule 3 (4), provide for awareness generation and capacity building and require that institutions shall also ensure that periodical training is organised for sensitising them on child safety and protection.

The Central Board of Secondary Education (CBSE) has also made it mandatory in its guidelines (2015), that every school under the CBSE system should ensure safety of school children in general and to prevent occurrence of offences under the POCSO Act. If a sexual offence takes place against a student, not only the individuals in charge of the school administration are liable to face criminal prosecution and fine for their lapses and negligence while the school itself faces a potential disaffiliation from the CBSE for noncompliance of the guidelines. It may be added that India being a signatory state to the 1994 United Nations International Conference on Population and Development (ICPD) is obliged to provide free and compulsory comprehensive sexuality education for adolescents and young people as part of commitments made under the ICPD.

Thus, while there is no dearth of guidelines for schools but the evidence of their implementation is patchy. There is a need to ascertain and evaluate the extent to which these are practised beyond the core areas of our big cities? This is being said not to point an accusing finger at any organisation or institution but to highlight the severity of the problem and the need to ensure their better implementation. There are other factors that impinge on the quality of implementation of guidelines. Many schools are struggling due to resource crises or have other practical reasons to look away from the issue. Several awkward challenges arise in initiating any public discussion on such sensitive topics. Association /more active supervision by the concerned authorities of Government can make a real difference.

Further, teachers who are working in educational institutions also have responsibility of making the students aware about sexual harassment, good touch and bad touch. Efforts to protect the young children should include all those including teachers who are willing to or are already working with students in spreading awareness

about sexual harassment. Their active cooperation should be appropriately engaged to build a bridge with parents on this issue. This initiative could prove to be beneficial in the long term.

These days due to the spread of internet and mobiles the dissemination of pornography has become easier and rampant and is easily available to everybody including minors. It is worth noting that in 2019 a case in Delhi High Court showed that sex education in school helped a 13-year-old girl victim to realise that she was raped by her father when she was six years old. Thus, the sex education for children in school can be regarded as empowering them against sexual abuse.

The Central Government and every State Governments are committed to provide periodical training for those who are coming in contact with children to sensitise them about child safety and protection and educate them regarding their responsibility under the Act for protection of children. Several Civil Society members and some NGOs are also currently active in spreading awareness about these sensitive issues relating to CSA with schools. This is welcome.

A few civil societies and organisations have done commendable work in this field. They should be identified and encouraged to work with students and teachers in the schools in all categories. They would be more effective if they received periodical briefing and undergo refresher workshops. At the same time, we must also guard against the recurrence of reprehensible incidents of CSA in some shelter homes run by the NGOs. There is ensure that only credible and trustworthy NGOs are engaged in this process. The failure of the existing oversight system is obvious and such institutions must be re-evaluated from time to time. Absence of proper oversight by designated government officials contribute towards laxity and facilitate crimes in the shelter homes. Thus, there is a felt need to strengthen the existing partnership between the government and civil society organisations.

Engaging youth with the 'age-appropriate' educational material and curriculum for the children, which will include various aspects of personal safety and measures to protect physical and virtual identity, prevention and protection of sexual offence and report mechanism with inculcation of gender sensitivity, gender equality etc. Youth can participate under a specific internship project with schools under guidance of NGOs and other stakeholders.

The rising figure of CSA related crimes is a matter of grave concern. The government initiatives are welcome but need to be further expanded. Mere guidelines, legislations and even the fear of punishment cannot remedy the situation unless the socio-cultural dimension of this problem is properly addressed. There is a need to invest a lot more in social efforts for our younger generation who would then hopefully shape a better future for the nation and its people.

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Emerging 'Agri-preneurship' Trend in J&K: Government's Focus on Modern Farming

- Tehmeena Rizvi

In Jammu and Kashmir, 70% of the population depends on agriculture, and the society is primarily agrarian. People are engaged in diverse kinds of agricultural activities on terraced slopes, each crop adapted to local conditions. Due to harsh winters of the region agricultural activities mostly remain

off in winters. Agricultural activities in J&K contribute 65% of the revenue, however there is a limitation of land resources because of which proper utilisation becomes very crucial. In Kashmir division about 60% or above of the total area is under cultivation except in Ganderbal and Srinagar in which it is 47% and 49% respectively. In Jammu division the net cropped area varies between 14% in Doda to 33% in Jammu district. In Ladakh the net area sown is only about 2% of the area.

In India, agri-startups are attempting to boost agricultural growth and revolutionise the sector, in order to increase farmer productivity and revenues. By embracing technology to connect farmers, retailers, and consumers, agritech start-ups have the potential to improve the food value chain. Agripreneurship also ensures that product reaches the consumer with a fair cost by eliminating the middleman system. After the abrogation of Article 370, the central government in collaboration with local organisations has introduced a series of successful reforms in the agriculture sector. Although an ongoing process, these reforms are leading to tremendous growth of Agri-preneurs in Jammu and Kashmir as they see agriculture as a potential Game Changer for economic growth. Central government has also been keen in improving the agricultural sector by inculcating the system of public private partnership.

Due to a series of agricultural reforms visible change is being witnessed, the thrust is to produce more profitable and unique exotic vegetables in J&K. Only about 100 hectares of the 40,000 hectares is under vegetable cultivation in Kashmir currently, which cater to exotic crops such as broccoli, lettuce, parsley. Horticulture crops make up more than 20% of the entire land that is cultivated. Fruits, vegetables, flowers, juices, and pulp markets, particularly in the Middle East, Europe, China, and Australia, have enormous export potential. In J&K it's usual to produce and export fruits such apples, pears, cherries, plums, grapes, pomegranates (including the renowned anardana from the Doda-Udhampur district), mulberries, peaches, apricots, walnuts, and almonds.

Simultaneously a major change is brewing in the vegetable sector of J&K through precision farming intervention which will double the gross output of vegetables from Rs 3982.50 Cr to Rs 8021.25 crore per year, the government said recently. Another defining factor of the agricultural reforms has been to bring more agricultural products of Jammu and Kashmir under Geographical Indications Tags to promote it on the global map. Experts are lauding the fact that the GI certification of Kashmiri saffron by Geographical Indications Registry would cease the adulteration and will also put an end to the marketing of saffron cultivated in other countries under the garb of being produced in J&K.

Over July 18-19, 2022 , a multi-stakeholder convention was held for holistic development of agriculture and allied sectors at Sher-i-Kashmir international conference centre (SKICC) J&K. On the basis of this convention, an 8-member apex committee was constituted under Dr Mangla Rai, former director general ICAR with a task to frame a comprehensive agriculture policy. The two-day convention primarily focussed on transforming subsistence agriculture into knowledge based and technology driven sustainable agri-economy. The participants during the convention proposed area specific interventions with introduction of innovative technologies, new knowledge, IT interventions and infusion of capital to revamp the agricultural sector in J&K besides promoting value addition, processing, branding & marketing of agricultural

The apex committee is looking at transforming J&K's agricultural economy as an integrative bio-economy, with emphasis towards production of rare and precious commodities like saffron, black cumin, exotic species of mushroom etc. According to a report, published by the Agriculture Production Department, J&K is now among the top five states and union territories across the country in terms of farm income with a monthly income of 18,918 per farmer. J&K is creating new benchmarks in the international market by people benefitting from numerous government schemes and strategies. Also, the products now sold in national and international markets are not limited to the fundamental practice of producing. Many youngsters including women who go by the name of "Agri-preneurs" find agriculture a very interesting and profitable sector in J&K. Innovation and startup culture is unfolding in many ways, they are creating a unique blend of products like; cold saffron beverages, kehwa dip tea, apple chips, walnut butter etc. Under this umbrella due attention has been given to organic and natural farming to cater to the trending market. J&K is also witnessing cultivation of a special crop lavender. Though it was cultivated earlier as well, but was limited to some districts, now it is farmed in 20 districts of J&K. Lavender has a very important role to play in organic markets for its varied and medicinal use.

Because of the focus of the government on reforms, farmers.have developed new skills to be competitive. In a brief outlook they have become more entrepreneurial or intrapreneurial depending on what type of enterprise they work within. In many cases, this has been typified as some diversification away from the production of just traditional crops and livestock as raw commodities for transformation further up the supply chain. Although there are various drawbacks and difficulties farmers experience when it comes to agri-preneurship, such as most farmers in J&K have small and fragmented land holdings, and have very little credit facilities in the region, the farmers cannot afford or find all the necessary inputs. There is particularly a lack of cold storage facilities and other post harvest infrastructure (very important for fruits and vegetables), also given the topography of the area it limits transportation to the hilly areas in harsh winters. The government's proposal to require certification will undoubtedly assist farmers sell their products in domestic or foreign markets, but we must also recognise that certification cost for organic produce is comparatively high and needs to be reduced drastically.

Since demand for organic produce has grown dramatically and consumers now prefer that over items that contain preservatives and other artificial ingredients, J&K appears to be quite promising in terms of organic production and agri-startups.

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