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Rohingya row shows why we need a national refugee law



- Refugee arrivals in India began with the partition of the country in 1947 and by the beginning of 2010, the number of refugees in Indian Territory had reached about 450,000.
- India is not a signatory to the 1951 United Nations Refugee Convention or its 1967 Protocol. Since there is no refugee law in India, there is no uniformity in the treatment of refugees in the country.
- However, the refugee question is inextricably linked with the larger question of human rights and humanitarian law, as well as other areas of international law, such as state accountability and peacekeeping.

Existing Legislative Framework in India for the Management of Refugees

- India deals with all foreigners (whether illegal immigrants, refugee/asylum seekers or people residing in the country after the visa permit has expired) in accordance with **the following laws:**

Foreigners Act, 1946:

- Under its section 3, the central government has the power to detect, detain and deport illegal foreign nationals.

The Passport (Entry into India) Act, 1920 [Passport (Entry into India) Act, 1920]:

- Under its section 5, the competent authority may forcibly eject an illegal foreigner under Article 258(1) of the Constitution of India.

Foreigners Registration Act, 1939 (Registration of Foreigners Act of 1939):

- There is a mandatory requirement under which all foreign nationals coming to India (except Overseas Indian Nationals) on long term visa (more than 180 days) have to register themselves with a registering officer within 14 days of their arrival in India.

Citizenship Act, 1955 (Citizenship Act, 1955):

- In this, provisions have been made regarding renunciation of citizenship, termination of citizenship and deprivation of citizenship.
- In addition, the Citizenship Amendment Act, 2019 seeks to provide citizenship to Hindu, Christian, Jain, Parsi, Sikh and Buddhist migrants from Bangladesh, Pakistan and Afghanistan.
- India has established a Standard Operating Procedure (SOP) to be followed by all relevant agencies while dealing with foreign nationals claiming to be refugees.
- The Constitution of India also respects the life, liberty and dignity of human beings.
- In the case of National Human Rights Commission v State of Arunachal Pradesh (1996), the Supreme Court made it clear that all fundamental rights are available to Indian citizens, however, the right to equality and right to life are also available to foreign citizens.

Status of refugees in India

- Since its independence, India has accepted various groups of refugees from neighboring countries, including:
 - Refugees coming from Pakistan due to Partition in 1947.
 - Tibetan refugee who came to India in the year 1959.
 - Chakmas and Hajongs from East Pakistan (present-day Bangladesh) in the early 1960s.
 - Other Bangladeshi refugees who came in 1965 and 1971.

- Tamil refugees from Sri Lanka in the 1980s.
- Rohingya refugees from Myanmar recently.

Difference between refugees and migrants

- Refugees are people forced to live outside their country of origin who, as a result of persecution, armed conflict, violence or serious public disorder in their country of origin, face serious threats to life, physical integrity or liberty and are in danger of international security.
- Migrants are people who leave their country of origin for work or study or to join their families living abroad.
- There are well defined and specific grounds that have to be confirmed for a person to be marked as a 'Refugee'.
- There is no internationally accepted legal definition of migrant.

Why has India not signed the Refugee Convention, 1951?

Disagreements on the definition of refugee:

- The Refugee Convention, 1951 defines refugees as people who are deprived of their civil and political rights, but not economic rights.
- If the violation of economic rights is also included in the definition of refugee, it will obviously create a huge burden on the developed countries.

Centrality of Europe:

- India recognizes that the Refugee Convention, 1951 is mainly Eurocentric and does not care for South Asian countries. At the same time, apprehensions have also been expressed by India that it will affect the security and domestic laws of the country.

Challenges facing refugees in India

Fear and Insecurity:

- Refugees are not given much importance in the society. They are not treated well by the local residents due to which they develop a sense of fear and insecurity.
- They are often exploited physically and emotionally by the local residents on the grounds of not being citizens of the same land.

Deprived of basic amenities:

- They also have to struggle to get the basic necessities of life like food, shelter and employment.

- They are forced to work for minimum wages without any high social status or privileges.

Lack of well-defined framework for their protection:

- India's ad-hoc administrative policy on refugees has created an atmosphere of confusion.
- Lack of awareness and misleading information creates a sense of insecurity and isolation among refugee communities.

Long process of identification:

- The United Nations High Commissioner for Refugees (UNHCR) issues a refugee card through the refugee status determination process, but this process is time-consuming and can take up to 20 months for identification and evaluation.
- If a refugee is arrested by the police within that period, they are subject to detention and deportation without being granted any access to the UNHCR.

Misidentification as immigrants:

- In the last few decades many people from neighboring countries have immigrated to India illegally. They have come not because of the oppression of the state, but to take advantage of better economic opportunities.
- Similar examples are found elsewhere in the world as well. As such 98% of the total migrants from Mexico have moved to the United States where they number more than 9 million (registered and unregistered).
- It is true that most of the discussions in India are about illegal immigrants and not refugees, but these two categories tend to be related to each other.

Conclusion:

Fair and effective registration process:

- Processes determining the status of refugees should be made more equitable and effective while enhancing or maintaining standards in registration and identification.

Infrastructure improvements:

- The fulfillment of essential services and needs should be kept in mind.
- These include improving access to education, promoting programs for people with special needs, and maintaining health facilities.

Spreading awareness among local residents:

- Community participation is essential for providing shelter to refugees and improving their self-reliance capacity by providing them temporary livelihood, for which people should be made aware.

Ensuring the safety of women and children:

- In accordance with the Fundamental Duty enshrined in our Constitution, refugee women and children should be protected from violence and persecution by the authorities and local people.
- Article 51A (e) requires every citizen to abjure practices degrading to the dignity of women.

Emotional Support:

- A person becomes a refugee because of circumstances that are beyond that person's control.
- He is compelled to leave his country, his land due to the fear of persecution in the face of human rights violations, socio-economic and political insecurity. In such a scenario, we should aim to provide inclusivity and emotional support apart from financial support.

Swadeep Kumar

Swachh Bharat Mission Gramin (SBM-G)



- Under the Swachh Bharat Mission Gramin (SBM-G), more than 1 lakh villages have declared themselves Open Defecation Free (ODF Plus).
- These villages are maintaining their ODF status and have mechanisms in place to manage solid and/or liquid waste. They will continue their

cleanliness journey as they work towards making their villages clean, green and healthy.

Open Defecation Free Status:

- **ODF:** An area can be notified or declared as ODF if at any time of the day, not a single person defecates in the open.
- **ODF+:** A city can be declared ODF+ if no person is found defecating and/or urinating in the open on any given day and all community and public toilets are functional and well maintained.
- **ODF++:** A city can be declared ODF++ if it is already in ODF+ status and the faecal sludge/septage and drains are safely managed and treated and any type of the untreated sludge/septage and drains do not drain into water bodies or open areas drains.

Swachh Bharat Mission Gramin (SBM-G)

- It was launched in the year 2014 by the Ministry of Jal Shakti to accelerate efforts to achieve universal sanitation coverage and focus on sanitation.
- The mission was implemented as a nationwide campaign / mass movement aimed at eliminating open defecation in rural areas.

Swachh Bharat Mission (G) Phase-I:

- Rural sanitation coverage in India at the time of launch of Swachh Bharat Mission (Gramin) on 2nd October, 2014 was recorded at 38.7 percent.
- Under this mission, more than 10 crore individual toilets were constructed as a result of which rural areas of all the states declared themselves as ODF on 2nd October, 2019.

SBM (G) Phase-II:

- It emphasizes on sustainability of achievements made under Phase I and providing adequate facilities for Solid/Liquid and Plastic Waste Management (SLWM) in rural India.
- Implementation: Swachh Bharat Mission (Gramin) Phase-II will be implemented as a single mission for the period 2020-21 to 2024-25 with a total outlay of Rs.1,40,881 crore.

The SLWM component of ODF Plus will be monitored based on the following four indicators-

- Plastic Waste Management
- Biodegradable solid waste management (which includes animal waste management)

- Gray Water Management
- Faecal Sludge Management

Top performing states:

- Top five performing states are Telangana, Tamil Nadu, Odisha, Uttar Pradesh and Himachal Pradesh with maximum number of villages declared as ODF plus.

Importance of Swachh Bharat Mission:

- Under solid and liquid waste management, infrastructure such as compost pits, adsorption pits, waste stabilization ponds, treatment plants, etc. will also be created. This phase of the Swachh Bharat Mission (Gramin) will continue to generate employment and provide impetus to the rural economy through the construction of household toilets and community toilets.
- It will help rural India to effectively deal with the challenge of solid and liquid waste management and will help in substantial improvement in the health of the villagers in the country.

Other schemes as part of SBM:

GOBAR-DHAN (Galvanizing Organic Bio-Agro Resources Dhan- GOBAR-DHAN) Scheme:

- It was launched by the Ministry of Jal Shakti in the year 2018.
- The objective of this scheme is to keep villages clean, increase the income of rural households and generate energy from waste generated by cattle.

Individual Household Toilet (IHHL):

- Under SBM, people get about 15 thousand rupees for the construction of toilets.

Clean School Campaign:

- The Ministry of Education launched the Swachh Vidyalaya program under the Swachh Bharat Mission with the objective of providing separate toilets for boys and girls in all government schools within a year.

Swachh Bharat Mission-Urban (SBM-U)

- It was launched by the Ministry of Housing and Urban Affairs on October 2, 2014.

First stage:

- The program includes eradication of open defecation, conversion of dirty latrines to flush latrines, elimination of manual scavenging, municipal

solid waste management and behavioral change in people with respect to healthy sanitation practices.

- Under the program community toilets will be built in residential areas where it is difficult to build individual household toilets.

Achievements:

- 4,324 urban local bodies have been declared open defecation free, which has been made possible through the construction of over 66 lakh individual household toilets and over 6 lakh community/public toilets, far exceeding the mission target.
- Digital enablement such as Swachhata App, launched by MoHUA in the year 2016 and Digital Grievance Redressal Platform have reimaged the way of managing citizen grievance redressal.

Phase II:

- SBM-U 2.0 announced in the Union Budget 2021-22 is a continuous implementation of the first phase of SBM-U. Under which the Government of India is making efforts to securely prevent sewage, sludge and septage from toilets, transport them and dispose them properly.
- It has been implemented for a period of five years from 2021 to 2026 with an outlay of Rs 1.41 lakh crore.

Purpose:

- It focuses on segregation at the source of waste, reduction of single-use plastics and air pollution, effectively managing waste from construction and demolition activities and bioremediation of all old dump sites.
- Under this mission, all the waste water is being treated properly before releasing it into the water bodies and the government is trying to prioritize maximum reuse.

Swadeep Kumar

Recently, A spectacular 'Mandala' art installation, bigger than the size of a football field, was unveiled at a public park in Liverpool in the United Kingdom.



About Mandala:

- Literal meaning of Mandala is the “circle” or the “centre” in Sanskrit.
- Mandala is a symbolic design in **Hindu and Buddhist Tantricism** for performance of sacred rites and also as an instrument of meditation.
- Mandala patterns are centuries old motifs, **used to depict the cosmos.**
- Mandala pattern is an **interconnected geometric configuration** that usually incorporates the circular shape in some form. It can also be in interconnected square form.
- Buddhist missionaries travelling along the Silk Road have taken it to regions outside India. Hence, it continues to appear in **Buddhist Thangka paintings.**
- By the sixth century, mandalas were recorded in China, Korea, Japan, Indonesia and Tibet.
- Separately, native American peoples are believed to have used the mandala as representation of a deity or the cosmos, and as a spiritual form.
- Besides Mandala's usage in modern Indian art, it is used in therapy.

How did the Mandala art form originate?

- **Mandala imagery first appeared in the Vedas (c. 1500-500 BC):** All the hymns of Rigveda are classified in ten classes which are called Mandalas. Mandala indicates cyclical property. There was a strong Vedic tradition to recite Vedic hymns in a cyclical manner.
- **Making of Mandala:** A Mandala is usually made with careful placement of coloured sand, and accordingly is known in **Tibetan as dul-tson-kyil-khor**, or Mandala of coloured powders.

What does Mandala represent?

- Mandala is a representation of the universe, a consecrated area that serves as a receptacle for the gods and as a collection point for universal forces. Men (the microcosm), by mentally 'entering' the Mandala and 'proceeding' towards its centre, is by analogy guided through the cosmic processes of disintegration and reintegration.
- It is believed that by entering the mandala and moving towards its centre, one experiences a cosmic process of transforming the universe and that of moving from emotions of suffering to the feeling of joy.
- **In Hindu philosophical systems**, a mandala or yantra is usually in the shape of a square with a circle at its centre.
- **A traditional Buddhist mandala** is a circular painting that is meant to help its creator discover their true self.

What are the meanings of various elements incorporated within the mandala?

- Eight spokes of the wheel (the **Dharmachakra**) represent the eight-fold path of Buddhism that brings liberation from the cycle of birth and death.
- The **lotus flower** depicts balance.
- Sun represents the universe.
- **Up facing triangles** represent action and energy, and **down facing triangles** represent creativity and knowledge.

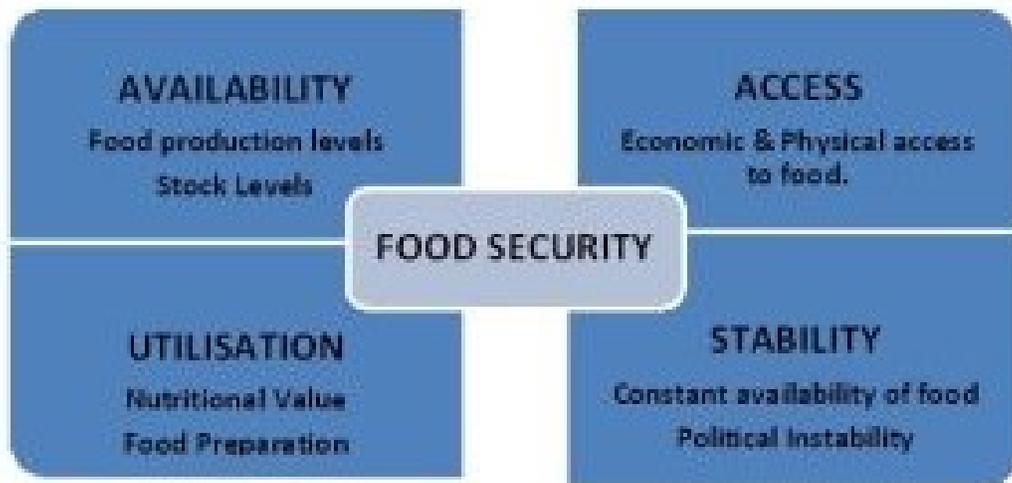
Sharad

Food Security

Mains GS Paper 3: Issues of Buffer Stocks and Food Security.

What is Food security?

Food Security: Food security exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life.



Initiatives towards ensuring Food Security

- **Article 47 of the Constitution of India** states that it is the duty of the State to raise the level of nutrition and the standard of living and to improve public health.
- **Supreme Court in its judgment** noted that “Right to Food is a fundamental right available under **Article 21 of the Constitution**”.
- **Indian Government’s Initiatives for Food security**
- **Public Distribution System (PDS)**: PDS facilitates the supply of food grains and distribution of essential commodities to a large number of poor people through a network of Fair Price Shops at a subsidized price on a recurring basis.
- **Antyodaya Anna Yojana (AAY)**: ANTYODAYA ANNA YOJANA (AAY) was a step in the direction of making TPDS aim at reducing hunger among the poorest segments of the BPL population

- **Mid-Day Meal Scheme:** Mid-day meal (MDM) is a wholesome freshly-cooked lunch served to children in government and government-aided schools in India with aim to avoid classroom hunger, increase school enrolment, increase school attendance, improve socialisation among castes ,address malnutrition ,empower women through employment.
 - **Integrated Child Development Services (ICDS):** Integrated Child Development Services (ICDS) Scheme is a unique program focused on early childhood care and development aimed to improve the nutritional and health status of children in the age-group 0-6 years.
 - **Annapurna Scheme:** Annapurna Scheme aims at providing food security to meet the requirement of those Senior Citizens who though eligible have remained uncovered under the National Old Age Pension Scheme (NOAPS).
 - **National Old Age Pension Scheme (NOAPS):** National Old Age Pension Scheme (NOAPS) is a scheme aimed to provide financial aid and social protection to older citizens in India who are below the poverty line.
 - **National Maternity Benefit Scheme (NMBS):** NMBS provides for the payment of Rs. 500 per pregnancy to women belonging to poor households for pre-natal and post-natal maternity care upto first two live births.
- National Family Benefit Scheme (NFBS): Under National Family Benefit Scheme a BPL household is entitled to a lump sum amount of money on the death of primary breadwinner aged between 18 and 64 years.
- **Global Initiative for Food Security:**
 - **SAVE FOOD by FAO** for reduction of waste and Food Loss.
 - **SDG Goal 2(Zero Hunger):**End hunger, achieve food security and improved nutrition and promote sustainable agriculture
 - **High-Level Task Force (HLTF) on Global Food and Nutrition Security:** To promote a comprehensive and unified response of the international community to the challenge of achieving global food and nutrition security.
 - **World Bank Group partnership on Food Security** works with partners to build food systems that can feed everyone, everywhere, every day by improving food security, promoting 'nutrition-sensitive agriculture' and improving food safety.

Salient features of National Food Security Act, (NFSA) 2013:

- The Public Distribution System (PDS) is governed through the provisions of the National Food Security Act, 2013 (NFSA).
- Coverage under PDS is de-linked from the erstwhile 'poverty estimates'.
- The Act provides coverage for nearly 2/3rd of the country's total population, on the basis of Census 2011 population estimates.
- **75% of Rural and 50% of Urban population** is entitled to receive highly subsidised food grains under two categories of beneficiaries – Antodaya Anna Yojana (AAY) households and Priority Households (PHH).
- State/UT-wise coverage is determined by the erstwhile Planning Commission (now NITI Ayog) on the basis of 2011-12 Household Consumption Expenditure survey of NSSO.
- The Act entitles **35 kg of foodgrains per AAY Household per month**, whereas 5 Kg of foodgrain per PHH Person per month.
- Identification of beneficiaries/households under NFSA is done by the respective State/UT Government, which is required to frame its own criteria.
- Highly subsidised Central Issue Prices of **Re.1, Rs.2 and Rs.3 for Coarse-grains**, Wheat and Rice respectively, kept unchanged till June 2019.
- No reduction in foodgrains allocation to any State/UT under NFSA. Allocation gaps, if any, are covered with Tide-Over allocation.
- Eldest woman of the beneficiary household (18 years or above) is considered as 'Head of Family' for the purpose of issuing ration cards.
- **Grievance redressal mechanism**, through State Food Commissions, DGROs, Vigilance Committees at different levels.
- Provisions for disclosure of records relating to PDS operations, placing of beneficiaries' list in public domain/portals, for enhanced transparency.
- Assistance to States/UTs for meeting expenditure on intra-State transportation & handling of foodgrains and FPS Dealers' margin.

Challenges in achieving food security

- **Climate Change:** Changing climate, leading to unanticipated consequences for the country's food grain production creating a huge impact on both food production and socio-economic aspects by causing

considerable changes in land use patterns and water resource availability.

- **Crop Diversification:** Due to Green revolution most agricultural production shifted towards mono cropping such as rice and wheat production leading to land degradation, desertification and loss of genetic variety.
- **Agricultural Pricing Policy:** Combination of lack of remunerative prices for end goods, distressed sales, high cultivation costs combined with inappropriate market prices are a barrier in the path of food security.
- **Bio-fuel and Medicinal Plant Cultivation:** Another issue for the country is the diversification of field crops such as maize, wheat, and Medicinal Plants such as Ashwagandha, Sarpogandha, and Jatropha to Bio-Fuel.
- **Production of High Yielding Varieties:** New types of field crops are another major challenge for food grain production as the environment changes.
- **New globalisation trends,** such as speedier communication, transportation, and significant development in service industries, have created difficulties of unfairness among diverse parts of society, as well as unenthusiastic rivalry among entrepreneurs. As a result, impoverished farmers are unable to utilise existing facilities, and the globalised world is discouraged, which has indirectly increased food insecurity in the country.
- **Capital Investment:** In recent years, agriculture's share of capital investment in GDP has remained unchanged.

Way forward:

- **Improve agricultural productivity and Food storage** through increased use of irrigation and newer farming techniques, rationale distribution of cultivable land ,improving the size of the farms,providing security to the tenant cultivators apart from providing the farmers with improved technology for cultivation and improved inputs like irrigation facilities, availability of better quality seeds, fertilizers and credits at lower interest rates.
- **Ensuring food availability and accessibility to below poverty line (BPL) candidates** at affordable price by accurate targeting of the BPL population, remove restrictions on food grains regarding inter-State

movement, stocking, exports and trade financing, creating transparent and reliable Public Distribution System.

- **Improving purchasing power through employment generating schemes** such as Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), enhancing quantity and quality of wage-paid employment.
- **Ensuring that nutritional objectives should** be an integral part of all the poverty alleviation programmes.
- **Increasing Crop diversification**, establishing food grain banks and promoting household gardening.
- **Community awareness through Information, Education and Communication (IEC)** activities and social marketing.
- **Monitoring and timely evaluation of nutritional programmes.**
- **Community participation and intersectoral coordination.**
- **Encouragement to Horticulture Products:** Horticulture goods require encouragement in order to increase per capita availability of food while also assuring food security.
- **Infrastructure Requirements:** The government should prioritise warehouses, roads, transportation, and market facilities. Encouragement of the PPP model in agriculture will result in speedier infrastructure development.

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