



Cauvery Water Dispute

Relevancy

- ✓ G.S. Paper 2
- ✓ What did the SC's water sharing principle say?
- ✓ What is the validity of the water allocation arrangement?
- ✓ What makes CMB and CWRC important for TN?
- ✓ How does the verdict benefit Bengaluru and the judicial implications?

Recently:

- ❖ The Supreme Court upheld the approach of the Cauvery Water Dispute Tribunal.
- ❖ The recent Supreme Court verdict in the Cauvery River dispute comes as a precedent in many ways.
- ❖ It is imperative at this juncture to look into the multifaceted views and implications of the judgement.

What did the SC's water sharing principle say?

- The Supreme Court declares an inter-State river like Cauvery as a 'national asset'.
- It states that national assets are for the common benefit of the community as a whole.
- It has emphasized the principle of equitable apportionment or the principle of equality among riparian States.
- It does not imply equal division of water. It is rather a fair and equitable share of the water according to the needs.
- It stands for an equal consideration and equal economic opportunity of the co-basin States and no State can claim exclusive ownership of its waters.
- None can either deprive other States of their equitable share.

What is the validity of the water allocation arrangement?

- The water allocation arrangement will stand unchanged for the next 15 years.
- The court also warned the States to not deviate from the judgment.
- They are also asked not to use the allotted water for other than the designated purposes.

What are the implementation mechanisms?

The Cauvery Water Disputes Tribunal had prescribed two machineries to monitor the implementation of its order.

These are:

- Cauvery Management Board (CMB)
- Cauvery Water Regulation Committee (CWRC)
- The CMB would monitor the storage position in the Cauvery basin and the trend of rainfall.
- This is to assess the likely inflows for distribution among the States.
- The CMB will have three full-time members including a chairman.
- It will also consist of six part-time members.
- Four of them will be from the riparian States of Karnataka, Kerala, Tamil Nadu, and the Union Territory of Puducherry.
- The CWRC is to ensure that the Tribunal's order is carried out in due spirit.

What makes CMB and CWRC important for TN?

- June to September marks the south-west monsoon season in Tamil Nadu and TN notably gets less rainfall from the south-west monsoon than many other states.
- It thus requires more water during June-September than in other months.
- With the Board and the Committee in place, Karnataka will lose its earlier supervisory control over the 4 Cauvery basin reservoirs.
- These are Krishnarajasagar, Hemavathi, Kabini and Harangi reservoirs.
- In other words, Karnataka cannot exercise the option to release water to Tamil Nadu.
- Tamil Nadu will be ensured a regular release of water as per the order.

What does the verdict mean for TN?

- The reduction in allocation of water will have only a marginal impact on Tamil Nadu.
- This is because the quantum of reduction is small.



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- The reduction is less than 10% of the 192 TMC that TN ought to receive from Karnataka as per the Tribunal's award.
- The Tribunal had noted that underground water use should not be reckoned as use of Cauvery water.
- The Supreme Court, however, accounted the quantity of available groundwater in calculating the final determination of the share.
- It thus calls for Tamil Nadu to bank on 10 TMC of groundwater available with it.
- In other words, TN now has an increased responsibility to protect its groundwater reserves by taking adequate measures.

How does the verdict benefit Bengaluru?

- The tribunal's allocation of 8.75 tmcft to the city proved to be insufficient.
- Notably, it had miscalculated Bengaluru's water needs.
- It had assumed that 50% of the drinking water requirements would be met by ground water.
- However, increasing urbanisation and population has been depleting and contaminating groundwater, making it unusable.
- Moreover, the tribunal had accounted only the one-third of the city that falls within the Cauvery basin.
- The Supreme Court has ruled out this approach.
- Thus, the share of water for a basin State is for addressing the social and economic needs of its community as a whole.
- With an additional entitlement of 4.75 tmcft, the verdict comes as much-needed relief for the whole of Bengaluru city.

What are the jurisdictional implications?

- Article 363 - The 1892 and 1924 agreements were between the princely State of Mysore and the Madras presidency.
- It pertained to the allocation of Cauvery water to regions now comprising Tamil Nadu, Karnataka, Kerala and Puducherry.
- Article 363 of the Constitution restricts judicial review of a pre-Constitution treaty or agreement.
- The court however dismisses the validity of Art 363 in the case of 1892 and 1924 agreements.
- It observes that these agreements were not political arrangements but based on public interest.
- Art 262 - The Centre had earlier maintained that the Court lacked the jurisdiction to hear inter-state river water dispute.
- This is as per the Inter-State Water Disputes Act of 1956.
- The provisions of Act restrict the Supreme Court from hearing or deciding any appeals against the Tribunal's decision.
- The Centre had thus claimed the Tribunal award as final.
- The Court, however, held that the remedy under Article 136 was a constitutional right.
- Art 136 empowers the Supreme Court to grant leave to appeal from any judgment, decree or determination by any Court or Tribunal.

What is the significance of the verdict?

- The verdict comes as a precedent for a fair and scientific adjudicative process in water sharing disputes.
- It puts an end to the delaying procedures.
- States do not have to rush to the court for ad hoc orders to open the reservoirs during monsoon-deficit years.
- It affirms a basin State's right to its share of water on a regular basis.
- The Centre should now create the legal and technical framework to implement the Tribunal's award, as modified by the judgment.





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India And Its Neighborhood Policies

Relevancy

- ✓ G.S. Paper 2,3
- ✓ India's presence in global matters
- ✓ Recent developments with neighborhood and challenges faced

Recently:

- ❖ For the first time, on this year's republic day, the leaders of ASEAN shared stage with our PM.
- ❖ The historic gathering came just two months after Indian PM visited Manila to attend the ASEAN Summit which coincided with the 25th anniversary of India becoming a partner of ASEAN.

How India's presence in global matters has increased?

- India's increased presence in West Asia can be demonstrated by the visit of Israeli Prime Minister Benjamin Netanyahu to India, and Indian Prime Minister's latest forays to the United Arab Emirates (UAE), Oman and Palestine.
- Indian PM's neighbourhood first policy was hailed by many as a radical approach to Indian South Asian neighbours. However, somehow a perception has gained ground that the policy has not delivered on its potential.
- These developments also demand India to contemplate and reflect deeply on what is happening in India's immediate neighbourhood.

What are the India's recent developments with its neighbourhood?

- Recently, India and the ASEAN commemorated 25 years of their partnership, 15 years of summit-level interaction, and five years of strategic partnership.
- ASEAN-India Commemorative Summit was held on the theme "Shared Values, Common Destiny" with a focus on counter-terrorism, security and connectivity.
- India has been engaging successfully with West Asia which is in turmoil for several years.
- India has been working according to its national interests with a more constructive and long term policies.
- Indian could maintain good relationship with both Saudi Arabia and Iran.
- Saudi Arabia is the largest exporter of oil to India and at the same time India will get operational control of Iran's Chabahar Port.
- India's West Asia policy has no reason to share hostility of other countries. It is seen in India's stand against US decision to consider Jerusalem as Israel's capital.
- India could successfully handle an Israeli Prime Minister's visit to India just prior to PM's visit to Palestine, and yet avoid negative fallout.
- PM, during his Palestine visit could conclude as many as six agreements and express the hope that Palestine would soon emerge as a sovereign independent country in a peaceful manner.
- With UAE, trade and economic ties as also counter-terror aspects have been on a growth curve. India and Oman have close naval co-operation and an agreement was reached to give the Indian Navy access to Duqm port
- However, India has some troubled relationship with its immediate neighbourhood.

What are the challenges to India in its immediate neighbourhood?

- It is in South Asia where troubles are mounting, where India cannot succeed without looking at some hard options.
- Dealing with a new government in Nepal or containing prolonged communal and terror related unrest in Bangladesh will need more than fine gestures; they will need far more closer monitoring.
- Another and a more imminent challenge for India is to sort out the imbroglio in the Maldives which is threatening to spill out of control. India cannot afford not to be directly engaged in finding a proper solution.
- Anti-Indian tendencies under current President have steadily increased and there has been a pronounced tilt in favour of China.
- Maldives Free trade agreement with China will provide an excellent opportunity to enhance Chinese influence in western Indian Ocean.



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- Maldives occupies a crucial position along the main shipping lanes in the Indian Ocean. The Southern Maldives has long remained an object of interest to the major powers. With the U.S. taking a step back,
- China has begun to display a great deal of interest in the area. This coincides with Chinese on-going plans to take control of Gwadar Port and establish a naval base in Djibouti in the Horn of Africa.
- The last year ended with a serious ceasefire violations along the Line of Control with 200% increase in number of violations.
- Pakistan has also not refrained from persisting with its proxies like the Lashkar-e-Taiba and the JeM in its war with India.
- Pakistan shows no sign of altering its anti-India trajectory even after US president's changed rhetoric on Pakistan.
- Afghanistan's position today is the worst ever since the 1970s.
- This January, the capital city of Kabul witnessed one of the worst ever incidents of violence anywhere, in which over 100 civilians were killed following a series of terror strikes.
- This happened despite the presence of foreign troops, elements of the Afghan military and also of the Afghan police.

What is the way out for India?

- India cannot afford to remain idle and must come up with a solution early that is consistent with India's strategic interests. Else it would have far-reaching consequences for India in terms of losing its stranglehold in South Asia.
- With Pakistan, India can hardly afford to remain as relaxed and let things slide, without effectively trying to find ways and means to change a situation which is certainly not to our advantage.
- Equally vital for India is to try and find a way out of the Afghan problem. The collapse of the Afghan state does have severe consequences for India and nations in the vicinity. As a regional power, India has significant stakes in Afghanistan. India has spent over \$2billion in providing humanitarian assistance to Afghanistan. So India's true stake lies in sustaining the future of the Afghan state.
- This is something that demands India's critical attention and specially for a display of its leadership skills.
- India's immediate neighbourhood directly impacts it geopolitically, geo-strategically and geo-economically because of its vicinity. Whatever be the ambit of India's reach elsewhere, India's principal focus, hence, will need to be on this neighbourhood.



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National Health Protection Scheme (NHPS)

Relevancy

- ✓ G.S. Paper 2
- ✓ Success rates of previous insurance schemes in India and challenges faced
- ✓ Measures to be taken

Recently:

- ❖ The National Health Protection Scheme (NHPS) is publicly-funded health insurance schemes, particularly the Rashtriya Swasthya Bima Yojana (RSBY).
- ❖ The government has launched this scheme, which envisions a massive coverage of 50 crore people.
- ❖ But the previous experience shows us that merely constituting an insurance scheme will do little to enhance health care.

What is the success rate of the previous insurance schemes in India?

- Any public health insurance scheme would logically enhance medi-care affordability for the masses, which will consequently enhance demand.
- But as Indian public health infrastructure is still in shambles, the supply would have to be met through expansion of private health infrastructure.
- Previously the public insurance schemes like Centre's 'Rashtriya Swasthya Bima Yojana' (RSBY), and Andhra Pradesh's Aarogyasri had been in operation.
- Both RSBY and Aarogyasri were cashless hospitalisation schemes, but they benefited few and failed to reach the most vulnerable sections.
- Notably, outpatient care, which accounts for the most of the out-of-pocket spending, wasn't covered under the scheme.

What have been the challenges?

- While both targeted people living below the poverty line, over-reliance on private hospitals and poor monitoring watered down their impact.
- This was because; private infrastructure tends to be concentrated in more prosperous regions (increased distances make accessibility tough).
- Some hospitals were found to have performed unnecessary medical procedures on patients, to derive monetary benefits from the schemes.
- Notably, such nefarious designs damage the health parameters and also increase out-of-pocket expenditure (in travel and other accessories).
- The lack of surety of reimbursements has also resulted in some hospitals charging money from the patients despite the insurance cover.

What should be done?

- Considering the poor success of the previous schemes, some have even argued that mere demand oriented interventions by the government are futile.
- Unless the public health systems can compete with the private for funds from insurance scheme, quality healthcare will continue to elude the vulnerable.
- Also, it is important to develop monitoring systems to ensure that private hospitals registered under the scheme comply with the norms prescribed.
- Streamlining reimbursements to hospitals and efforts the expansion of both private and public health facilities at newer geographies are needed.
- Hence, while the NHPS looks massive in terms of coverage, it needs to comprehensively take these factors into account to be successful.



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Norms For Candidates Contesting Elections

Relevancy

- ✓ G.S. Paper 2
- ✓ Amendments recommended for candidates contesting in elections
- ✓ What are the verdicts?

Recently:

- ❖ Adding to the growing body of judicially inspired electoral reforms, the Supreme Court has imposed an additional disclosure norm for candidates contesting elections.

What are the amendments recommended?

- The court has asked the Centre to amend the rules as well as the disclosure form filed by candidates along with their nomination papers, to include the sources of their income, and those of their spouses and dependents.
- The court has also asked for the establishment of a permanent mechanism to investigate any unexplained or disproportionate increase in the assets of legislators during their tenure.

What are the Verdicts?

- The verdict of the two-judge Bench on a petition from the NGO, Lok Prahari, is one more in a long line of significant verdicts aimed at preserving the purity of the electoral process.
- These include the direction to provide the 'NOTA' option in voting machines, and another striking down a clause that saved sitting legislators from immediate disqualification upon conviction.
- It has ruled that the act of voting is an expression of free speech, and that it is part of this fundamental right that voters are required to be informed of all relevant details about a contestant.
- This led to the rule that candidates should furnish details of any criminal antecedents, educational qualifications and assets.
- If disclosure of assets is mandatory, it is only logical that the sources of income are also revealed.
- And as it is often seen that there is a dramatic increase in the assets of candidates at every election over what was disclosed in previous affidavits, it stands to reason that any rise should be explained or probed.
- Few will dispute that lawmakers amassing wealth or gaining unusual access to public funds and loans are concerns that need to be addressed through new norms.
- To give teeth to its order, the court has made it clear that non-disclosure of assets and their sources would amount to a "corrupt practice" under Section 123 of the Representation of the People Act, 1951.
- Lest a question be raised whether the court's order to amend the relevant rules amounted to legislation, the Bench has said it sees no "legal or normative impediment", as the Centre is empowered by the Act to frame rules in consultation with the Election Commission.
- The idea of a permanent mechanism to collect data about the assets of legislators and periodically examine them is laudable, but it is not clear which authority will run it.
- The court envisions a body that would make recommendations for prosecution or disqualification based on its own findings.
- The Centre and the Election Commission will have to jointly address the issue.
- The larger message from the verdict is that a fully informed electorate and transparent candidature will be key components of future elections in India.



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Operation Greens

Relevancy

- ✓ G.S. Paper 2
- ✓ About 'operation greens' and its main objectives
- ✓ India's vegetable production and the pricing issues related to these commodities
- ✓ Measures to be taken

Recently:

- ❖ The finance minister announced Operation Greens, on the lines of Operation Flood, with a seed capital of Rs 500 crore in his speech on February 1.
- ❖ Three days later, the Prime Minister backed the scheme at a parivartan rally in Bengaluru.

What is 'Operation Greens'?

- The project Operation Greens wants to replicate the success story of the operation flood in fruit and vegetables, starting with tomatoes, onions and potatoes.

What are the main objectives of the project?

- The main objective of this project is to reduce price volatility in these commodities, thereby helping farmers augment incomes on a sustainable basis.
- It also aims to provide these vegetables to consumers at affordable prices.
- The litmus test of this scheme would be in containing the booms and busts in prices.

How good is India as a producer of vegetables?

- India is the second largest producer of vegetables in the world with about 180 MMT.
- But China produces four times more vegetables than India.
- Yields of potatoes, onions and tomatoes have shown a healthy growth.
- These commodities constitute almost half of the country's vegetable production.

What are the pricing issues related to these commodities (potatoes, onions and tomatoes)?

- The problem with these commodities is that their prices collapse when their production rises sharply.
- This is because the country lacks modern storage facilities and the links between processing and organised retailing are very weak.
- As a result, farmers often end up receiving less than a fourth of what consumers pay in major cities.
- The basic principles of Operation Flood would be useful to operationalise Operation Greens as well.

What must be done?

- First, link major consumption centres to major production centres with a minimal number of intermediaries.
- The APMC Act will have to be changed to allow direct buying from FPOs, and giving incentives to these organisations, private companies and NGOs to build back end infrastructure as was done in the case of milk.
- The announcement of tax concessions to FPOs (farmer producer organisations) for five years (announced in the budget) is a welcome step in that direction, if it encourages building such critical infrastructure.
- Second is the investment in logistics, starting with modern warehouses, that can minimise wastage..
- Large-scale investments in storage will require tweaking of the Essential Commodities Act
- Third is linking the processing industry with organised retailing.
- On an average, about one-fourth of the produce must be processed. India is way behind on this curve compared to most Southeast Asian countries
- Dehydrated onions, tomato puree and potato chips should become cheap, so that an average household can use them
- Thus Processing industry adds value and absorbs surpluses.
- The finance minister's announcement of increasing the allocation for the food processing industry by 100 per cent is a welcome step.
- The food processing ministry will have to coordinate with Operation Greens.
- By developing such forward and backward linkages, the government can:-



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- (i) ease large price fluctuations,
- (ii) raise farmers' share in the price paid by the consumer and
- (iii) at the same time, ensure lower prices for the consumers — a win-win situation for all.



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