

**DAILY
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ANALYSIS**



LAKSHYA ACADEMY®

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1 - Forest Dwellers' and Thanthai Periyar Sanctuary's Rights:

GS III

Environmental Conservation

- **Context:**
- Forest-dwellers in Tamil Nadu have expressed worries on the possible denial of their rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 (FRA) in the wake of the Thanthai Periyar Sanctuary notification.
- What worries people about the Thanthai Periyar Sanctuary notification?
- Six tribal woodland settlements are restricted to a tiny 3.42 square kilometre area as a result of the notification's exclusion from the sanctuary. kilometres, failing to acknowledge them as income villages.
- Restrictions on cattle grazing are another feature of the notification, and they could have an impact on the customs of the Bargur cattle, a breed indigenous to the Bargur forest highlands.
- As mandated by the Forest Rights Act of 2006, the notification omits to indicate the approval of the Gram sabha and forest rights holders.
- An earlier ruling prohibiting cattle grazing in any Tamil Nadu forest was modified by the Madras High Court in March 2022, and it was limited to national parks, sanctuaries, and tiger reserves.
- The only state in the nation with such a ban is Tamil Nadu.
- This directive applies to all forests, including National Parks, Sanctuaries, and Tiger Reserves, even though the FRA 2006 recognises the grazing and traditional resource access of nomadic or pastoralist populations. Grazing rights belong to the villages at the habitation level and are governed by their Gram sabhas.
- **The Forest Rights Act (FRA), 2006: What is it?**
- The Forest Rights Act of 2006 recognises the rights of tribal people and traditional forest inhabitants to forest resources that are necessary for their subsistence, housing, and sociocultural requirements.
- The Act addresses the historical injustice that these people endured by acknowledging their symbiotic relationship with forests—a relationship that forest management practices had previously ignored.

- **Rights of Forest Dwellers Under the FRA, 2006:**

- Individual rights like self-cultivation and habitation, as well as collective or communal rights like access to water bodies, grazing, fishing, and traditional seasonal resource access for pastoral and nomadic populations, are all provided to forest dwellers under the FRA.
- The Particularly Vulnerable Tribal Groups (PVTGs), intellectual property rights, customary rights, and the right to preserve, replenish, or manage community forest resources sustainably are all recognised under the Act.
- Furthermore, it allows for the distribution of forest land for development in order to fulfil the fundamental infrastructure requirements of communities residing in forests.
- Crucially, the FRA protects forest residents from eviction without appropriate rehabilitation and settlement by collaborating with other pertinent laws like the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act of 2013.
- The Act also mandates that the Gram Sabha, or village assembly, take the lead in putting the Act into practice.
- The Act also bestows significant authority on the Gram Sabha, giving the tribal people final say over local policies and programs that affect them.
- Within its customary and traditional borders, including inside Protected Areas, the Gram Sabha is empowered and required under the Forest Rights Act (FRA) to identify and acknowledge forest rights as well as to safeguard and conserve the forests, animals, and biodiversity.
- Under the 2016 modification to the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act of 1989, violations of the FRA—especially with regard to Scheduled Tribes—are punishable as crimes.
- According to the FRA, one of the forest rights of Scheduled Tribes and other traditional forest residents is the conversion of forest villages into revenue villages.
- The government is required to evaluate rights under the Forest Rights Act (FRA) of 2006 and acquire permission from the Gram Sabhas before notifying a Protected Area under the Wild Life (Protection) Act (WLPA), 1972.
- As a subsequent statute, the FRA 2006 takes precedence over the WLPA, 1972. Any clauses of the WLPA that are in opposition to the FRA are regarded as being void.

- **Which are Thanthai Periyar Sanctuary's salient features?**

- Covering an area of 80,114.80 hectares, the Thanthai Periyar Wildlife Sanctuary is located in the Bargur Hills of Tamil Nadu's Erode district.
- It links the Cauvery South Wildlife Sanctuary and the Nilgiris Biosphere Reserve, and it has been proclaimed the 18th wildlife sanctuary in the state.
- Situated at the confluence of the Eastern and Western Ghats, the sanctuary is renowned for its abundant biodiversity.
- The Sathyamangalam Tiger Reserve, Male Mahadeshwara Hills Tiger Reserve, and Cauvery Wildlife Sanctuary are all connected by the sanctuary, which is a part of the tiger corridor.

- Acknowledged by the National Tiger Conservation Authority, it is essential to the preservation of tigers and sustains a healthy population.
- The area, which is home to a thriving population of Indian Gaur and elephants, is a major portion of the Nilgiris Elephant Reserve.
- It supports agricultural activity by acting as the Palar River's catchment region, which feeds into the Cauvery River.

Source → The Hindu

2 - SDG Progress Report for Asia-Pacific 2024:

GS II

International Issues

- **Context:**
- The Asia and the Pacific SDG Progress Report 2024 was just released by the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP). The success stories, trends, and unique difficulties that different regions of the area have faced in pursuing the SDGs are the main topics of this paper.
- **What is the SDG Progress Report for Asia and the Pacific?**
- One of the United Nations ESCAP's yearly flagship publications, the Asia and the Pacific SDG Progress Report gives an overview of SDG Progress in the region and serves as a basis for numerous other initiatives carried out by ESCAP and its partners.
- It identifies the top priority for expanding access to data on SDG indicators, particularly for the most disadvantaged populations, as this could aid in the creation of inclusive and equitable development plans.
- **Which aspects of the report stand out the most?**
- **Total Progress Postponed:**
- Inadequate and unequal progress is being made towards the 17 Sustainable Development Goals (SDGs) by different demographic groups and the five subregions of Asia and the Pacific.
- If things continue as they are, the region won't reach all of the SDGs until 2062, which is 32 years later than the goal year of 2030.

- **Limited Achievement of Measurable Objectives:**

- Out of the 116 measurable SDG targets, just 11% are being met. If the current trajectory is maintained, the region is expected to make only one-third of the necessary progress by 2030.

- **Climate-Related Action Delays:**

- With all SDG 13 targets either stopped or reversed, progress on SDG 13 (Climate Action) is still well behind schedule. This underscores the urgent need to integrate climate action into national policy and build resilience to deal with climate-related calamities.

- **Data Misses Prevent Monitoring:**

- In the Asia-Pacific area, there are now 169 SDG targets that cannot be measured, or nearly 67% of them.
- Regarding the climate objective (SDG 13), 62.5% of the indicators do not have the necessary data to track advancement.
- Though performance has improved since 2017, there is still not enough data available for 53 targets, three of which are related to climate change.

- **Inequality of Gender:**

- In spite of general improvements in school enrollment rates, women and girls in the area still encounter significant obstacles in their pursuit of education and career prospects.
- They struggle with literacy and have lower enrollment rates. Due to their limited access to the labour market, young women have greater rates of youth unemployment.
- Men typically confront obstacles pertaining to their personal safety or health.
- They have greater incidence of chronic illnesses, traffic fatalities, and suicide.

- **Goal Interconnectedness:**

- There has also been little progress made towards targets including eradicating hunger (SDG 2), improving health and well-being (SDG 3), guaranteeing clean water and sanitation (SDG 6), increasing access to affordable, clean energy (SDG 7), and creating sustainable cities and communities (SDG 11).
- These objectives are directly related to climate change, and they encounter obstacles that can impede regional advancement.

- **Alert Regarding Worldwide Dangers:**

- The urgency of tackling climate action in order to meet SDG targets is further highlighted by the identification of extreme weather events and climate change as serious global hazards over the next ten years.

- **Stories of National Success:**

- The recent legislation in the Philippines that extended support to children with disabilities by providing a disability allowance was largely influenced by focused study and analysis aimed at assessing the cost of helping children living with a handicap.
- The importance of public-private partnerships in speeding digital transformation and closing the skills and job gap for young people and migrant workers has been highlighted by nationwide digital training programs in Vietnam.
- In the meantime, to better serve the stateless community, national statistical systems in Kazakhstan, Kyrgyzstan, Turkmenistan, and Uzbekistan have been improved.

- **Principal Suggestions Made by the Report:**

- It is critical to address the disparities that affect marginalised groups, such as women, girls, rural residents, and the impoverished in urban areas, who are still unable to access chances for education and work.
- To meet the difficulties posed by climate change and fulfil multiple SDGs, a substantial increase in investment in sustainable infrastructure and renewable energy sources is required.

- **India's SDG Progress, According to the Report:**

- India's overall SDG score increased from 60 in 2019 to 66 in 2020–21, a gain of 6 points.
- With composite goal scores of 83 and 92, respectively, Clean Water and Sanitation Goal 6 and Affordable and Clean Energy Goal 7 are notable accomplishments.

Source → The Hindu

3 - National Scheduled Castes Commission:

GS II

Government Policies and Interventions

- **Context:**

- The President of India received the National Commission of Scheduled Caste (NCSC) Annual Report 2022–2023 recently from the Ministry of Social Justice & Empowerment.
- The reports include a range of suggestions on the matters referred to the Commission concerning the preservation of the Scheduled Castes (SCs) Constitutional Safeguards as stated in the Indian Constitution.
- In accordance with the authority assigned to the NCSC by Article 338 of the Indian Constitution, the Commission's responsibility is to report to the President on the functioning of the Constitutional Safeguards of the SCs on a yearly basis and at other times as the Commission may think appropriate.

- **The National Commission for Scheduled Castes (NCSCs): What is it?**

- The NCSC is a constitutional body that was created to preserve Scheduled Castes from exploitation and to advance and defend their interests in social, cultural, educational, and economic spheres.
- Article 338 of the constitution originally allowed for the appointment of a Special Officer. The Commissioner for Scheduled Castes and Scheduled Tribes was assigned to the special officer.

- **65th Constitutional Amendment Act 1990:**

- It changed the one-member National Commission for Scheduled Castes (SC) and Scheduled Tribes (ST) to a multi-member body by amending Article 338 of the Constitution.

- **89th Constitutional Amendment Act 2003:**

- The 2004 amendment to Article 338 resulted in the replacement of the former National Commission for SC and ST by two distinct commissions, namely:
 - Article 338 establishes the National Commission for Scheduled Castes (NCSC).
 - Article 338A establishes the National Commission for Scheduled Tribes (NCST).

- The NCSC is made up of three other members, the chairperson, and the vice-chairperson.
- A warrant under the President's hand and seal designates the appointment process for certain posts.
- The President also sets their terms of office and conditions of service.
- **Uses:**
 - to look into, keep an eye on, assess, and evaluate any issues regarding the constitutional and other legal protections for the SCs;
 - To look into particular complaints regarding the SCs' rights and protections being violated;
 - to take part in, offer advice on, and assess the socioeconomic development planning process of the SCs, as well as the advancement of their development under the Union or a state;
 - Must submit reports to the President on the operation of those safeguards on an annual basis and at other times as it may see suitable;
 - to offer suggestions on the actions that the Union or a state ought to take in order to successfully apply those safeguards as well as other actions for the welfare, protection, and socioeconomic advancement of the SCs.
 - Up until 2018, the commission was also obligated to carry out comparable duties for the other backward classes (OBCs). This obligation was released by the 102nd Amendment Act of 2018.
- **NCSC's Authority:**
 - The Commission has the authority to control its own processes.
 - The Commission has all the authority of a civil court hearing a lawsuit while looking into any problem or complaint, especially when it comes to the following issues:
 - calling someone, making them appear, and having them testify under oath;
 - obtaining proof through affidavits; and
 - obtaining any public record from a court or government agency.
 - All significant policy decisions that have an impact on the SCs must be discussed with the Commission by the federal and state governments.
- **What additional provisions of the Constitution support the advancement of the SCs?**
 - Article 15: The article focuses on the protection and advancement of Scheduled Castes (SCs) and expressly addresses the problem of caste-based discrimination.
 - Article 17: This Article outlaws the practice of untouchability in all its forms and abolishes it. It aims to end societal inequality and advance each person's equality and dignity.
 - Article 46: This article gives the State the responsibility to safeguard Scheduled Castes and other marginalised groups from social injustice and all types of exploitation while also advancing their economic and educational interests.
 - Article 243D (4): According to the law, the number of SCs residing in the area must be taken into account while allocating seats in Panchayats, or local self-government organisations.

- Article 243T (4): According to the population of the municipality (urban local body), seats for SCs are reserved in accordance with this rule.
- The Scheduled Tribes and Scheduled Castes are granted reserved seats in the legislative assemblies of the States and the Lok Sabha, respectively, according to Articles 330 and 332.
- **The next steps:**
 - The efficacy of the NCSC has been allegedly curtailed by bureaucratic obstacles, political meddling, and inadequate enforcement protocols, according to certain detractors.
 - Concerns have also been raised over insufficient representation of SC groups and delays in responding to complaints.
 - The NCSC might benefit from more resources, more autonomy, and proactive steps to eliminate systemic discrimination in order to address these problems.
 - Enhancing communication initiatives, maintaining openness, and encouraging partnerships with civil society groups can all help make it more successful in defending the rights of SCs.

Source → The Hindu



4 - Muslim women's right to maintenance:

GS II

Social Issues

- **Context:**
 - Rekindling the debate over whether secular laws should take precedence over specific personal laws, the Supreme Court (SC) recently decided to investigate whether a divorced Muslim woman is entitled to a claim of maintenance under Section 125 of the Criminal Procedure Code (CrPC) against her former husband.
 - The conflict started when a Muslim man contested a Telangana High Court order to provide his ex-wife with interim support.
 - He argued that the provisions of the Muslim Women (Protection of Rights on Divorce) Act, 1986 (1986 Act), which take precedence over Section 125 of the CrPC, will regulate maintenance in this particular case.

- **What is the evolution of the Muslim Women Act 1986?**

- Muslim women could file for support under Section 125 of the Code of Criminal Procedure (CrPC), much like women from other communities, prior to the passage of the Muslim Women (Protection of Rights on Divorce) Act, 1986.
- The ruling in the Mohd case by the Supreme Court confirmed this. *Shah Bano Begum v. Ahmad Khan*, 1985.
- The Muslim Women (Protection of Rights on Divorce) Act was passed by the Indian Parliament in reaction to the Shah Bano case, and it gives Muslim women who have divorced a particular way to file for maintenance.
- It related the amount to the mahr, or dowry, given to the woman, and limited the maintenance term to the iddat period.
- A woman must observe the three-month-long iddat period following her husband's death or divorce before being eligible to marry again.

- **The 2001 case of Danial Latifi v. Union of India:**

- The Supreme Court maintained the 1986 Act's constitutionality while extending a Muslim woman's entitlement to maintenance till her next marriage. However, it shortened the maintenance period to end with iddat.
- The Supreme Court reaffirmed in 2009 that Muslim women who have divorced may continue to receive support under Section 125 of the CrPC after the iddat period had passed, provided they do not remarry.
- This confirmed the idea that the CrPC clause is applicable to everyone, regardless of religion.
- The Patna High Court highlighted that Muslim women who are divorced might choose to apply for maintenance under the 1986 Act and Section 125 of the CrPC.
- This emphasises how all laws are applicable concurrently and guarantees that Muslim women will not be denied rights under any of the provisions.

- **Present Situation:**

- In the present instance, the appellant filed an appeal after his ex-wife went to a Hyderabad family court, claiming he had awarded her triple talaq and requesting monthly maintenance under Section 125 of the CrPC.
- The spouse contended that Section 125 of the CrPC will be superseded by the provisions of the Muslim Women Act, 1986, which is a special legislation.
- He said that since the 1986 Act grants the First-Class Magistrate authority to judge matters pertaining to mahr and other subsistence, relief cannot be requested before the family court.

- He emphasised that, as required by Section 5 of the 1986 Act, the wife failed to submit an affidavit to the magistrate expressing her preference for the provisions of the CrPC over those of the latter.

Source → The Hindu



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