Pg 8. GS 2 (IR)

A subregional grouping that must get back on course

BIMSTEC is in need of a framework to tackle the specific challenges confronting the Bay of Bengal region

VENU RAJAMONY

As world attention remains focused on the war in Ukraine, leaders of the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) will attend a summit meeting of the regional organisation. The meet, which is to be held in virtual mode, will be hosted by Sri Lanka, the current BIMSTEC chair.

Founded in 1997, the seven-member BIMSTEC, which includes the littoral states of India, Bangladesh, Sri Lanka, Myanmar (Thailand is a member too) and the land-locked states of Nepal and Bhutan, has identified 14 pillars for special focus. These are trade and investment, transport and communication, energy, tourism, technology, fisheries, agriculture, public health, poverty alleviation, counter terrorism and transnational crime, environment and disaster management, people-to-people contact, cultural cooperation and climate change. While each sector is important, the segmented approach has resulted in omnibus end summit communiqués full of aspirations rather than action. The upcoming summit is an opportunity for BIMSTEC leaders to go beyond generalised statements and take concrete steps to address critical challenges confronting the region.

A Bay of Bengal Maritime Dialogue (BOBMD) organised recently by the Centre for Humanitarian Dialogue and the Pathfinder Foundation brought together government officials, maritime experts, and representatives of prominent think tanks from Sri Lanka, India, Bangladesh, Myanmar, Thailand and Indonesia. Participants called for stepped up efforts in areas such as environmental protection; scientific research; curtailing illegal, unreported, and unregulated (IUU) fishing, as well as the development of standard operating procedures that could govern interaction between fishing vessels of one country with maritime law enforcement agencies of another.

Rich marine ecosystem

Presentations made at the BOBMD highlighted the fact that the Bay of Bengal is home to a large network of beautiful yet fragile estuaries, mangrove forests of around 15,792 square kilometres, coral reefs of around 8,471 sq.km, sea grass meadows and mass nesting sites of sea turtles. The annual loss of mangrove areas is estimated at 0.4% to 1.7% and coral reefs at 0.7%. It is predicted that the sea level will increase 0.5 metres in the next 50 years. Moreover, there have been 13 cyclonic storms in the last five years. The Bay is an important source of natural resources for a coastal population of approximately 185 million people. The fishermen population alone is estimated to be around 3.7 million, with an annual fish catch of around six million tonnes, constituting 7% of the world's catch and valued at around U.S.$4 billion. Around 4,15,000 fishing boats operate in the Bay and it is estimated that 33% of fish stocks are fished unsustainably (Source: presentation in February 2022 by E. Vivekanandan, senior consultant, ICAR-Central Marine Fisheries Research Institute). According to the Food and Agriculture Organization of the United Nations (FAO), the Bay of Bengal is one of IUU fishing hotspots in the Asia-Pacific.

The pressing challenges that confront the Bay of Bengal include the emergence of a dead zone with zero oxygen where no fish survive; leaching of plastic from rivers as well as the Indian Ocean; destruction of natural protection against floods such as mangroves; sea erosion; growing population pressure and industrial growth in the coastal areas and consequently, huge quantities of untreated waste flow. Security threats such as terrorism, piracy and tensions between countries caused by the arrests of fishermen who cross maritime boundaries are additional problems. It also needs to be kept in mind that the problem of fishermen crossing into the territorial waters of neighbouring countries affect India and Sri Lanka and Bangladesh and Myanmar (also Pakistan on the west coast).

Need for regional interaction

The blue economy potential of the Bay of Bengal is huge. There are many opportunities to develop maritime trade, shipping, aquaculture and tourism. However, tapping these opportunities requires coordinated and concerted action by governments, scientists and other experts. The BIMSTEC Summit must create a new regional mechanism for coordinated activities on maritime issues of a transboundary nature. This mechanism must initiate urgent measures to strengthen fisheries management, promote sustainable fishing methods, establish protected areas and develop frameworks to prevent and manage pollution, especially industrial and agricultural waste as well as oil spills. There is also a need for greater scientific research on the impact of climate change in general and on fisheries in particular. At present, there is limited cooperation between countries of the region in marine research. Most BIMSTEC countries have premier institutions and excellent scientists but their interaction with the West is far more than within the region. The use of modern technology and improved fishing practices can go a long way in restoring the health of the Bay.

This should be a priority area

Marine environmental protection must become a priority area for cooperation in the Bay of Bengal. Enforcement must be strengthened and information shared on best practices. Regional protocols need to be developed and guidelines and standards on pollution control established. Decision-making must be based on science and reliable data, information and tools.

There is a need for home-grown solutions based on capabilities of local institutions and for mutual learning through regional success stories. There is a need to create regional frameworks for data collection. Participatory approaches must be evolved for near-real-time stock assessment and the creation of an regional open fisheries data alliance. The Bay of Bengal Programme (BOBP), an inter-governmental organisation based in Chennai, is doing good work to promote sustainable fishing.

A Bay Of Bengal Large Marine Ecosystem (BOBLME) project is also being launched by the FAO with funding from the Global Environmental Facility (GEF) and others. The BIMSTEC summit must express full support for both BOBP and BOBLME. The summit must mandate officials to come up with measures to curtail unsustainable as well as IUU fishing. These could include setting up an international vessel tracking system and making it mandatory for vessels to be equipped with automatic identification system (AIS) trackers; establishing a regional fishing vessel registry system and publishing vessel licence lists to help identify illegal vessels; increasing monitoring, control and surveillance in IUU fishing hotspots; establishing regional guidelines on how to deter and prevent IUU practices; improving the implementation of joint regional patrols, and regional fishing moratoriums and outreach programmes targeted at fisherfolk. Laws and policies in littoral states must be harmonised and the humanitarian treatment of fishermen ensured during any encounter with maritime law enforcement agencies.

The challenges that confront the Bay of Bengal region brook no more delay. BIMSTEC must arise, awake and act before it is too late. The summit must set in process regular meetings of officials, supported by scientists and experts, to tackle illegal and unsustainable fishing as well as prevent the further environmental degradation of the Bay of Bengal.

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Trade and investment, transport and communication, energy, tourism, technology, fisheries, agriculture, public health, poverty alleviation, counter terrorism and transnational crime, environment and disaster management, people-to-people contact, cultural cooperation and climate change

Bay of Bengal Maritime Dialogue (BOBMD)

Pathfinder foundation and Centre for Humanitarian Dialogue (HD)

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Disasters

Security threats

Limited cooperation between countries

Strengthen fisheries management, promote sustainable fishing methods, establish protected areas and develop frameworks to prevent and manage pollution, especially industrial and agricultural waste as well as oil spills.

Environmental protection

Local institutions

❑ Bay of Bengal Programme (BOBP)

❑ Bay Of Bengal Large Marine Ecosystem (BOBLME) project is also being launched by the FAO with funding from the Global Environmental Facility (GEF) and others

international vessel tracking system and making it mandatory for vessels to be equipped with automatic identification system (AIS) trackers;

regional fishing vessel registry system

Improving the implementation of joint regional patrols

The Startup India initiative

How lack of representation for marginalised groups as well as the heavy clustering of start-ups in certain regions have led to entrepreneurial disparities

SAPTAPARNO GHOSH

Anish Tiwari, Colm O'Gorman and Teresa Hogan, *'The good, the bad, and the ugly of 'Startup India' – a review of India's entrepreneurship policy'* , Economic & Political Weekly (EPW), Vol (50), 2021.

A research paper from Dublin City University in Ireland, reviewing India's entrepreneurial policy Startup India, affirmed its positive impact in reducing regional entrepreneurial disparities. However, it cited shortcomings in addressing the under-representation of women and marginalised caste groups in the national startup ecosystem. The paper was published in the *Economic and Political Weekly* in December 2021. Startup India was introduced in 2016 as a "clarion call to innovators, entrepreneurs, and thinkers of the nation to lead from the front in driving India's sustainable growth and create large scale employment opportunities."

Minister for Commerce and Industry Piyush Goyal informed the Lok Sabha the other week that the entrepreneurial portal had more than 65,000 startups registered. Of which, 40 attained the 'unicorn' status in the last twelve months, bringing the total as of date to 90. He stated that India ranked third among global startup eco-systems.

Addressing regional entrepreneurial disparities

The evidence collated by authors of the research paper suggested that the networking, training and mentoring facilities provided by Startup India alongside entrepreneurship outreach campaigns in tier-2 and tier-3 cities, helped address regional entrepreneurial disparities in India. The program was aimed at scouting entrepreneurs from these cities and integrate them into the portal. It would then facilitate a network between venture capital funds, angel networks, banks, incubators, accelerators, universities, legal partners, consultants and research & development institutions.

The paper states the initiative helped redirect many State govts' policymaking in favour of startups. Quoting from Startup India's Report (2018), the researchers mention, only four States had dedicated startup policies prior to its launch. After its launch and as of December 2019, 23 States and two Union Territories had formulated a dedicated startup policy.

Heavy concentration in megacities

Despite the initiative, the researchers pointed out that entrepreneurship continued to be "highly concentrated" in three megacities, namely, Mumbai, Bengaluru and Delhi NCR. The three

Recognised startups under Startup India

HIGHEST		LOWEST	
Maharashtra	8353	Meghalaya	9
Karnataka	5999	Arunachal Pradesh	4
Delhi	5587	Mizoram	4
Uttar Pradesh	3880	Sikkim	4
		Ladakh	1
Gujarat	2622	Lakshadweep	1

SOURCE: ANNEXURE-I OF MINISTER OF STATE FOR COMMERCE & INDUSTRY SOM PRAKASH'S WRITTEN REPLY TABLED IN RAJYA SABHA ON MARCH 19, 2021.

cities accounted for 93% of all funding raised between 2014 and 2019. The paper pointed out that India's venture capital industry is also clustered in and around these three cities.

The same notion was established by the Reserve Bank of India (RBI) in its Pilot Survey on the Indian Startup Sector (2019). The research involving 1,246 participants stated nearly three-fourths of the participants were from Karnataka, Maharashtra, Telangana, Delhi and Tamil Nadu.

Quoting from recent studies, the researchers stated that such concentration can lead to increased economic inequality and hinder emergence of entrepreneurs from industries other than those belonging to the clusters. The spurt of industries (in this case, startups) create employment opportunities, this furthers a demand for leisure and essential amenities among the populace. In turn, this furthers employment, economic activity and efficiency. However, this takes place at the expense of another area having previously failed to enable a suitable supportive ecosystem.

According to results computed by the researchers in the paper, 30% of all States and Union Territories in India have an equal or higher proportionate share in the Dept for Promotion of Industry and Internal Trade's (DPIIT) recognised start-up pool in relation to their share in the country population.

Ensuring representation

The researchers point out that the 40-page *Startup India Action Plan* document has no mention of the words 'caste', 'tribe', 'marginalised', 'indigenous' or 'social group'.

According to them, this contradicts the initiative's very notion of making entrepreneurship in India inclusive. The under-representation could be due to multiple factors, the paper states, such as caste-based economic exclusion, the urban and rural divide,

lack of access to quality education and limited social networks. Additionally, the policy's reliance on technology does not take into consideration India's digital divide, especially with respect to urban and rural areas.

With reference to government data from 2013, the paper concluded that SC and ST share in ownership of agricultural establishments including farming, livestock, fishery and forestry were higher in comparison to non-agricultural establishments. They were based majorly in rural areas in comparison to urban areas. Most of them operated without any hired workers, indicating that a significant number of these enterprises were necessity-based undertakings not creating any significant job opportunities. According to economist Thorsten Beck, necessity-based or subsistence entrepreneurship refer to businesses that are run informally and through self-employment. A large number of these are set up owing to lack of employment opportunities in the formal sector. "The evidence thus suggests the need for targeted measures to promote technology-and innovation-driven entrepreneurship among SC and ST communities. However, the *Startup India policy* document in its present form does not address this issue," the paper noted.

Women in the industry

In February, the Minister of State for Commerce & Industry Som Prakash, in response to a question on women entrepreneurship under Startup India, had informed that of 62,000 startups registered with the DPIIT, 46% of them had at least one woman director. RBI's pilot survey had earlier stated that 5.9% of participating startups in its survey had a female founder in comparison to 55.5% of the opposite gender. The remaining 38.6% had both male and female co-founders.

Mr Som had also apprised the house of dedicated measures taken to spurt women entrepreneurship. 10% of the fund in the Fund of Funds operated by Small Industries Development Bank of India (SIDBI) has been reserved for women-led startups. Further, all the alternate investment funds where the SIDBI takes equity have been mandated to contribute 20% in business which are women led, women influenced and women employment or women consumption centric. He also informed the house about capacity building programmes and the dedicated webpage for women on the portal. As per the established arrangement, the DPIIT allocates funds to SIDBI, which in turn invests the money in alternative investment firms (AIFs). The latter would then raise matching funds, and post fundraising, invest the money and disburse to startups, the paper informs. This is done to avoid any potential accusation of 'favouritism'.

Startup India scheme is an important government scheme that was launched on 16th January 2016 with an aim to promote and support the start-ups in India by providing bank finances. It was inaugurated by the former finance minister, Arun Jaitley.

Organized by the Department for promotion of industry and internal trade, the major objective of Startup India is to discard some of the restrictive States Government policies which include:

1. License Raj
2. Land Permissions
3. Foreign Investment Proposals
4. Environmental Clearances

The Startup India scheme is based majorly on three pillars which are mentioned below:

1. Providing funding support and incentives to the various start-ups of the country.
2. To provide Industry-Academia Partnership and Incubation.
3. Simplification and Handholding.

Pg 1. GS 2 (Polity)

Protest in LS as Bill envisages lifting biometrics of detainees

New Criminal Procedure Bill violates rights: MPs

VIJAITA SINGH
NEW DELHI

The Criminal Procedure (Identification) Bill, 2022, that would allow the police and prison authorities to collect, store and analyse physical and biological samples, including retina and iris scans, was introduced in the Lok Sabha on Monday amid strong protests from Opposition members, who forced a vote on the issue and termed the Bill "unconstitutional".

The Bill also seeks to apply these provisions to persons held under any preventive detention law. The National Crime Records Bureau (NCRB) will be the repository of physical and biological samples, signature and handwriting data that can be preserved for at least 75 years.

Opposition members argued that the Bill was beyond the legislative competence of Parliament as it violated fundamental rights of citizens, including the right to privacy. BSP member Ritesh Pandey said the Bill proposes to collect samples even from protesters engaged in political protests.

The Bill could be introduced by Union Minister of State for Home Ajay Mishra 'Teni' only after a division of votes in which 120 members voted in favour of introducing it while 58 members voted against.

In the eye of storm | The Criminal Procedure (Identification) Bill, 2022 would allow the police and prison authorities to store and analyse physical and biological samples, including retina and iris scans of convicts

- The Bill seeks to repeal The Identification of Prisoners Act, 1920, whose scope was limited to recording finger impressions and foot-print impressions of limited category of convicts

- The new Bill expands the scope of "measurements" to include iris, signature, handwriting, biological samples

- The records can be stored for 75 years

- It also proposes to record the details of persons detained under any preventive detention law. Opposition says this can be misused against political adversaries

- If a person with no criminal background is released without trial or acquitted by the court, all records of measurements so taken shall be destroyed

The Identification of Prisoners Act, 1920
- ❏ "Measurements" include finger impressions and foot-print impressions;
  "Measurements" includes finger-impressions, palm-print impressions, foot-print impressions, photographs, iris and retina scan, physical, biological samples and their analysis, behavioural attributes including signatures, handwriting or any other examination referred to in section 53 or section 53A of the Code of Criminal Procedure, 1973;
- ❏ 53- Examination of accused by medical practitioner at the request of police officer.
- ❏ 53 A- Examination of person accused of rape by medical practitioner
  In 2009, India's most wanted terrorist and the operations chief of the Indian Mujahideen, Ahmed Zarar Siddibappa alias Yasin Bhatkal, was arrested by Kolkata Police in a case of theft.
  - However, he was identified as "Bulla Malik" based on fake identity documents, and was let off after a few days

- ❏ Empower the **National Crime Records Bureau (NCRB)** to collect, store and preserve

the record of measurements and for sharing, dissemination, destruction and disposal of records;

❑ Empower a **Magistrate** to direct any person to give measurements; a Magistrate can also direct law enforcement officials to collect fingerprints, footprint impressions and photographs in the case of a specified category of convicted and non-convicted persons;

❑ Empower **police or prison officers** to take measurements of any person who resists or refuses to give measurements

SC query on minority status petition

Bench seeks clarity on which Union Ministry has to deal with the plea

LEGAL CORRESPONDENT
NEW DELHI

The Supreme Court on Monday sought clarity from the Union government about which of its Ministries have to chiefly deal with a petition seeking 'minority' status for Hindus in States where they are numerically low.

A Bench led by Justice Sanjay Kishan Kaul drew the government's attention to the apex court's 'office report' on the case.

The report, dated March 25, mentions a communication from the Ministry of Home Affairs stating that the topic came under the purview of the Ministries of Minority Affairs and Education.

In fact, the MHA has said the Ministry of Minority Affairs should "deal with the matter" in consultation with the Ministries of Education, and Ministry of Law and Justice while keeping in mind to "protect the interest" of the Home Ministry.

However, the petitioner, advocate Ashwini Upadhyay, had made the MHA the first respondent in the case. The Ministry of Minority Affairs is arraigned down at spot three in the list of respondents.

The logic behind MHA's thinking that the responsibility to "deal" with the peti-

tion falls chiefly on the Ministries of Minority Affairs and Education seems to stem from the fact that Mr. Upadhyay had challenged certain provisions of the National Commission for Minority, Educational Institutions Act, 2004 and the National Commission for Minorities Act, 1992.

"As MHA (respondent no. 1) has no role to play in the matter, it is requested that the Ministry of Minority Affairs (respondent no. 3) may deal with the matter in consultation with the Ministry of Education and the Ministry of Law and Justice (respondent no. 2) and also protect

the interest of MHA in the writ petition," the apex court's office reported.

Solicitor General Tushar Mehta said he would look into the issue, and sought some time to peruse an affidavit already filed by the Ministry of Minority Affairs.

In its affidavit, the Ministry said that States where Hindus were numerically low could consider granting them minority status at state level.

Mr. Upadhyay has argued that the followers of Judaism, Baha'ism and Hinduism cannot establish educational institutions of their choice.

Muslims, Christians, Sikhs, Buddhists and Parsis — as 'minority' communities. Jains were added to the list in January 2014.

The petition by Advocate Ashwini Upadhyay has contended that the 2011 census showed that Hindus have become a minority in Lakshadweep (2.5%), Mizoram (2.75%), Nagaland (8.75%), Meghalaya (11.53%), J&K (28.44%), Arunachal Pradesh (29%), Manipur (31.39%), and Punjab (38.40%), but were bring denied minority benefits that are currently being enjoyed by the respective majority communities in these places.

Mains Practice Questions

Q.1 BIMSTEC is in need of a framework to tackle the specific challenges confronting the Bay of Bengal region. Explain the statement with the help of relevant examples. **(15 Marks, 250 Words)**

Q.2 Lack of representation for marginalized groups as well as the heavy clustering of start-ups in certain regions have led to entrepreneurial disparities. In the light of the statement, discuss the existing gaps and challenges with respect to Start up India initiative. **(15 Marks, 250 Words)**