Quarterly Publication

The Urban World

RCUES

Regional Centre for Urban & Environmental Studies (RCUES), Mumbai

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Established in 1926, the All India Institute of Local Self Government (AIILSG), India is a premier autonomous research and training institution in India. The Institute was recognized as an Educational Institution by Government of Maharashtra in the year 1971. The Institute offers several regular training courses in urban development management and municipal administration, which are recognized by the Government of India and several State Governments in India.

In the year 1968, the erstwhile Ministry of Health, Family Planning and Urban Development and (now known as Ministry of Urban Development), Government of India established the Regional Centre for Urban & Environmental Studies (RCUES) at AIILSG, Mumbai to undertake urban policy research, technical advisory services, and building work capabilities of senior and middle level municipal officials, and elected members from the States of Goa, Gujarat, Maharashtra, Rajasthan and UT's of Diu, Daman, Dadra & Nagar Haveli in western region and Assam and Tripura States in North East Region. The RCUES is fully supported by the Ministry of Urban Development, Government of India. The Ministry of Urban Development, Government of India has formed National Review and Monitoring Committee for RCUES under the chairmanship of the Secretary, Ministry of Urban Development, Government of India. The Principal Secretary, Urban Development Department of Government of Maharashtra is the ex-officio Chairman of the Advisory Committee of the RCUES, Mumbai, which is constituted by Ministry of Urban Development, Government of India.

In the year 1991, the RCUES was recognized by the Ministry of Urban Development, Government of India as a National Training Institute (NTI) to undertake capacity building of project functionary, municipal officials, and municipal elected members under the earlier urban poverty alleviation programme-UBSP. In the year 1997, the Ministry of Urban Affairs and Employment recognized RCUES of AIILSG as a NTI for capacity building under SJSRY, the centrally sponsored poverty alleviation programme in the States and UT's in the western region, Madhya Pradesh, and Chattisgarh.

In 2005, the Ministry of Urban Employment and Poverty Alleviation (MOUE&PA), Government of India and UNDP have set up the `National Resource Centre on Urban Poverty' (NRCUP), which is anchored by Regional Centre for Urban and Environmental Studies (RCUES), All India Institute of Local Self Government (AIILSG), Mumbai under GOI – UNDP, project titled `National Strategy for the Urban Poor'.

In 2009, the RCUES, AIILSG Mumbai was recognized as a `Nodal Resource Centre' on SJSRY (NRCS) by Ministry of Housing and Urban Poverty Alleviation, Government of India.

Since 2000, the AIILSG, Mumbai houses the Solid Waste Management (SWM) Cell backed by the Government of Maharashtra for capacity building of municipal bodies and provide technical advisory services to ULBs in the State. In 2008 Mumbai Metropolitan Regional Development Authority (MMRDA) established Solid Waste Management Cell to provide technical advise for development of regional landfill sites and capacity enhancement in Solid Waste Management for urban local bodies in Mumbai Metropolitan Region (MMR).

On 13th January, 2010 Water Supply & Sanitation Department, Government of Maharashtra established Change Management Unit (CMU) in AIILSG, Mumbai which was supported by Government of Maharashtra. The CMU was anchored by AIILSG, Mumbai for Water Supply and Sanitation Department, Government of Maharashtra from 13th January, 2010 to 30th June, 2014.

In 2010, the AIILSG, Mumbai is selected as a Nodal Agency by Water Supply and Sanitation Department, Government of Maharashtra in preparation of City Sanitation Plans for 19 Municipal Corporations and 15 A Class Municipal Councils in Maharashtra State, under the assistance of Ministry of Urban Development, Government of India.

On 3rd September, 2011, Water Supply & Sanitation Department, Government of Maharashtra established Waste Management & Research Centre in AIILSG, Mumbai, which will be supported by Government of Maharashtra and MMRDA.

The RCUES, AIILSG, Mumbai is recognized in October 2011 as a Nodal Resource Centre (NRC) for RAY by Ministry of Housing and Urban Poverty Alleviation, Government of India.

The AIILSG, Mumbai is empanelled in November, 2011 as National Resource Institution for North, East, West and South Regions for `Social Development & Community Mobilization by RAY Directorate, Ministry of Housing and Urban Poverty Alleviation, Government of India.

In August, 2013 the AIILSG, Mumbai is empanelled as Agency by Ministry of Urban Development, Government of India, for providing technical support to the Cities / Towns of States / Urban Local Bodies (ULBs) in the field of Water Supply and Sanitation, Sewerage and Drainage systems.

In July 2015, the RCUES & AIILSG, Mumbai is empanelled for Municipal Solid Waste Management project under Swachh Bharat Mission (SBM) programmes undertaken by the Ministry of Urban Development, Government of India.

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Editorial

Protect urban environment, saving trees and more

Street protests by various citizen groups in a large metropolis recently made headlines. The citizens were protesting the cutting down of fully grown, decades old trees to make way for infrastructure development work. While the cutting down apparently had the requisite approvals and permissions, the citizens angst was a reflection of the deep concern over the degradation of the environment in our cities, in many cases an undesirable outcome of the development process. Road widening, laying rail and metro tracks, building airports all call for removing green spaces to make way for steel and concrete, resulting in anger, helplessness and despair among citizens. Considering the severe impact on the environment and the quality of urban life, often these proposals have been dragged by citizens right up to the highest court.

Surely there is a crying need for balancing the significant demands of urbanization with those of the environment. Rapid and relentless urbanization, a cause of major stress, will continue to challenge us in times to come. Our metropolises and megacities continue to bear a disproportionate burden of the urbanization phenomenon given the limited number of large cities and the even limited opportunities outside these larger cities. Stress points are evident everywhere, be it housing, municipal service delivery, public transport, waste management, public health, primary education, roads, parking and above all open spaces. While urban local bodies are making multi-pronged efforts to address these challenges, there is need for citizens to adopt appropriate lifestyle choices to mitigate the ill-effects of urban stress. For example, while municipal bodies and urban planners are negotiating the urban mobility conundrum by looking to build more roads, flyovers, underpasses and viaducts, which all go to support motorized transport, city dwellers need to embrace more benign mobility options such as walking, cycling and other non-motorized modes. These will reduce pressures of congestion and ambient air quality. Similarly in case of waste management, as urban local bodies look for newer dumping sites and more transportation solutions for moving the waste from city interiors to these far flung sites, citizens need to adopt practices that 'reduce, reuse and recycle' which will result in lower generation of waste.

Availability of fresh water and its handling will become increasingly challenging with cities growing in size and spread. There is conflicting demand pull from the agricultural, industrial and domestic sectors. The ability to augment water supply and the so called '24x7 supply' for domestic consumers will be severely constrained by availability of water and investments required for treatment and distribution. As with other aspects of urban life, residents should learn to live with less and use resources responsibly.

Editorial

While the responsible use of resources will in part be dictated by availability issues, there will be greater pressure for such behaviour from the environment conservation point. All aspects of citizen behaviour- urban mobility choices, waste management, water conservation, sanitation- will have significant bearing on the environment around us. Trees and greenery are important aspects of urban environment, but there is more. One would do well to recall the wisdom contained in the saying **'We do not inherit the earth from our ancestors; we borrow it from our children'**. In this issue of Urban World, among various papers, we bring you one on a related topic - the Maharashtra Protection and Preservation of Trees Act.

Gender Based Violence and Budgets in India: A Critical Approach

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Abstract

During the eighties, women's rights organisations mushroomed all over the country and focused their attention on gender violence. They organised rallies and demonstrations, sit-ins and conventions, seminars and conferences, which culminated into politics of protest movements and petitioning. In the 1990s, the women's groups consolidated their base by finding their allies in the state apparatus and created their institutional base and shelter homes of women and children survivors of violence. Series of legal reforms to deal with domestic and societal violence were enacted 1980 onwards to deal with murder/suicides of newly married brides, rape and gang rape, sexual abuse of minor, sexual harassment at workplace, inter-state and cross-country trafficking of women and girls. In the new millennium, we managed to get Preconception and Prenatal Diagnostic Techniques Regulation Act, 2002 and Protection of Women from Domestic Violence Act, 2005. Gender based violence is included in the public health policy. Still, structures and mechanisms for implementation of programmes and schemes to support survivors of violence and preventive measures to stop violence don't get adequate financial allocations, suffer from unutilisation or under-utilisation of allocated resources due to patriarchal prejudice and victim blaming by the implementing machinery.

Introduction

Gender based violence (GBV) is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women. (GBV) is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men. GBV constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms. It is an obstacle to the achievement of equality, development and peace, as recognized in the Nairobi Forward-looking Strategies for the Advancement of Women in 1985, in which a set of measures to combat violence against women was recommended. It prevents the full implementation of the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), a landmark international agreement that affirms principles of fundamental human rights and equality for women and girls initiated by the UN and adopted by the member countries. According CEDAW, the term gender-based violence "GBV" includes actual or threatened physical, sexual and psychological violence occurring in the family or community (UNFPA, 2005). VAW is understood as-

I. Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, widow burning, female infanticide, pre-birth elimination of girls, crimes against women and girls in the name of honour, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation;

II. Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution;

III. Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Economic Burden of GBV:

Gender based violence (GBV) results in immediate costs for households and communities. At the household level, it often results in out of pocket expenditure to access health services, the police, courts, informal resolution bodies and transport cost. Incidents of violence also drain household incomes as women and men often miss paid work and household work is neglected. This drain on the resources of poor households has a direct impact on malnutrition and morbidity. The inability to work and potential desertion by the male partner can often mean that household members literally starve – daily food purchases are not made, and children are left in the care of extended family or neighbours. An equally important impact of violence is its negative mental health consequences with women often exhibiting post traumatic stress disorder, further undermining their ability to work. (ICRW, 2000)

These costs are mirrored at the community and national levels. There are a number of studies in both industrialised and developing countries that describe the macro level costs of providing services for those experiencing gender based violence. Ultimately, violence leads to lower productivity, absenteeism and often lower earnings by survivors of violence. Each dollar in lost earnings will lead in turn to a further decline in GDP through multiplier effects. Thus the immediate consequences of violence are significant and can constitute a major economic leakage, particularly in resource-constrained countries, exacerbating poverty. Gender based violence also has serious long term consequences which cannot be computed such as the reduced physical and mental health of women, increased child malnutrition, restricted education of girls and boys, weakened social capital of communities and overall reduction in well-being of women, families and communities. Equally, gender based violence results in lowered participation of women as agents of development which has disastrous implications for realising safer communities and sustainable livelihoods. (Morrison, Ellsberg, Bott, 2007)

NFHS-III (2006), which interviewed 1.25 lakh women in 28 states and the national capital, during 2005-06, found that just over a third of women who had been married at any point in their lives said they had been pushed, slapped, shaken or otherwise attacked by their husbands at least once. Slapping was the most common act of physical violence by husbands. More than 34% of women said their husbands slapped them, while 15% said their husbands pulled their hair or twisted their arm. Around 14% of the women had things thrown at them. The report also states that an overwhelming majority of women who reported domestic violence were first assaulted by their husbands less than two years into their marriage. According to the figures, 62% experienced physical or sexual violence within the first two years of marriage, while 32% experienced violence in the first five years.

Indian government has expressed its commitment to achieve the Millennium Development Goals (MDGs). GBV is one of the major hurdles to attain the MDGs.

MDGs , SDGs and GBVs:

The long term consequences, if not addressed specifically in national plans or Poverty Reduction Strategy Plans (PRSPs), can in fact undermine the achievement of the MDGs and SDGs, which the international community has agreed are essential to accelerate the realisation of sustainable and just development.

Goal 1: Eradicate extreme poverty and hunger

First and foremost, GBV can increase levels of hunger and child malnutrition, two important indicators for the first MDG goal. Two studies from India indicate that experience of intimate partner violence has a strong association with the poor nutritional status of women and their children. GBV impacts on the economic stability of the family through lost work which in turn affects food security and results in increased hunger.

Goal 2: Achieve universal access to education

Progress in education, particularly girls' enrolment and retention in schools, is clearly constricted by the high prevalence of GBV within schools and the sense of insecurity that girls face on the way to and from school. GBV also limits the participation of girls in specific educational /vocational programmers if these ignore violence as a daily reality in many communities.

Goal 3: Empowerment of Women

Undoubtedly, addressing GBV, a fundamental manifestation of gender inequalities, is central to realizing MDG3 to promote gender equality and empower women. Equally, GBV has direct implications for progress on all the other MDGs.

Goal 4: Reduce child mortality and Goal 5: Improve maternal health

GBV has direct impacts on child mortality and maternal health. Intimate partner violence, particularly in pregnancy, results in increased infant and foetal death, low birth weight and under-five mortality. The impact of GVB on maternal mortality is significant, accounting for 16% of maternal deaths in India. Additionally, GVB leads to increased morbidity as abuse is linked to a range of gynecological problems, chronic pain and psychological distress.

Goal 6: Combat HIV and AIDS

GBV is widely acknowledged as a key risk factor for HIV and AIDS. Violence undermines the ability of women and girls to negotiate safe sex practices or to leave partners who engage in high risk behaviour. A study among women in antenatal clinics in South Africa found that women reporting violence were 50% more likely to be HIV positive.

Goal 7: Ensure environmental sustainability

GBV also undermines progress in achieving the MDGs through its impact on participation of women in development. Women play a key role in agriculture in many developing countries and their reliance on forest produce for livelihoods results in knowledge of natural resources critical for environment sustainability programmers, at the community level. Women's lack of participation due to violence can limit the success of natural resource management and environmental sustainability programmers, as this knowledge is not incorporated.

Goal 8: Develop a global Partnership for development

Due to violence, development efforts lose valuable input from women and other excluded/ vulnerable populations. Co-operation and partnership between all those engaged in

development is often undermined by GBV, thereby negating the very possibility of realising the rights based development that is the heart of the MDGs. Unintended consequences of development efforts. Furthermore, efforts to alleviate poverty can exacerabate GBV if these do not consider the fundamental gender dynamics and gender norms of households in terms of roles and responsibilities, access and control of resources and decision making. Micro-credit interventions that did not pay attention to gender norms and dynamics of decision making with households ultimately increased economic violence and physical abuse.

Responses to GBV

With growing recognition of GBV as a universal pandemic, governments, donors and civil society increasingly understand the need for a range of responses to address the complex intersecting dynamics that perpetuate GBV. At an international level, United Nations Security Council Resolutions 1325 and 1820 (and more recently, Resolutions 1888 and 1889) are significant advancements towards dismantling the culture of tolerance and impunity associated with perpetrators of GBV. The Security Council has called for international leadership to take special measures to protect women and girls from GBV in situations of armed conflict; for an end to impunity, increased prosecution of those who commit and condone acts of GBV as well as for the increased participation of women in conflict resolution and peace building.

"What do we understand by primary prevention? We approach this at two levels: on the one hand, overall investments in women's empowerment is an important long-term path to prevention; on the other, there are also more practical and focused approaches specific to prevention of gender-based violence. Unfortunately, there is no one-time intervention to end violence against women; it is a long-term project that involves transforming gender relations. But there are key strategic investments in women's empowerment that can also serve as "protective" and preventive factors against violence. These include: ensuring that girls complete secondary education; delaying age of marriage; furthering women's reproductive health and rights; ensuring women's economic autonomy and security; and increasing women's participation in decision-making positions and political power, in order to influence policies and institutional practices that perpetuate impunity and tolerance for violence against women." (Bache let 2011)

Global Scenario and Gender Budgeting:

At the national level, an increasing number of governments, including the Government of India, have enacted legislation criminalizing GBV and many countries have incorporated considerations of GBV into their national development plans. Local interventions are also crucial for delivering real change. Efforts across communities include the provision of services for survivors of GBV to rebuild their lives, legal reform to address the culture of impunity, training for police, the judiciary and medical staff to strengthen implementation of laws and policies, and awareness-raising to shift gender norms in communities and institutions. For converting gender commitments to mitigate GBV and provide institutional support to survivors of GVB, the nation states are making financial allocations for preventive, protective and promotive schemes and programmes (Patel, 2009). Many of these responses are singular in focus, working on a single sector such as law or health with little active cross-sectoral learning or coordination. In particular, there is little attention to integrating strategies to respond to GBV within development interventions and women's groups advocating for and/or implementing GBV responses are rarely involved in development programming discussions.

GVB and Gender Audit of Budgets in India:

During last one decade the discourse on Gender Budgeting with regard to GBV has revolved around the following issues (Patel, 2010):

Child Sex Ratio:

The Census of India, 2011 revealed further decline in the child sex ratio in several parts of India. In the urban centers, deficit of girls has been enhancing due to pre-birth elimination. More budgetary allocation has been demanded by women's groups to implement Pre-conception and Pre-natal Diagnostic Test Act (2002) to prevent sex selective abortion of female fetuses. (Patel, 2002)

Single Women, Women-headed Households:

The coverage of single women and widows and women headed households needs to be enhanced under all beneficiary schemes, and in particular pension schemes, shelters for women in distress, provision of hostels for working women with or without children and shelters for senior citizens, need to be provided support to expand and improve quality of services. The allocation for social welfare schemes must be increased for beneficiaries as well as for administrative expenses. The provision regarding widows with sons losing their eligibility for receiving the widow pension should be removed. Special allocation for addressing the needs of senior citizens must be made. (Patel, 2008)

Women Survivors of Violence:

With growing incidents of violence against women, there is need for an additional focus on ensuring support and shelter for women victims of violence. (Oxfam & WPC, 2010)

These include:

- Recognition of women victims of violence as a category in all social security schemes.

- Adequate allocations to address the safety and security of women employed in the organised and unorganised sectors.

- A single window which provides holistic package of services for women and girls in distress. One stop crisis centre that provides medical services, protection officers, counseling, legal aid, referral service for emergency shelter and police intervention, helpline needs adequate budgetary allocation from both Union and State governments to service providers.

- Allocations for shelter homes, help lines, legal aid, counseling and referral services.

- Special Women's Desks in all police stations

- Rehabilitation, medical aid and contingency (all of which must be accessible at the block level).

- Increased outlays for effective implementation of the Protection of Women from Domestic Violence Act (PWDVA), 2005

- Prioritise allocations towards implementation of a National Task Force in Conflict Zones.

Differently Abled Women:

This is one of the most invisible and neglected groups of women whose access to nutrition, health, education and employment are almost non-existent. They are left out of the limited government concessions and reservation available to disabled persons, especially if they belong to other marginal groups like schedules tribes and scheduled castes. The concerns of disabled women as a distinct group should be mainstreamed in all programmes and schemes in general, and special efforts should be made to incorporate their concerns in all schemes for women and children. Being a group suffering from multiple oppressions and structural violence, efforts should be made to ensure that the concerns of differently abled women are taken into account in both the disability sector and women empowerment initiatives. (Patel, 2009 a)

Self Help Groups:

While the SHG bank linkage programme should be expanded and included as part of the priority sector, the priority sector tag should be removed from credit that is given by banks to micro finance institutions. The government should ensure that all women get credit at low interest. This will ensure that women borrowers are not forced into the hands of the MFIs. At the same time a law should be enacted and a regulatory framework should be put in place to curtail the exploitation by and profits of the MFIs. Such a framework should put a stop to the coercive, and exploitative lending practices of the MFIs. The government should play a supportive role for SHGs (Parthasarathy, Thekkekara and Poonacha, 2011).

Strengthen Institutions and Agencies set up to Advance Women's Rights:

The National Commission for Women must receive adequate funds from the Union budget for independent and efficient functioning. Budgetary allocation must be made at the central level to ensure that the institutional mechanisms for the proper implementation of the Protection of Women from Domestic Violence Act are set up. Legislations such as the Pre-conception and Pre-natal Diagnostic Techniques (PCPNDT) Act, 1994 also need to be prioritised in terms of Union government outlays. Similar efforts should be made to implement other protective legislations.

Road and Rail Transport for Women:

India is undergoing U-shape phenomenon so far as women's work participation is concerned. Most of the working women have to walk long distance and face sexual harassment/assault as there is no transport facility. Young girls going to school face sexual advances from grown up men. In urban and rural areas cheap public transport is extremely unsafe for women as they have to travel in overcrowded buses and trains. In the transport sector top priority needs to be given for special buses and trains for women and girls in all cities.

Implementation of legislations

Promise of the 11th Five Year Plan to allocate funds for Implementation of Pre Conception and Pre Natal Diagnostic Test Act (2002) and Domestic Violence Act (2005) has remained unfulfilled in most of the states, and marginally fulfilled in some states such as A.P., Kerala, Karnataka and Tamilnadu.

No progress is made in providing audit of land and housing rights of women by any ministry-Urban Development, Rural Development, Tribal Development, PRIs and Urban local self Government bodies.

Women from Minority Communities:

After consistent highlighting of the findings of Rajendra Sachar Committee Report (2007) on the deplorable socio-economic status of majority of Muslims in India, special budgetary allocation for socially excluded minority communities is made. In sub-plan for minorities where allocation is made in Budget Estimates, after massive lobbying by women's groups, specific allocations is made for minority women/ and women headed households by Ministry of Minority Affairs.

Protection of Women from Domestic Violence (PWDV) Act (2005):

Budgetary allocation has to be made at the central level to ensure that the institutional mechanisms for the proper implementation of Domestic Violence Act are set up.

Domestic violence is indeed one of the most hidden and tragic forms of violence against women. It takes place in the sanctity of the home by someone who is in an intimate relationship with the woman and ideally he should love and care for her. The enactment of Protection of Women from Domestic Violence Act, 2005 has been a giant step forward for all women in India; however a law is only an instrument of social change. It is the responsibility of those implementing this tool to do so it effectively and in the spirit with which it was envisioned.

Economic Security for Survivor of GBV is most important concern. If there is gross underutilisation of allocated funds in the current year, in the next year the fund-allocation gets reduced. Reduction in budgetary allocation for the rehabilitation of rape victims may be due to lack of awareness about the allocation or/ and non-formation of schemes to channelise the funds or design of the scheme that does not give clear-cut instructions to the potential recipient of the funds-women's groups, remand homes, CSWB, police, shelter homes for women in difficult circumstances. The government must give the details of outcome budget/actual expenditures under different heads-counseling, food, shelter, medical checkup, medicine, clothes, education/vocational training.

Relief and Rehabilitation of Rape Victims:

Financial allocation under The "Scheme for relief and Rehabilitation of Victims of Rape, 2005" was introduced first by the Union Budget and consequently several state governments have shown willingness to introduce the scheme. Even after 7 years of lobbying one of the disturbing aspects that the budget brings to light is the shamefully low expenditure on providing relief and rehabilitation for victims of rape.

UJJAWALA:

A Comprehensive Scheme for Prevention of trafficking and Rescue, Rehabilitation and Re-integration of Victims of Trafficking and Commercial Sexual Exploitation. Implementation of crèche scheme is far from satisfactory. Three meals per child per day at the crèches recommended by Eleventh Five Year Plan are rarely provided. Except for Tamilnadu, Cradle Baby Reception Centres for abandoned babies are non-existent in rest of India. No status report is available on Integrated Child Protection Scheme (ICPS) promised in the Eleventh Five Year Plan.

Dangerous consequences of tax free clinical trials with stated goal of making India a preferred destination for drug testing to private sector should be taken note of as it will make the poor guinea pigs at the hands of commercial minded techno-docs. Non-utilization and partial utilization of funds allocated for protective, promotive, economic and social welfare programmes for women due to faulty design of the scheme (Maternity Benefits Scheme, non-syncronisation of financial allocation and schemes (funds targeted for adolescent girls' nutrition) and MPLADS (Members of Parliament Area Development scheme) and funds earmarked for grain banks in the tribal areas known for starvation deaths demand urgent attention of politicians, bureaucrats, citizens organizations and women's groups.

Gender Issues Demanding Urgent Attention

The allocations for women's welfare is a miniscule part of the overall budget outlays. The allocations for working women's hostels have actually declined. This shows that the government is oblivious to the needs of working women, most of who work in the informal sector. There is no increase in the budget for schemes that combat trafficking. Many of the schemes are selective and targeted like the Indira Gandhi Matritva Sahyog Yojana (Safe Motherhood Scheme) that is to be implemented in 52 districts and linked to many conditionalities. Similarly the ambitious SABLA scheme for adolescent girls is only to be implemented in 200 districts.

The Government has been miserly in its allocation for women in the sports sector, and there is outright discrimination in budgetary allocation to promote and sustain women in sports.

Women occupy 33% reserved seats in the local self government bodies (LSGB) in most of the states in India and 50 % reserved seats in 3 states. Only when they have pressurized the government

concerning protective, welfare and economic programmes and schemes for women, practical gender needs have been addressed. (UNDP, 2001) For addressing strategic gender needs concerning GBV; women's groups, gender economists and women elected representatives have to lobby on a consistent basis.

Gender Budgeting:

The nation states should ensure that ministries prepare a public expenditure profile from a gender perspective. The target of 30% gender allocations under all ministries must be implemented. A gender audit and gender outcome appraisal of all ministries and departments at the central and state levels should be conducted to ensure that resource allocations made under gender budgeting do not remain unspent, monitoring and supervision of expenditure and outlay with greater transparency and accountability is done at all levels, specific gender-based disadvantages are identified across sectors and accordingly plans and schemes are formulated to ensure that women from marginalised sections are given priority in all developmental interventions (Nakray, 2009). The Gender Budgeting methodology adopted by the Union and the State governments should be reviewed forthwith.

In order to ensure the above, each Government needs to make available Sex-disaggregated data at all levels to enable assessment of the expenditure and outcomes in gender terms.

There should be an increase in expenditure on child related schemes and children may be treated as a separate category and not clubbed together with women for the purpose of gender budgeting. The clubbing of expenditure on women with that on children, apart from being steeped in an approach that is both patriarchal and discriminatory in nature, gives misleading statistics with regard to the focus on gender in allocations. These figures may be provided under a separate head, or indicated separately.

Under category of 100% allocation for women, institutional support for women survivors of violence need major attention, but so far not much has been done regarding Scheme for Relief and Rehabilitation of Victims of Sexual Assault promised by the Five Year Plans since 2000. Women's groups providing support to women survivors of Domestic violence are highly disappointed as no separate allocation for Implementation of Domestic Violence Act, 2005 which had defined major role of service providers such as hospitals, law & order machinery, protection office/ counselor and shelter homes.

Utilisation of Financial Allocation For Pro Women Schemes:

Only 3-4 states are taking advantage of financial allocation for Scheme for shelter, clothing and food for women in difficult circumstances, working women's hostel, short stay homes for women in difficult circumstances, Fund flow to PRIs has not been streamlined even after separate budgetary allocation for PRIs made in the union budget for past 3 years. How many states have provided women's component in the funds earmarked for the local self-government bodies at village, block and district levels? Is it utilized judiciously for fulfilling practical and strategic needs of women?

Studies need to be commissioned to highlight the gap between plan outlay and outcome, local and global implications of pro-poor and pro-women budgeting, alternative macro scenarios emerging out of alternative budgets and inter-linkages between gender-sensitive budgeting and women's empowerment.

There is an urgent need to sensitise economists about visibility of women in statistics and indicators by holding conceptually and technically sound training workshops by gender economists.

Gender economists have strongly recommended tax reduction for working, self employed and business women. Lowering tax rates for women will put more money in their hands and

encourage those not yet in the job market to join the work force. Similarly, property tax rules should be amended further to encourage ownership of assets among women. When women are economically independent and secure, they can exercise choice, enabling them to get out of repressive conditions. Moreover, they would contribute more to our growing economy, making it a win-win situation.

Ministry of Women and Child Development needs more vociferous and visionary leadership, political will and courage of conviction to strive to not only to make the promises of expanding the democratic space for women and girls in socio-cultural, economic, educational and political spheres but fulfilling them by fighting for more resources and strengthening gender budgeting to support women survivors of GBV and for preventive measures to stop GBV.

The gender analysis of government budgets offers a new tool for ensuring a better match between the government's policy commitments and development outcomes for women recognizing underlying gender inequalities and redressing them through allocation of public resources. Gender Budgeting aims to ensure a fair, just and efficient distribution of public resources for the all-round development of society.

If observed closely the actual budget allocation for women has gradually decreased not increased, which clearly indicates that Gender perspective is missing in the planning approach. There is need for examination of budget through gender lens and a close analysis of all the aspects of gender budgeting not only from GBV point of view but from other vital issues viz. health, food security, shelter as well.

Ending violence against women is one of the key thematic focus areas for women's rights organisations and gender economists. Advocacy for resource allocation is going to be one of the key pillars for making this law real for women.

Budgeting for Implementation of Protection of Women from Domestic Violence Act, 2005, both at the national level and in different states has been taken up seriously by Centre for Budgetary Governance and Advocacy.

Conclusion:

Budget is an important tool in the hands of state for affirmative action for improvement of gender relations through reduction of gender gap in the development process. It can help to reduce economic inequalities, between men and women as well as between the rich and the poor Hence, the budgetary policies need to keep into considerations the gender dynamics operating in the economy and in the civil society. There is a need to highlight participatory approaches- bottom up budget, child budget, green budget, local and global implications of pro-poor and pro-women budgeting and inter-linkages between gender-sensitive budgeting and women's empowerment.Understanding the relationship between macroeconomic policies and the Union Budget, state budgets and the local self government institutions in the context of economic reforms and globalisation is a MUST as it has influenced women's lives in several ways. It is good economic sense to make national budgets gender-sensitive, as this will enable more effective targeting of government expenditure to women specific activities and reduce inequitable consequences of previous fiscal policies. The Gender Budget Initiative is a policy framework, methodology and set of tools to assist governments to integrate a gender perspective into the budget as the main national plan of public expenditure. It also aims to facilitate attention to gender analysis in review of macroeconomic performance, ministerial budget preparations, parliamentary debate and mainstream media coverage. Budget impacts women's lives in several ways. It directly promotes women's development through allocation of budgetary funds for women's programmes or reduces opportunities for empowerment of women through budgetary cuts.

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Brain Drain in Reverse: Leads to Multiculturalism in Indian Higher Education- a Review

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Abstract

Hon'ble Prime Minister Narendra Modi's initiative "Educate in India" announced in May 2015, objective is to attract international students and make India, a quality higher education hub in Asia. India aspires to transition from having the second highest student population leaving its shores to study abroad, to becoming a premier educational destination attracting more international students to its shores.

The paper reviews the growth of higher education system in India, draws inspirations from the experiences of other Asian countries and then reviews India's piece of global cake. It also discusses the benefits of multiculturalism, which are going to flow in the Indian economy following Internationalization of higher education.

Keywords: higher education, educate in India, International students in India, Gross Enrollment Ratio.

I.   Introduction

India's bold initiative "Educate in India" announced in May 2015, to attract international students and make India a quality higher education hub in Asia is closely linked to Hon'ble Prime Minister Narendra Modi's other initiatives namely 'Make in India', 'Digital India', 'Skill India', 'Start-up India', 'Stand-up India' and 'Swachh Bharat', all aimed towards empowering India and making it a global economic super power. India aspires to transition from having the second highest student population, leaving its shores to study abroad to becoming a premier educational destination attracting more international students to its shores.

"Educate in India" is an initiative focused on higher education. Its objectives are to:

*   Internationalize Indian higher education

*   Encourage foreign universities to establish campuses in India

*   Encourage Indian institutions to set up campuses abroad

*   Making India a hub of education

*   Create an "Educate in India brand"

The paper analyzes the growth of higher education system in India, draws inspirations from the experiences of other Asian countries, and reviews the share of India's piece of global cake. It enlists the benefit of the Indian economy of multiculturalism, because of increasing internationalization of higher education.

II.   Growth of Higher Education System in India:

The level of higher education is determined by, the size of institutional capacity of higher education system in the country. The size of higher education system in turn, is determined mainly by the three indicators, namely number of educational institutions – universities and colleges, number of teachers and number of students.

Table 1: Growth of Higher Education

Capacity Indicators	1950	1991	2006	2010	2012	2015
Number of University Level Institutions	25	177	367	533	574	711
Number of Colleges	700	7,346	18,064	31,324	35,539	40,760
Number of Teachers (in Thousands)	15	272	488	699	934	1261
Number of Students Enrolled (in Millions)	0.1	4.9	11.2	14.6	20.3	26.5

Source: UGC (2011a), UGC (2012) and UGC (2015)

The higher education in India has witnessed many fold increase in its institutional capacity since independence. The number of universities in the country has increased from 25 in 1950 to 711 in 2015. Similarly the number of degree colleges in the country, which were not more than 700 in 1950, has gone up to 40,760 in 2016. The number of teachers has gone up from meager fifteen thousands to more than twelve lakhs. Similarly, the enrollment of students has witnesses an increase from merely 0.1 million in 1950 to 26.5 million in the year 2015.

Growth of University Level Institutions:

In India, university level institutions widely differ in terms of their structure and coverage. These could be broadly divided into six broad groups: central university, state universities, institutions deemed to be universities, institutions of national importance established under state legislation and private universities. Although, there has been tremendous increase in the number of these institutions, more specifically in recent years, yet the growth trajectory has not been uniform for these different types of university level institutions.

Table 2. Growth of University Level Institutions in India

Type	2010	2011	2012	2015	2016
Central Universities	41	43	44	46	47
State Universities	257	265	286	329	356
Institutions deemed to be Universities	130	130	129	128	122
Institutions of National Importance (by State Legislation)	5	5	4	3	-
Institutions of National Importance (by Central Legislation)	39	39	50	-	-
Private Universities	61	80	111	205	252
Total	533	562	624	711	777

Source: UGC (2011a), UGC (2012), UGC (2015) and UGC (2016)

There has been a considerable increase in the number of central universities in recent years. Their number has increased from 18 in 2002 to 47 in 2016 **(Table 2).** Similarly, the number of institutions of national importance like Indian Institute of Technology (IIT), Indian Institute of Management (IIM), National Institute of Technology (NIT) etc established by the central government has also registered a significant increase from 12 in the year 2002 to 50 in 2012.

Further, more institutions were provided status of deemed to be university by the UGC and the number of such institutions has gone up from 52 in 2002 to 130 in 2011. However, presently the number of deemed universities showing a decline is placed at 122. Furthermore, the state universities have also witnessed a consistent increase in their numbers. From 178 in 2002, the number has increased to the figure of 356 in the year 2016. An unprecedented growth of private universities has been a marked feature of expansion of Indian higher education in recent years. The number of private universities in the country has swelled from 10 in 2006 to 252 in 2016. This significant growth of university level institutions has taken place in India in recent years and in this up rise private sector has played a significant role.

Growth of Colleges

There has been a significant increase in the number of degree level colleges in the country from 700 at the time of independence to 40,760 in 2015 **(Table 3).**

Table 3 : Growth of Degree Level Colleges in (India)

Year	Total Number of Colleges
1950	700
1991	7,346
2005	17,625
2011	32,964
2012	35,539
2015	40,760

Source: UGC (2011a), UGC (2012) and UGC (2015)

The rapid increase in the number of colleges in recent years is due to the large scale establishment of private colleges in all parts of the country.

Higher Education Participation in India:

The higher education participation is generally measured by Gross Enrollment Ratio (GER) in higher education. GER measures the access level by taking the ratio of persons in all age groups enrolled in various educational programmes to total population in age group of 18 to 23 years. On analysis of GER in higher education in India through various years wasanalyzed, it was observed that in 1950-1951 GER of the country was only 0.40 per cent, this reached a level of 6 per cent in 1989-90 **(Table 4).**

Table 4 : Gross Enrollment Ratio in Higher Education in India (various years)

Year	GER
1950 - 1951	0.40%
1989 - 1990	6.0%
1999 - 2000	10.0%
2009 - 2010	15.0%
2012 - 2013	19.4%
2014 - 2015	23.6%

Source: GOI (2013b), GOI (2013d) and GOI (2015)

This reached the level of 10 percent in 1999-2000 India moved from an elite system of higher education to a mass system when it crossed the threshold of 15 percent in 2009-2010. The reports of All India Survey of Higher Education (AISHE) have placed the GER figure at 19.4 percent in 2012-13 and at 23.6 percent in 2014-15. The Government of India has set the target of increasing the GER to 30 percent by 2020.

The figures of GER in higher education in India referred to above are quite encouraging. However, when these figures of GER are compared with the figures on GER of developed countries, it emerges that despite considerable expansion in higher education, India's GER is far below than that of most developed countries.

Table 5 : Gross Enrollment Ratio in Higher Education of Select Countries

| Select Countries	GER in Higher Education
Brazil	34%
China	34%
Russia	77%
Argentina	68%
USA	83%
World	29%

Source: GOI (2013 b)

The GER of USA at 83 percent is far ahead of India. The World average is 29 percent which is also above India.

Celebrating the Entry of Private Universities in Indian Higher Education

An unprecedented growth of private universities has been a marked feature of expansion of Indian higher education in recent years **(refer Fig. 1)**

Fig. 1. Growth of Private Universities in India
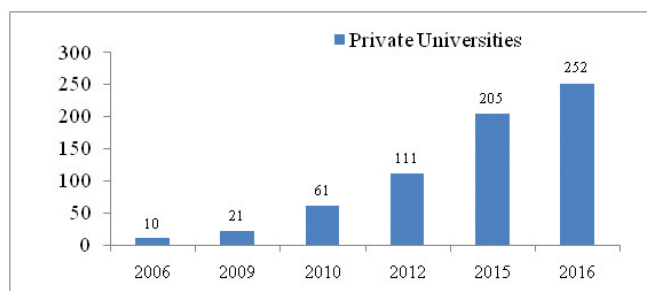
Source: UGC (2012), UGC (2015) and UGC (2016)

In India 33% (252/777) of universities are in private sector, with emergence of private equity in Indian higher education, there is a changing dynamics with reference to Governance, design and development of the curriculum, technology driven academic delivery process, development of the intellectual capital, institutional v/s knowledge branding and pricing strategy. In the era of changing science of learning, India is attracting the world's attention.

III. The Asian Experience:

The four native English – speaking countries – US, UK, Canada and Australia are the preferred destinations, however, the major competition is now coming from Asian countries like China, Singapore, Malaysia and Hong Kong, which have done exceedingly well in improving their quality internally as well as globalizing their higher education to attract more international students.

i. **Singapore:** It is among the first Asian countries, to start education – hub trend in 2002, by launching, the 'Global School house' initiative, with a goal to have 150,000 international students in Singapore by 2015.

As per the QS World University ranking 2015/16 (QS, 2015), Singapore's National University of Singapore and Nanyang Technological University have a world ranking of 12th and 13th position, respectively. In addition, Singapore has 11 foreign university campuses and numerous joint degree programmes with prestigious international institutions, many of which have been lured with generous government loans many consider Singapore as the Boston of Asia (Clark, 2015)

The quality of vocational and technical education in Singapore is among the best in the world and a role model for countries aspiring to become education hubs. One of the major challenges facing Singapore is the rising cost of living, thereby creating new opportunities for India.

ii. **Malaysia:** The Malaysian government's decision in the mid-1990s, to ease regulations regarding the setting up of private higher education institutions in the country contributed significantly to the growing appeal of Malaysia as an education hub for foreign students, and by the year 2020, the Malaysian Ministry of Higher Education targets to have at least 200, 000 international students in higher education institutions in the country.

Malaysia has largely attracted international students through the establishment of branch campuses of British and Australian universities. In order to give competition to Singapore, Malaysia has located its 350 acre education campus called Educity, which is home to six international universities, close to the Singapore border. Also a private initiative is the Kuala Lampus Education City (KLEC) which was launched by the government in 2007 as a 15 to 20 year project (Clark, 2015).

iii. **Taiwan:** To target students from mainland China and Southeast Asia in particular, Taiwan began its internationalization of University campuses in 2011. The Taiwanese governments "study in Taiwan" programme attracts international students by offering programmes in English scholarships for Chinese-language courses, relaxed work visa for pass-outs and engages staff for teaching Chinese Language in Thailand, Vietnam, Malaysia, Korea, Mongolia, Indonesia and India. Most of the foreign institutions offer degrees and professional programs in collaboration with local institutions. The government, estimates to attract 160,000 foreign students from Chinese speaking countries by 2020. Taiwan has also become a popular destination for training academicians particularly from countries like India, Thailand, Indonesia and Vietnam (Clark, 2015).

iv. **Hong Kong:** Enjoying the benefits of being a gateway to mainland China, Hong Kong enjoys the benefits to mainland China, Hong Kong enjoys the benefits of an English speaking population and world class institutions. Beginning its efforts in making Hong Kong an international hub in 2008, foreign students are allowed to stay after graduation to look for work.

With a US $160 million fund, Hong Kong offers scholarships, Ph. D. fellowships, and encourages foreign universities to set up campuses in the territory. The major challenge Hong Kong faces is lack of student accommodation and high cost of living. The Hong Kong University and Science and Technology (HKUST) and University of Hong Kong (HKU) ranked at 28th and 30th position according to the QS World University Ranking 2015/16 (Clark 2016).

v. **China:** China has progressed from having the highest number of students to being a major destination for international students. China offers comparatively cheaper options that allow international students to access world class education without having to empty their pockets. Nearly 25 Chinese Universities made it to the QS World Universities ranking with four institutions, Tsinghua, Peking, Fudan and Shanghai Jiao Tong University, making it in the top 100 universities of the world in the QS world University ranking 2015/16. The rising economic and political importance of China has created an upsurge in understanding China. It aims at targeting 500,000 international students by 2020. China attracts international students keen to learn Chinese language and establishment of so-called split campus programmes in which the first part of the course takes place at a local Chinese university with subsequent study taking place at a foreign partner institution (Clark 2015).

vi. **India:** The government., has drawn up a scheme to invite over 200 academicians from global universities to teach in India starting November 2015 ("Smriti Irani's HRD Ministry has come to agreement with global scholars to teach in India" 2015) Under the new scheme called Global Initiative for Academics Network (GIAN), the ministry of Human Resource Development (HRD) has agreed with

academics from various countries to teach more than 200 short term courses in Indian universities starting November, 2015. Harvard Business School academic Michael E Porter, addressed India's top policy makers as a part of Niti Aayog's Lecture series on 'Transforming India' on May 25, 2017. (The Economic Time, May 21, 2017). With these lectures, the Aayog aims to bring globally renowned policy-makers, academics, expert and administrators to India for benefit of states & centre universities. The Indian Government, has selected 10 Indian higher education institutes which are among the top 500 institutes in global academic ranking, and is providing them with substantial finance, so as to leap forward into the top 100 on global academic rankings, it aims to achieve.

India has traditionally been seen as a country, that sends rather than receives international students, but a growing number of students from elsewhere are now choosing to study in India. Indeed, the 2015 open doors. India is gradually emerging as a preferred destination for foreign students, particularly from the South Asian region. More US students are choosing India as a place to gain credits – 4583, students from US travelled to India to study at Indian institutions for part of their course in 2014-15 (India Spend, 2017)

Table 6 : Number of Foreign Students in India

Year	No. of Foreign Students
1999-2000	6,988
2010-2011	27,531
2011-2012	33,156
2013-2014	31,126
2014-2015	42,126

Source: All India Survey on Higher Education 2014-15.

In 2014-15 the foreign students in India have increased by 11,000. Nepal contributed the highest percentage of foreign students in India. Of the total foreign students, nearly 19 percent were from Nepal, followed by, in descending order, Bhutan, Iran, Afghanistan, Malaysia, Sudan and Iraq.

India's higher education as ranked 24th in the world in the QS Higher Education System Strength Rankings 2016, as is especially well-known for the quality of its education in engineering and technology subject. A total of 23 top universities in India, feature in the QS University Ranking: Asia 2016, including nine in the top 100, University of Delhi (66th in QS University Ranking: Asia 2016), the University of Calcutta (108th), the University of Mumbai (145th) and Banaras Hindu University (155th)

IV. Slice of The Global Cake:

International students play an important role in higher education sector of many countries like USA, UK, France, Australia, Germany, Russia, Canada, China, Singapore and Malaysia. They contribute significant income to the university and revenue to the local economies via expenditure on and off campus. The Institute of International Education estimates that by 2017, the middle class across the world is projected to increase spending on education by nearly 50% from $4.4 trillion in 2012 to $6.2 trillion. Thus the future growth in international students will come largely from developing and emerging economies (Ortiz, 2015).

The economic impact of international students is not limited to the money spent by them on tuition fees, living expenses, travel and recreation alone. According to the Association of International Educate (NAFSA), three jobs are created in the US for every seven international students enrolled (Ortiz, 2015).

According to studies, the world will be short of 56.5 million work force by 2020 (Mc Kinsey Global Institute, 2011). No wonder, global trade of higher educational services is growing. India has a number of strengths including cost advantage and a good number of English speaking professionals. India's geographical location also makes it a viable and attractive destination for students, particularly from Asia and Africa.

Higher education in India is very economical as compared to the rest of the world. Many students unable to afford higher education in the west, choose to study in India. According to a report published by HSBC in September 2014 (HSBC, 2014), India figures as the cheapest destination for an international student to attend a university with a mere expenditure of USD 5,642 p.a. Australia was ranked as the most expensive at USD 42,093. The study found that a student had to pay only USD581 as university fee in India; whereas, living expenses in India were only USD 5,062, which is less than a fifth of the cost in Australia ('India ranked cheapest for international students: Study', 2014)

Internationalization leads to Multiculturalism:

The GOI's 'Educate in India' initiative is creating enormous economic opportunities. Internationalization of higher education leading to multiculturalism; which has socio-cultural and financial implications for the Indian economy, notably among which are:

i.   **Foreign Exchange Outflows:** Allowing reputed foreign universities to set-up campuses in India, is giving an alternative choice to Indian students wanting to study in universities abroad, to access the same universities at home at a fraction of the cost overseas and save India's precious foreign exchange outflow.

ii. **Foreign Exchange Inflows:** International students bring precious foreign exchange into the country, which is a national priority.

iii. **Attractive Economic Opportunity:** International students play an important role in many countries like USA, UK, France, Australia, Germany, Russia, Canada, China, Singapore and Malaysia as they contribute significant income to the universities and revenue to the local economies via expenditure on and off campus.

iv. **Increased Business Revenue:** International students are normally charged a higher fees and they increase the revenue of institutions, in a way, subsidizing fee of domestic students.

v.   **Cultural Diversity & Globalization:** Cultural diversity creates a more global environment, which benefits all stakeholders **(Fig 2).**

vi. **Country Ties:** International students strengthen diplomatic and geo-political ties with other countries.

vii. **Quality Improvement:** Competition from reputed foreign universities, improves the quality of higher education institutions in India and thus makes our higher education sector more globally competitive. When the students actively engage with their international classmates, it enhances their self confidence, leadership and quantitative skills.

viii.**Economics Impact:** According to a report released in October 2015 ('Indian students 3rd in generating London's revenue' 2015). London had welcomed over 106,000 international students and created 37,000 jobs, according to the report by London & Partners. Chinese students contributed the highest by spending £407 million. The US was second at a spending of £217 million. Indian students, the third highest in London, spent £130 million, which alone amounted to creating and supporting 1,643 jobs. London pitched itself as the biggest education hub of the world.

V.   Conclusion, Limitations of The Study and Scope for further Research :

Higher education system in India has shown a massive increase in the number of institutions both colleges and universities after independence leading to increase in number of students enrolled in the higher education institutions. This is evident from the GER which was less than one percent in 1950-51 and at present it is above twenty percent.

Fig. 2. Internationalization of Higher Education Leads to Multiculturalism: It's impact on various Stakeholders

Students	Faculty	Institutions	Industry	Government
• access to foreign universities at home	• more exposure especially to electronic library	• have to become competitive to survive	• availability of quality employees locally	• precious foreign exchange into the country will increase revenue
• access to desired universities at home, at a fraction of the cost overseas	• will be reading and teaching wider topics.	• will have to bring structural changes in the management of the institutions	• globally knowledgeable employees at cost effective rates	• strengthening diplomatic and geo-political ties with other countries.
• increase in self-confidence	• will get exposed to faculty with international experience, this will improve quality of education	• will have more public private partnerships to ensure major quantity and quality upgrade		• Indian students going abroad will now study in India saves precious foreign exchange outflow
• leadership and quantitative skills students developed to be global citizens	• will increase self confidence in teaching skills	• there will be demand for autonomy and increase in number of autonomous institutions		
• promotion of inter cultural awareness, diversity and engagement among students	• be more motivated to teach innovatively	• will provide better infrastructure and other facilities (e.g. sports) to students		
	• the student evaluation will be taken seriously and will work on it	• Higher fees from students will increase revenue of the institution		
	• will become more performance oriented			

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One distinguishing feature of this expansion in higher education is the rise of private sector. Private sector is contributing towards improving accessibility to higher education by increasing the number of seats in various courses & introducing new courses. India has traditionally been seen as a country, that sends rather than receives international students, but 2015 open doors and, now students from other countries are choosing to study in India. The internationalization of higher education, leads to multiculturalism, which has socio-cultural and financial implications for the Indian economy.

The paper is an attempt to review the current global status of India's higher education. The data, used is collected from secondary sources. Interviews were conducted with Principals of Colleges and Indian students, who after completing higher education from foreign universities, have returned back to India, to know the impact of multiculturalism, due to internationalization of higher education. It is expected to be a precursor to future research to understand, the higher education experience in India from an international perspective, by conducting interviews of international students studying in Indian higher education institutes.

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The Maharashtra (Urban Areas) Protection and Preservation of Trees Act, 1975 2016 Amendments

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Importance of trees and greenery in human life, their immense benefits in environment need no emphasis. The large number of species of trees gives their manifold benefits to man - fruits, flowers, fiber, shade from the scorching sunlight, splendor, clean air, habitat for birds and insects, supports to flora and fauna, leaves for cultural practices, to mention a few. They add beauty to our surroundings. In the context of the threat of climate change it has been estimated that "the world's forests absorb 2.4 billion tones of carbon dioxide each year, or about one-third of the carbon dioxide released through the burning of fossil fuels[1]. Forests also represent the world's most significant terrestrial carbon store, containing an estimated 77 per cent of all carbon stored in vegetation and 39 per cent of all carbon stored in soils; twice as much carbon as is present in the atmosphere[2]. Throughout the ages folklore are woven around trees.

India embarked on the path of development after Independence. The development needs were huge in the form of laying down new railway lines, highways and roads, building new towns, setting up industries and a host of development activities. This spate of activities took a toll upon the environment, more so in urban areas. During the 1970s it was realized that as a result of urbanization and industrialization, a large number of trees were blatantly cut, which was a matter of serious concern. In these circumstances, at the directive of the Central Government, Tree Protection/ Preservation Acts were enacted in all States, for preservation of trees, to regulate felling of trees and to impose a mandatory condition of planting adequate number of trees of the trees permitted to be felled, for planting new trees, for taking tree census and for constitution of a Tree Authority in every city, etc.

The Maharashtra (Urban Areas) Protection and Preservation of Trees was enacted in 1975. Under the Act, a Tree Authority is a distinct legal entity with the mandate of protecting and preserving trees and promoting tree plantation, among others. The Municipal Commissioner/Chief Officer of Municipal Corporation/Council or some elected officer bearer is the president of the Authority. It consists of councillors and experts and members of NGOs working in the field of social forestry, environment, etc. A Tree Authority is endowed with many penal, regulatory and promotional powers and functions. If it becomes necessary to cut trees for some construction or for other purposes, then permission of the Tree Authority is to be taken. The Authority considers the application, and if satisfied as to the necessity, gives a conditional permission, subject to the condition of replanting trees in the vicinity. Cutting of trees without permission of the Authority is a punishable offence. It determines norms for number of trees on different plots, institutions, parks, gardens, road sides etc. It takes up many promotional measures like organizing flower, fruit shows, involving school and college students in planting/nature loving activities. It

causes tree census to be taken every 5 years, and based on the result, undertakes various measures to increase greenery and number of trees in the city.

Over the years many amendments were made to the Act to make it a more powerful legal instrument for protection and preservation of trees. The amendments to the Act made in 2016 received mixed reaction. The environmentalists expressed their reservation to the amendment, the industries and infrastructure sector welcomed it. As any changes in the Act has a bearing on the legal framework of the protection and preservation of trees and greenery in urban areas, which are otherwise reeling under onslaught of pollution concerns, the amendments are explained in brief as under:

Provisions prior to amendment (heading of section)	Amended provisions	
Meetings of Tree Authority Section 4, sub-section (1) The Tree Authority shall meet at least once every month at such place and time as the Chairman may decide but, forty-five days shall not intervene between its two consecutive meetings.	The Tree Authority shall meet at least once every fortnight at such place and time as the Chairman may decide but, twenty-one days shall not intervene between its two consecutive meetings.	The frequency of the meeting of the Tree Authority is increased.
Restriction on felling of trees Section 8, sub-section (2) If any person, including an officer of the urban local authority or any officer of the State Government or the Central Government proposes to fell a tree, he shall apply in writing to the Tree Authority for permission in that behalf. The application shall be accompanied by the description of the tree and a site plan, indicating the position of the tree required to be felled and reasons there for.	If any person, including an officer of the urban local authority or any officer of the State Government or the Central Government proposes to fell a tree, he shall apply in writing to the Tree Officer for permission in that behalf. The application shall be accompanied by the description of the tree and a site plan, indicating the position of the tree required to be felled and reasons there for.	Amended provision prescribes the application to be made to the Tree Officer.
Section 8, sub-section (3), clause (a) "(3)(a) On receipt of such application, the Tree Authority shall cause the Tree Officer to personally inspect the tree and	"(3)(a) On receipt of such application, the Tree Officer shall,- (i) give public notice by advertising it in a at least one local newspaper; (ii) affix such notice on the conspicuous part of the tree that is to be felled; (iii) personally inspect the tree; and (iv) hold an inquiry.	Instead of Tree Authority, the Tree Officer is to receive application for

hold enquiry and submit a report to the Tree Authority within a period of thirty days from the date of receipt of such application. Adequate public notice shall be given by the Tree Officer by advertising in local newspapers as well as by affixing a notice on a conspicuous part of the tree that is required to be fell. Thereafter, the Tree Authority may give permission with or without conditions or refuse it, within a period of sixty days from the date of receipt of the application. However, no tree shall the fell until fifteen days after such permission is given: Provided that, no such permission shall be refused if, in the opinion of the Tree Authority the tree is dead, or diseased or wind fallen, or it constitutes a danger to life or property, or obstructs traffic; and if any objection is received against such permission, the matter shall be placed before the Tree Authority for reconsideration, and a decision shall be taken within two weeks after giving a hearing to the person who has raised the objection."	The Tree Officer shall, after expiry of the period of submission of objections and suggestions which shall not be less than seven days, submit his report along with objections or suggestions, if any, received to the Tree Authority or an officer mentioned in sub-section (6), as the case may be. Provided that, the Tree Officer shall submit his report within a period of twelve days from the date of receipt of the application. Provided further that, no personal inspection of the trees by the Tree Officer shall be required, if the applicant submits images and details of the trees to be felled, by using Information Technology enabled system developed by the urban local authority which suffices the requirement of submission of report by the Tree Officer. Provided also that, no such permission shall be refused if, in the opinion of the Tree Authority or the Officer, as the case may be, the tree is dead, or diseased or wind fallen, or it constitutes a danger to life or property, or obstructs traffic; and if any objection is received against such permission, the matter shall be placed before the Tree Authority or the Officer, as the case may be, for reconsideration, and a decision shall be taken within two weeks after giving a hearing to the person who has raised the objection."	felling of tree and to act. Procedure is streamlined, scope of use of Information Technology is provided, and time for submission of report by the Tree Authority is reduced in the interest of expeditious decision taking. Decision making continues to be the Tree Authority.
(New clause added)	(a-1) The Officer referred to in sub-section (6) or the Tree Authority, as the case may be, shall allow the application, with or without conditions or, may refuse it, within a period of forty-five days from the date of receipt of the application.	Addition of a new clause.

Section 8, sub-section (3), clause (b) A report of permissions granted by the Tree Authority for felling trees shall be submitted at least once in six months to the concerned urban local authority in whose jurisdiction the Tree Authority is functioning.	A report of permissions granted by the Tree Authority for felling trees shall be submitted at least once in three months to the concerned urban local authority in whose jurisdiction the Tree Authority is functioning.	Frequency of submission of the report by the Tree Authority is reduced to once in three months from once in six months.
Section 8, sub-section (4) "(4) If the Tree Authority fails to inform the applicant of its decision within sixty days, from the date of receipt of the application by it, or if the receipt of the application has been acknowledge by it within this period, from the date of acknowledgement of the receipt of the application, the permission applied for shall be deemed to have been granted."	"(4) Subject to the provisions of sub-section (5), if the Tree Authority fails to inform the applicant of its decision within forty five days, from the date of receipt of the application by it, or if the receipt of the application has been acknowledge by it within this period, from the date of acknowledgement of the receipt of the application, the permission applied for shall be deemed to have been granted."	(1) Provision of this sub-section is made subject to the provision of sub-section section (5). The time limit within which the application is to be replied is reduced from sixty days to forty five days.
Section 8, sub-section (5) "(5) Where permission to fell a tree is granted, Tree Authority may grant it subject to the condition that the applicant shall plant another tree of the same or other suitable local species on the same site or other suitable place within thirty days from the date the tree is felled, or such extended time as the Tree Officer may allow in this behalf."	"(5) Where permission to fell a tree is granted or deemed to have been granted under sub-section (4), the applicant shall plant twice the number of trees to be felled of the same or other suitable local species on the same site and if required at other suitable places as decided by the Authority. The number of trees to be planted on the same site or that on other suitable place shall be mentioned in the permission to be granted by the Authority. The trees shall be planted within fifteen days from the date the tree is felled, or such extended time as the Tree Officer may allow in this behalf:	This is a positive aspect of the amendment as the number of trees to be planted in lieu of the trees felled is doubled. Such a number is to be mentioned in the permission. Similarly, the time for such

	Provided that such extended time granted shall not exceed fifteen days."	planting is reduced from 30 days to 15 days.
(New sub-section added)	"(6) Notwithstanding anything contained in this Act, if the number of trees proposed to be felled is twenty-five or less, in such cases all the functions and powers of the Tree Authority shall be exercised by the Municipal Commissioner of the Municipal Corporation or the Chief Officer of Municipal Council or the Chief Executive Officer of the Authority as the case may be."	This is delegation of powers in small cases.
Power to require planting of a tree in place of fallen or destroyed tree. **Section 10** "(10) When any tree is fallen or destroyed by wind, fire, lightening or torrential rain, the Tree Officer may *suo moto* or on information given to him, after holding such inquiry as he deems fit and giving a reasonable opportunity to the owner or occupier of the land where the tree existed, by order, require such owner or occupier to plant one or more trees of the local species in place of the tree so fallen or destroyed of the same or other local species at the same or other suitable place as may be specified in the order."	"(10) When any tree is fallen or destroyed by wind, fire, lightening or torrential rain, the Tree Officer may *suo moto* or on information given to him, after holding such inquiry as he deems fit and giving a reasonable opportunity to the owner or occupier of the land where the tree existed, by order, require such owner or occupier to plant twice the number of trees of the local species in place of the tree so fallen or destroyed of the same or other local species at the same or other suitable place as may be specified in the order."	The number of trees ordered to be planted in such cases is doubled.

The environmentalists had a point that in some cases a procedure taking longer time serves a purpose of not resorting to it easily. However, in today's fast paced life, when urban areas are in need of infrastructure development it is necessary to cut down the delay in various procedures.

It can be seen from the above analysis that the amendment to the Act is done with positive objectives of expeditious decisions. The number of trees to be planted in lieu of the trees permitted to be felled is doubled, which is a constructive step. Procedure of giving permission for felling of trees

is streamlined without affecting any of the powers of the Tree Authority.

It may be noted that the Act has two broad objectives. One is the regulation of felling trees, which is being served. In fact, this aspect occupies the dominant position. However, the other chief objective of promoting tree plantation and greenery in urban areas also need to receive equal, if not more emphasis, so that this legislation serves its purpose in letter and spirit in turning our cities and towns green.

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