

## CURRENT ISSUES WRITING PRACTICE

### POST-TEST MATERIAL FOR CIWP – G

**Q. 1. One aspect of management of pandemic like COVID-19 is managing the bio-medical waste. Do you think that Bio-medical waste management rules 2016 is adequate to deal with the current crisis? Justify your views with suitable arguments.**

**Answer 1.** The most obvious qualitative change due to COVID-19 is a massive surge in used personal protective equipment, such as masks, not only in the well-regulated waste streams from medical facilities in developed countries, but in ordinary household waste everywhere on the planet. Much of this equipment is not even properly collected and is right now almost certainly making its way into unmanaged dumpsites and the environment and being burned openly.

The COVID-19 crisis has seen an enormous increase in medical and hazardous waste generation. To protect human health and the environment, it is vital to ensure the safe handling and final disposal of such waste. Improper treatment and disposal of healthcare waste poses serious hazards of secondary disease transmission due to exposures to infectious agents among waste pickers, waste workers, health workers, patients, and the community in general to where waste is improperly disposed. Open burning and incineration without adequate pollution control exposes waste workers and the surrounding community to toxic contaminants in air emissions and ash. Medical waste generated due to corona virus contains a lot of plastic, which, if burned, releases known carcinogens into both the atmosphere and the remaining ash.

Biomedical waste is a threat to global public environmental health, especially in the middle-income countries such as India. Worldwide, it is estimated that at least 5.2 million people, including 4 million children, die each year because of diseases related to unmanaged medical waste. Considering the transmission of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) globally, excessive biomedical waste has become a new major threat to public health and the environment. Improper handling of hospital waste might aggravate the spread of SARS-CoV-2 to medical staff and people who handle waste.

Removal of biomedical waste produced from emergency clinics treating COVID-19 patients likewise requests extraordinary consideration as they can be potential bearers of the infection SARS-CoV2. Sanitation labourers and cloth pickers are in danger from dealing with plain clinical waste rising out of homes where COVID-19 patients are isolated, clinical specialists, and waste administration masters cautioned. Disposed of covers, gloves and tissues could be potential hotspots for the spread of this profoundly infectious infection.

Most emergency clinics follow the Biomedical Waste Management Rules, 2016 and all the more thoroughly so in the hours of COVID-19. In any case, it is squander discarded by isolated families, where there is constrained mindfulness about the issue that could uncover strong waste, sanitation labourers to greater risks. It is extremely basic to deal with this waste identified with COVID-19, be it masks, gloves, the hazardous materials suit. This waste could taint cloth pickers, kids, or the poor living in the city.

According to BMW Rules 2016, the squanders would be classified into four classifications dependent on treatment methodology. The BMW Rules explained the meaning of BMW, including immunization camps, blood gift camps, careful camps or social insurance exercises undertaken outside the medicinal services office. It visualized the health care facilities to make an arrangement inside their premises for a protected, ventilated and made sure about the area for a capacity of isolated biomedical waste. It further states pre-treatment of the research centre and microbiological squander, blood tests and sacks through purification on

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location in the way as recommended by WHO or National AIDS Control Organization rules and afterward sent to the normal biomedical waste treatment office for definite removal.

Strikingly, it eliminates utilization of chlorinated plastic sacks, gloves and blood packs two years from the date of notice of these principles. It further features the significance of preparing and inoculation of social insurance labourers. It further proclaims the foundation of a standardized identification framework for the removal of BMW. The most punctual revealing of both major and minor mishaps has likewise been given due importance. Considering the treatment and removal of BMW, the human services offices are coordinated to abstain from developing nearby office if such office is accessible inside 75 km separation. A set of guidelines on dealing with, treatment, and removal of waste produced during treatment, determination and isolation of COVID-19 patients was also released by the Central Pollution Control Board.

The Centre needs to stitch together a national protocol that combines the Bio-Medical Waste Management Rules, 2016, with the Environment Ministry guidelines on 'extended producer responsibility' for producers of plastic. The MoEF&CC guidelines does not refer to the pandemic but makes useful suggestions on how plastic producers should fund the urban local bodies in recycling waste. In a larger context, the 15th Finance Commission must relook at provision of funds for urban local bodies.

#### **Way Forward**

The best way to deal with the immediate removal and destruction of COVID-19-related medical waste is to use existing, tried and tested, medical waste management systems. In the event such medical waste management systems are unavailable or overloaded, it is possible to use, with proper temporary operational adjustments to protect the health of professionals handling waste, existing municipal waste management facilities. In this context, it is critical to recognise the essential role of waste workers and the continuity of the services they deliver, with relevant adaptations, during emergencies and disasters.

In the immediate phase of dealing with this pandemic it is unlikely that either an untested new technology or an untested new producer responsibility scheme will be operationalizable. Keep in mind that mail-back is not a disposal option, it is simply a way to shift the responsibility of disposal from users onto manufacturers. The disposal challenge will remain. Looking beyond only medical waste, the general concept of 'extended producer responsibility' has been used in many countries, for many types of waste, in different ways, with varying levels of success.

Medical institutions or governments that do not have adequate medical waste management plans and practices in place, UNEP compendium of technologies for medical waste may be useful, if implemented over a timescale of months, to help decide on a path forward.

The process of institutionalisation of a good healthcare waste management system is complex. It entails a waste assessment and evaluation of existing practices, evaluation of waste management options, development of a waste management plan, promulgation of institutional policies and guidelines, establishment of a waste management organisation, allocation of human and financial resources, implementation of plans according to set timelines, as well as a programme of periodic training, monitoring, evaluation and continuous improvement.

#### **Conclusion**

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In general, between 75% and 90% of the waste produced by healthcare facilities during COVID-19 is non-risk, non-infectious, non-hazardous general waste, comparable to domestic waste. Segregation is therefore an important element in efficient healthcare waste management. By separating hazardous from non-hazardous waste one can dramatically reduce the volume of waste that requires specialised treatment. Other elements of healthcare waste management include waste classification, minimisation, containerisation, colour coding, labelling, signage, handling, transport, storage, treatment and final disposal. And, of course, to maintain such a system requires continuous training, planning, budgeting, monitoring, evaluation, documentation and record-keeping.

**Q. 2. Highlight the key features of Insolvency and bankruptcy code of India. Do you think that it has been successful as per the expectations? Give arguments in support of your answer.**

**Answer 2.** The insolvency and bankruptcy code of India applies to companies and individuals. It provides for a time-bound process to resolve insolvency. The code is a federated legislation that dispenses a structured and time bound mechanism thereby promising a reform in the arena of Insolvency and Bankruptcy laws in the history of our country. It is the first huge step towards facilitating business practices in India. Quick resolution of business withers away the possibility of capital being squandered on weak business entities. It is a boon for our country as India is a developing as well as capital starved country and the Code aims as well as succeeds to ensure the upliftment of the economy of India. Key features are as follows.

- The Code lays down a separate insolvency resolving procedure for companies, individuals as well as partnerships. The code lays down a most period of time for finishing the procedure.
- The code has an overriding effect on all other prevailing laws relating to Insolvency & Bankruptcy in the country.
- It sees a drift from the existing 'Debtor controlled' to a 'Creditor in control' regime.
- There is a clear and unambiguous process to be followed.
- The code encompasses one chain of authority.
- An Insolvency and Bankruptcy Board of India, is established on October 1, 2016 with the Head office being located at New Delhi. It aims to oversee the insolvency proceedings in the country and regulates the entities (Insolvency Professionals, Insolvency Professional Agencies and Information Utilities) registered under it. It also writes and enforces rules for transactions, namely, corporate insolvency resolution, corporate liquidation, individual insolvency resolution and individual bankruptcy under the Code.
- The National Company Law Tribunal (NCLT) has been constituted to be the adjudicating authority for insolvency resolution and liquidation of Companies, Limited Liability Partnerships (LLPs). Eleven benches of the National Company Law Tribunal (NCLT) have been set up in different states under Part II, Chapter VI of the Code. The DRT (Debt Recovery Tribunal) is the adjudicating authority for partnership firms and individual.
- The Bankruptcy process is to be resolved within a stipulated time period of 180 days, extendable for another 90 days (270 days in total) for the Company.
- A qualified Insolvency professional acts as an intermediary and takes over as the manager and oversees the process.

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- It also provides for establishment of insolvency professionals agencies to enrol and regulate insolvency professionals as its members in accordance with the code and regulations.
- It also provides for the establishment of Information Utilities (IUs) which function as a databank to collect, collate and disseminate financial information and to facilitate insolvency resolution. This is considered to be an eccentric feature of the code.
- The priority for distribution of liquidation proceeds has been provided under a waterfall mechanism to aid for steady resolution process.
- The Code has not adopted the UNICITRAL model, however it provides for provisions enabling government to enter into agreements and treaties with governments of foreign countries.

**Facilitators of the insolvency resolution:** The Code creates various institutions to facilitate resolution of insolvency. These are as follows:

- **Insolvency Professionals:** A specialised cadre of licensed professionals is proposed to be created. These professionals will administer the resolution process, manage the assets of the debtor, and provide information for creditors to assist them in decision making.
- **Insolvency Professional Agencies:** The insolvency professionals will be registered with insolvency professional agencies. The agencies conduct examinations to certify the insolvency professionals and enforce a code of conduct for their performance.
- **Information Utilities:** Creditors will report financial information of the debt owed to them by the debtor. Such information will include records of debt, liabilities and defaults.
- **Adjudicating Authorities:** The proceedings of the resolution process will be adjudicated by the National Companies Law Tribunal (NCLT), for companies; and the Debt Recovery Tribunal (DRT), for individuals. The duties of the authorities will include approval to initiate the resolution process, appoint the insolvency professional, and approve the final decision of creditors.
- **Insolvency and Bankruptcy Board:** The Board will regulate insolvency professionals, insolvency professional agencies and information utilities set up under the Code. The Board will consist of representatives of Reserve Bank of India, and the Ministries of Finance, Corporate Affairs and Law.

**Procedure to resolve insolvency:** The Code proposes the following steps to resolve insolvency:

- **Initiation:** When a default occurs, the resolution process may be initiated by the debtor or creditor. The insolvency professional administers the process. The professional provides financial information of the debtor from the information utilities to the creditor and manage the debtor's assets. This process lasts for 180 days and any legal action against the debtor is prohibited during this period.
- **Decision to resolve insolvency:** A committee consisting of the financial creditors who lent money to the debtor will be formed by the insolvency professional. The creditors committee will take a decision regarding the future of the outstanding debt owed to them. They may choose to revive the debt owed to them by changing the repayment schedule, or sell (liquidate) the assets of the debtor to repay the debts owed to them. If a decision is not taken in 180 days, the debtor's assets go into liquidation.
- **Liquidation:** If the debtor goes into liquidation, an insolvency professional administers the liquidation process. Proceeds from the sale of the debtor's assets are distributed in the following order of precedence: i) insolvency resolution costs, including the remuneration to the insolvency professional, ii) secured creditors, whose loans are backed by collateral,

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dues to workers, other employees, iii) unsecured creditors, iv) dues to government, v) priority shareholders and vi) equity shareholders.

The Code offers a uniform, comprehensive insolvency legislation encompassing all companies, partnerships and individuals, other than financial firms. The Government is proposing a separate framework for bankruptcy resolution in failing banks and financial sector entities. One of the fundamental features of the Code is that it allows creditors to assess the viability of a debtor as a business decision, and agree upon a plan for its revival or a speedy liquidation. The Code creates a new institutional framework, consisting of a regulator, insolvency professionals, information utilities and adjudicatory mechanisms, that will facilitate a formal and time bound insolvency resolution process and liquidation.

The IBC provides for "institutionalised creditor-in-control mechanism for reorganisation and insolvency resolution" of corporate entities, including corporate debtors (CDs) and personal guarantors thereof, in a time-bound manner for maximising the value of assets of such entities. Thereby, it also seeks to "promote entrepreneurship, availability of credit, while balancing the interests of all the stakeholders".

The resolution plans under IBC have yielded about 188 per cent of liquidation value for financial creditors FCs. They are realising on an average 43 per cent of their claims through resolutions plans under a process which takes on average 340 days and entails a cost on average of 0.5 per cent, a far cry from the previous regime which yielded a recovery of 25 per cent for creditors through a process which took about 5+ years and entailed a cost of 9 per cent.

Thus, the IBC has brought about (a) a marked improvement in credit realisation (b) considerably shortened the resolution process and (c) also reduced the cost.

#### **Conclusion**

India currently ranks 136 out of 189 countries in the World Bank's index on the ease of resolving insolvencies. India's weak insolvency regime, its significant inefficiencies and systematic abuse are some of the reasons for the distressed state of credit markets in India today. The Code promises to bring about far-reaching reforms with a thrust on creditor driven insolvency resolution. It aims at early identification of financial failure and maximising the asset value of insolvent firms. The Code also has provisions to address cross border insolvency through bilateral agreements and reciprocal arrangements with other countries. The unified regime envisages a structured and time-bound process for insolvency resolution and liquidation, which should significantly improve debt recovery rates and revitalise the ailing Indian corporate bond markets.

**Q. 3. Agriculture in India would perhaps be the worst hit sector by Climate Change. Discuss. Suggest adaptation measures for agriculture with respect to changing climate.**

**Answer 3.** Agriculture is important in India for the obvious reason of its centrality, given that it accounts for a larger share in GDP i.e. 16%, and an even larger share in employment i.e. 49%. Perhaps it is even more important because, as the experience of the last few years illustrates, it has the potential to hold back Indian development: poor agricultural performance can lead to high inflation, rural distress, and political restiveness.

Agriculture in India continues to be vulnerable to the vagaries of weather, and the looming threat of climate change has the potential to expose this vulnerability further. Rising temperature affects flowering and leads to pests and disease build-up. Flood and excess rain over a short duration of time cause extensive damage to crops. Extreme weather events have

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caught attention of agrarian experts and scientists alike and they are now focussing on natural farming to arrest the impacts of climate change. Climate change affects all the three aspects of food security: availability, access and absorption. When production decreases, availability of food decreases. Climate change hits poor the most. They don't have income to buy the food, so their access to it is affected. This, in turn, has an impact on health and affects absorption. Climate change has about 4 to 9 per cent impact on agriculture each year. As agriculture contributes 15 per cent to India's GDP, climate change presumably causes about 1.5 per cent loss in GDP.

Rice, wheat, maize and sorghum are the worst hit by the climate change. By 2030, rice and wheat are likely to see about 6 to 10 per cent decrease in yields. While the crops like potatoes, soyabean, chickpea and mustard, on which climate change will have a neutral or positive impact. Although, this positive impact is conditional and short-term. Soybean and gram are likely to benefit from higher level of CO<sub>2</sub> in atmosphere, which helps in CO<sub>2</sub> fertilisation. But the positive effects are unlikely to last more than 10-15 years. Potato production will be positively impacted by elevated CO<sub>2</sub> concentration. This view was previously endorsed by the experts at the Central Potato Research Institute in their research paper, where they claimed that potato yield will increase by 11.12 per cent at elevated CO<sub>2</sub> of 550 PPM and 1°C rise in temperature. However, further increase in CO<sub>2</sub> with a likely rise in temperature by 3°C will result in decline in production by 13.72 per cent in the year 2050. Kharif crops will be affected more by rainfall variability, while Rabi crops by minimum temperature. Wheat is likely to be negatively impacted in Rabi season due to terminal heat stress with 1°C rise in temperature results in loss of 4 metric tonnes of wheat.

Climate change is expected to intensify existing problems and create new combinations of risks. The situation is made worst due to factor such as widespread poverty, overdependence on rain fed agriculture, inequitable land distribution, limited access to capital and technology, inadequate public infrastructure, such as roads, long term weather forecasts and inadequate research and extension. By lessening the severity of key damages to the agricultural sector, adaptation is the key defensive measure. Adaptation to climate change involves changes in agricultural management practices in response to changes in climate conditions. The common agricultural adaptation strategies are the use of drought resistant varieties of crops, crop diversification, changes in cropping pattern and calendar of planting, conserving soil moisture through appropriate tillage methods, improving irrigation efficiency, and afforestation and agro-forestry.

#### **Crop Adaptation Strategies**

- **Planting of drought resistant varieties of crops:** Emphasis on more drought resistant crops in drought-prone areas could help in reducing vulnerability to climate change. For example, wheat requires significantly less irrigation water compared to dry season rice.
- **Crop diversification:** Diversification towards high value crops is feasible in the medium to long term. Crop diversity is a high priority adaptation measure in both irrigated and non-irrigated areas.
- **Change in cropping pattern and calendar of planting:** Climate change adversely affects crop production through long-term alterations in rainfall resulting in changes in cropping pattern and calendar of operations.
- **Mixed cropping:** Mixed cropping involves growing two or more crops in proximity in the same field. The advantages of mixing crops with varying attributes are in terms of maturity period e.g. maize and beans, drought tolerance e.g. maize and sorghum, input requirements e.g. cereals and legumes and end users of the product e.g. maize as food and sunflower for cash.

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- **Improved irrigation efficiency:** Success of climate change adaptation depends on availability of fresh water in drought-prone areas. It should be emphasized that most adaptation methods provide benefits even with the lower end of climate change scenarios, such as improved irrigation efficiency. As water becomes a limiting factor, improved irrigation efficiency will become an important adaptation tool, especially in dry season, because irrigation practices for dry area are water intensive. Climate change is expected to result in decreased fresh water availability whether surface and groundwater and reduced soil moisture during the dry season, while the crop water demand is expected to increase because of increased evapo-transpiration caused by climate change and the continuous introduction of high-yielding varieties and intensive agriculture. Farmers may employ such adaptation measures as irrigation water transfer, water harvesting and storage to cushion the effects of rainfall variability. As temperature increases, farmers tend to irrigate more frequently. Irrigation is clearly an adaptation strategy to warming. When precipitation increases, they tend to irrigate less often and resort to natural rainfall more often.
- **Adopting soil conservation measures that conserve soil moisture:** Soil conservation techniques can be practiced by ensuring proper timing of different farming activities, burying of crop residues to replenish soil fertility, burning crop residues to enhance quick release of nutrients and allowing livestock to graze on farmlands after harvesting crops so as to improve soil organic matter. Farmers can use contour ridges as a strategy to minimize soil erosion to encourage better root penetration and enhance moisture conservation. Farmers have improved their adaptive capacity by using traditional pruning and fertilizing techniques to double tree densities in semi-arid areas. These help in holding soils together and reversing desertification. The tillers can conserve carbon in soils through the use of zero tilling practices in cultivation, mulching and other soil management techniques. Natural mulches moderate soil temperatures and extremes, suppress diseases and harmful pests, and conserve soil moisture. Before the advent of chemical fertilizers, tillers were largely depended on organic farming, which also is capable of reducing GHG emissions.
- **Planting of trees (afforestation) and agro-forestry:** Tree planting is the process of transplanting tree seedlings, generally for forestry, land reclamation, or land scaping purposes. It differs from the transplantation of larger trees in arboriculture, and from the lower cost but slower and less reliable distribution of tree seeds. In silviculture the activity is known as reforestation, or afforestation, depending on whether the area being planted has or has not recently been forested. It involves planting seedlings over an area of land where the forest has been harvested or damaged by fire or disease or insects. Rural farmers known that planting trees is a way of adapting to the effect of climate change. Agroforestry is a rational land-use planning system that tries to find some balance in the raising of food crops and forests. In addition to the fact that agroforestry techniques can be perfected to cope with the new conditions that are anticipated under a drier condition and a higher population density, they lead to an increase in the amount of organic matter in the soil thereby improving agricultural productivity and reducing the pressure exerted on forests.

Farmers can also adapt to the climate change induced temperature changes in two ways. They can practise intra-crop adaptation, where they adjust their agriculture practices to make their crops more heat-resistant. One example of this would be investments in irrigation which protect against both excessive heat and droughts. Or farmers could practise inter-crop adaptation where they simply plant more heat-resistant crops, such as sorghum or maize, or switch to crops that grow in the cooler parts of the year (such as wheat).

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#### **Conclusion**

India is already under pressure from climate stresses which increase vulnerability to further climate change and reduces adaptive capacity. The adverse effects of climate change have a particularly devastating effect on agriculture, which is the mainstay of most tropical countries. This has affected food production with its resultant effect on widespread poverty. Some communities have developed traditional agricultural adaptation strategies to cope with climate variability and extreme events. The major constraints to applying agricultural adaptation strategies has been a general lack of knowledge, expertise and data on climate change issues; a lack of specific climate change institutions to take on climate change work and the need for a better institutional framework in which to implement adaptation. Actions to address these gaps include: training programmes for local government officials, dedicated research activities and post-graduate courses; and the initiation of specific institutional frameworks for climate change.