Mains Marathon

Compilation

20th to 25th Nov, 2023

Index

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Analyze the constitutional provisions related to the discretionary powers of a Governor in the context of assenting to Bills passed by the State Legislature. Discuss with reference to the recommendations of the Sarkaria and Punchhi Commissions.

Introduction: Give brief context to the question
Body: Highlight provisions related to assent to Bills and suggestions of Commissions.
Conclusion: Way forward

Recently, the Tamil Nadu Governor 'withheld' assent for certain Bills passed by the Tamil Nadu Legislative Assembly' raising concern regarding the discretionary powers of a Governor in the context of assenting to Bills passed by the State Legislature.

Constitutional provisions related to the powers of a Governor in the context of assenting to Bills

- **Article 200:** According to this article, the Governor can give his assent to a bill, withhold his assent to a bill, or reserve the bill for the consideration of the President. The Governor's discretionary powers in this regard are important for maintaining the balance between the executive and legislative branches of the state government.
- **Article 201:** This article grants the Governor the power to reserve certain bills for the President's consideration. The President may either give his assent to the bill or withhold his assent, and the Governor must act accordingly.
- **Article 202:** This article gives the Governor the power to return a bill (other than a money bill) for reconsideration by the state legislature, along with a request for the reconsideration of the bill. If the legislature passes the bill again with or without modifications, the Governor is obligated to assent to it.

Recommendations of Centre-State Relations Commission

- **Sarkaria Commission**: The Sarkaria Commission emphasized that the Governor's discretionary power is primarily limited to the reservation of bills for the consideration of the President, and this authority should be invoked only in rare cases of unconstitutionality. In all other instances, the Governor is expected to exercise functions under Article 200 following the advice of the ministers. The commission recommended that the President should promptly dispose of such reserved bills within a maximum period of six months. Additionally, if the President decides to withhold assent, reasons for such a decision should be communicated to the State Government whenever feasible.
- **Punchhi Commission**: It recommended that it is necessary to prescribe a time limit of six months within which the Governor should decide whether to grant assent or to reserve it for consideration of the President.

Conclusion

While the governor's position is vital to maintaining the integrity and unity of a country, federalism must also be strengthened by making sure the governor does not infringe upon the authority of elected governments. The Punchhi Commission recommended that the State Legislature impeach governors and that the Chief Ministers be consulted before governor nomination.

Analyze the policy challenges posed by tax havens like Cyprus in the global financial system, with a focus on the implications for tax justice and economic inequality.

Introduction: Give a brief context to the question
Body: Highlight policy challenges posed by tax havens
Conclusion: Way forward

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Nations like Cyprus known as *__"tax havens"__* exempt individuals and corporations from paying taxes on their funds held in banks within their borders. Politically and economically, these countries frequently enjoy stability. They offer several tax benefits that could be misused as devious tax avoidance techniques.

Analysis of the key issues

- **Erosion of Tax Bases**: By enabling people and businesses to transfer assets and profits to countries with low or no tax rates, tax havens aid in tax evasion and avoidance. By eroding other nations' tax bases, this strategy lowers the amount of money available for public services.
- **Lack of Transparency**: Because tax havens frequently maintain high levels of financial secrecy, it can be challenging for tax authorities to efficiently track and tax income. International efforts to combat tax evasion and enforce tax rules are hampered by the lack of openness.
- **Inequality Exacerbation**: By allowing the wealthy and companies to evade paying their fair share of taxes, the usage of tax havens exacerbates economic inequality. Because public services and social programs are disproportionately funded by middle-class and lower-class people, this widens the wealth divide.
- **Competition Between Jurisdictions**: To draw in companies and individuals looking for advantageous tax treatment, countries may participate in a race to the bottom by lowering their tax rates. Governments may face pressure to lower corporate tax rates as a result of this competition, which would make it more difficult for them to pay for public services.
- **Impact on Developing Nations**: Tax havens tend to have a more negative impact on developing nations because they may not have the infrastructure and resources necessary to effectively tackle tax evasion. The reduction in income may make it more difficult for them to make investments in infrastructure, healthcare, and education.
- **Double Taxation Treaties**: Companies and individuals can make use of legislative frameworks that allow them to take advantage of loopholes and lower their total tax burden by entering into double taxation treaties with other nations. Such agreements may exacerbate the unequal distribution of tax liabilities.
- **Global Cooperation Challenges**: International cooperation is necessary to address the problems that tax havens present. However, reaching an agreement among countries with disparate economic agendas and policy preferences can be difficult, which makes it more difficult to create efficient international structures to combat tax cheating.

Conclusion

According to the *__State of Tax Justice 2023, by Tax Justice Network__*, countries the world over are on course to lose $4.8 trillion to tax havens over the next 10 years. Addressing these challenges requires concerted efforts at both the national and international levels to create a fair and transparent tax environment.

Evaluate the role of state-run fact-checking units in combating misinformation and fake news. Discuss the ethical considerations and challenges faced by democracies in regulating content on social media platforms.

Introduction: Give context to the question
Body: What role do fact-checking units play in combating misinformation?
Conclusion: Way forward

Recently, the Tamil Nadu Government issued an order to set up a Fact Check Unit with the intent of checking across all media platforms the authenticity of information related to the announcements, policies, schemes, guidelines, and initiatives of the Government.

Role of state-run fact-checking units

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- Credibility and Accountability: Because they are seen as unbiased organizations, state-run fact-checking units are a good way to increase credibility. To preserve trust, they must remain independent of political influence.
- Quick Reaction: These teams can react quickly to new disinformation, preventing it from spreading too far in advance. Fact-checking promptly and accurately is crucial in this day of rapid information transmission.
- Public Awareness: By engaging in fact-checking, states can increase public awareness of the value of information verification. This can help people become more media literate and enable them to separate false information from credible sources.
- Legal Support: To offer an additional degree of enforcement, state-run entities may be able to use legal means to force platforms to remove or label misleading information.

Ethical Considerations

- **Independence:** It is essential to guarantee the fact-checking units' independence from political interference. The legitimacy and efficacy of these entities may be jeopardized by political intervention.
- **Freedom of Expression:** Finding a middle ground between stifling false information and upholding the right to free speech is difficult. A bit too much fact-checking could unintentionally stifle reasonable criticism or other viewpoints.
- **Openness:** Being open and honest throughout the fact-checking process is crucial. Building trust with the public is facilitated by open communication regarding the criteria applied, the sources consulted, and the decision-making process.
- **Fairness:** Fact-checking organizations must avoid taking sides in social or political disputes by being impartial and fair in their evaluations.

Challenges in Regulating Content on Social Media Platforms

- **Global Operation of Social-Media:** Certain governments find it difficult to adequately regulate content due to the global nature of social media platforms. It is often necessary to coordinate global operations.
- **Content Volume:** It is challenging to monitor and regulate social media platforms effectively due to the overwhelming amount of content on them. When it comes to correctly identifying context and intent, automated content filtering tools have limits.
- **Misinformation's Dynamic Nature:** It's difficult for regulatory agencies to stay on top of the constant evolution of misinformation strategies. Because they conflate fact and fiction, deepfakes, for instance, provide a special kind of difficulty.

Conclusion

A comprehensive and ethical approach involves a combination of regulatory measures, consultation with stakeholders including the public and intermediaries like Google and Facebook, technological solutions, and media literacy campaigns.

Critically examine the role of local governance and community participation in enhancing the resilience of WASH services against climate-induced challenges. Suggest measures to improve the effectiveness of existing policies and programs in India.

Introduction: What is the WASH initiative?
Body: Highlight the role of local governance in WASH and measures to improve effectiveness
Conclusion: Way forward

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The term "WASH in health care facilities" refers to the provision of water, sanitation, health care waste management, hygiene and environmental cleaning infrastructure, and services across all parts of a facility.

Role of Governance in enhancing the resilience of WASH services

- **Decentralized Decision-Making**: Decisions can be made locally with greater responsiveness and context. When it comes to Water, Sanitation, and Hygiene (WASH) services, local government officials are better able to comprehend the unique problems that communities confront and design solutions that address those needs.
- **Community Ownership**: A sense of ownership is fostered when communities are involved in the design, execution, and upkeep of WASH services. If communities actively contribute to the development of these services, there is a greater chance that they will be preserved and protected.
- **Timely Response**: Local authorities can respond more promptly to emerging challenges, such as extreme weather events or changing precipitation patterns. This agility is crucial for maintaining the functionality of WASH services during and after climate-induced shocks.
- **Customization of Solutions**: Local governance allows for the customization of WASH solutions based on local knowledge, cultural practices, and environmental conditions. This ensures that interventions are contextually appropriate and more likely to succeed.

Measures to Improve Effectiveness

- **Community Education and Awareness:** Run initiatives to inform locals about how climate change is affecting WASH services. Give them the know-how and abilities they need to adjust to these changes and maintain their infrastructure for water and sanitation.
- **Participatory Planning:** Make sure local communities are actively involved in WASH planning processes. This entails determining community needs, carrying out vulnerability assessments, and working together to create WASH programs that are climate resilient.
- **Technology Integration:** Investigate how using suitable and sustainable technologies might improve the WASH services' resilience. Rainwater harvesting systems, decentralized wastewater treatment, and climate-resilient water sources are a few examples of this.
- **Integration with Disaster Risk Reduction:** At the local level, incorporate WASH resilience initiatives into more comprehensive disaster risk reduction plans. This guarantees a comprehensive strategy to increase resilience against obstacles brought on by climate change.

Conclusion

Governments can further strengthen people's initiatives by strengthening their capacity to sustain safe sanitation and incentivizing them to revive alternative water sources, store water to cope with supply irregularities, and conduct regular water testing for a resilient and sustainable future.

Evaluate the role of developed and developing countries in reducing greenhouse gas emissions. How can international cooperation be enhanced to meet the targets of limiting global temperature rise?

Introduction: Give brief context to the question
Body: Highlight the role of countries in reducing GHG emissions and how international cooperation can help in this.
Conclusion: Way forward

The role of both developed and developing countries in reducing greenhouse gas (GHG) emissions is crucial for addressing climate change. Recently, a report published by the Organisation for Economic Cooperation and Development (OECD), showed that economically developed countries fell short of their promise to jointly mobilize $100 billion towards climate mitigation and adaptation needs of developing countries.

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Role of countries in reducing GHG emissions

- **Sustainable Development**: Developing nations must strike a balance between environmental sustainability and economic growth. This entails introducing sustainable land-use practices, supporting renewable energy sources, and embracing cleaner technology.
- **Adaptation Measures**: Developing countries should concentrate on putting adaptation measures into place to increase resilience in areas like infrastructure, agriculture, and water resources because they are frequently more susceptible to the effects of climate change.
- **Financial Support:** Developed nations can give developing countries financial support so they can put climate mitigation and adaptation plans into place. This could involve providing funds for infrastructure that is climate resilient, capacity-building, and renewable energy initiatives.
- **Historical Responsibility:** Developed countries bear historical responsibility for the majority of cumulative greenhouse gas emissions. They have a moral obligation to take the lead in reducing emissions and supporting developing nations in their efforts.

How international cooperation help to meet targets of reducing GHG emissions

- **Financial institutions:** Encouraging the Green Climate Fund and other financial institutions can assist in directing funds toward climate-related projects in underdeveloped nations. It is imperative to maintain accountability and transparency in the administration of funds.
- **Climate Agreements:** It is imperative to take part in international climate agreements, including the Paris Agreement. Together, nations should establish and meet goals for reducing emissions, evaluate their progress frequently, and revise their pledges in light of new scientific findings.
- **Capacity Building:** Developing nations must be better equipped to analyze, organize, and carry out climate action. Training, institutional capacity building, and knowledge sharing are all part of this.
- **Role of the private sector:** The OECD report suggested de-risking with government intervention and called on Multilateral Development Banks to integrate private finance mobilization strategies as part of their core objective.

Conclusion

The industrialized and developing worlds must work together to combat climate change. Meeting global climate targets and containing the rise in global temperatures require international cooperation based on shared responsibility and mutual support.

Analyze the economic and social implications of providing reservation in private sector jobs for local candidates. How does it affect interstate migration and national integration?

Introduction: Give context to the question
Body: Highlight economic and social implications of reservation in private sector and its affect on migration and national integration.
Conclusion: Way forward

Recently, the Punjab and Haryana High Court has done the right thing by quashing the Haryana State Employment of Local Candidates Act, 2020 which provides for 75% reservation to State domiciles in the private sector in jobs that provide a monthly salary of less than ₹30,000 on the grounds of violation of equality guaranteed under Article 14 and freedom under Article 19 of the Constitution.

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Economic and social implications of reservation in the private sector

- **Delaying Economic Recovery**: The pandemic scenario has made it imperative for states to focus on fast and effective economic recovery. However, the compulsion of companies to employ locals might compromise quality and delay the recovery phase.
- **Discourage Investment**: Compulsions to employ decrease the competitiveness of companies. Apart from that, such measures directly discourage investment potential in a state.
- **Threat to unity and integrity**: Reservation in the private sector would create friction among locals and non-locals in the implementing states. This will shake the fundamental of Indian democracy (Unity in Diversity) in the long run.
- **Not feasible**: The shortage of qualified workers in a state may impact the implementation of reservations in the private sector forcing the private sector to ask permission from authorities regarding employment which is akin to the situation during Inspector Raj.

Effect on interstate migration and national integration

- **Reduction in migration:** Reservations for local candidates may lead to a reduction in interstate migration as individuals may find more opportunities within their home state and discourage skilled individuals from seeking better opportunities in different regions.
- **Local job market:** It may create a closed job market, limiting exposure to diverse perspectives and hindering the overall growth potential of the local economy.
- **National Integration:** Reservation in the private sector could potentially lead to a fragmentation of the national workforce, reinforcing regional identities at the expense of a more unified national identity.
- **Parochialism:** There is a risk that policies like these might deepen divisions between states and communities, leading to a narrow parochial outlook.

Conclusion

For equitable and sustainable economic growth, it is imperative to strike a balance between responding to local issues and upholding an open and meritocratic labour market. The possible trade-offs and unforeseen repercussions of such actions must be carefully considered by policymakers.

Critically analyze the functioning of the Collegium system in the context of judicial transfers in India. Discuss the implications of such transfers on the independence and integrity of the judiciary.

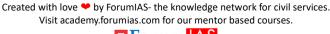> **Introduction:** What is the collegium system?
> **Body:** Analyse the functioning of the collegium system and its implications on the integrity of the judiciary.
> **Conclusion**: Way forward

The Collegium system, which involves the Chief Justice of India and a group of senior judges, plays a pivotal role in the appointment and transfer of judges in the Indian judiciary. The Collegium System has evolved through a series of judgments of the Supreme Court namely _**Gupta & Others v. Union of India, 1981 (First Judges Case), Supreme Court Advocates on Record Association Vs. Union of India, 1993 (Second Judges Case) and the In re Special Reference 1 of 1998 (Third Judges Case).**_

Functioning of the Collegium system

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- **Lack of Transparency**: The Collegium lacks an official selection procedure or a documented manual for its operations. The criteria used for the selection or rejection of candidates are not publicly disclosed.
- **Absence of Accountability**: The practice of Judges selecting other Judges is perceived as undemocratic, as there is no mechanism for judicial accountability to the public or other branches of the State, such as the Legislature or the Executive. This absence of accountability introduces an element of potential arbitrariness in the decision-making process.
- **Judicial Criticism**: Numerous retired Judges have expressed criticism regarding the functioning of the Collegium, particularly highlighting the issue of transparency & certain controversial appointments that have raised concerns within the legal community.

Implications of such transfers on the independence and integrity of the judiciary

- **Nepotism:** Decisions made by the Collegium may encourage nepotism since judges may prefer appointments or transfers based on personal ties, undermining the merit-based system and raising questions about the judiciary's objectivity.
- **Erosion of Judicial Independence**: The absence of a participatory and transparent procedure could result in executive intervention since the Collegium system lacks an organized external oversight mechanism compromising the independence of the judiciary.
- **Impact on morale**: Arbitrary transfers without clear reasons can impact the morale of judges, affecting their performance and commitment to their roles which results in a decline in the quality of judicial decisions and overall efficiency.
- **Erosion of public trust**: Lack of transparency and accountability can result in a negative public perception of the judiciary and undermine its role as a pillar of democracy.

Conclusion

It is urgently necessary to make improvements to the judicial appointment system to ensure the efficient functioning of the judiciary which is possible through collaboration between the government, parliament, and judiciary.

Examine the current legal framework in India regarding cybercrimes, with a focus on deepfakes. Suggest measures to strengthen legal provisions and enforcement mechanisms to combat the misuse of AI in creating deepfakes.
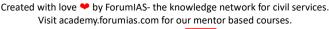
Introduction: Describe deepfakes.
Body: Highlight the legal framework to address the issue of deepfakes and measures to deal with it.
Conclusion: Way forward

Deepfakes are digital media – video, audio, and images edited and manipulated using Artificial Intelligence. It is hyper-realistic digital falsification. Access to commodity cloud computing, public research AI algorithms, abundant data, and the availability of vast media have created a perfect storm to democratize the creation and manipulation of media. This synthetic media content is referred to as deepfakes.

Current legal framework to address the issue of deep fakes

- **Information Technology Act, 2000**: Information Technology Act, of 2000, is the primary legislation governing cybercrimes in India. It includes sections on unauthorized access, data theft, and offenses related to computer systems

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- **Cyber Appellate Tribunal**: The Cyber Appellate Tribunal handles appeals against orders issued by the Adjudicating Officer under the IT Act.
- **National Cyber Security Policy, 2013**: The policy focuses on creating a secure cyberspace environment, promoting research and development, and enhancing the legal framework.
- **Information Technology (Amendment) Act, 2008**: The 2008 amendment introduced offenses like identity theft, cyberterrorism, and the publication/transmission of sexually explicit material without consent.

Measures to strengthen the mechanism to curb the issue of deep fake

- **Responsibility of social media intermediaries**- Social media intermediaries have to develop technology to detect and report deepfakes on their sites like watermarking AI-generated content. For Ex- Microsoft's video authenticator is a new anti-deep fake technology to fight misinformation.
- **Blockchain-based Deepfake Verification**- The use of blockchain technology for media creation will allow individuals to trace the origin and modification history of media. This will discourage the creation and dissemination of malicious deepfakes.
- **Digital India Act**- The forthcoming Digital India Act must have penal provisions in case of malicious deepfakes. India must take lessons from China's comprehensive regulations on deepfakes.
- **Public awareness and responsibility**- Social awareness about the menace of malicious fake videos must be promoted. The public must be made aware of the 'Pause, think, and share' principle for social media.
- **Implementing the principles of the Bletchley Declaration**- The declaration calls to address risks and responsibilities associated with frontier AI like deepfakes. India, which is among the signatories must take the lead in finalizing the global AI regulatory framework, following the declaration principles.

Conclusion

Strengthening the legal framework to combat deepfakes requires a comprehensive approach that includes specific legislation, capacity building, awareness programs, and enhanced collaboration between various stakeholders. The evolving nature of technology necessitates a proactive and adaptive legal response to effectively address the challenges posed by deepfake threats in cyberspace.

Analyze the role of migrant workers in India's infrastructure development and discuss the challenges they face, as highlighted by the Uttarakhand tunnel collapse incident.

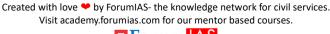**Introduction:** Briefly describe the incident.
Body: What is role of migrant workers in infrastructure development and challenges faced by them?
Conclusion: Way forward

The recent collapse of the Silkyara Tunnel, an under-construction structure along the Yamunotri National Highway in Uttarakhand's Uttarkashi district, has resulted in the entrapment of 40 workers. This tunnel forms a crucial component of the Char-Dham all-weather road project.

Role of Migrant Workers in India's Infrastructure Development

- **Labour Force Contribution:** A large percentage of the labour force engaged in building projects is made up of migrants, who are essential to India's infrastructure development. They frequently take on manual labour-intensive jobs like road construction, construction, and other physically taxing jobs.

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- **Economic Contribution**: By accepting employment across the nation, frequently in areas where there is a need for labour, migrant workers make a substantial economic contribution.
- **Flexibility in Workforce**: Industries can expand their workforce in response to project demands thanks to the flexibility that migrant labour offers. This adaptability is especially important in the construction industry because projects can be spread out over different regions.
- **Social and Cultural Diversity:** By fostering the interchange of ideas and practices, migrant workers contribute to the cultural diversity of the areas in which they operate.

Challenges Faced by Migrant Workers

- **Bad Living Conditions:** In temporary communities close to building projects, migrant labourers frequently experience subpar living conditions. Health problems can result from inadequate housing, sanitary conditions, and access to medical care.
- **Low salaries and Exploitation:** Low salaries and unfavourable working conditions are two instances of exploitation that affect migrant workers. They do not know that they have rights, or they might be afraid of losing their jobs if they ask for better terms.
- **Absence of Social Security:** Many migrant workers are uninsured against disease, accidents, and downturns in the economy since they do not have access to social security benefits.
- **Unsafe Working Conditions:** The nature of infrastructure projects often exposes migrant workers to hazardous working conditions. Lack of safety measures and training can lead to accidents and injuries.
- **Limited Legal Protections:** Migrant workers may not be adequately protected by labour laws, and their legal status might be ambiguous, making it difficult for them to seek legal recourse in case of disputes.

Conclusion

To address these issues and protect the rights and welfare of migrant workers engaged in India's infrastructure development, a comprehensive strategy combining industry practises, social initiatives, and government legislation is needed.

Examine the impact of climate change on agricultural productivity in India and the necessity of adopting climate-smart agriculture (CSA) practices.
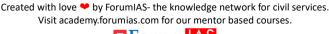
Introduction: What is CSA?
Body: Highlight impact of climate change on agriculture productivity and necessity of CSA.
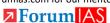**Conclusion:** Way forward

Climate-smart agriculture (CSA) is a strategic approach aimed at directing efforts to shift agri-food systems toward practices that are both environmentally sustainable and resilient to climate change. The primary objectives of CSA include enhancing agricultural productivity and incomes sustainably, fostering adaptation to and building resilience against climate change impacts, and minimizing or eliminating greenhouse gas emissions wherever feasible

Impact of climate change on agricultural productivity

- **Variability in Rainfall Patterns**: The impacts of climate change are evident in the irregular and unpredictable patterns of rainfall, disrupting the timing and distribution of precipitation. This variability has consequences for crop growth stages, ultimately resulting in diminished yields.

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- **Temperature Extremes**: Escalating temperatures, particularly during heatwaves, exert adverse effects on crop development, leading to decreased yields. Certain crops are sensitive to temperature fluctuations, and prolonged exposure to high temperatures can induce heat stress.
- **Water Scarcity and Droughts**: Alterations in precipitation patterns contribute to instances of water scarcity and droughts. Given the heavy reliance on monsoon rains for agriculture in many regions of India, any disruption in this pattern can lead to water shortages, adversely affecting crop cultivation.
- **Rise in Pests and Diseases**: Warmer temperatures and shifts in climate conditions create an environment conducive to the proliferation of pests and diseases. This presents a threat to crops, heightening their vulnerability and necessitating more intensive pest management practices.

Necessity of Adopting CSA Practices

- **Enhancing Livelihood Resilience**: The primary goal of CSA is to fortify the resilience of farming communities against climate-related shocks and pressures. To enhance farmers' adaptive capacity, CSA emphasizes the diversification of revenue sources, the promotion of alternative livelihood options, and the establishment of social safety nets.
- **Greenhouse Gas Emission Mitigation**: CSA is dedicated to curbing greenhouse gas (GHG) emissions stemming from agricultural activities. It promotes the adoption of practices that enhance carbon storage in soils, decrease emissions from animals, and optimize fertilizer use to reduce nitrous oxide emissions.
- **Adaptation to Climate Change**: CSA directs its efforts toward enhancing the resilience of agricultural systems in the face of climate change impacts. This involves implementing techniques and practices that support crops, livestock, and farmers in adjusting to evolving climatic conditions, including challenges such as droughts, floods, and heatwaves
- **Conservation and Restoration of Ecosystems**: Recognizing the imperative of safeguarding and rejuvenating ecosystems for sustained agricultural viability, CSA encourages the protection of biodiversity, the restoration of degraded areas, and the integration of trees and vegetation into farming systems to enhance ecosystem processes.

Conclusion

Implementing strategies like CSA is crucial for building resilience, ensuring food security, and sustaining the livelihoods of farmers in the face of a changing climate.

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