

VEDHIK
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ANALYSIS
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FOREWORD

We, at Team Vedhik is happy to introduce a new initiative - "Daily Current Affairs_The Hindu" compilations to help you with UPSC Civil Services Examination preparation. We believe this initiative - "Daily Current Affairs_The Hindu" would help students, especially beginners save time and streamline their preparations with regard to Current Affairs. A content page and an Appendix has been added segregating and mapping the content to the syllabus.

It is an appreciable efforts by Vedhik IAS Academy helping aspirants of UPSC Civil Services Examinations. I would like to express my sincere gratitude to Dr. Babu Sebastian, former VC - MG University in extending all support to this endeavour. Finally I also extend my thanks to thank Ms. Shilpa Sasidharan and Mr. Shahul Hameed for their assistance in the preparing the compilations.

We welcome your valuable comments so that further improvement may be made in the forthcoming material. We look forward to feedback, comments and suggestions on how to improve and add value for students. Every care has been taken to avoid typing errors and if any reader comes across any such error, the authors shall feel obliged if they are informed at their Email ID.

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Super Typhoon Rai hammers Philippines

Thousands seek emergency shelter



Mission mode: Rescue workers evacuating residents from their flooded homes in Cagayan de Oro City, Philippines. ■ AFP

AGENCE FRANCE-PRESSE
DAPA

Thousands of people in the Philippines fled their homes and beachfront resorts as Super Typhoon Rai pumelled the country Thursday, with a charity warning the storm could hit coastal communities “like a freight train”.

Rai is the strongest storm to hit the disaster-prone archipelago this year.

It was packing maximum sustained winds of 195 km an hour as it made landfall on the southern island of Siargao at 1:30 p.m., the State weather forecaster said.

“This monster storm is frightening and threatens to

hit coastal communities like a freight train,” said Alberto Bocanegra, head of the International Federation of Red Cross and Red Crescent Societies in the Philippines.

“We are very concerned that climate change is making typhoons more ferocious and unpredictable.”

The weather bureau warned “very destructive” winds could cause “heavy to very heavy damage to structures and vegetation”, along with widespread flooding and rain-induced landslides.

More than 98,000 people sought emergency shelter as the storm charged across the Pacific Ocean and slammed into the country.

1971 war altered ideological map: Kovind

At 50th year commemoration of Liberation War, President lauds the vision of Sheikh Mujibur Rahman

KALLOL BHATTACHERJEE
NEW DELHI

The Liberation War of 1971 changed the “ideological map” of South Asia, President Ram Nath Kovind said in Dhaka on Thursday. Participating in the celebration to mark the golden jubilee of the independence of Bangladesh and victory in the war, President Kovind recollected the “grassroots support” from India to attain the freedom of Bangladesh.

“We celebrate with you this historic day: 50 years ago, the ideological map of South Asia changed irreversibly and the proud nation of Bangladesh was born. On this occasion, I pay tribute to the memory of the untold suffering of the tens of millions of Bangladesh, especially the brutalised daughters, sisters and mothers,” said President Kovind, adding that India attached “highest priority” to its friendship with Bangladesh.

“We remain committed to doing all we can, to help realise the full potential of our friendship. Like millions of Indians of my generation, we were elated by the victory of Bangladesh over an oppressive regime and were deeply



Poignant moment: President Ram Nath Kovind paying tribute to the founding father of Bangladesh, Sheikh Mujibur Rahman, at the Bangabandhu Memorial Museum in Dhaka. ■ ANI

inspired by the faith and courage of the people of Bangladesh,” Mr. Kovind said in a speech at the National Parliament of Bangladesh.

Praise for Hasina

In a special gesture, he recited national poet of Bangladesh Kazi Nazrul Islam and praised Prime Minister Sheikh Hasina for inheriting her father Bangabandhu

Sheikh Mujibur Rahman’s rebellious (*bidrohi*) spirit.

He praised Ms. Hasina for confronting military dictatorships of her country and for facing “assassination attempts with remarkable courage” in the past to establish democracy.

“The vision of Bangabandhu was of a Bangladesh that was not only free politically but also of a nation that was

equitable and inclusive. Sadly, his vision could not be realised in his lifetime. The anti-liberation forces that brutally killed Bangabandhu and most of his family did not realise that bullets and violence cannot extinguish an idea that has captured the imagination of millions of people,” the President said.

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1971 war altered S. Asia’s ideological map: Kovind

Earlier President Kovind participated in the events at Dhaka’s National Parade Ground where an Indian tri-service contingent marched alongside the Bangladesh military contingents.

Following the military parade, Prime Minister Hasina administered an oath to the people and political leaders for upholding the freedom and sovereignty of Bangladesh.

President Kovind re-

ferred to the historic March 7, 1971 speech by Sheikh Mujibur Rahman which is recognised by the UNESCO in the memory of world register as it evokes justice freedom and democracy. The speech was a catalyst in triggering the last phase of the public movement which President Yahya Khan of Pakistan tried to crush by launching the Operation Searchlight on March 26, 1971.

Putin, Modi, Xi meet soon: official

It will be the first since LAC crisis

KALLOL BHATTACHERJEE
NEW DELHI

A trilateral summit of the leaders of India, China and Russia is expected in the near future, a top presidential adviser said in Moscow.

Briefing the media on a recent videoconference between Russian President Vladimir Putin and his Chinese counterpart Xi Jinping, presidential aide Yury Ushakov said they discussed a trilateral meet with India.

Both the leaders “agreed to continue exchanging opinions in this regard and to endeavour to hold the next summit within the RIC [Russia-India-China] framework in the near future,” Mr. Ushakov was quoted as saying by Russian news agency TASS.

Mr. Putin visited Delhi briefly on December 6 and had a one-on-one meeting with Prime Minister Narendra Modi. Upon returning to Moscow, he held a videoconference with Mr. Xi. The sequence of meetings has acquired special significance in the context of ten-



Vladimir Putin, Narendra Modi and Xi Jinping at the G20 meet in 2019.

sion between India and China along the Line of Actual Control since early 2020.

India is yet to acknowledge if the China factor had come up for discussion during Mr. Putin’s visit. The trilateral format has been convened at various levels though a meeting at the leadership level is yet to take place.

The foreign ministers of Russia, India and China met on November 26. At that meeting, all parties agreed to counter terrorism but a major difference was visible on Indo-Pacific, with Russia supporting Chinese concern on Indo-Pacific grouping ‘Quad’.

Wrong forum

The attempt to securitise the climate change agenda could have unintended consequences

India’s negative vote at the UN Security Council (UNSC) on a draft resolution on climate change is a reflection of its long-held opposition to expanding the UNSC’s mandate into areas that are already being dealt with by other multinational fora. The resolution, piloted by Ireland and Niger and which had the support of a majority of the UNSC members, was voted down by India and Russia – it has veto powers – while China abstained. Their position is that the UNSC’s primary responsibility is “maintenance of international peace and security” and climate change-related issues are outside its ambit. But the supporters of the resolution argue that the climate is creating security risks in the world, which will exacerbate in the future with water shortage, migration and a destruction of livelihoods. Germany had circulated a similar draft last year which was never put to vote in the Security Council as the Trump administration opposed it. Now, with support from the Biden administration, the developed world is pushing to include what they call “climate security” in the agenda of the UNSC. While the urgency to take action to tackle climate change is appreciated, the attempt to securitise the climate agenda could have unintended consequences. Bringing the issue under the UNSC will also give more powers to the world’s industrialised countries, which hold a veto power, to decide on future action on climate-related security issues.

Currently, all matters related to climate change are being discussed in the UN Framework Convention on Climate Change (UNFCCC), a specialised agency. And with over 190 members, its framework has made progress in tackling climate change. It is this process that led to the Kyoto Protocol, the Paris Agreement and the recent COP26 summit, and has put in place an international approach to combat global climate change. Sure, there is valid criticism that decision making at UNFCCC conferences is slow and there has to be faster collective action to tackle climate change and associated challenges. But the solution is not outsourcing decision making to the five permanent members of the UNSC. Also, it is wrong to look at climate change through the prism of security. Each nation faces different challenges in transitioning into a greener economy. As India’s Permanent Representative at the UN T.S. Tirumurti pointed out, the developed countries, all big polluters, have not met the promises they made with regard to climate action. The least developed and developing countries should be encouraged to keep the promises they made with financial assistance. This needs to be a collective process and the best way is through the UNFCCC, where decisions made are by consensus. The UNFCCC should not only make sure that the promises made by member countries, especially the powerful ones, in previous conferences are kept but also expand the scope of discussions to include climate-related security issues.

Fed sees three rate increases in '22 as inflation battle begins

U.S. central bank drops reference to inflation as 'transitory'

REUTERS
WASHINGTON

The Federal Reserve, signalling its inflation target has been met, said on Wednesday it would end its pandemic-era bond purchases in March and pave the way for three quarter-percentage-point interest rate increases by the end of 2022 as it exits from policies enacted at the start of the health crisis.

In new economic projections released following its policy meeting, Fed officials forecast that inflation would run at 2.6% next year, compared with the 2.2% projected in September, and the unemployment rate would fall to 3.5% – near if not exceeding full employment.



Officials, at the median, projected the Fed's benchmark overnight interest rate would need to rise from its current near-zero level to 0.90% by the end of 2022. That would kick off a raising cycle that would see the Fed's policy rate climb to 1.6% in 2023 and 2.1% in 2024 – nearing but never ex-

ceeding levels that the Fed would consider restrictive of economic activity.

It is, in outline, the “soft landing” that Fed officials hope will transpire, with U.S. inflation gradually easing in coming years while unemployment remains low in a growing economy.

The timing of the first increase, the central bank said, would hinge solely on the path of a job market that is expected to continue improving in coming months.

Dropped from the policy statement was any reference to inflation as “transitory,” with the Fed instead acknowledging that price increases had exceeded its 2% target “for some time.”

U.S. imposes sanctions against China over abuse of Uighurs

Biotech firms targeted over 'repression of minority groups'

ASSOCIATED PRESS
WASHINGTON

The Biden administration said on Thursday it is imposing new sanctions on several Chinese biotech and surveillance companies and government entities for actions in Xinjiang province, the latest step against Beijing over human rights abuses of Uighur Muslims.

The Commerce Department is targeting China's Academy of Military Medical Sciences and its 11 research institutes that focus on using biotechnology to support the Chinese military.

The move will bar American companies from selling components to the entities without a licence.

“The scientific pursuit of biotechnology and medical



Gina Raimondo

innovation can save lives. Unfortunately, the PRC (People's Republic of China) is choosing to use these technologies to pursue control over its people and its repression of members of ethnic and religious minority groups,” Commerce Secretary Gina Raimondo said. “We cannot allow U.S. com-

modities, technologies, and software that support medical science and biotechnical innovation to be diverted toward uses contrary to U.S. national security,” she said.

The official, explaining the Commerce Department actions, noted that U.S. intelligence has established that Beijing has set up a high tech surveillance system across Xinjiang that uses biometric facial recognition and has collected DNA samples from all residents, aged 12 to 65.

Meanwhile, the Senate gave approval on Thursday to a Bill barring all imports from China's Xinjiang region unless businesses can prove they were produced without forced labour. The Bill now goes to President Joe Biden, who is expected to sign it.



FROM THE ARCHIVES

Marriage age misconception

MARY E. JOHN

The Union Cabinet has raised the legal age of marriage for girls to 21 on the recommendations of the four-member task force led by former Samata Party chief Jaya Jaitly. In this article dated August 21, 2020, Mary E. John explains how raising the legal age would not do anything to improve health of mothers and their infants. Edited excerpts.

From the ramparts of the Red Fort on Independence Day, the Prime Minister declared that the Government is considering raising the legal age of marriage for girls, which is currently 18 years. He said, “We have formed a committee to ensure that daughters are no longer suffering from malnutrition and they are married off at the right age. As soon as the report is submitted, appropriate decisions will be taken about the age of marriage of daughters.” The Government seems to be motivated by the belief that simply raising the age of marriage is the best way to improve the health and nutritional status of mothers and their infants. We need to ask where this belief is coming from.

One plausible source could be those who advocate for population control. Consider, for example, an article published in the prestigious journal *The Lancet Child and Adolescent Health*, by Nyugen Scott, Neupane, Tran and Menon, on May 15, 2018, funded by the Bill and Melinda Gates Foundation. This article analyses data on stunting in children and thinness in mothers (as measures of under-nourishment) in the latest round of the National Family Health Survey 4 (2015-16). The authors examine the strength of the association between many different causal factors (the mother's age at childbearing, her educational level, living conditions, health conditions, decision-making power, and so on) and the health status of mother and child. As it turns out, the poverty of the mother plays the greatest role of all by far – both in relation to her undernourishment and that of her child, but this is not acknowledged. The stated concern of the study was to find ways to break the “intergenerational cycle of undernutrition”. Surely the best way to go about breaking such a cycle would be to pick the factors that are playing the strongest role in perpetuating it. In this case, it would be to address the poverty of the mother, which could be done in a myriad ways, beginning with the most direct method of nutritional programmes for girls and women through a range of institutional mechanisms from Anganwadis to schools. However, the authors choose to concentrate on delaying the age of pregnancy, even though this is the weakest link of all. The article is unusually generous in its use of the usual scholarly caveats, but leaves itself open to being co-opted by larger agendas driven by the doctrine that “over-population” is the root of all evil in poor countries.

It is unfortunate that such thinking is finding a home in the highest office of the Indian Government. Just a year ago, from the ramparts of the same fort, the Prime Minister bluntly declared that “population explosion” was one of India's major problems. Perhaps he (or his advisers) were influenced by the many international reports making alarming predictions about future dystopias that would result if child marriage were not swiftly eliminated in countries like India, which is home to the largest number of underage marriages in the world. Our own demographers have been studying the argument link between early marriage and escalating fertility rates for decades. As it turns out, India's fertility rates have been declining to well below replacement levels in many States, including those with higher levels of child marriage. This could be the reason why those advocating population control have chosen to shift from fuelling fears about booming populations to expressing concern for the undernourishment of children.

Perhaps there is a more cynical reason at work. Raising the age at marriage by amending the law is costless and can be effortlessly achieved by legal fiat. Why not claim that doing so will enhance the welfare of women and children, since addressing the true causes of the poor health and nutrition of mothers and children is too difficult a task? But the change will leave the vast majority of Indian women who marry before they are 21 without the legal protections that the institution of marriage otherwise provides, and make their families criminalisable.

Mary E. John is at the Centre for Women's Development Studies. Views are personal

Data protection Bill has provisions for 'right to be forgotten', Centre tells HC

Petition seeks removal of articles relating to a criminal case

STAFF REPORTER
NEW DELHI

The Centre has informed the Delhi High Court that the Personal Data Protection Bill 2019, which was tabled in Parliament on Thursday, contains provisions related to the 'right to be forgotten'.

'Right to be forgotten' is a fairly new concept in India where an individual could seek to remove or delete online posts which may contain an embarrassing picture, video or news articles mentioning them.

The Ministry of Electronics and Information Technology (MeitY), in an affidavit, stated that the international legal concept of 'right to be forgotten' is evolving in India. "The right

to privacy is a fundamental right and it also includes the right to be forgotten," the Ministry said.

The affidavit highlighted two judgments passed by the Orissa High Court and the Karnataka High Court where they have accepted the doctrine of the 'right to be forgotten' as an essential part of the 'right to privacy'.

MeitY's affidavit came in response to a petition filed by two businessmen before the High Court seeking to remove certain articles, relating to a criminal case lodged against them, from various online platforms. Businessmen Jaideep Mirchandani, an NRI, and Siraj Amani, in their joint petition, said they were aggrieved by certain

online articles related to their arrest in a 2002 case, from which they were acquitted in 2016.

The petition argued that even though the businessmen "had been honourably discharged by the competent courts, yet the alleged articles and wrong information available against petitioners continue to haunt them".

The businessmen said they have the 'right to be forgotten' or the 'right to de-link' in the context of the facts and circumstances of the case.

The Ministry added that the Information Technology Act provides for blocking certain information for public access.

INTERVIEW | P.P. CHAUDHARY

'Nation's interest always trumps individual interest'

Balance between practicality and privacy maintained, says chairperson of panel on data protection Bill

SOBHANA K. NAIR

On a day when the long-awaited report on the Data Protection Bill 2019 was tabled in Parliament, the chairperson of the Joint Parliamentary Committee and BJP MP P.P. Chaudhary stressed that divulging the reasons for exemptions to government agencies would impair the security of the state.

The report has been in the works for the past two years. You got less than six months as the chairperson. What

were the challenges?

■ The primary challenge was that with the ever-changing technology, we cannot visualise what other compliance problems could crop up in the future. Our endeavour was to write a comprehensive and futuristic report.

There were seven dissent notes from the members, many of them aimed at the controversial Clause 35 that gives exemption to government agencies. Why did the committee retain it?

■ Clause 35 is very clear; it



exempts the government agencies from the purview of the law only for the reasons of "public order", "sovereignty", "friendly relations with foreign states" and "security of the state". And the reasons to seek exemption have to be noted in writing.

Now, some of the members wanted this record of reasons to be tabled for Parliament's approval. It simply can't be done! Divulging the reasons would imperil the security of the state. If there is a conflict between interest of the nation and interest of an individual, the former always takes precedence.

Another key criticism was that the law seeks to make two ecosystems – one for the government with all the exemption and another one for the private sector where the law would be enforced

with full rigour. Your comments.

■ You are talking about Section 12. It says that for providing a service or extending a benefit by a government agency, the consent of the data principal need not be taken. If we were to remove this clause, the entire country would come to a halt. Our entire push towards digitisation would also come to a stop. The committee has been vigilant about maintaining a balance between practicality and privacy issues.

(For full interview, log on to bit.ly/DataLawJPC)

Cabinet nod to raise girls' marriage age to 21

Child Marriage Act to be amended

SPECIAL CORRESPONDENT

NEW DELHI

The Centre has decided to raise the legal age of marriage of women from 18 to 21 years and is likely to move legislative amendments in the ongoing winter session of Parliament.

The Union Cabinet on Wednesday cleared a proposal to bring uniformity in the marriageable age of men and women, sources told news agency *PTI* on Thursday, adding that a Bill to amend the Prohibition of Child Marriage Act (PCMA), 2006, will be introduced during this session.

The proposed Bill may also contain amendments to various personal laws relating to marriage of various communities to ensure a uniform age of marriage.

As of now, the legal age of women to get married is 18,

while that for men is 21.

Minister for Women and Child Development Smriti Irani and Secretary, Ministry of Child Development, Indevar Pandey, refused to comment on the subject.

Last year, Prime Minister Narendra Modi announced that the government would soon take a decision on the age of marriage of women. This followed a government decision to appoint a 10-member task force led by former Samata Party chief Jaya Jaitly. The panel submitted its report to the Prime Minister's Office (PMO) and the Ministry of Women and Child Development in December last year and recommended that the age of marriage of women be raised to 21. The panel's report has not been made public yet.

(With PTI inputs)

FDI may decline 20% in FY22, trend to weigh on rupee: UBS

Slowdown follows 'very strong' inflows in services sector in second half of 2020

SPECIAL CORRESPONDENT
NEW DELHI

Inflows into India via foreign direct investments (FDI) may decline by about 20% this fiscal after the all-time high investments of close to \$82 billion received in FY21, UBS Global said in a research report on Thursday.

"India's net FDI inflows have slowed in the first half of calendar year 2021 after very strong FDI inflows in the second half of 2020," UBS said in the report.

"The latter was due to the services sector, which continues to dominate FDI inflows, with e-commerce and digital platforms the new wave, while manufacturing



Changing tack: The post-pandemic reshoring of supply chains is a 'relative positive' for India and ASEAN. ■ SUDERSHAN V

has lagged," it added. "We see risk of FDI inflows declining by about 20% year-on-year, in 2021-22 – which could weigh on the rupee near term – before recovering in 2022-23 and beyond,"

UBS economists said in a report titled 'Asian net inward FDI on track for a record year – what happens next?'

Net FDI inflows in India are not expected to fully offset the country's current ac-

count deficit this year, but the reshoring of supply chains due to the pandemic is a 'relative positive' for more investments into India and ASEAN countries, the Swiss firm suggested. FDI inflows in the first half of this year were about \$31 billion.

"It appears that the reshoring dynamic is impacting South Asian economies less than China," it pointed out.

Asia is expected to receive the highest FDI this year, going well past the previous record net inward FDI of \$252 billion in 2013. UBS economists expect FDI inflows into India to rise to about \$85 billion by FY26 and to almost \$100 billion over five years.

Power discoms owe gencos more than ₹1.56 lakh cr.: Singh

‘By 2019-20, discoms accumulated losses were ₹5.07 lakh cr.’

PRESS TRUST OF INDIA

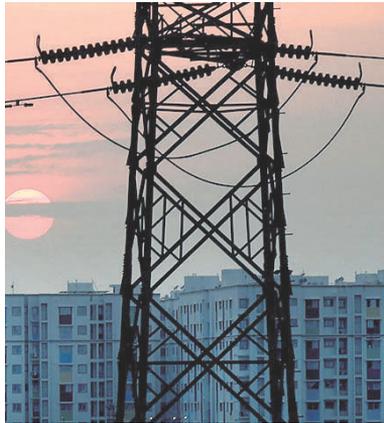
NEW DELHI

Total outstanding dues owed by power distribution utilities or discoms to generation firms (gencos) are estimated to be more than ₹1.56 lakh crore, Parliament was informed on Thursday.

“Discoms have not been able to pay the generation companies for the power procured, and the outstanding payments to generation companies are estimated to be in excess of ₹1,56,000 crore,” Power Minister R. K. Singh said in a written reply to the Lok Sabha.

Reforms deliberated

“The outstanding dues to renewable generators are



around 11 months of revenues. Therefore, reforms have been deliberated upon in consultation with the states and all stakeholders,”

The condition of most of the State government-owned distribution companies is a matter of grave concern, the Minister stated.

Their AT&C (aggregate

technical and commercial) losses at the end of 2019-20 range from an average of 21% to a maximum of 60.16%.

The gap between Average Cost of Supply (ACS) and Average Revenue Realised (ARR) excluding Regulatory Assets and Ujwal DISCOM Assurance Yojana (UDAY) grants averages 60 paise per unit in 2019-20 and the accumulated losses of all discoms in the country by 2019-20 have risen to ₹5,07,416 crore, he informed.

About government’s plans to introduce a Bill, enabling the power consumer to choose from multiple service providers, the minister said, “No final decisions have been arrived at so far.”

The WTO's challenge to MSP is another frontier to cross

The need is to convince farmers of other effective policy interventions that are World Trade Organization compatible



PRABHASH RANJAN

The demand of farmers to provide a legal guarantee for the minimum support price (MSP) for their produce has triggered a nationwide debate. Some believe it would be “fiscally ruinous” to procure all the 23 crops for which MSP is announced annually. Others contend that procuring these crops would be a logistical nightmare. There is yet another dimension of this debate that has largely gone unnoticed. Can India provide a legal guarantee for MSP without violating its international law obligations enshrined in the Agreement on Agriculture (AoA) of the World Trade Organization (WTO)?

As a trade-distorting subsidy

One of the central objectives of the AoA is to cut trade-distorting domestic support that WTO member countries provide to agriculture. In this regard, the domestic subsidies are divided into three categories: ‘green box’, ‘blue box’ and ‘amber box’ measures. Subsidies that fall under the ‘green box’ (like income support to farmers decoupled from production) and ‘blue box’ (like direct payments under production limiting programmes subject to certain conditions) are considered non-trade distorting. Countries can provide

unlimited subsidies under these two categories. However, price support provided in the form of procurement of crops at MSP is classified as a trade-distorting subsidy and falls under the ‘amber box’ measures, which are subject to certain limits.

To measure ‘amber box’ support, WTO member countries are required to compute Aggregate Measurement of Support (AMS). AMS is the total of product-specific support (price support to a particular crop) and non-product-specific support (fertilizer subsidy). Under Article 6.4(b) of the AoA, developing countries such as India are allowed to provide a *de minimis* level of product and non-product domestic subsidy. This *de minimis* limit is capped at 10% of the total value of production of the product, in case of a product-specific subsidy; and at 10% of the total value of a country’s agricultural production, in case of non-product subsidy. Subsidies breaching the *de minimis* cap are trade-distorting. Consequently, they have to be accounted for in the AMS.

The procurement at MSP, after comparing it with the fixed external reference price (ERP) – an average price based on the base years 1986-88 – has to be included in AMS. Since the fixed ERP has not been revised in the last several decades at the WTO, the difference between the MSP and fixed ERP has widened enormously due to inflation.

For instance, according to the Centre for WTO Studies, India’s ERP for rice, in 1986-88, was \$262.51/tonne and the MSP was



less than this. However, India’s applied administered price for rice in 2015-16 stood at \$323.06/tonne, much more than the 1986-88 ERP. When this difference is accounted for in the AMS, the possibility of overshooting the *de minimis* limit becomes real. Procuring all the 23 crops at MSP, as against the current practice of procuring largely rice and wheat, will result in India breaching the *de minimis* limit making it vulnerable to a legal challenge at the WTO.

Even if the Government does not procure directly but mandates private parties to acquire at a price determined by the Government, as it happens in the case of sugarcane, the *de minimis* limit of 10% applies. Very recently, a WTO panel in the case, *India - Measures Concerning Sugar and Sugarcane*, concluded that India breached the *de minimis* limit in the case of sugarcane by offering guaranteed prices paid by sugar mills to sugarcane farmers.

Peace clause

The AoA needs to be amended so that it provides adequate policy space to run an MSP-backed food

security programme. Although a permanent solution is nowhere in sight, the countries have agreed to a peace clause. The peace clause forbids bringing legal challenges against price support-based procurement for food security purposes even if it breaches the limit on domestic support. However, the peace clause is subject to several conditions. For example, it can be availed by developing countries for the support provided to traditional staple food crops to pursue public stockholding programmes for food security (procuring food to provide free ration through the Public Distribution System).

Furthermore, the peace clause is applicable only for programmes that were existing as of the date of the decision and are consistent with other requirements. Countries are also under an obligation to notify the WTO if their subsidies exceed the permissible level. For instance, earlier this year, India reported to the WTO that it gave subsidies worth \$6.31 billion for rice in 2019-20 while the value of rice production was \$46.07 billion. In other words, the subsidies were 13.6% of the total value of production as against the *de minimis* level of 10%.

India’s procurement for rice and wheat, even if it violates the *de minimis* limit, will enjoy legal immunity. However, India will not be able to employ the peace clause to defend procuring those crops that are not part of the food security programme (such as cotton, groundnut, sunflower seed).

Even if the AoA is amended to

exclude MSP-backed procurement for food security purposes from the AMS, procurement for other crops at prices higher than the fixed ERP would be considered trade-distorting and thus subject to the *de minimis* limit. Therefore, India needs to recalibrate its agricultural support programmes to make use of the flexibilities available in the AoA.

Some alternatives

Arguably, India can move away from price-based support in the form of MSP to income-based support, which will not be trade-distorting under the AoA provided the income support is not linked to production.

Alternatively, one can supplement price-based support (keeping the *de minimis* limit in mind) with an income-based support policy. However, it will be arduous especially given the climate of high misgiving prevailing between the farmers and the political establishment.

The recent fiasco with the three repealed farm laws demonstrates that reforms in agriculture, no matter how sagacious, cannot be shoved down the throats of the farmers. The Government needs to engage with the farmers and create an affable environment to convince them of other effective policy interventions, beyond MSP, that are fiscally prudent and WTO compatible.

Prabhash Ranjan is Professor and Vice Dean, Jindal Global Law School, O.P. Jindal Global University. The views expressed are personal

Is the Armed Forces (Special Powers) Act past its expiry date?

PARLEY

The final solution to insurgency or terrorism is not military in nature; it is political and economical

The recent killing of 14 civilians in Nagaland's Mon district by the Indian armed forces has put the spotlight back on the efficacy of the Armed Forces (Special Powers) Act (AFSPA) of 1958. If its *raison d'être* was to quell militancy and make way for the peaceful integration of insurgency-hit regions, has it served its purpose? In a conversation moderated by S. Anandan, Patricia Mukhim and Major General (retd.) Gajinder Singh discuss the moral, legal and political questions pertaining to the controversial legislation and its impact. Edited excerpts:

The Santosh Hegde Committee, appointed by the Supreme Court to look into six of the 1,528 alleged extrajudicial killings in Manipur, noted in its report in 2013 that the "continuous use of the AFSPA for decades in Manipur has evidently had little or no effect on the situation". Has the Act been counterproductive?

Patricia Mukhim: It is evident that the Act has not succeeded in its mission of containing insurgents because even today in Manipur, there are 32 active militant outfits. In Nagaland, because of the peace talks, most of the outfits have come under one umbrella, the NSCN(IM) [National Socialist Council of Nagaland (Isak-Muivah)], which is very ambiguous in its demands.

The Supreme Court said that a grave situation of law and order must occur for a region to be declared a 'disturbed area' and that Section 3 of the AFSPA cannot be construed as conferring power to issue a declaration without any time limit. The Disturbed Areas Act is reviewed every six months because without it in place, you cannot have the AFSPA. In 2015, the Tripura Chief Minister, Manik Sarkar, cited a drop in militancy to revoke the Disturbed Areas Act, with which the AFSPA too went away.

The AFSPA is a colonial law which hangs over our heads like the Sword of Damocles. It must go as it is prone to abuse and also shows that the country cannot come up with an anti-insurgency or a counter-insurgency force. When you use

the Army against your own people, you are actually abusing the Army because it is trained to fight the enemy, not its own people. By sending the Army to fight its own people and then creating an uproar about the abuse of the AFSPA, you are making the Army schizophrenic.

Gajinder Singh: The normalisation of the situation in many parts of the country – be it in Mizoram; Tripura; the Cachar Hills of Assam; the Tirap, Changlang and Loding districts of Arunachal Pradesh; or areas south of the Pir Panjal in Jammu and Kashmir – was made possible by the armed forces. In fact, the removal of the AFSPA from Tripura is testimony to what the forces have been able to achieve. They couldn't have done this without the legal provision for their deployment in counter-insurgency areas.

However, I would say that the final solution to insurgency or terrorism is not military in nature; it is political and economical. The Army has normalised the situation many times in J&K and the Northeast. But the State governments, and to a certain extent the Central government, have not been able to carry forward the political process.

Three Chief Ministers in the Northeast have now demanded that the Act be repealed. Many a time, the Centre undermined federalism by refusing to listen to the States, while on occasions, the States themselves have wanted the Act to stay. So, is AFSPA being used more as a political tool?

PM: Perhaps what is needed is a referendum on the AFSPA because the State governments and the Centre are playing football with it. As I said earlier, when Mr. Sarkar revoked the Disturbed Areas Act, the AFSPA automatically went away. Why are the other State governments not doing the same? In 1958, the nation-building process was at its nascent stage and the country was in no position to understand its periphery. So, to have the military bring in a certain degree of law and order in a conflict situation for a short period would have been forgiv-



ven. But the Act is not meant to continue forever. It is ethically, morally and legally wrong. Perhaps it's time for the people to rally under a common platform and go to Jantar Mantar to voice their views. It's difficult for the entire Northeast to come together, as every State has got a border problem with Assam. It would also depend on the ruling dispensation in each State. But politics apart, you have to show that you mean business. Otherwise, this will become another dead issue before long.

GS: The prolonged deployment of the armed forces for internal security duties is not desirable. No one wants to be fighting their own people. The State governments must review the security situation and see if they need the presence of the Army and the Assam Rifles in their States. They need to see if their police forces are capable of handling the situation. If they don't feel the need to have the Army or the Assam Rifles, they should ask for the withdrawal of these forces. The AFSPA is just a tool; it's a legal provision for the Army to operate in these areas. However, we would want the State police forces to be enabled to control the situation on their own. The Army should be preparing all the time for war against external aggression.

L. Gen. (retd) D.S. Hooda in 2018 said it would perhaps be better to replace the AFSPA with a more humane, acceptable legislation, which would also provide better legal protection to the soldiers in counter-insurgency areas.

GS: I'm not aware of what he said. But notwithstanding that, many people have demanded its repeal. Some feel that there's a need to modify this Act, while some others think it should be replaced with so-

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PATRICIA MUKHIM

omething else. The Jeevan Reddy Committee, the J.S. Verma Committee, and the Second Administrative Reforms Commission have all commented along these lines. Having served in these areas for a very long time, I think the Act can be amended to make it more humane. But repealing it or replacing it in full is not going to work if the armed forces are to operate in these areas.

It is actually an issue of perceptions. Data do not actually support the bad opinion about the AFSPA. On many occasions, the Supreme Court has upheld its legality and endorsed the dos and don'ts which were laid out by the Army headquarters. And at the ground level, the commanders and the soldiers are sensitive and know that they are operating against their own people.

But is there any mechanism for accountability? The AFSPA grants blanket immunity to the forces. Further, the Government of India (GoI) has reportedly denied permission to prosecute any armed forces personnel in cases of alleged fake encounters investigated by the CBI.

PM: There isn't any mechanism at the moment because the GoI also has its hands tied. If it uses the Army, it cannot disable the Army by diluting the Act in some way. And the Army will not want to operate in that kind of situation. But why is the Army not used in the Maoist-affected areas? There too people and un-

informed personnel are killed. Are the people of the Northeast and J&K not India's own people that they have to be fought with the Army?

GS: Having served in the Northeast for seven tenures, I can say that there cannot be a more wrong assumption. The Northeast is very close to the hearts of the people of the rest of India, especially people like me.

There's an argument that the continuous enforcement of the AFSPA has derailed the peace process, involving the NSCN (I-M) in this case, with large sections of the people disenchanted that they have been kept out of the process.

PM: The NSCN(I-M) could have demanded revocation of the Act as a prerequisite for the peace talks back in 1997 itself when it became a party to it. It's only now that it is jumping on the bandwagon, clamouring for the Act's repeal.

In Nagaland, the people are traumatised because they are caught between the state and non-state forces. The non-state forces extort money from businesses, entrepreneurs, the government, government employees. Even development funds are being shared with militant outfits. So, there's a total absence of law and order in these States. For instance, we don't have an opposition any longer in the Nagaland Assembly. All the 60 MLAs have joined the government on the plea that they will ensure the culmination of the 25-year-old peace process. But that's not happening.

How does the NSCN(I-M)'s demand for a flag and a separate Constitution work in the Naga-inhabited areas of Manipur which have given up the demand for sovereignty? The GoI is very clear that it is not going to allow any territorial rearrangement. But by demanding a flag and a Constitution, the NSCN(I-M) wants the peace talks to go on unresolved.

GS: The law-and-order situation is really bad in these States. There are large numbers of highly indoctrinated, seditious, violent elements who are lured by money and the gun culture. They go about collecting 'taxes' on everything, and the police and the local administration are quite ineffective. In most of these

disturbed areas, there's a communal, tribal, ethnic divide that makes the local police partisan as well. It is the Army or the Central police force that restores some degree of law and order in these places.

As for the NSCN(I-M), it uses the ceasefire in Nagaland to keep moving around. It has no reason to conclude the peace process. But it's not just them; there are many splinter groups that carry out extortion. So, the forces have to intervene.

Are civil society organisations coming together to raise the issues with the Centre?

PM: The Nagaland Gaon Bura Association, with representation from all 16 tribes of Nagaland, had written to the Prime Minister and the Union Home Minister asking them to conclude the deal on what had been agreed with the NSCN(I-M). But the Centre did not respond.

You have put the people of Nagaland in a situation where they are in no position to speak up, because speaking up has consequences. At least, thankfully now, because of social media which offers anonymity, they are able to express themselves.

How do people lead a normal life in the shadow of the gun?

PM: When some things happen over a long period, they become part of your culture. You learn to live with it, although you are unhappy. You have a government that is held hostage by the NSCN(I-M). On the other side, you have people with guns. The situation is the same in Assam and parts of Arunachal Pradesh. This problem is compounded by the 16-km free movement zone on either side of the 1,643-km India-Myanmar border. It aids the smuggling of arms and drugs and the movement of militants. Shouldn't there be a stricter border regime?

GS: The presence of the armed forces in these States is not so formidable as to be intimidating. If anything, it has only positively impacted people's lives. Barring a few undesirable incidents, which get investigated, people's daily lives are unaffected. And the situation along the India-Myanmar border is much better now with the use of technology, communication and the forward movement of Assam Rifles posts.



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Major General (retd) Gajinder Singh
commanded a Mountain Division in the Northeast



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D	Post-independence consolidation and reorganization within the country;
E	History of the world will include events from 18 th century such as industrial revolution, world wars, re-drawal of national boundaries, colonization, decolonization,
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H	Effects of globalization on Indian society;
I	Role of women and women's organization;
J	Social empowerment, communalism, regionalism & secularism
K	Salient features of world's physical geography;
L	Geographical features and their location- changes in critical geographical features (including water bodies and ice-caps) and in flora and fauna and the effects of such changes;
M	Important Geophysical phenomena such as earthquakes, Tsunami, Volcanic activity, cyclone etc.
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Q	Urbanization, their problems and their remedies
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B	Important International institutions, agencies and fora- their structure, mandate;
C	Effect of policies and politics of developed and developing countries on India's interests;
D	Bilateral, regional and global groupings and agreements involving India and/or affecting India's interests.
E	Indian Constitution, historical underpinnings, evolution, features, amendments, significant provisions and basic structure;
F	Comparison of the Indian Constitutional scheme with other countries;
G	Functions and responsibilities of the Union and the States, issues and challenges pertaining to the federal structure, devolution of powers and finances up to local levels and challenges therein; Inclusive growth and issues arising from it;
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I	Structure, organization and functioning of the executive and the judiciary, Ministries and Departments;

J	Separation of powers between various organs dispute redressal mechanisms and institutions;
K	Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional bodies;
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M	Mechanisms, laws, institutions and bodies constituted for the protection and betterment of these vulnerable sections;
N	Salient features of the Representation of People's Act;
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P	Citizens charters, transparency & accountability and institutional and other measures;
Q	Issues relating to poverty and hunger,
R	Welfare schemes for vulnerable sections of the population by the Centre and States, Performance of these schemes;
S	Issues relating to development and management of social sector / services relating to education and human resources;
T	Issues relating to development and management of social sector / services relating to health
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K	Issues related to direct and indirect farm subsidies and minimum support prices
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T	Various forces and their mandate;
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W	Role of external state and non-state actors in creating challenges to internal security;
X	Linkages between development and spread of extremism.
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R	Philosophical basis of governance and probity;
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