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THE STATUS OF CHILD RIGHTS AFTER POCSO ACT

~SUMIT KR. GUPTA

ABSTRACT

Children sexual abuse has become a pervasive malady in the Indian society that needs to be halted promptly. Our country's major chunk of the child population is susceptible to maltreatment and sexual abuses. It has become one of the colossal social stigmas attached to society. Sexual abuse affects the cognitive development of children severely and sometimes leads to suicidal tendencies as well. Many times, the offences related to child abuse go unreported but the enactment of the POCSO Act, complemented by the efforts of the Government for the augmentation of awareness amongst people opened a surfeit of opportunities to address the crimes against children. This article discusses the broader perspective and vouchers for justice for children. Apart from enactment, there is also a need to implement the laws effectively to meet the end of the justice.

INTRODUCTION

India, an abode of around 430 million children, forms almost 19 per cent of total world's child population. Children around the world are subjected to rampant abuses and an overwhelming number of children's lives are rugged with staggering challenges like malnutrition, sexual abuses, physical abuses, child trafficking, child labour, illiteracy, drug and pornographic abuse etc. Many children cannot come out of the trauma that they faced in their childhood. The Government understood the growing importance to save the child and hence they enacted POCSO Act to safeguard the rights of children. The Act changed the course of laws and issues in our country by promoting the reporting of crimes against children that cause agony to victims which works in tandem with judicial interventions that are deemed necessary to uphold the rights of children. The law remains powerless in causing change unless through awareness and empowerment, society changes its perception of these heinous crimes committed against children.

CHILD RELATED ABUSES

Article 1 of the United Nations Convention on the Rights of the Child defines “child” as “every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier”. The World Health Organization (WHO) defines child abuse and child maltreatment as "all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child's health, survival, development or dignity in the context of a relationship, of responsibility, trust or power." Basically, the abuses related to child can be broadly categorized into four type namely physical abuse, sexual abuse, neglect and emotional & psychological abuse.

The WHO defines physical abuse as: “Intentional use of physical force against the child that results in – or has a high likelihood of resulting in – harm for the child's health, survival, development or dignity”. Physical violence is often committed with the objective of punishment without recognition of the fact that physical abuse causes an unflinching trauma in the minds of victims leading to long-term depression, anxiety, suicidal tendencies, homelessness, alienation, disorders etc. It has a long-term effect and does not leave their mind even when they become an adult.

Sexual abuse is one of the most devastating abuses for children. Many children are subjected to sexual abuse by their own family members, neighbours, intruders etc. Child sexual abuse refers to the forceful participation of child against their will in a sexual act aimed toward the physical gratification or the financial profit of the person committing the act. This includes inappropriate touching of genitals, indecent attitude, forceful penetration in private parts, using the child for pornography etc. The list is long and exhaustive. The victims of this heinous crime are left unfettered with insomnia, alienation, flashbacks, self-blame, addiction, idiosyncrasies, loathe towards sexual acts and other mental health issues.

Child neglect can be defined as the deliberated avoid of necessities to the child from those who are entrusted to take care, legal guardianship or sometimes even parents. It is a gross negligence on their part that they fail to take care of the child and fails to provide them with things necessary for the survival and emotional wellbeing of a child. This leaves a psychology imprint on the feeble mind of children and most of them are left to survive on their own which may cause delays in physical and emotional development.

Emotional and psychological abuse refers to the state in which there is a failure to provide a developmentally appropriate, supportive environment that forms a vital part for children's cognitive development. There may also be acts towards the child that cause or have a high probability of causing harm to the child's health or physical, mental, moral or social development. In 2013, the American Psychiatric Association (APA) added Child Psychological Abuse to the DSM-5, describing it as "non-accidental verbal or symbolic acts by a child's parent or caregiver that result, or have reasonable potential to result, in significant psychological harm to the child." These may lead to alienation of victims, imbibing abusive words, insulting his/her own peer groups, learned helplessness etc.

CONSTITUTIONAL RIGHTS AND POCSO ACT

The founding fathers of the Indian Constitution acknowledged the importance of child for any country's development. Ergo, they framed certain rules which directed towards well-being of children in our country. Art. 21 A of the Indian Constitution provides an impetus on the rights of child to acquire basic education in our country and Art. 24 of the Constitution talks about the right of the child protected from any hazardous works till they attain the age of 14 years. There are also certain provisions in DPSP which guarantee some rights for children. Article 39(e) talks about the rights to be protected from being abused and forced by economic necessity to enter occupations unsuited to their age or strength and Article 39(f) mentions the right to equal opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity. Article 45 directs the State to take steps to provide the right to early childhood care and education until they attain the age of six years.

The Parliament, after identifying numerous complications about the working of adult laws with respect to children, enacted The Protection of Children from Sexual Offences Act, 2012 (popularly known as POCSO Act, 2012) which was drafted to reinvigorate the forte and legal provisions of child rights in the country. This law delineates all forms of sexual abuses with specific offences along with prescribed punishments for distinct offences. The Act also provides for stringent punishments, which is to be decided by observing the gravity of the offence which ranges from a simple imprisonment to rigorous imprisonment along with fine. It has also made the child-related offences such as penetration gender neutral and now any children can file their complaint. The new law directed the police and the State Government to develop a certain mechanism to increase

efficiency and efficacy of the system in its entirety. The act further put a mandatory requirement on the part of Government to raise awareness at regular intervals. This act also prescribed for special child courts to deal with issues related to child abuse keeping the interest of children as a paramount importance. For the more heinous offences of Penetrative Sexual Assault, Aggravated Penetrative Sexual Assault, Sexual Assault and Aggravated Sexual Assault, the burden of proof is shifted on the accused. This provision has been made keeping in view the greater vulnerability and innocence of children which is the reason behind the act guiding the media to hide the identity of victims subject to the permission and discretion of courts.

AFTERMATH OF THE POCSO ACT, 2012

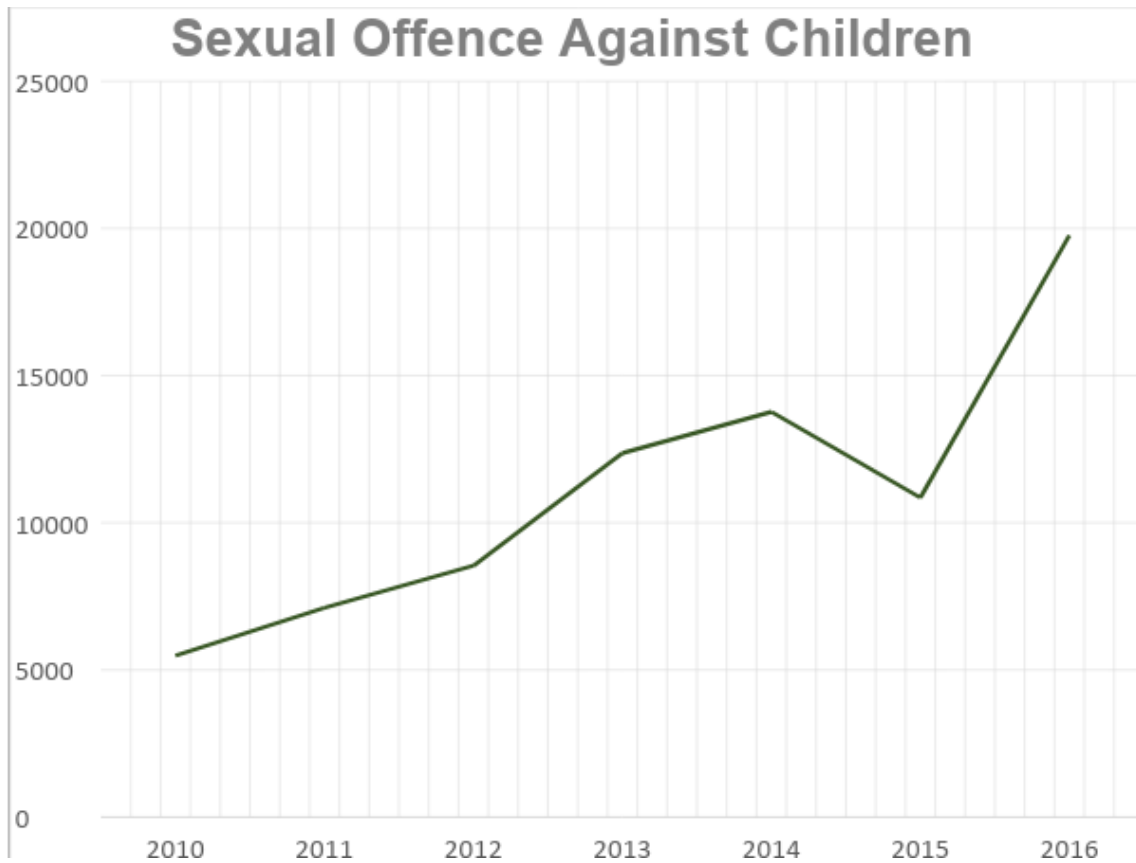
The legislation of POCSO Act opened a pandora’s box with regards to crimes related to minors or children. It gave them the voice and the right to be heard by a legitimate authority. Besides, this legislation outlined a certain amount of punishment for each specific grievances and complaints. Through various programs of the Government the victims are ensured their rights and awareness of their rights. The advent of this act paved the way for a strong mechanism to deal with offences and complains. Data collected with regards to crimes reported prior to and following the adoption of POCSO showcases clearly the drastic increase in number of reported crimes.

	2010	2011	2012	After POCSO Act, 2012	2013	2014	2015	2016
Sexual offence against children	5,484	7,112	8,541			12,363	13,766	10,854

There has been the substantial increase in the reporting of sexual offences against children after passing of POCSO Act, 2012. One of the crucial reasons can be that it gave impetus to the voice of children that was hidden. Also, the mechanism addressing this issue was improvised and it became easy to file any complaint. The government became sensitive in issues related to child abuses which was complemented by a wide awareness amongst people while led to people becoming more receptive to this positive change.

Before the enactment and passing of this legislation, the total amount of sexual offences against children was 8541 in the year 2012 which increased by 3,822 crimes and reached a staggering

12,263 reported sexual offences against children which was an increase of 45 per cent. Again, in the year 2014, the number of sexual crimes related to child went up to 13,766. In 2015, there was dip and decrease in the number of sexual offences against children. But in 2016, the crime reached its peak and as many as 19,765 numbers of sexual offences against children were reported which was an increase of 8,911 sexual offences as compared to the year prior.



SOME JUDICIAL PRONOUNCEMENTS FOR CHILD'S RIGHTS

In this topic, we are going to discuss and analyze two important cases prior to POCSO Act and after the enactment of POCSO Act.

I. BACHPAN BACHAO ANDOLAN V UOI

A PIL was filed in the Supreme Court on the wake of serious violations of child rights. The petitioners argued that children are trafficked from certain parts of India and Nepal and are forced to work in circuses which was a gross violation of rights according to the Indian constitution. The Court ordered that the employment of children in circuses should be prohibited and the offenders must be punished. It was also decided the children liberated from the circus houses should be kept under the Care and Protective Homes until they are 18 unless interested parents following proper verification come forward to claim their child. The Court further directed the State to frame a proper scheme for the rehabilitation of rescued children from circuses.

II. NISHU V COMMISSIONER OF POLICE, DELHI AND ORS.

Petitioner was a minor girl residing in Rohtak who was kidnapped and was raped repeatedly by a group of nine people. One of the accused was a police constable in Haryana Police. The counsel representing the petitioner vehemently argued that the petitioner was unlawfully detained till her statement was recorded. It was further submitted that the offences had been committed under POCSO act and under Section 376-D of the IPC. In this case, the prosecution failed to present any medical reports to the Court. Further, the matter was already under investigation and thus the Court ordered that it would be inappropriate to exercise its jurisdiction under Article 32 as the case has been investigated by the Haryana Police.

These cases show that despite the enactment of POCSO Act, there is also a need to more authentic and substantial evidence to prove crime against minor. Judicial Pronouncements played a vital role in implementing the POCSO Act and there is also an obligation on the state to make this mechanism work smoothly.

CONCLUSION

Sexual abuses against children are a widespread problem in India. The negative imprint left on the tender minds of children made them one of the most vulnerable groups in the Indian society. Extensive research proves that sexual abuses interfered with normal human growth and development, and placed children in the wide array of mental and emotional disorders. There was inherent problem in the Indian laws before the enactment of POCSO Act. The enactment of this act opened an ample of opportunity for victims to file their complaints and have their grievances heard through proper mechanism. The reported crimes for sexual abuse against children increased substantially which showed positive sign towards empowering children. The government, too, took some steps to raise awareness amongst people. Despite substantive development the issue is still not resolved, and many children continue to suffer which is required to be addressed by making the criminal justice system more adept to ensure justice is ensured to the victims of crimes against children.

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AN ANALYSIS OF RECENT AGRARIAN DISTRESS IN INDIA

~ RAMANAND, MAITREYEE PUROHIT

ABSTRACT

This paper examines the current agro-economic scenario in India. It covers the analysis of Swaminathan report and draws a parallel with the existing policies and institutional support provided for the growth and development of the agricultural sector, and to overcome the current challenges faced by the agricultural sector. It also quotes examples from other countries facing similar issues.

Keywords: agriculture, policy, reforms, crisis, productivity, farmer, income

INTRODUCTION

According to the World Bank (2017) agricultural sector contributes nearly 17.3% to the total GDP of the nation while providing employment to 43% of the population. But over the time the growth rate has dipped down to 2.1% in this sector. Low level and deteriorating disparity in the income of the farmers have led to agrarian distress and hence farmer suicide. The number is on the rise, and has affected agricultural productivity too. The uncertainties of highly fluctuating low farm income have had adversely affected the farm investments and forced more and more cultivators to leave farming. This can in turn cause some series of adverse effects on the future of agriculture in the country. The Indian agricultural sector is plagued with several problems such as small and fragmented land holdings, quality of seeds, manures, fertilizers and biocides, irrigation, lack of mechanization, soil erosion, agricultural marketing, inadequate storage facilities, inadequate transport, storage of capital, lack of infrastructural support, etc. All these issues have contributed to the problem of farm debt which is the cause for more than half of the farmers' suicide in India.

COMPARATIVE ANALYSIS OF SWAMINATHAN REPORT AND THE EXISTING GOVERNMENT

POLICIES

In order to overcome the issue of agrarian distress, the National Commission on Farmers (NCF) was set up under the chairmanship of M.S. Swaminathan. The key findings and policy recommendations have been prepared under the light of the issues persisting which involve land

reforms, food security, credit and insurance, irrigation, the productivity of agriculture, employment, and farmer competitiveness.

LAND REFORMS

Land reforms are important for accessibility of land for both crop and livestock. Land ownership reflects the inequality in land holdings. Recommendations by the NCF included the implementation of laws related to land reforms with particular reference to tenancy laws and land leasing, distribution of ceiling surplus and wasteland, ensure grazing rights, prevention of diversion of prime agricultural land and forest to corporate sector for non-agricultural purposes, and seasonal access for tribal to forest and pastoralist and establish a National Land Use Advisory Service which would provide linkage between land use decisions with marketing and ecological meteorological factors, and set up a regulatory mechanism on the sale of agricultural land on the basis of quantum, nature of proposed use and buyer's category.

The current Land reform policy aims at distribution of land to all rural landless poor, restoration of land unjustly taken from vulnerable communities, liberalization of leasing laws and improvement of the land right of women in the country.

IRRIGATION

Under the report's recommendations, to enable farmers to have sustained and equitable access to water a comprehensive set of reforms are required, mandatory rainwater harvesting to increase water supply and recharge of aquifer, programme targeting private wells called, "Million Wells Recharge" should be launched. Significant increase in investment in irrigation sector under the 11th Five Year Plan apportioned between large surface water systems; minor irrigation and new schemes for groundwater recharge.

The current policy by Present Narendra Modi Government includes Pradhan Mantri Krishi Sinchai Yojana. The wider objective of this policy is to achieve convergence of investments in irrigation at the field level, extend the area under cultivation with assured irrigation, reduce water wastage by improving on-farm water use efficiency, enhance the adaptability of precision-irrigation and other similar technologies, enrich recharge of aquifers and introduce sustainable water conservation practices by investigating the feasibility of reusing treated municipal wastewater for peri-urban agriculture and encourage incremental private investment in precision irrigation system. One of the

other strong initiatives includes interlinking of rivers as it has the potential to improve production and farm income.

PRODUCTIVITY OF AGRICULTURE

The income of the farmers largely depends upon the productivity of the landholding. However, compared to the major crop producing countries, the per unit area productivity of Indian agriculture is quite low. To achieve higher growth productivity in agriculture, the report suggests increase in public investment in agriculture-related infrastructure such as drainage, water conservation, irrigation, research and development, land development, etc., soil testing laboratories which help detect micronutrient deficiencies, promotion of conservation farming which will aim at improving soil health, water quantity, biodiversity and quality.

The existing policy in lieu of this is Soil Health Card Scheme (2015). Under this scheme, farmers would be issued soil cards by the government which will carry nutritional recommendations of the crops and fertilizers needed by the individual farms to improve farm productivity through judicious use of inputs. Soil testing labs throughout the nation will be testing the soil samples. Subsequently, experts will perform a detailed analysis of the strength and weakness (micro-nutrients deficiency) of the soil and give suggestive measures to improve it. These results and suggestions would be shown on the card. The National Dairy Development Board (NDDB) has announced 42 dairy projects, under a budget of 221 crores. These projects predominately focus on major milk-producing states like Maharashtra, Tamil Nadu, Uttar Pradesh, Karnataka and the likes for improving their milk productivity.

CREDIT AND INSURANCE

A timely and adequate supply of credit is a basic requirement of small farm families. It recommends expanding the reach of the formal credit system, reduction of the rate of interest for crop loans to 4% with government support, issue Kisan Credit Cards to women farmers, establish Agriculture Risk Fund to provide relief to farmers in the aftermath of natural calamities, expand crop insurance to cover all crops throughout the nation, with lesser premiums and create a Rural Insurance Fund

to take up developmental work for spreading rural insurance, institutional developmental services strengthening producers' organizations such as self-help groups and water use associations.

Pradhan Mantri Fasal Bima Yojana has been initiated incorporating the best features of all previous schemes and at the same time removed shortcomings of all previous shortcomings and weaknesses. Its objective is to provide insurance coverage and financial support to the farmers in the event of failure of any notified crop due to natural disasters, pests or diseases and also to provide stability to the income of the farmers for continued farming. Under this scheme only 2% uniform premium for all Kharif crops and 1.5% for all Rabi crops. There won't be any upper limit to the government's subsidy.

FOOD SECURITY

It suggests the implementation of a universal public distribution system, reorganize the delivery of nutrition support programmes on a life-cycle basis with the participation of Panchayats and local bodies, formulate a National Food Guarantee Act, promote the establishment of Community Food and Water Banks operated by Women Self-help Groups (SHG), based on the principle 'Store Grain and Water everywhere', Eliminate micronutrient deficiency-induced hidden hunger through an integrated food cum fortification approach.

National Food Security Act (2013) is being enacted in this regard. Its objective is to provide nutritional and food security in human life cycle approach through ensured access to adequate quantity of quality food at affordable prices. It covers 75% of rural and up to 50% urban population for getting subsidized food grains under Targeted Public Distribution System (TPDS), hence catering nearly two-thirds of the population. It also focuses on the nutritional support to women and children. The act also has provisions for setting up grievance redressal mechanism at State and District level.

PREVENTION OF FARMERS' SUICIDES:

Due to the alarming numbers of farmers' suicide, some measures have been suggested in this regard. It includes providing affordable health insurance and revitalize primary healthcare centers. The National Rural Health Mission should be extended to suicide hotspot locations on a priority basis, set up State level Farmers' Commission with the representation of farmers for ensuring dynamic

government response to farmers' problems, restructure microfinance policies to serve as Livelihood Finance, i.e. credit coupled with support services in the areas of technology, management and markets, set up Village Knowledge Centres (VKCs) or Gyan Chaupals in the farmers' distress hotspots need for focused Market Intervention Schemes (MIS) in the case of life-saving crops such as cumin in arid areas and have a Price Stabilisation Fund in place to protect the farmers from price fluctuations, cover all crops by crop insurance with the village and not block as the unit for assessment, need for swift action on import duties to protect farmers from international price, provision for a Social Security net with provision for old age support and health insurance, promotion aquifer recharge and rainwater conservation. Decentralised water use planning and every village should aim at Jal Swaraj with Gram Sabhas serving as Pani Panchayats.

Government of India has launched a campaign named as India emergence through village emergence in order to improve the means of livelihood amongst the rural, to proliferate rural development process to strengthen Panchayati Raj across the country to establish social equality to create awareness about the agricultural schemes The All-India Agricultural Debt Waiver and Debt Relief Scheme was also launched in February 2008.

COMPETITIVENESS OF FARMERS

To raise the agricultural competitiveness of farmers with small landholdings, improvement in the productivity to increase the marketable surplus linked with assured and remunerative marketing opportunities, the report has suggested various measures. It involves improvement in the implementation of minimum support price (MSP), nutritional cereals such as millets should be permanently included in the PDS, State Agriculture Produce Marketing Committee Acts [APMC Acts] relating to marketing, storage and processing of agriculture produce need to shift to one that promotes grading, branding, packaging and development of domestic and international markets for local produce, and move towards a Single Indian Market, MSP should be at least 50% more than the weighted average cost of production, availability of data about the spot and future prices of commodities through the Multi Commodity Exchange (MCD) and the NCDEX and the APMC electronic networks covering 93 commodities through 6000 terminals and 430 towns and cities, promotion of commodity-based farmers' organisations such as Small Cotton Farmers' Estates to combine decentralized production with centralized services.

In this regard, the government has come up with Prampragat Krishi Vikas Yojana. Apart from risk coverage, this will encourage investment in farming. Supply of electricity to the agriculture sector along with quality seeds and optimum use of fertilizers shall be promoted for the incremental growth in output and farmer's income. Innovation and technological initiatives involve genome editing which is emerging as an alternative to transgenic technology, growth of agronomic technology. Support to public R&D institutions to develop the capacity for potentially cutting edge technologies. Farmers are to be informed about the opportunities offered by these technologies, improving access to credit and creating an enabling policy environment for their adoption. Krishi Kalyan Abhiyan launched by the Ministry of Agriculture and Farmers' welfare to aid, assist and advice farmers on the ways to improve their farming techniques and thereby raising their income. MSP currently covers 26 commodities¹ to protect farmers against a sharp fall in their farm prices.

EMPLOYMENT

Agriculture tends to provide a bulk of employment to the rural population of India. Employment strategy in India must seek to create productive employment opportunities and improve the quality of employment in several sectors such that real wages rise through improved productivity. The measures include accelerating the growth of the economy, emphasizing on relatively more labour-intensive sectors and inducing a faster growth of these sectors; and improving the functioning of the labour markets through such modification as required without eroding the core labour standards, encouraging non-farm employment opportunities by developing particular sectors and sub-sectors where demand for the product or services is growing namely: (i) trade, (ii) restaurants and hotels, (iii) transport, (iv) construction, (v) repairs and (vi) certain services.

Current policies constitute agricultural marketing, land lease, forestry on private land, and price incentive for producers, promoting responsible agricultural investments, promoting value chains, promoting producers' alliances, linking production to processing, coordination and involvement of states. This stresses on the need for competitive markets or other mechanisms ensuring that the prices received by the farmers do not fall below the level of MSP. Institutional initiatives include the promotion of over 510 FPOs by SFAC, some state governments and NABARD with a membership of 5.71 lakh farmers. National Agriculture Market (e-NAM), an all India electronic trading portal is set up which aims to form a unified national market for agricultural products. The aim is to move the agricultural product from one market to another in a smooth way, to save the

producers from a number of market duties and to avail agricultural products to the consumers at a fair price.

BIORESOURCES

Nutrition and livelihood security of rural people in India depend on a wide range of bioresources. The recommendations of the reports include preserving traditional rights of access to biodiversity, which include access to non-timber forest products including medicinal plants, gums and resins, oil yielding plants and beneficial micro-organisms; conserving, enhancing and improving crops and farm animals as well as fish stocks through breeding; encouraging community-based breed conservation (i.e. conservation through use); allowing the export of indigenous breeds and import of suitable breeds to increase the productivity of nondescript animals. National Bioresource Development Board has been set up under the Ministry of Science and Technology.

When closely delved into the matter it has been prominent that apart from the external factors, various internal factors are also responsible for such conditions of the agricultural sector. These reasons involve the non-reduction in the size by farm enterprises into more a manageable dimension. The large orientation of the farm operations is towards production, with no overriding emphasis on markets, consumers, and sales: farm managers are still production maximizers, not profit maximizers. These internal factors are also posing big obstacles to improving the cost efficiency of farms leading to sub-optimal profit and hence increasing farm debts across the globe.

The policy report formed by the Swaminathan Committee gives a broader view lays down the guidelines around which the policies should be formed. The current policies are in line with the report but since lags on some issues which is clearly reflected in the growth rate dip of the agricultural sector. The government's commitment of doubling the farm income by 2022 is a big promise whose delivery seems quite difficult. Just by working on the external factors won't yield miraculous results in improving the highly distressed agrarian conditions. Strategizing on internal factors is very much needed too.

Many of the existing policies formed on the grounds of the Swaminathan Committee report have failed. The failure of Pradhan Mantri Fasal Bima Yojana has been owing to the gaps in the assessment of the crop loss. Due to the small sample size, it became difficult to capture the scale and diversity of crop loss. The reliability of the samples also comes under scrutiny because of a

lack of trained outsourced agencies, the scope of corruption during implementation and the non-utilization of technologies. Many insurance companies did not investigate losses due to localized calamity and hence didn't pay claims. No awareness programmes for the farmers have been initiated on PMFBY by the state government or the insurance companies.

The land reforms have shown slow progress because of the deficiency of reliable records, lack of financial support and an integrated approach, its improper implementation, pertaining to the legal barriers, and lack of political will and indifferent attitude of the administration². Even in Pradhan Mantri Krishi Sinchai Yojana there has been a mismatch in funds allocated to Micro-irrigation plans³.

OTHER NATIONS

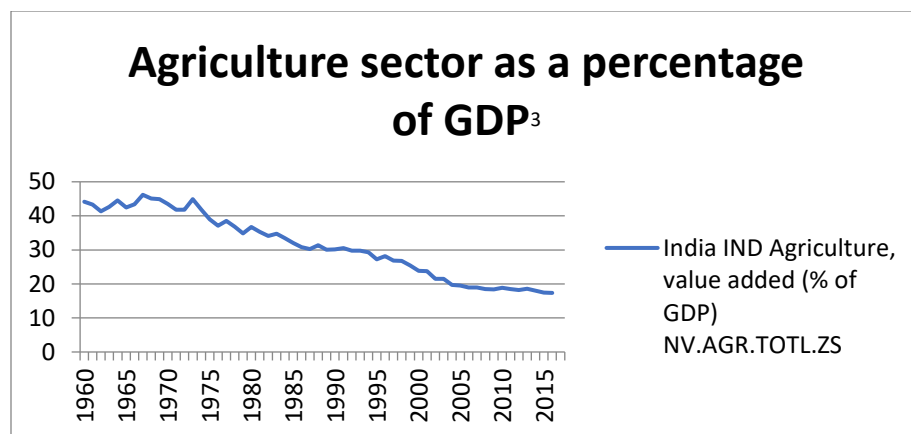
In the US economy, the farmers' suicide rate is 84.5 suicide deaths out of 100,000. The farm income has hit its lowest point since 1935 in the past three years. From 2015 to 2016 the farm debt levels increased by 25% and the farm income dropped 95%. In Australia farmer dies by suicide every four days; in the UK, one farmer a week takes his or her own life; in France, one farmer dies by suicide every two days.

Countries like Tajikistan, Israel and CIS have been struggling with major farm debt issues. This debt crisis has been caused by a combination of two factors- the inability of farmers to make a profit under current conditions and (b) continued lending by the banks to these producers regardless of reduced payment capacity and lack of credit-worthiness.

Thus, agrarian distress is not just concerning India but is spread across the world irrespective of the development stage of the nation, the climate, demographics, soil or even the government policy initiatives. It is worrisome and needs more than just policy formation and implementation.

CONCLUSION

There has been a fall in the suicide rate of farmers in India since the Swaminathan Committee report in 2006 from 16,632 to 11,370 per year in 2016 according to the National Crime Records Bureau. The farm income has seen a rise since 2006. Currently, it is growing at 2.1%. But the share of agriculture to the GDP of the nation has been on a constantly declining rate. Currently, it contributes only around 17.6% to the total GDP of India.



The data has been collected from World Bank data

The fall in the share of the agricultural sector to the country's GDP points towards the declining growth of agriculture, even after the allocation of large budgetary funds towards the agricultural sector. This fall in rate also points towards the sharp increase in the productivity and growth of the manufacturing and service sectors over the years. Large employment has been generated through these sectors.

Nations across the world are struggling with this issue. Though the policies have been able to revive the farm health by lowering the farmer suicide rate over the years, agrarian distress still looms over the nation. A lot of literature has been done on the farm policies and recommendations; work on both internal and external factors is required to get over the snare of crisis.

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 - Observations
1. Title indicates ‘Recent Agrarian Distress’ however, the authors argue that one manifest feature of the distress, farmer suicide, is on the decline due to increase in farm income since 2006, so please define what is meant by ‘Recent Agrarian Distress’.
 2. The article need to strengthen itself by engaging with commentaries and discussions on agrarian distress, which is absent as of now.
 3. Deliberations and discussions in the form of reports and working papers of NITI-AAYOG or Ministry of Agriculture and other allied ministries need to be included to get a comprehensive picture of the state of agriculture in India.

In terms of prognosis, if the challenge to Indian Agriculture and Indian Farmer in terms of climate change is included it will be interesting. Avoid using World Bank data when the data is available in Economic Survey/Budget Statement etc.

CPRG POLICY AND GOVERNANCE JOURNAL

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INQUIRIES: AN INSTRUMENT BLEEDING TO DEATH

~ VIPUL DIXIT

“The total expenditure on all commission of inquiry appointed so far, must be well in excess of Rs. 300 crores (on Librahan Commission itself, a whopping Rs. 7.2 Crores had been spent till August 2007) could it not have been spent for a worthwhile purpose?”

(- Madhav Godbole, The Judiciary and Governance, pp.355)

“...The glaring publicity which attaches to such inquiries both its strength and weakness... Such publicity exposes the wrongdoer to the public eye and there lies its strength... But such publicity result in unmerited mudslinging on some innocent persons who are denied the safeguards of the ordinary judicial procedure to vindicate themselves and here lies its fatal weakness [ii]”

(Viscount Kilmuir J. in English case popularly known as the *Water case.*)

INTRODUCTION

Commission of Inquiry Act, 1952 owes its genesis to the colonial English law titled as the Tribunals of Inquiry Act, 1921. Initially all such inquiries were held by the committee of Parliament of Great Britain. Indian and English statutes are almost alike in their nature except there is one major point of difference. The English Tribunal (Commission) of Inquiry gives the Tribunal the power to start a contempt proceeding within the term of reference that defines its jurisdiction. Whereas in India such power had not been provided to the commission, instead such Inquiries can only be commissioned by the “appropriate government” by an executive order or by a resolution of the house/legislature. The appropriate government, thus mentioned strictly means the Central/Union as well as the State Government and the subject matter on which such commission can investigate upon depends on the enlisted entries in the Union, State and Concurrent List of the 7th Schedule of the Constitution of India. While the Union government can set up a Commission of Inquiry over the subject matter as mentioned in any of the entries; State (federal or the provincial) government can do so for both List II (State List) & List III (Concurrent List). An important exception to the scheme of the Indian Act, is sec 5AA, the West Bengal Act, 49 of 1980 where unlike to the central legislation it empowers the commission to try certain offences summarily, hence adding a considerable weight to the judicial proceedings and the findings.

Section 3 of the Act specifically confers power of civil court in regard to the ‘*power to summon and enforcing attendance of the witnesses and examining on oath*’.

The initial traditions set up during the early years of Independence, regarding acting up to finding/recommendations of such inquiries cannot be regarded as negative. With reference to the *Mundhra Inquiry [iv]*, It has to be appreciated that T.T. Krishnamachari had to resign from the coveted position while the congress was the only electoral force in the Country.

In Madhav Godbole, *The Judiciary and Governance in India*, 2009, Rupa & Co., New Delhi, (Chapter 5: Commission of Inquiry: A blunted Instrument pp. 331-399) author deals extensively with the nature and scope of the Commission of Inquiry as envisaged within the Commission of Inquiry Act, 1952 (referred to herein as the Act) and analyses the fate of such inquiries in the history of Independent and Modern India. It is largely based on the English law- Tribunal of Inquiry (Evidence) Act, 1921; the Canadian statute- The Inquiry Act, 1927 and the Sri Lankan Commission of Enquiry Act, 1948.

Commission	Issues
Justice M.C. Chagla Commission- Mundhra Inquiry, 1959	<ul style="list-style-type: none"> · First of its kind Commission · Finance Minister had to resign due to public pressure
Justice Shah Commission of Inquiry on emergency excesses, 1977	<ul style="list-style-type: none"> · Non-cooperation by the ministers under the pretext of being bound by the oath of secrecy · Poor subsequent follow up by the concerned central and state machinery · Report dropped from circulation since Congress (I) came to power in 1979 yet again.
Sarkaria Commission on DMK excesses in TN, 1974	<ul style="list-style-type: none"> · Formed in 1974 but Submitted in 1978 · Sarkaria Commission observed the evidences are very convincing about the politico-criminal excesses · Central Govt. didn't approve the recommendations

Justice Dani Commission on death of 113 Gowari tribals, Nagpur, 1994	<ul style="list-style-type: none"> · Firmed by state government · death of 113 Gowari tribals in a temple stampede · extensions upto 4 years and submitted the report in 1998
Justice K.K. Mathew on the murder of LN Mishra, 1976	<ul style="list-style-type: none"> · Took more than 2 years for submitting the report · Trial court took up the action and the trial concluded in 40 years
Justice Shrikrishna, 1992-93 Mumbai riots	<ul style="list-style-type: none"> · BJP- Shiv Sena came to power by 1995 and wound up the commission (in 1996) · Reinstated in 1996 and submitted Took four years in submitting the final document which are kept classified by the authorities. · Harassment of the adjudicators
Justice Liberhan Commission on Demolition of Babri Mosque, 1992	<ul style="list-style-type: none"> · Took nearly 20 years in submitting the report · The Govt. has spent more than Rs. 7 Crores till Aug, 2007.
Justice Kurdukar Commission on Enron Power Project, 2001	<ul style="list-style-type: none"> · Untimely winding up of the Commission · SC stayed its proceedings
Justice Sawant Commission on Allegation against Ministers in Maharashtra govt. 2003	<ul style="list-style-type: none"> · Recommendation frustrated as the State govt. established another committee/ a task force in 2005 by senior bureaucrat in order to establish a prima facie case against the ministers
Commissions of Inquiry on Anti-Sikh Riots in Delhi (since 1984)	<ul style="list-style-type: none"> · Multiple Commissions-Justice Ranganath Mishra Committee to Justice G.T. Nanavati Committee (submitted in 2005) · Eye witness accounts have been disregarded no action was ever done against any politician connected thereto
Commission on Tehelka expose, 2001	<ul style="list-style-type: none"> · Change of judges from Justice Venkataswami to Justice Phukan · Govt. disregarded the functioning of Phukan's enquiry and handed over all of the 15 cases to CBI

	· Wound up the commission in Oct. 2004
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In common parlance it is also referred to as the judicial commission of Inquiry. The Act enables a public inquiry being held in 'any definite matter of public importance' generally held in an open and transparent manner- without undue restriction of procedural laws of the land- as a matter of fact, it is and had been held as a 'purely fact finding and not as an adjudicatory body'. Enquiry under the Act to not require a plaintiff or the defendant as there is no *lis (lawsuit)* and has no power to pass an order which can be forced *proprio vigour (in its own strength)*.

So, in a nutshell it merely:

- Investigate and record the findings
- Inquisitorial rather than accusatory
- Make recommendation based on such investigations
- Strictly has no power to penalise anyone directly- besides recommending the same to the appropriate authority- the one which commissions/appoints it.

So, in strictest of its sense, investigation under a Commission of enquiry is quite different from the trial at a court, as the standard of proof on which reliance is made differ, in principle. All things said, the most concerning feature of the commission's functioning, as learnt during the democratic years of Indian governance, had been of that of its operations rather than its findings. The Indian government had on a number of times, as mentioned in the book, failed to materialise on the investigations of Judicial Commissions. The delay in submitting the final report and failure to make it public even when the commission itself has not (expressly or impliedly) said so. The delays in submitting and thereby presenting it in the legislature whether Parliament or the Assemblies can be attributed to the political urgency in which the commissions are born. So a sudden prudence warrants a commission to keep the public outbursts in checks and balance.

As a matter of fact, and juridical understanding it has to be presumed that the legislators made a conscious choice in devising such an instrument which is not as powerful as the English or Canadian inquiry Commissions (it is not absolutely powerless as many may contend). It could

even be suggested that our legislators devised it while simultaneously learning their lessons from the English and Canadian experiences. It is often said, that the ‘life of law is not logic but experience’, and so far the Indian experience goes, it commands the change of basket as there are too many rotten eggs in it! The tabulated information is regarding the Commission of Inquiry that had been established since the independence of India and all its inputs had been copiously derived from Godbole's work. There had been umpteen numbers of Commissions formed either on the behest of the Union or of the State government and hence the table is not exhaustive.

CONCLUSION

For the sake brevity, it is being stated that in the present state of affairs the sanctity of the commission is being challenged which does not make the chairperson personally liable, but the failure to comply with the scheduled period of enquiry, submission and tabling it on the floor of the legislature does raise some serious concerns on the efficacy of having them in the statute books. Another reason why we can't afford to brush it aside is that these commission are chaired by Hon'ble justices of the higher judiciary and in each of the event of non-addressing of the issue concerned, it raise, my necessary implications, a serious doubts over the impartiality of our courtrooms as well. It has a serious implication on the constitutionally mandated independence of the judiciary. The two arguments mentioned at the beginning of the monograph are actually the two strands of the long debate that range over the Commission of Inquiry or judicial commission as such. Author went to the extreme end of saying that "...the Commission of Inquiry" had been used "as a political weapon wielded by any power, as it suit its narrow political aim...[v]" A.G. Noorani argues against the findings of Jain's Commission (investigating assassination of Rajiv Gandhi), on the basis of the flawed conclusions that it drew from the deposition. While he passionately refuted the finding, he remained cautious not to assault the institution called the Commission of Inquiry.[vi] He quoted Justice Y.V. Chandrachud dealing with the sudden death of Deen Dayal Upadhyaya- "...I could not reject that the evidence on the grounds of inadmissibility under the Evidence Act but that does not mean that I must accept it as good evidence." Noorani asserts that to seek refuge in suspicion is unjust.

J.B. Monterio [vii], questioned the power of the executive to define the terms of reference (ToR) of such Commission of Inquiries, in the backdrop of the investigations by Das Commission over the corruption charges on Sardar Pratap Singh Kairon, the ex-CM of Punjab.

THE CHALLENGES BEFORE THE COMMISSIONS

- Terms of reference or ToR as defined by the government officials. A poorly defined ToR can thus allow the executive to dodge the uncomfortable questions. So such misuse of power tantamount to frustrating the whole exercise ab initio; (But terms of reference being decided on an inquiry-by-inquiry allows for the commission to receive the resources and powers it needs according to the matter at hand. The Terms of Reference also have to be agreed to be mandate enough by both houses, the process being in place to ensure that the mandate is appropriate and powerful)
- Follow up of action taken in compliance/recommendations of the commissions is essential. The ATR (Action Taken Report) reports to be fixed by a strict scheduling;
- Monitoring such follow ups by the Standing Committees of Parliament of State Legislature: the amendment of 1986 to the Act, in the backdrop of allegations of corruptions to the highest office over defence deals, mandating the government to withhold Commission's report in the 'interest of integrity, sovereignty, public order and the likes, has to do away with, as it is too sweeping and hence has to be bought within the realms of the fundamental freedom to information as enshrined in the Constitution and there by laid out systematically through the Right to Information Act, 2005
- The financial implications of forming the continuation of such commission has to be taken into account prior to their investigation.

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[i] Phrased borrowed/Inspired by Arun Shourie’s write up, *Institutions in Janata Government*, quoted by the madhav Godbole in his book, *Indian Judiciary and Governance*, 2009, Rupa & Co., New Delhi

[ii] Report XXIV: *Law Commission of India*, Dec. 1962, New Delhi, Chairman: Justice J.L. Kapur

[iii] In *Rajwade v. Hassan*, Nag HC [AIR (1986) Nag 7] the bench held that “a commission under the Act is not a Court within the meaning of sec-3 of the contempt of Court Act, 1952.

[iv] Chief Justice of Bombay HC, M.C. Chagla was asked to preside over the commission’s investigation on the alleged shady investment funds in Life Insurance Corporation of India Ltd.

[v] Madhav Godbole, *The Judiciary and Governance in India*, pp 350

[vi] A.G. Noorani, ‘*A Law unto itself: Jain Commission Report*’, *Frontline*, Vol. 15, Aug 15-28, 1998 (retrieved from www.frontline.in on 13-08-15)

[vii] J.B. Monterio, ‘*Commission of Inquiry: Their Limitations*’, *EPW* July 11, 1984 (retrieved from www.epw.in on 09-08-15)

CPRG POLICY AND GOVERNANCE JOURNAL

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SUGARCANE CRISIS IN MAHARASHTRA: AN OVERVIEW

~ FIZZA SUHEL

INTRODUCTION

Maharashtra is India's top state for sugarcane and sugar production with 80-85 tonnes per hectare and 8.6 million tonnes respectively being produced in 2015-16. It accounts for 35% of the country's total sugar production because of the high number of factories in the state. The issue which arises with this kind of production is that sugarcane is a water intensive crop with 2000-2500 litres of water required to produce one kg of sugar and Maharashtra has been facing droughts and shortage of water in the recent years. Nonetheless, the crop continues to be grown every year irrespective of this problem. Solapur has the maximum percentage of sugarcane production followed by Kolhapur, Ahmednagar and Pune.¹ Even though the sugar industry is one of the most important for the state of Maharashtra as well as the country, it faces several impediments which are discussed in this paper.

WATER SUPPLY

Maharashtra has been experiencing shortage of water and a number of villages are provided water through tanks by legislative representatives due to this dismal condition. Solapur district, which is the largest area for sugarcane cultivation, in the Maharashtra Water and Irrigation Cultivation Report (June 1999) has been reported to belong to 5 sub basins. It relays three river basins out of those five as highly water deficient. According to a report by SANDRP², 86.6% of Solapur falls under this water deficient area and despite that it tops sugarcane production. This major problem of insufficient water supply has been encountered in various areas which irrespectively continue to grow water intensive crops.

Sugarcane being one of the most water intensive crops requires irrigation twice a month. Moreover, sugarcane has a growth cycle of 11-17 months thus binding the farmers for a long period. This long process causes the farmers as well as the mills to make provisions to cater the

¹Vasantdada Sugar Institute, Maharashtra (2011-12).

² South Asia Network on Dams, Rivers & People. June 2013. *Why Solapur, Sugarcane and Sustainability do not rhyme?*

water requirements of the crop despite scarce water resources. Besides this even during periods of low rainfall, sugarcane production is continued as we can see in Table 1.

YEAR	RAINFALL (Percentage to normal)	SUGARCANE PRODUCTION (‘000 MT)
2011	102.3	86,733
2012	90.3	69,648
2013	124.6	76,901
2014	70.2	84,699
2015	59.4	73,680
2016	94.9	54,237
2017	84.3	67,863

Table 1. Sugarcane production.

Source: Economic Survey of Maharashtra 2017-18.

The above table shows that although rainfall was 70% and 60% of the normal, sugarcane production remained high in 2014 and 2015 respectively. It declined in 2015 but again increased in 2017. Therefore, irrespective of decline in rainfall, sugarcane, even though water intensive, was still grown. Farmers from the region of Mohol protested numerous times demanding water to be released from Ujani dam. However, that area had 2 sugarcane crushing factories that had crushed 13.56 lakh tons of sugarcane in 2013 up to March using 20,340 lakh litres of water from October, 2012 to march 2013.³

³ Sugar Commissionerate, April 2013

Fixed Remuneration Prices

Year	Sugarcane FRP (Rs per quintal)	Percentage Increase
2009-10	129.84	-
2010-11	139.12	7
2011-12	145	4
2012-13	170	17
2013-14	210	24
2014-15	220	5
2015-16	230	5
2016-17	230	0
2017-18	255	11
2018-19	275	8

Table 2: FRP 2009-2019

Source: Department of Agriculture Cooperation and Farmers welfare.

There has been a significant increase in the fixed remuneration price (FRP) of sugarcane which refers to price paid by the factory mills to the farmers. In comparison to this, the price of sugar remains as low as 29.40 INR in Marathwada region in January 2018.⁴ With a supply surplus along with sugar imports in the country, the prices are bound to be low. This has also resulted in inability

⁴ Jayashree Bhosale, *Sugar prices in Maharashtra hit new low last seen in March 2016*, (Economic Times, January, 2019).

<https://economictimes.indiatimes.com/news/economy/agriculture/sugar-prices-in-maharashtra-hit-new-low-last-seen-in-march-2016/articleshow/62555396.cms>

to pay farmers as 64% Maharashtra mills are yet to pay farmers⁵ and only 29% FRP has been paid⁶ as of December 2018.

Previously, there was a 20% custom duty on export of sugar which further added to the inability of these mills to pay farmers. However, by the end of 2018, the government removed such duties and the mills in Maharashtra contracted to export 150,000 tonnes of raw sugar according to Reuters.⁷ With rise in international prices and depreciation of the rupee, this move is going to be beneficial for the sugar industry. The government has also offered incentives to promote export such as transport subsidy and an aim of exporting 5 million tonnes has been set for 2019. This would further help in increasing domestic prices.

BAN ON PRODUCTION AND OTHER PROPOSALS

Several times it has been suggested to ban sugarcane from being produced mainly due to drought like conditions faced every year in Maharashtra. In 2016, the Vasantnao Naik Sheti Swavlamban Mission (VNSSM) set up by the Maharashtra government, proposed banning sugarcane in the drought hit areas of Marathwada and Vidarbha.⁸ The government did comply with such proposals and banned the crop in Marathwada although it comprised 40% of the total sugar mills in the state. Former chairman of the Maharashtra Water and Irrigation Commission, Madhav Chitale, demanded for “expelling the water-guzzling sugar cane from Maharashtra since it consumes 71% of Maharashtra’s irrigated water”. He also laid stress on making drip irrigation compulsory for all sugar mills in the state. Experts like Pradeep Purandare, former associate professor at Aurangabad-based Water and Land Management Institute, Parineeta Dandekar, a Pune-based ecologist and

⁵ Jayashree Bhosale, *64% of Maharashtra cane mills yet to pay farmers*, (Economic Times, December 2018).
<https://economictimes.indiatimes.com/markets/stocks/news/64-of-maharashtra-cane-mills-yet-to-pay-farmers/articleshow/67241701.cms>

⁶ Sugar Commissionerate, Maharashtra.

<https://sugar.maharashtra.gov.in/Site/Upload/GR/2018-12-15%20cane%20arrears%20-%20website.pdf>

⁷ Rajendra Jadhav, *Exclusive: India to export raw sugar for first time in three years as global prices rally*, (Reuters, October, 2018).

<https://in.reuters.com/article/india-sugar-exports/exclusive-india-to-export-raw-sugar-for-first-time-in-three-years-as-global-prices-rally-idINKCN1MJ16E>

⁸ Sakshi Prashar, *Ban on ‘killer’ crops in Maharashtra areas; govt committee proposes curbs on sugarcane & cotton* (Financial Express, April, 2018).

<https://www.financialexpress.com/market/commodities/panel-for-ban-on-cane-bt-cotton-in-maharashtra-areas/245078/>

Rajendra Singh, known as the ‘Water Man of India’ have all recognized this issue and the need to restrict the growth this crop.

However, opposition is also received from the sugar and sugarcane industry. President of West Indian Sugar Mill association and Chairman/MD of Natural Sugar and Allied Industries Ltd asserts that it is a misconception on the part of the experts as most of them have never been to a sugar cane farm.⁹ Such narratives are not new from the stakeholders of the industry and politicians who are a part of the sugar lobby. Former Secretary in the Ministry of Rural Development, N.C. Saxena recognized the elitism within the rural community and how politicians actually benefit because they essentially run these sugar mills. Such interferences have proved to be an obstruction against the ban and control of sugarcane growth.

THE POLITICS INVOLVED

Involvement of politicians in this industry is not new. Several politicians control sugar mills in the state because that helps them to influence voters in the mill areas.

Sugar cooperatives started in the state in the 1950s with the aim of protecting small farmers from exploitation of landlords and private factories. They grew in number and now stand at 104 cooperatives against 84 private factories¹⁰. These cooperatives are supposed to be democratic and inclusive of member farmers in the decision-making process. However, power is concentrated with the board of directors which is elected by the members. Elections to these boards have sometimes been compared to those of the parliament in terms of the cost involved. The people at power in these factories are often able to take a role in politics due to their influence in this sugar lobby. People like Vasantdada Patil (CM 1977-78) started the Shetkari Sugar Cooperative Factory, Y.J. Mohite (Ex State Finance Minister) started the Krishna Sugar factory and Ratnappa Kumbhar (Ex civic supplies minister) was founder chairman of the Panchaganga Factory. Along with these, Sharad Pawar has been a significant figure in the politics of the state as well as the cooperatives. He held power in the Malegaon factory, Shri Someshwar sugar factory and Chhatrapati sugar factory. This involvement of politicians hinders the decision making of the government regarding

⁹Abhiram Ghadyalpatil, *Sugar cane vs Marathwada's drought*, (Live mint, April, 2016).
<https://www.livemint.com/Politics/nQRjnZEiHI9BWrGb11x51L/Sugar-cane-vs-Marathwadas-drought.html>

¹⁰ Sugar Commissionerate, Maharashtra
<https://sugar.maharashtra.gov.in/Site/Upload/GR/2018-12-15%20cane%20arrears%20-%20website.pdf>

production. Bans on the crops and water distribution control are not effective even though committees exist since, politics determines the course of events to a large extent. Action is not taken by the state governments against defaulting factories not paying arrears even though the Sugarcane Control Act (2013) allows them to do so.

CONCLUSION

Even though the crisis in the state has been recognized, not much action can be taken by the government owing to the political backing. Measures like FRP, export subsidies and drip irrigation, although introduced by the government, need the assistance of the farmers along with the mills to reap any results. Mills are still struggling against the regulation of sugarcane prices and the unfavorable market conditions which prevailed recently. With the global supply falling, exports may help this industry to make profits again. As far as the farmers are concerned, they are looking forward for their payments at the Fixed Ration Price while, the gains from exports might serve them well in getting their money back. Even though several steps are being taken by the state government, something consequential can only be achieved if the political influence of the sugar lobby is reduced.

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**FARMER LOAN WAIVERS IN INDIA AND THEIR EFFECT ON THE TREND OF
FARMER SUICIDES IN INDIA**

~ RAMANAND, MOHAMMED IQBAL OMAR

ABSTRACT

Farmer Loan Waivers have become the standard political answer to farmer strikes and a method for appeasement of farmers to ensure victory in elections in India which has been showcased in the 2018 State legislative elections wherein there has been a spate of promises of loan waivers especially in the States of Madhya Pradesh and Chhattisgarh. The Loan Waivers are generally undertaken under the motive of relieving the distress of farmers and thus in part bettering their economic situation. It was meant to reduce the rates of farmer suicides in India but this can be a problematic decision especially for States with already high levels of debt like Madhya Pradesh. While normative assumption is that farm loan waivers would help reduce the farmer suicide rates and improve, at least temporarily, the economic situation of farmers in debt and distress, there has been no conclusive evidence to back the assumption substantively. This research article aims to understand the impact that farm loan waivers have on the trend of farmer suicides in India.

KEYWORDS

Loan waivers, Farmer suicides, agricultural credit, NPAs, Farmer strikes, Madhya Pradesh

BACKGROUND

The Agricultural and Rural Debt Relief Scheme came into force in May 1990 and was India's first nationwide agricultural loan waiver scheme. The scheme was spearheaded by the then Prime Minister V.P. Singh's government with the motive of providing relief to the distress that farmers faced due to high levels of debt (Nirmal, 2014). Impact analyses and research on the Agricultural and Rural Relief Scheme showed an increase in defaulting by borrowers especially by non-beneficiaries as they expected that a similar scheme would relieve them of their loans in the future (Shylendra, 1995).

Loan waivers have become a standard demand by farmers and a solution that the government usually implements for citing the economic distress of farmers. The idea of loan waivers has been a contested one since the implementation of the Agricultural and Rural Debt Relief Scheme. In 2008 the Government appointed expert group on agricultural indebtedness spearheaded by Dr. R.Radhakrishnan. Their report fell short of recommending farmer loan waivers as a solution to agricultural indebtedness while putting forth that indebtedness caused by a lack of cost reducing technologies that can make the cultivation remunerative (Expert Group on Agricultural Indebtedness, 2007).

In the 2008-2009 budget presentation, then Finance Minister, P. Chidambaram while acknowledging that loan waivers were not recommended by the expert group announced a scheme for debt waiver and debt relief for farmers (Chidambaram, 2008) that would cost the Government of India 52,259.86 crore INR to help 3.73 crore small or marginal farmers (PTI, 2008). The Agricultural Debt Waiver or Debt Relief Scheme (ADWDRS) was a majorly populist scheme that played a major factor in the re-election of the United Progressive Alliance Government in the 2009 general elections as it was assessed that States that received more waivers were the ones where the Indian National Congress fared relatively better (Thakur, 2009).

The Scheme was touted for the motive behind it and was upheld as a major success of the administration but received major criticism by economists most notably in the World Bank Group funded paper entitled "The Economic Efforts of a Borrower Bailout: Evidence from an Emerging Market" wherein the fact that this scheme punishes the people who ensure that they repay their

loans was reiterated. The paper concludes that there was an increase in the defaults following the implementation of the scheme among borrowers who were previously in a good standing which is the result of the Agricultural Debt Waiver and Debt Relief Scheme that punished productivity (Gine & Kanz, 2014).

The footsteps of the ADWDRS were followed in the States of Andhra Pradesh and Telangana in 2014. In Andhra Pradesh, the Telugu Desam Party promised farmer loan waivers to ensure victory in the election and to help relieve the farmers of their distress which would cost the State 24,000 crores INR. The Government claimed that through the Rytu Runa Mafi Scheme around 25.54 lakh farmers received a one time payment and 35.56 lakh farmers were being paid for in five equal instalments. It became difficult to measure the impact and result of this waiver as the scheme was followed by droughts in Andhra Pradesh and Telangana. A statement by the Vice-President of Andhra Pradesh Planning Commission Kutumba Rao informs that this scheme was a reference point for the Maharashtra and Uttar Pradesh Government to begin implementing a similar scheme in their own States (Deccan Chronicle 2017).

The Telangana loan waiver was also promised in the 2014 elections and was fulfilled following the victory of the Telugu Rashtra Samithi in the State's first assembly elections which cost the State 16,372 crore INR and benefitted around 35 lakh farmers in the State (Business Line, 2017). The major criticism for these schemes came from the then Governor of Reserve Bank of India, Raghuram Rajan as he stated that the waivers cannot hold merit and may lead to beneficiaries anticipating regular loan waivers and not paying in fear of losing the waivers (PTI, 2014).

The loan waivers in Andhra Pradesh and Telangana were followed by announcements of similar waivers in Tamil Nadu, Maharashtra, Uttar Pradesh and so forth. Repeated promises of loan waivers stirred a statement from the then RBI Governor Urjit Patel who reaffirmed his reluctance towards loan waivers by saying that these loan waivers will cause higher expenditure than the budgeted revenue expenditure that will lead to fiscal deficits and will have an adverse effect on lenders (Roy, 2017).

Despite Statements from the Secretary for Agriculture during the implementation of the ADWDRS claiming that the loan waiver was a one time scheme (Tewari, 2017) the Indian National Congress loan waiver promises in Chhattisgarh and Madhya Pradesh played an indispensable role in the victory of the Congress in the States in question in the 2018 elections showcasing the paramountcy of loan waivers in the current political scenario. The loan waivers in question have been announced for the aforementioned States(IANS, 2018).

The lack of evidence on the assumption that the government providing farm loan waivers has an effect on the rate of suicides in the States is argued throughout the course of this research paper. However while the lack of evidence with regards to the impact on rate of farmer suicide is evident there is evidence showcasing the financial burden such a move would cause to the State.

In the State of Madhya Pradesh alone there are about 22.18 lakh farmers who have defaulted payments on loans which is estimated to cost the State a total of 14,344 crores INR to waive off. This is in a time when Madhya Pradesh is reeling under a debt of 1.60 lakh crores which adds to the need for tangible results against the investment made in farm loan waivers (Trivedi, 2018).

Given the politicisation of economic solutions to the agrarian crises and the widespread demands for farm loan waivers it is indispensable to assess and understand the result of the initiatives undertaken. Research on the claimed result of farm loan waivers in relieving the economic distress of farmers and thus reducing the farmer suicide rate is paramount to find evidence based solutions to the crises that farmers face in India.

THE AGRICULTURAL DEBT WAIVER OR DEBT RELIEF SCHEME OF 2008

The Agricultural Debt Waiver or Debt Relief Scheme was announced largely to address the indebtedness of farmers. The scheme entailed that “all agricultural loans disbursed by scheduled commercial banks, regional rural banks and cooperative credit institutions upto March 31, 2007 and overdue as on December 31, 2007 would be covered”. The waivers were focused mainly on the welfare of marginal (i.e. holding upto one hectare) and small farmers (i.e. holding upto two hectares) as their loans would be completely waived off as part of the scheme in question.

For the other farmers a one-time settlement scheme was announced wherein a rebate of 25 per cent would be given against payment of the balance 75 per cent. It was also announced that the implementation of the scheme was to be completed by June 2008 to allow farmers to borrow fresh loans in accordance with normal rules of lending (Chidambaram, 2008).

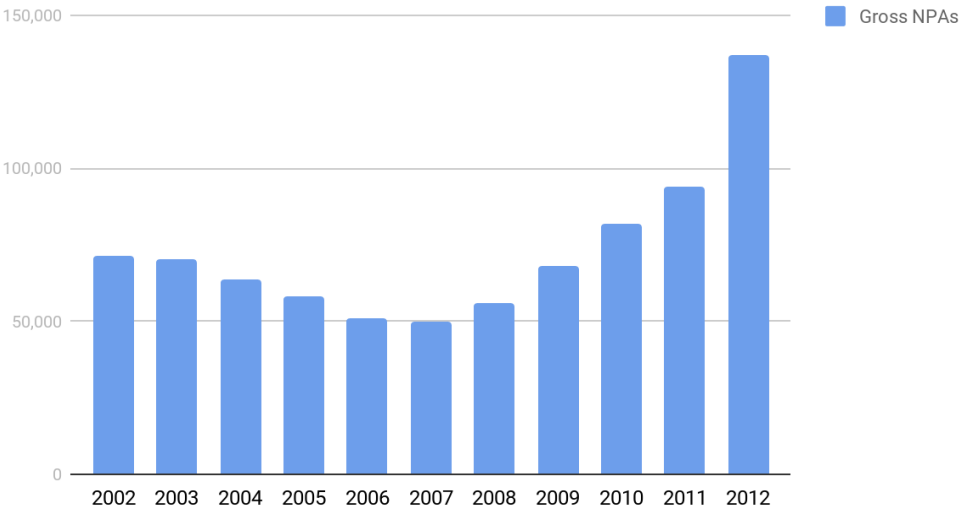
Following the announcement of the scheme however received criticism from farmer organisations because the farmers in the dry regions would not benefit from this scheme as those farmers held 5 acres of land on an average in dry regions . Follow up of these demands came from Congress General Secretary, who demanded to make the scheme inclusive to the farmers which would lead to the cost of the scheme rising to 71,000 INR to include farmer engaged in allied activities like poultry farming, dairy farming, waiving of restructured loans and inclusion of farmers from dry regions (Ramakrishna, n.d).

The impact of the agriculture loan waivers on the NPAs shows that there was a sharp increase in NPAs from 2008-2009 reflecting the moral hazard that the scheme was critiqued for. Data from Reserve Bank of India reports showcase the aforementioned (Lokare, 2017):

Year (End of March)	Total Gross Advances	Gross NPAs	Growth in Gross NPAs (Percentage %)
2002	645,865	71,113	13.1
2003	739,125	70,042	-1.5
2004	859,092	63,538	-9.3
2005	1,125,056	58,024	-8.7
2006	1,473,723	51,243	-11.7
2007	1,893,775	49,997	-2.4

2008	2,331,750	55,695	11.4
2009	2,788,424	68,216	22.5
2010	3,264,907	81,808	19.9
2011	3,992,145	94,121	15.1
2012	4,666,337	137,102	45.7

Table-1 (Gross NPAs in Agriculture)



The data presented in Table-1 showcases a clear increase in the amount of Non-Performing Assets (NPAs) post 2008 which leads to the implication that farm loan waivers create a moral hazard that goes unaddressed as the scheme punishes those who are productive and ensure that their loans are paid off. Although since 2002 the Total Gross Advances have steadily increased while the NPAs were gradually decreasing until 2007 and 2008 wherein the decrease could be attributed to the government waiving off loans. A significant increase in the number of NPAs post-2008 is seen and can be attributed to a shift in the mindset towards repayment of loans.

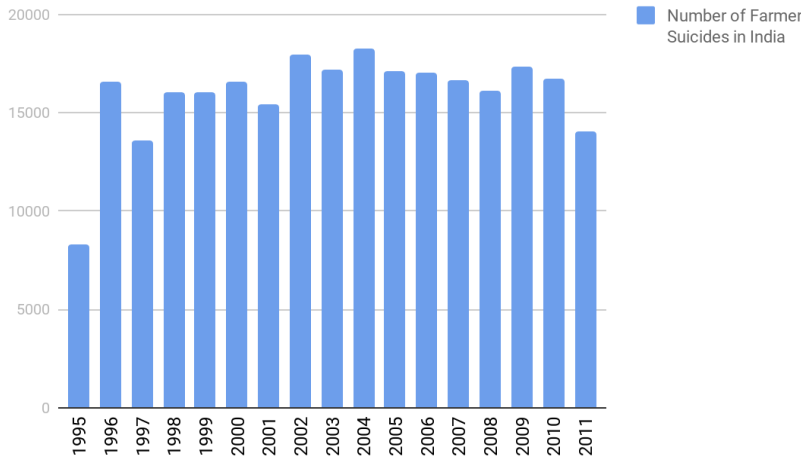
The other critique that this scheme received is that the scheme would not be able to provide assistance to tenant farmers who would not be able to borrow loans on the land they farm on

because they do not own the land. The distress of these farmers is majorly required to be addressed as about 10 per cent of the total agricultural areas was under tenant cultivation but this was not addressed by the Government (Meena, 2017). The scheme was however praised for relieving the distress of small and marginal farmers across the country but it was important to analyse the impact of the scheme in relieving the distress of farmers to realise whether the scheme was successful in accomplishing its intended result or not.

IMPACT OF THE AGRICULTURAL DEBT WAIVER OR DEBT RELIEF SCHEME ON FARMER SUICIDES IN INDIA

The data on farmer suicides in India although available since 1967 by the National Crime Records Bureau through its Accidental Deaths and Suicides in India but specific data on farmer suicides has only been assessed since 1999. The trend of farmer suicides can be tracked through this report to understand the situation in India with regards to the distress of farmers. The trend of the same is recorded below (NCRB, n.d):

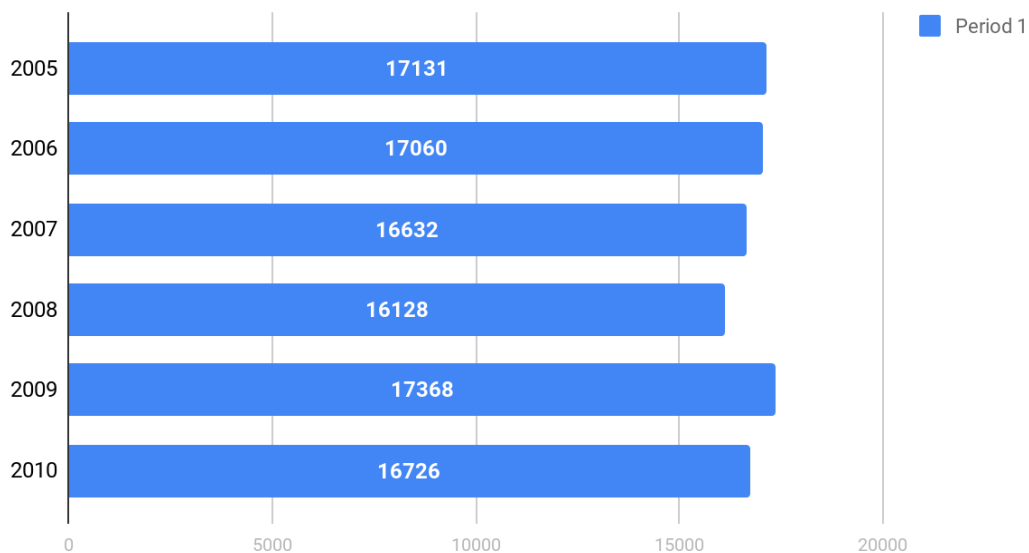
Table-2 (Number of Farmer Suicides in India)



The overall trend of the farmer suicides in India from 1995 to 2004 was an increasing one where the number of suicides gradually increased. However, from the year 2005 there has been a gradual decrease in the deaths of farmers which has led to there only on one instance since 2004 wherein there has been a recorded increase in the number of suicides committed. The result of the farm

loan waiver has not been noticeable when the farmer suicides in the year following the implementation of the nation-wide loan waivers.

Table-3 (Overview of the effect on farmer suicides)



Following the implementation of the loan waiver an increase of farmer suicide rates was seen in India following which the trend of farmer suicide rate stabilised again. This goes to show that the relation between farmer suicide rate and loan waivers is weak even if it exists in the first place. The weak relationship is reiterated when the Andhra Pradesh and Telangana loan waiver is analysed although it is difficult to showcase a trend due to change in methodology in the report post 2013.

Table-4 (Farmer suicides following the implementation of the loan waiver in Andhra Pradesh)

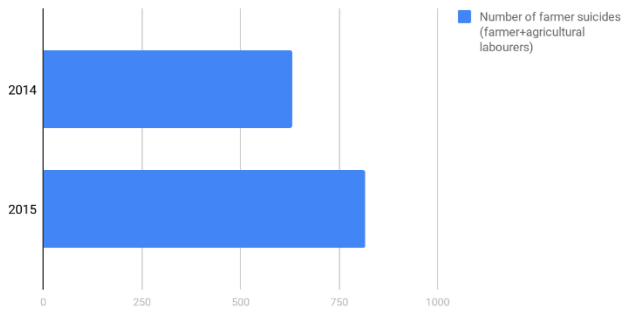
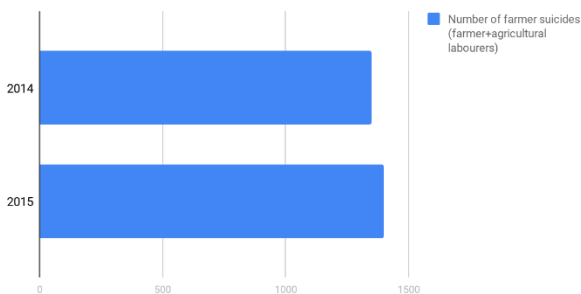


Table-5 (Farmer suicides following the implementation of the loan waiver in Telangana)



The droughts in Andhra Pradesh and Telangana were a factor in the increase of farmer suicides in the States in question. Given evidence, however, mainly in the case of the ADWDRS scheme of the Union Government goes to show that there is a weak relationship of loan waivers and the trendline of farmer suicide rates according to available current data and figures.

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The major inference from the data presented in the paper points towards a weak relationship between the farmer loan waiver schemes and the distress of farmers in India. This not only showcases the need for viable and sustainable solutions in Agriculture but also emphasized importance for evidence-based policies in the Indian policy landscape.

The use of loan waivers to appease farmers who constitute a major vote bank and in turn are a major factor in elections is a major example of the politicisation of economic issues which leads to inefficient and often harmful economic decisions being made for political gains.

Loan waivers also create a moral hazard as by their very nature they do not reward productivity and lead to undesirable changes in mindset of the domestic households towards repayment of loans creating issues in the rural credit system. They also lead to spending over the budgetary expenditure leading to fiscal deficits.

The policies of loan waivers cost governments a lot and hence these policies cannot be defined successful without data or evidence to back up the claim. Thus, to ensure that loan waivers lead to economic growth or at least relieve stress among farmers loan waivers have to be subjected to policy impact evaluations to map out the results and consequences of schemes that provide for waiving of loans especially with respect to waivers provided to farmers/agriculturists.

The need for governments to move away from loan waivers and towards making investments in human capital and infrastructure is necessary in order to ensure use of public money in achieving tangible results and change especially in cases like the ones of Madhya Pradesh and Chhattisgarh.

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