



CONTENTS

COVER ARTICLE

6

Is India About To Make A Catastrophic Mistake With GM Mustard?

Colin Todhunter



1 Cover Page

2 Cover Inside Page

09 COVER STORY-II

Unique Round Table on GM-Mustard Cautions Government

..... Swadeshi Samvad

13 COVER STORY-III

Isn't the GM Mustard debate about a junk variety?

..... Dr. Devinder Sharma

16 VIEW POINT

Agricultural performance on the right track

..... Dr. Ashwani Mahajan

18 SPOT LIGHT

Capping of Motor Insurance Liability: Irrational and Unwarranted

..... Prof. Bhagwati Prakash Sharma

21 ANALYSIS

SC collegium functioning - betrayal of Third Judges Case

..... S. Gurumurthy

25 OPINION

Singur judgment may checkmate large land grab, save farms

..... Shivaji Sarkar

27 FOCUS

Self-Reliance in Defence and the Mirage of FDI

..... Koshtub Vohra

30 SCRUTINY

Only genuine FDI welcome, but will it come?

..... Dr. Bharat Jhunjunwala

32 PERSPECTIVE

Women Ask: Where are our Trillion Dollar Output?

..... Prof. R. Vaidyanathan

39 Back Inside Cover

40 Back Cover



India's Pakistan Policy

Yet another terror attack, this time in Uri near LOC in J&K has brought India-Pakistan relations back into the focus with a lot of anger among the common people that include die-hard supporters of PM Narendra Modi. Spotlight is also on the policies of BJP led NDA government. Countrymen are furious and rightly so. This government is in office for two and half years now. To add to it is the way BJP in general and Narendra Modi ji in particular attacked UPA government for its weak Pak-policy in run up to 2014 general Election. The high voltage campaigning gave an impression that Modi ji and his team have a plan ready and needed simply an opportunity to put that plan into action. This impression of being a decisive leader won him not only large number of admirers but much needed comprehensive mandate to be free from coalition pressures. Waiting for half of the term and still unable to find the promised policy on ground people of India have started questioning.

This furry was visible in social media after the Uri attack. Videos and other statements of Modi's promises were dug out to remind him his own stated position before becoming the Prime Minister. Shifting stance from fuming to reconciliatory tunes has further disappointed the public in general. Hardcore supporters of PM are trying their best to find solace in distractions like the introduction of a bill to designate Pakistan a state sponsor of terrorism by two American lawmakers in US House of Representatives crying that the world is slowly waking up to a stark reality that Pakistan is the epicentre of terrorism. But all these expressions are hardly making any impact. The reason is apparent. We all knew from the beginning that Pakistan is a rogue state and it exports terrorism to most parts of the world, and has made world a dangerous place to live in. Being a victim of Pak sponsored terrorism, India had been repeatedly saying that Pakistan is sponsoring terrorism in many parts of India. The world community listened to India's pleading patiently but never bothered to act upon it.

Now, as the ghost of terrorism is taking an ugly turn, world is slowly recognizing this reality. It is better late than never. Though many countries may side with Pakistan, they too will fall in line in due course of time. Even after raising Kashmir issue in UN General Assembly session, Pakistan has not found no takers of K-bogey, as the world community feels that Pakistan is the main culprit behind mess uprising in the Valley. Afghanistan and Bangladesh also have lashed at Pakistan for sponsoring terrorism in their countries. Issue is what is India doing? Is this government acting in the manner it expected UPA to act.

– Sunil Katoch, *Bhaderwah*

EDITORIAL OFFICE

SWADESHI PATRIKA

'Dharmakshetra', Sector-8, Rama Krishna Puram, New Delhi-22

■ Tel. : 26184595, E-Mail: swadeshipatrika@rediffmail.com

For subscription please send payment by A/c payee Cheque/Demand Draft/

Money Order in favour of 'Swadeshi Patrika' at New Delhi, or

Deposit the subscription amount in Bank of India A/C No. 602510110002740,

IFSC: BKID 0006025 (Ramakrishnapuram)

Annual Subscription : 150/-

Life Membership : 1500/-

Kindly write your full name and address in capital letters.

If you do not receive any issue of Swadeshi Patrika, kindly e-mail us immediately.

Disclaimer

The views expressed within are those of the writers and do not necessarily represent the views of Swadeshi Patrika. Swadeshi Patrika often present views that we do not entirely agree with, because they may still contain information which we think is valuable for our readers.

Quote-Unquote



"We strongly condemn the cowardly terror attack in Uri. I assure the nation that those behind this despicable attack will not go unpunished."

Narendra Modi
Prime Minister of India



"Those who think they can keep Pakistan together by attacking other cultures with jihadist extremism, should visit Dhaka."

Brad Sherman
US Congressman



"The Hindu community has made fantastic contributions to world civilisation and to American culture."

Donald Trump
US Presidential Nominee



"Being told how going to a temple makes me a non-Muslim, is plain callous. No one has the right to say that. How does it affect anyone?"

Soha Ali Khan
Actor

Surgical strikes Pierce Nuclear Blackmail

When Prime Minister Narendra Modi during his radio programme 'Mann ki Baat' after Uri attack declared that Attackers would not go unpunished; even his diehard supporters were not convinced. It was taken to be just another pompous sentence. Frustrated by repeated terror attacks by Pakistan trained, equipped and sponsored terrorists people of India almost predicted the official statement even before they were made. Infuriated observers would criticise for terming these terror strikes as 'surprise attack'. Even after near three decades of similar assaults. Even Pakistan and its military planners including the terror network managers had almost taken things for granted. They had mastered dubious art of striking at will and the ranting 'Threat of Nuclear War' forcing world community to pressurise India into a sort of helplessness. It was in a manner the proverbial "Chakravyuh" to which India had no answers. We can say that is the past now, after Indian army carried out surgical strikes across the Line of Control dismantling at least seven camps in PoK- the areas of the Indian state of Jammu Kashmir illegally occupied by rogue nation state called Pakistan. This unimaginable operation was accomplished in a professional manner without receiving a scratch by the team of army commandos after getting a go ahead from the government. Nobody had ever any doubt about the professional capability, willingness to take the risk of highest order or for that matter the required ability & resources for undertaking such kind of operations in enemy-controlled territory. In fact serious observers claim that such actions in a limited manner where being undertaken whenever need was felt earlier also. Fundamental difference that makes these surgical strikes stand alone as unique is the open, frank and candid ownership of it by the political leadership. Government and the Prime Minister surely demonstrated the political will to take the risky action. But the country as a whole and that includes the political organisations opposed to the ruling BJP stood as a single unit behind such an action and expressed the need to ensure that costs of sponsoring and exporting terror is increased manifold for Pakistan. Other appreciable aspect of this new strategy is that the decision to punish Pakistan was not a rash decision taken as any emotional outburst. The diplomatic route was chosen before unsheathing the iron fist. Immediately after the September 18 attack on the Indian Army, Prime Minister called National Security Advisor for information on the perpetrators and how they managed to get inside the brigade headquarters. The Pakistan connection became evident from the GPS sets found on the four dead terrorists as well as from the interrogation of their two guides caught by Uri villagers. Pakistan's high commissioner to India 'foul mouthed' Abdul Basit was summoned and given a protest letter detailing the involvement of a terror group based in his country. Pakistan as usual chose denial as its response, with Nawaz Sharif raising Kashmir in his speech at the United Nations. Pakistani rightly even spoke of terrorist Burhan Wani as a leader in his shamed UN speech. It comes out now that after examining the options in consultation with the three service chiefs, the surgical strike option was chosen by September 23. Once the decision had been taken, Doval, Army chief Gen. Dalbir Singh and other operational planners discarded their mobile phones. All communications were direct or through highly secured lines only. Constant monitoring of the Pakistani political leadership and army brass, including the Rawalpindi-based X Corps in charge of PoK as well as the Gilgit-based commander of the Northern Areas, was carried out. Reactions as an aftermath of these still 'unbelievable' strikes by India is almost on expected lines. Shocked Pakistan is in complete denial mode which in itself is the proof of it being caught on wrong foot. There is also considerable scepticism in the western media of the Indian version of events. Even known anti-India elements and designer Journalist within country joined by various discredited political elements have begun to chant Pakistani line. But that hardly changes anything on ground. Credit goes to the government for managing the issue both before and after successful operation in a mature manner. Results of proper management are for all to be seen in the reaction of all the important leaders and nations of the world. In conclusion we will like to point out that this is only the beginning of new era. We can't expect our problems with Pakistan to end with it. A systematic follow up with enhancement of capabilities is a must. Nevertheless Jai Hind; Jai Hind Ki Sena.



Is India About To Make A Catastrophic Mistake With GM Mustard?

Global oilseed, agribusiness and biotech corporations are engaged in a long-term attack on India's local cooking oil producers. In just 20 years, they have reduced India from self-sufficiency in cooking oil to importing half its needs. Now the government's attempts to impose GM mustard seed threaten to wipe out a crop at the root of Indian food and farming traditions.

In 2013, India's former Agriculture Minister Sharad Pawar accused US companies of derailing the nation's oilseeds production programme. Similar claims had been made in 1998 concerning the so-called mustard oil tragedy when Rajasthan Oil Industries Association claimed that a "conspiracy" was being hatched and that the "invisible hands of the multinationals" were involved.

Both figures seem to have a point. India was almost self-sufficient in edible oils by the mid-1990s, but by 2014 it was the world's biggest importer of cooking oils. Under pressure from the World Bank, India began to reduce import tariffs on edible oils and imports then began to increase.

The country now meets more than half its cooking oil requirements through imports, with palm oil shipped from Indonesia and Malaysia and soybean oil from Brazil and Argentina (see here), with devastating impacts on the environment. At the same time, there is a push to get GM mustard (and other crops) commercialised and grown in Indian fields.

The GM mustard issue cannot be divorced from the running down of India's indigenous edible oils production. The cynical argument being forwarded for introducing GM mustard is to diminish reliance on imports, especially as it is said to

The high-level push to get GM food crops planted in India is by-passing proper processes and procedures and in spite of four high-level reports advising against the adoption of these crops, highlights
Colin Todhunter

possess a trait that makes it high-yielding. Given the role that trade rules had in decimating India's oils sector, this argument is little more than a smokescreen to divert attention from this reality, which has to date certainly benefited US agribusiness Cargill. What is more deceptive is that the genetically engineered mustard does not produce higher yields than non-GM mustard.

In addition, the high-level push to get GM food crops planted in India is by-passing proper processes and procedures in what is a case of "unremitting regulatory delinquency". Moreover, four high-level reports advising against the adoption of these crops in India are being side-lined:

- The 'Jairam Ramesh Report' of February 2010, imposing an indefinite moratorium on Bt Brinjal;
- The 'Sopory Committee Report' [August 2012];
- The 'Parliamentary Standing Committee' [PSC] Report on GM crops [August 2012]; and
- The 'Technical Expert Committee [TEC] Final Report' [June-July 2013]).

Given that trade rules and not



GM is not wanted or required in India.

the low productivity of Indian farming undermined indigenous production and that non-GM varieties of mustard are better yielding, where is the logic in promoting GM varieties?

Consider that India is the biggest recipient of World Bank loans in the history of that institution. And consider that the opening up of India's agriculture sector to foreign agribusiness via the Knowledge Initiative on Agriculture is a quid pro quo deal for the US sanctioning investment in and the opening up of India's nuclear industry. Such considerations steer us towards the real reasons for the relentless drive for a GM India.

The push to get GM mustard into India is presented as an

endeavor independent from vested interests. However, the hand of Bayer is clear to see. It is a Trojan horse crop that is intended to open the regulatory floodgates for the sanctioning of other GM crops. That's not a wild claim. It is a tactic that has already been employed the GMO agritech sector: Syngenta once described GM Golden Rice as a device to create "regulatory tension" with the ultimate aim of breaking down regulatory barriers.

GM mustard is being undemocratically forced through with flawed tests or no tests and a lack of public scrutiny. It is also a herbicide-tolerant crop (to be reliant on Bayer's non-selective weedkiller Basta) that is wholly inappropriate for a country like India with its small biodiverse farms that could be affected by its application.

GM is not wanted or required in India. From research institutes, regulatory agencies and decision-making bodies riddled with conflicts of interests to strings-attached trade deals and nuclear agreements and pressure from the World Bank, the answer to why India is trying to pursue the global agribusiness-backed GM route is clear.

Transnational agribusiness armed with its chemicals and chemical-responsive (GM) seeds



Don't give go ahead to GM mustard, farmers and activists tell MP Govt

Farmers and activist groups in Madhya Pradesh have asked the government not to give its approval for genetically modified mustard fearing a threat to the organic variety which is produced in large quantity in the state. In a letter written to environment minister Anil Dave, representatives of over two dozen farmer groups and those promoting organic farming sought disclosure of all safety documents on GM Mustard.

The opposition comes after the safety document prepared by the sub-committee of Genetic Engineering Approval Committee (GEAC) was put up on the environment ministry's website on September 5, inviting comments within a month. "The government can't force people to eat GM mustard," the letter said, asking the minister not to give approval for GM Mustard. "What is the need to introduce GM mustard when everyone already knew the fate of Bt cotton?" they asked.

Madhya Pradesh is the fourth major state producing mustard with a share of nearly 11% to the country's total mustard production. In the past, Madhya Pradesh has strongly opposed introduction genetically modified technology, with the then state agriculture minister Ramkrishna Kusmaria, an agricultural doctorate, submitting a book he authored on dangers of 'Genetically Modified Organisms' to the members of the parliament in 2010, arguing that GM foods in the long run will end the autonomy of farmers and make them dependent on monopolized supply sources.

Farmers with whom HT spoke said they were not being informed about what could happen with the use of GM Mustard in the long run. Laxman Singh Muniya from Jhabua questioned as to why the government can't improve local seed varieties. Another farmer Jagdish Yadav from Rewa district said they were apprehensive about its long-term impact on the health of people. "Manipulating crops like this, playing with nature can be dangerous. We don't need to take this risk, especially when we have to eat it," he said. □

uses the language of crisis to convince people of its enormous value to humanity: that the world would starve without its products. However, in India, people go hungry because of, for instance, a lack of income, under-investment in farming, mismanagement or poor logistics – not because of an inability to produce enough food.

Environmentalist Viva Kermani states

"India has been self-sufficient in food staples for over a decade. It grows about 100 million tons

(mt) of rice, 95 mt of wheat, 170 mt of vegetables, 85 mt of fruit, 40 mt of coarse cereals and 18 mt of pulses (according to the Economic Survey)... our farmers grow enough to feed all Indians well with food staples. We have 66 mt of grain, two-and-a-half times the required buffer stock (on January 1, 2013). The country has reached this stage through... the knowledge and skill of our farmers who have bred and saved seed themselves and exchanged their seed in ways that made our fields

so bio-diverse."

If there are to be any winners here, it will be Monsanto/Bayer and Cargill as India's farmers continue to buckle under the pressures of neoliberalism & under-investment.

The decision over GM Mustard is close, despite data being kept out of the public domain and the whole processes surrounding the regulation of GMOs having been described as a case of "unremitting fraud". The sanctioning of GM food crops will alter the genetic core of India's food system to suit the profit margins of the likes of Monsanto/Bayer with irreversible consequences for bio-safety (ecology and health):

"This technology is a classic case of 'unforeseeable systemic ruin', which means that we will know we are ruined after it happens. As they say, the dead cannot make a comeback." —Aruna Rodrigues

The genuine solution for securing sufficient healthy food is to adopt more sustainable, organic, ecological farming systems that draw on India's vast indigenous knowledge of agriculture to promote food self-sufficiency and sovereignty. India should learn from the mistakes it made in adopting Green Revolution ideology and practices. As Viva Kermani argues, India's farmers have legitimate claims to being scientists, innovators, natural resource stewards, seed savers and hybridisation experts. Unlike fly-by-night corporate profiteers who can in no way be trusted, farmers' knowledge and skills have been developed over millennia. □□

Colin Todhunter is an extensively published independent writer and former social policy researcher based in the UK and India and can be contacted at colin_todhunter@yahoo.co.uk.



Unique Round Table on GM-Mustard Cautions Government

Swadeshi Jagran Manch organised an 'Impressive Round Table Conference' on issues related to the GM-Mustard crops. It was a unique Round-table Conference that witnessed experts, scientist, civil society activists and farmers' association leaders belonging to different ideological leanings & coursing together on an issue of tremendous importance that has far reaching consequences. Experts from other nationalities were also among those who took part in the discussions.

Discussions began with Ajey Bharti inviting guest speakers and SJM leadership Sh. Kashmiri Lal and Dr. Ashwani Mahajan on the Dias and lighting of the lamp. He handed over the stage to Dr. Ashwani Mahajan to conduct further proceedings.

Dr. Ashwani Mahajan introduced guests and the subject and raised several piercing questions like why is GM-Mustard needed in first place. He also alluded to related issues like Bio-diversity, Risk-Assessment, impact on employment and health etc. Dr. Mahajan also quoted Prime Minister who had admitted that GM is a controversial Technology. He added that SJM

is simply trying to remind Prime Minister of his own words.

Dr. Vandana Shiva the environmentalist recalled her association with SJM from its inception when Rev. Dattopant Thengdi ji was at the helm of affairs. She termed the gathering as 'The Summit of Conscience' like the one organised by Nicholas Hulot in 2015. Summit of consciences for the climate" was launched with a speech by French President Francois Hollande in July 2015. Participants of this conference are resisting the onslaught of MNCs like Bayer/Monsanto out to take over nice ownership of Indian Agriculture that has 10,000 years old history and in integral part of our civilization ethos. She accused MNCs of globalising falsehood for selling toxins to earn more profits. Terming corporates like Bayer & Syngenta as murderers, Dr. Vandana explained how Genetic engineering is related to patenting of seeds and how the hard earned



COVER STORY

patent laws of India are being threatened. She termed GM-Mustard as illegal at every step that is involved in cases at so many places including the fraud scientists who claim to have developed it.

Prof. Sachin Chaturvedi, DG RIS in his brief intervention informed the participants about the methodology prepared by his institute to study the socio-economic impact of GM Technology. Dr. Chaturvedi said that after the hearing in Supreme Court during the Bt. Brinjal case government realised the need to study the impact of GM food crops. It was after that RIS was contacted and a group consisting of members from 6 institutions was constituted to prepare a framework for such a study. He added that the group found around 250 studies out of which around 200 were sponsored directly or indirectly by the corporates. Very few studies were independently funded. He further informed that the framework that has proposed some 58 parameters to study the impact recommending a regular mechanism to study and assess impact of technology has been submitted to the authorities. Dr. Sachin pointed out that the debate over GM has been old one and we have already entered a post GM debate. Assessment will be required in all such cases he added.

Nicholas Hulot the French Journalist, writer, environmentalist, pleaded for application of precaution to avoid catastrophic impact. He cited example to show that how it takes around 25 years to get certain adverse impacts noticed. Hence instead of waiting for 25 years to look for symptoms of impact it is better to be careful particularly at a time when neither man & nature, nor science and conscience are synchronised. Hulot emphatically declared the use of GM as detrimental for the farmers based his personal experience throughout world. He termed this technology as the ugliest face of imperialism and capitalism. Hulot defined the fight against GM as a fight for Humanity between weak and strong. He opined that Ecological Agriculture was the way forward, particularly for poor farmers living a miserable life everywhere. He was



optimistic in saying that 21st century will be the century of Humanity as against 20th Century that turned to be that vanity.

Dr. Eric Seralini, The well known French molecular biologist, political advisor and activist on genetically modified organisms and foods asked concerned authorities to make public all data related to GM Mustard. He underlined that GM crops have long term health effects and a three-month study is not enough. Both Indian civilisational Dharma and modern science lay thrust on Truth and Transparency, hence in the interest of all concerned facts must put in public domain, he added

"I am shocked that they are about to commercialise GM mustard and yet no one has asked the university for blood analysis or the feeding studies. GM crops and herbicides have long term health effects and three-month study is not enough. I strongly urge the people of India to be scientific and ask for all data to be made public." He asked why artificially modified GM crops are needed when there are other alternatives available.

Quoting his study showing the toxic and carcinogenic properties of glyphosate-based Roundup, he termed the genetic engineering of the food supply is the biggest fraud in the history of science and involves some leading scientific institutions who systematically misrepresent facts about GMOs.

He further added that even in crops used for fodder the impact of animal life must be studied as a respect for life.

Suman Sahay of Gene campaign was explicitly praised Swadeshi Jagran Manch for organising such an impressive round table conference and taking lead in opposing the government move to go ahead with GM-Mustard in spite of the fact that the incumbent government of the day has ideological affinity with them. She emphasised with vehemence the moral authority, integrity and honesty of purpose to behave in such a manner and she profusely thanked SJM for the same.

Speaking on the subject of the day Suman start-



Swadeshi Jagran Manch Round Table Conference declaration on the GM Mustard

On 30th September, 2016, Scientists, farmers' organisations, civil society members and activists met for a round table discussion on emerging issues and key challenges on GM Mustard. This meeting was a call to action to oppose the unscientific claims of GM Mustard bio-safety report released earlier this month. After much debate and thought, We the undersigned unanimously resolve:-

1. The bio safety report issued by Government of India Genetic Engineering Appraisal Committee (GEAC) is the propaganda of foreign GM MNCs and propagates their interests. This is trying to unscientifically, irresponsibly and undemocratically impose GM Mustard on the poor Indian farmers.
2. It is the decision of this meeting, to not accept the unscientific and incomplete GMO mustard bio safety report. The one month bio safety report viewing period, only serves the purpose of the GMO lobby and biotech companies. For all these reasons we demand public and independent scientists should conduct independent studies making sure all aspects of food safety are tested, along with farmers' rights' over seeds are protected.
3. This meeting concludes that only with the conservation of biodiversity, environment and soil can humanity survive and to do this we must not allow any patents on seeds. Thus, keeping our seeds free. Armed with GMO- Bt seeds and illegal patents foreign MNCs have destroyed India's seed sovereignty. This patent regime is making Indian farmers perpetually dependent on seeds of MNCs, while at the same time foreign corporations are destroying sovereignty and resilience of Indian agricultural and food systems. To conserve India's biodiversity, living beings, trees and India's sovereignty we have to ensure that the seed is free and farmers' rights are protected. We also demand all patents - used as prior art or patents technology used in development of GM mustard should be disclosed and kept in the public domain. We demand total disclosure and transparency.
4. It is clear from this conference that agribusiness and biotech corporations together are spreading their false propaganda on "Climate Smart agriculture" and claiming that their seeds and technology will counter the climate uncertainties and still be beneficial for the soil and agriculture. But this is not true, already GMO have been proven to increase diseases, disrupt the environment and further destroy the local biodiversity. The experience of Bt Cotton, which alone is responsible for the suicide of lakhs and lakhs of poor Indian farmers, has already shown us that GMOs are detrimental to the India and harmful for Indian farmers.
5. It is the demand of this meeting that before any decision is taken on GM Mustard there should be multiple independent and governmental studies conducted by scientists. After evaluating the socio-economic, scientific and agronomical aspects all documents should be placed in the public domain for review.
6. This meeting brings to attention that GMO mustard would negatively impact the agricultural productivity and severely impact allied sectors such as beekeepers, orchards, Ayurvedic medicine makers, practitioners and India at large because many countries do not allow import of GM foods in their countries. Thus India would have to incur huge economic losses.
7. This meeting concludes that in the name 'Free-trade' the WTO is working to benefit the large MNCs and their IPRs regimes are responsible for stealing away rights of our people. We oppose any such agreements and demand that such agreements should be annulled.
8. We also demand that corporations guilty of exploiting Indian farmers and have repeatedly committed injustice against them, should be made liable through legal inquiries. They should compensate the farmers for their crimes.
9. We demand that the foreign 'Company Raj' on Indian agriculture should end and the government should promote Swadeshi and traditional agriculture. The government should promote an agriculture where quality seeds are available at reasonable prices, and where the farmers are never exploited and all biodiversity is respected.
10. Swadeshi is our Indian dharma and duty. In accordance with this duty, we pledge to respect and conserve all members of Vasu Deva Kutumbkham that is entire globe as a family.
11. We pledge to keep India free of foreign poison makers (Monsanto, Bayer, DuPont, Dow, etc) and make Indian agriculture and society free of their poisons. □

ed with questioning the qualification GEAC to test GM technology and Bio-safety norms. Rushing GM food crops is violating rights of consumers in this country, she continued. In absence of labelling and liability laws, who will be responsible for the irresponsible conduct of companies she asked. Who will penalise them, she continued.

Aruna Rodrige based her presentation on RTI reply from DRMR. She categorically defined field trials as complete fraud. Not enough years and sufficient location were utilised to conduct these so called trails, even if we believe the claims made on its face value. She termed Prof. Pental as a fraudster who changed his own findings submitted in 2006 to artificially enhance the yield claims.

Kavita Karuganti: Kavita as usual was focussed, precise and straight in her pointed presentation. She began by asserting that No GMO has ever been developed without compromising science, be that Bt. Cotton, Bt. Brinjal and new GM Mustard. She was unambiguous in stating that technology was not the solution to our oilseed crisis. It needs to be addressed in a comprehensive manner that looks for solution not from supply side only, but also explores awareness campaigns on consumption side also. She further added that farmer's are not producing oil seeds due to cheap imports. She was of the opinion that GM Mustard has put both science and democracy to shame. There are no health experts in GEAC. yield increase issue has been pricked, states don't want it yet it is being imposed, she added. She further said that those who are trying to introduce GM under Swadeshi label must realise Poison is Poison even if it is fed by mother. GM crops from Indian companies or developers is not different, she opined.

Mohini Mohan Mishra said that pure lies are being spread to impose GM on country. There is not research going on anywhere in the world for higher yields. Similarly National

Average of yield is a misnomer. To claim increase in yield over national average is fraud. He cited example of Mayhco because of which Karnataka farmers lost 235 crore worth of crops and companies escaped unpunished and state govt paid a meagre compensation of 35 crores that too from state exchequer. Quitting the resolution of BKS titled tSfod pkfg,] tgj ughaA Mohini ji warned the government about dangerous implications of going ahead with GM Mustard.

Dr. Pushpa Bhargava the renowned microbiologist also began his address by thanking SJM for organising this important conference on vital issue. Issue of GM Mustard is crucial for future of the country, stated an anguished Dr. Bhargava. He painfully stressed the fact that if GM Mustard is allowed in this manner; Indian agriculture- the life line of our country- will be handed over USA through MNCs. The commercial cultivation of Genetically Modified (GM) mustard would be "disastrous" as it would eventually open doors for multinational corporations to control India's agriculture. "It's a disaster. If you permit it then you open the floodgates for other GM crops. Our agriculture will be in the hands of multinational corporations like Bayer. We will lose our independence," Dr. Bhargava apprehended. If we are able to stop it, that will be the most important victory for democracy. Explaining how food business, which is the biggest business in India has been eyesore of MNCs, He added that whoever controls Agriculture, he controls the destiny of this country as more than 60 per cent population dependant on this sector and 70 per cent rural India is the most vulnerable.

Drawing a connection between attempts to control seed production and control over pesticides he asked people to find the most sold drugs their manufactures to see the link. On Environment Ministry sub-committee report declaring the GM mustard technology safe for consumption and environment, Dr. Bhargava said, "My general impression of the AFES report is that most of the important conclusions that have been drawn, have been arrived at on the basis of insufficient data and inadequate experimentation."

Asserting that India will not be a free country if GM Mustard is allowed, he stated, "we have to win this Battle."

Isn't the GM Mustard debate about a junk variety?

Thirty years back, the then Prime Minister Rajiv Gandhi laid the foundation of what was later called as Yellow Revolution. The Oilseeds Technology Mission he launched in 1986 converted India — from a major importer to become almost self-sufficient in edible oil production — in 1993-94, in less than ten years. A remarkable achievement, indeed. And then began the downslide. India happily bowed to World Trade Organisation (WTO) pressures to kill its Yellow Revolution. In fact, the demise of the Yellow Revolution is a classic case of how a promising domestic edible oil sector was sacrificed at the altar of economic liberalisation. Severe cuts in import tariffs brought in a flood of cheap imports thereby pushing farmers out of cultivation. Import duties — from a bound level of 300 per cent were slashed to almost zero — in a phased manner. As a result, farmers abandoned cultivation of oilseeds crops and the processing industry too pulled down the shutters. India today imports more than 67 per cent of its edible oil requirement costing a whopping Rs 66,000-crore.

So when the new Environment Minister Anil Madhav Dave said the other day to an international news agency Reuters that India was keen to cut down the huge import bill of edible oils, it certainly was a welcome statement. Agriculture Minister Radha Mohan Singh too has time and again stressed on the need to reduce the dependence on edible oil imports. Ask any educated and concerned citizen and he too would call for cutting down on imports and helping domestic farmers. But I thought the ministers would at least know that India was actually self-sufficient in edible oils, and it's because of our faulty trade policies that the country has turned into world's second biggest importer of edible oils.

When I made a presentation before the high-level Shanta Kumar committee on bifurcating Food Corporation of India (FCI) on how trade liberalisation had destroyed the oilseed revolution, he was very understanding. His recommendations include the need to revisit the trade policies so as to protect domestic production from cheaper imports. I wish both Mr Radha Mohan Singh and Mr Anil



Although the sub-committee of the GEAC has cleared three varieties of GM Mustard (including DMH-11 and two parental lines) as being 'safe', the fact remains that the safety data is being kept hidden. This had prompted CIC to direct GEAC to share safety data with the public, says
Dr. Devinder Sharma

Table-1: Yield comparison of DMH-11 with existing high yielding mustard cultivars

| Sr. No. | Cultivar | No. of Trials | Yield (Kg./ha) | % increase over DMH-11 | Reference |
|---------|--------------------------------|---------------|----------------|------------------------|--|
| 1 | Pioneer - 45-S-42 (HYBRID) | 4 | 2819 | 7.35 | Multi location trials conducted at 4 locations in 2013-14 presented by a scientist of CGMP, Delhi University |
| 2 | UPL-Advanta-Coral 432 (HYBRID) | 4 | 2644 | 0.69 | |
| 3 | NDDB-DMH-1 (HYBRID) | 4 | 2924 | 11.35 | |
| 4 | NDDB-DMH-3 (HYBRID) | 4 | 2719 | 3.54 | |
| 5 | NDDB-DMH-4 (HYBRID) | 4 | 3012 | 14.70 | |
| 6 | DMH-11 (Transgenic Hybrid) | 8 | 2626 | | BRL trial |

GM Mustard will have Serious Health & Environmental Impact

GM Mustard will have "serious" health and environmental impact, a farmers body claimed and demanded a ban on the mustard hybrid. In its resolution, Kisan Ekta, reminded Prime Minister Narendra Modi that GM Mustard is a "negative" value crop and will "endanger" not only farmers but also trade, exports and environment as well.

The farmers body also decided to re-launch "Yellow Revolution" with a focus on organic and agro-ecological approaches, higher assured prices and increased protection from cheap imported oil.

"We resolve categorically to demand to the government that GM Mustard has to be banned. We want the state governments also to reject GM mustard. "It is high time that we address the real issues that farmers face, vis-a-vis farmer suicides, increasing cost of production, near stagnant prices, decreased import tariffs, massive crop losses, increasing debt of the farmers, and depleting natural resources including a healthy and organic soil," the body said in a statement. The farmers body said that Indian agriculture has a strong "No GMO" brand value and is moving to a high value "Organic" brand, with very impressive growth rates while GM Mustard will destroy this trade advantage and the long-pending shift to organic farming and agro-ecological agriculture.

"We have also clearly understood that globally, there is massive opposition to any GM crop and any attempt to release more GM crops in India will endanger not only our farmers, but also our trade, exports and environment as well. "We wish to remind the PM that GM Mustard is a negative value crop, while organic mustard will have huge value appreciation. This is advantageous for the farmer, trader and consumer. No sensible nation will destroy this advantage," they said. Other Anti GM activists have raised concerns on the process currently being undertaken by the Genetic Engineering Appraisal Committee (GEAC) under the Environment Ministry for GM mustard which they have termed as "meaningless and unscientific".

GEAC had constituted a sub-committee of scientific experts to examine the bio-safety data on GM mustard. The report was placed on the Environment Ministry's website, inviting comments. Activists have alleged that the committee did not have any health expert and three of its members have conflict of interest. (REOPENS DES 62). The body claimed that the present GM Mustard like any other GM crop, will have serious health and environmental impact and the herbicide tolerance technology used in developing it will have "far reaching implications". It also referred to the recommendations of a Parliamentary Standing Committee on Agriculture (2012) and Supreme Court Technical Expert Committee (2013) that such technology should not be introduced in India.

"Farmers are already reeling under increasing weed problem and use of hazardous herbicides, and this crop would force us to use more and more herbicides to combat "superweeds"," it said. They said that India's unfortunate tryst with GM Crops is today clearly visible amongst the Bt cotton-farmers in Punjab, Telangana, Andhra Pradesh, Gujarat, Karnataka and Maharashtra. "In the last two years, their Bt Cotton farms were destroyed by the same bollworm that Monsanto's Bt Cotton technology was supposed to destroy and by other pests like whitefly.

"This much hyped technology has failed in such a short time, Monsanto and its subsidiaries and franchisees have made crores of profit and farmers are being forced to carry the burden of the failure of this technology. We farmers strongly believe that this technology, inherent with unnatural processes and risky manipulations, cannot be deployed anymore in our farms," they said. They said that the GM Hybrid Mustard is less productive than at least five different varieties already in the market, and yet the productivity of GM Mustard was deceptively compared to low yielding varieties.

"We also call for a re-launching of the Yellow Revolution with a focus on organic and agro-ecological approaches, higher assured prices and increased protection from cheap imported oil," they said. □

Dave too had emphasised on the desperate need to raise the import duties to boost domestic production rather than to harp on allowing the commercial cultivation of the controversial genetically modified mustard (GM Mustard) in the name of increasing productivity.

Let us be clear. It's not because of any shortfall in oilseeds production that India imported Rs 66,000-crore of edible oils in 2015. It's simply because we wanted imports to be encouraged that the country is saddled with a huge import bill.

Although the sub-committee of the Genetic Engineering Appraisal Committee (GEAC), the nodal inter-ministerial agency whose approval is necessary, has cleared three varieties of GM Mustard (including DMH-11 and two parental lines) as being 'safe', the fact remains that the safety data is being kept hidden. This had prompted the Central Information Commission (CIC) to direct the GEAC to share safety data with the public. I am glad minister Anil Dave has promised to put the data on GEAC website and invite public comments. But what shocks me is to know that the GEAC members are not at all perturbed that GM Mustard will increase the usage of chemical herbicides. In fact, the clever stacking of herbicide tolerant genes in GM Mustard favours the herbicide being sold by a multinational company, Bayer.

Even Bt cotton had increased the application of chemical pesticides, Regardless of what the industry claims, the fact remains that the usage of pesticides has gone up in India. According to Central Institute of Cotton Research (CICR), in 2005, Rs. 649- crore worth of chemical pesticides was

COVER STORY

used on cotton in India. In 2010, when roughly 92 percent of the area under cotton shifted to Bt cotton varieties, the usage in terms of value increased to Rs. 880.40-crore. In China, where Bt cotton was promoted as a silver bullet case, farmers apply 20 times more chemicals to control cotton pests. In Brazil, which has recently taken over Argentina as far as the spread of GM crops is concerned, pesticide usage has gone up by 190 percent in the past decade.

At a time when cotton farmers in India have moved away en bloc from the genetically modified Bt cotton after the 2015 debacle with whitefly attack and the crop becoming susceptible to bollworms, I thought the Ministry of Environment would have learnt a lesson. I see no reason why GM seed companies are not being held accountable for the whitefly dev-

astation caused last year, including suicides by some 300 cotton farmers in Punjab. Is human life so cheap in India that the Ministry of Agriculture and Farmers Welfare remain silent on suicides in cotton belt? I thought Farmers Welfare was now a mandate for the Ministry of Agriculture.

Civil society groups under the banner of Coalition for GM Free India have already rubbished the productivity claims of 26 per cent higher yield being claimed for GM Mustard. They have accused the developers of falsifying the data and comparing the yield performance of GM Mustard with some of the useless varieties. In any case, there are five more existing non-GM varieties which yield significantly higher than the transgenic variety DMH-11. I therefore can't understand how will a GM variety with low productivity eventually

help in cutting down on edible oil imports? Isn't the entire debate about GM Mustard therefore only about a junk variety?

Share of mustard oil is only 10 per cent of the total edible oil consumed. Thrust should be to raise the import duties on edible oil and provide farmers a higher procurement price. They will do the rest. Let's not use the argument to force controversial and risky GM Mustard as the solution. This is not fair. And if you have seen Baba Ramdev saying in TV ads that the mustard oil we buy is largely contaminated, this is an area needing urgent attention. I thought that the Ministry of Agriculture as well as the Ministry of Health and Family Welfare join hands with the Food Safety Standards Authority to clean-up the mustard oil market of contamination. That's what the consumers want. □□

SWADESHI PATRIKA

Voice of Real Economy

Dedicated to Swadeshi Movement in all its dimensions;
Battles threats to the economic sovereignty of the nation; and
Gives Voice to all sections of Economy

SUBSCRIBE AND/OR RENEW YOUR SUBSCRIPTION

FILL THE FORM AND SEND IT TO US : Medium : (Hindi / English)

Name

Address.....

.....Contact No.....

City Pin

YEARLY Rs. 150/-

LIFE Rs. 1500/-

Website: www.swadeshionline.in Email: swadeshipatrika@rediffmail.com

For subscription please send payment by A/c payee Cheque/Demand Draft/Money Order in favour of
'Swadeshi Patrika' at New Delhi, , or Deposit the subscription amount in **Bank of India A/C No. 602510110002740,**
IFSC: BKID 0006025 (Ramakrishnapuram)

Agricultural performance on the right track



First advance estimates of Kharif food grain production are out and it is expected that this year it would go up to 135 million tonnes, from 124 million tonnes last year, or an increase of 9 per cent. This will be a record. However, this year the composition of food grains would change significantly, as production of pulses is expected to increase by 57 per cent and that of oilseeds by 41 per cent. In coarse grains the increase is expected to be 19 per cent. In quantitative terms, production of oilseed this Kharif season would increase to 23.4 million tonnes, as compared to 16.6 million tonnes last year. This is really

good news for the common man, who will get relief in terms of prices.

Reduced dependence on imports

Domestic production was falling short of the country's needs due to increasing population on the one hand and stagnant production of pulses and oilseeds on the other. Thanks to persistent increase in per hectare productivity and rising area under cultivation of wheat and rice, the country not only became self-reliant in food grains, export of rice became a significant foreign exchange earner. Though production of sugarcane also increased significantly, farmers suffered due to late payments from sugar mills. However, the situation with regard to pulses and oil seeds went from bad to worse.

Notably, in 1960, per capita availability of pulses was 70 grams in India, which fell to 40 grams by 2014-15. This resulted in ever increasing dependence on imports. Import of pulses increased to Rs.25,609 crores by 2015-16. In the case of edible oils, dependence on imports has been much higher and by 2015-16 it reached Rs.68,630 crores. This not only resulted in outflow of valuable foreign exchange, consumers also had to pay much higher prices for imported pulses and edible oils. This year, prices of pulses reached Rs.150 to Rs.200 per kg and went out of reach of the common man.

Special Kharif season

Trends of production in previous years indicate almost stagnant production of pulses. While in the 2014-15 Kharif season, production of pulses was 5.7 million tonnes, this Kharif season it is expected to increase to 11.4 million tonnes. If production of pulses increases in the same proportion in the Rabi season as well, it is possible that our dependence on imports may go down significantly, and prices may also be controlled.

Expecting good production this year, markets have also started responding in terms of lower prices of pulses. Whenever there is a shortage, benefits go to



In last 25 years country has become increasingly dependent on imports of pulses and oilseeds causing outflow of valuable foreign exchange. High prices of pulses would have definitely encouraged farmers to increase cultivation of pulses, concludes

Dr. Ashwani Mahajan

speculators and not to farmers. Estimates of increased production of oil seeds are another ray of hope as the dependence on imports of edible oil may go down significantly.

Pulses & oil seeds neglected

While land under cultivation has been declining, albeit marginally, encouragement from the government, in terms of better seeds and support prices has led to significant increase in domestic production of wheat and rice. However, pulses and oil seeds did not receive such encouragement; rather they were the victims of government neglect. While in 1990-91, production of wheat was hardly 55 million tonnes, it increased to 93.5 million tonnes in 2015-16. Production of rice increased from 74 million tonnes to 104.3 million tonnes during the same period. However, production of pulses increased from 14.3 million tonnes to only 16.5 million tonnes during this period. Similarly, oil seeds production increased from 19 million tonnes to just 25.3 million tonnes. Due to significant increase in income of people during these years, demand for pulses and edible oils increased proportionally. This resulted in ever rising imports and by 2015-16 our import of pulses and oil seeds increased to Rs.94,239 crores or nearly \$14.4 billion. Though net area under cultivation has remained stagnant or has fallen marginally, there has been a marginal increase in gross area under cultivation as a result of slightly better irrigation facilities over the years.

However, area under cultivation of pulses and oilseeds has not shown any uptrend. Many of our traditional oils went out of cultivation and new types of oilseeds

India seeks BRICS help to meet shortfall in pulses, oilseeds

India has sought the cooperation of fellow BRICS members – Brazil, Russia, China and South Africa – to help meet the country's production shortfall in pulses and oilseeds. Agriculture Ministers from BRICS countries have agreed to promote production of pulses in their respective countries and raise awareness about its nutritional aspects, according to the joint declaration adopted at the end of their meeting in New Delhi.

India is heavily dependent on import of pulses to meet the shortfall in production in the country. To encourage cultivation of pulses, the government has announced a high minimum support price (MSP) this year and has also started procurement in some States, such as Karnataka. Due to better rains this kharif season and a higher MSP, production of pulses is estimated to rise to 20 million tonnes in 2016-17 (July-June), but demand for pulses is greater, at 23-24 million tonnes. The BRICS nations also decided to cooperate in agriculture research by setting up a virtual BRICS Agricultural Research Platform.

The platform will promote food security, sustainable agriculture development and poverty alleviation through strategic co-operation. Singh said that since the proposal has just been endorsed by the Ministers, the Memoranda of Understanding will be signed at a later stage.

"The BRICS members shall cooperate in the domain of agricultural research and development, technology transfer, capacity building and information sharing through networks of agriculture and allied disciplines," the joint declaration of the BRICS Ministers stated.

The joint declaration also stated that member countries would work together to address water-management issues, chronic food insecurity and promote agricultural sustainability. □

became more important. Production of soya bean increased but due to overall shortage of edible oils, the country started importing palm oil, rape seed oil, soya oil and canola oil to meet its edible oil needs. Due to better performance this Kharif season, there is a ray of hope for the future. The government deserves appreciation for its proactive approach. However, there is a long way to go to achieve self-reliance in pulses and edible oils. This year's performance has proved that it is possible to increase their production. Though import of pulses and edible oils is legitimised to control prices, the long-term solution lies in increased production.

The need of the hour is to encourage growing of these crops

by way of improved seeds, better prices, finance and warehousing. It is unfortunate that in the last 25 years the country became increasingly dependent on imports causing outflow of valuable foreign exchange. High prices of pulses would have definitely encouraged farmers to increase cultivation of pulses. In the long run, the government will have to work hard to encourage these crops. In this context it is notable that the government has been trying to promote genetically modified seeds to increase production. However, production can also be increased sufficiently by way of price incentives. The solution to the shortage of pulses and oilseeds lies in price incentives, not GM technology. □□

Capping of Motor Insurance Liability: Irrational and Unwarranted



The basic aim of insurance is to defray individual risk collectively over a vast group of premium contributors, especially when the risk apprehended is likely to be beyond all the means of individuals. It is beyond imagination to think that any individual would be able to meet the damages out of his pocket, if they exceed over the stipulated cap, asserts Prof. Bhagwati Prakash

The Proposed Motor Vehicles (Amendment) Bill- 2016, introduced in the Lok Sabha on 9th August 2016 to shield the general insurance companies of the country by capping their liability to Rs. 5-10 lac in compensating the holders of third party vehicle insurance policies in the country in case of a road mishap would render millions of registered vehicle owners, vulnerable by subjecting them to random, blind and unlimited risk to pay balance damages. Exposing the millions of third party motor insurance policy holders, contributing almost Rs. 21,242 crores as premium per annum, just to protect the fortunes of the 27 general insurance companies of the country through a statutory amendment is beyond any tenable rationale. Vehicle owners in the country, numbering 21 crore, and a majority of them, inspite of having a third party insurance policy, will now run the risk of paying accident claims out of their own pockets in cases, wherever the damages would exceed over and above Rs. 5 Lacs in cases of grievous injuries and Rs. 10 Lacs in cases of death, if this proposed amendment is passed. This proposal, would foil the sole purpose of vehicle insurance. The basic aim of insurance is to defray individual risk collectively over a vast group of premium contributors, especially when the risk apprehended is likely to be beyond all the means of individuals. It is beyond imagination for any sane person that a small taxi or lorry owner dwelling in a slum-hut, or a middle or lower middle class car owner would be able to meet the damages out of his pocket, if they exceed over the stipulated cap of Rs. 5-10 lacs. These damages may go to 20 lac, 50 lac, 1



crore or even more in some cases. Even, for any middle income group policy holder, who may even be owning a small house or apartment and some assets, it would be difficult to pay damages by liquidating all his/her assets. A policy holder buys an insurance policy solely to safeguard himself and his family from being ruined out of vagaries of any fatal accident, if it ever happens and any liability to a third party arises against him/her. The sole purpose of insurance is to mitigate the risk, which is beyond individual's capability.

This act of exposing majority of the 21 crore registered vehi-

cles had been in overall profits, even after such cross subsidisation inter se different products, even when the claims to premium ratio was above 200 percent. Indeed, in cases where the claims to premium ratio is high and the claims exceed over the premium collection, it is not the company which has to bear it.

The companies normally go for reinsurance, and the reinsurance companies reimburse such excess damages. Such reinsurance companies thrive on this business of providing reinsurance for a vast number of companies and make overall profits. So, there appears no necessity for the government to

insurance companies. So, it is matter of somewhat higher outgo of reinsurance premium only. Therefore, in case of payment of full damages too, the insurance companies are not required to bear the entire burden of excess damages over premium collection, as it is being reimbursed by reinsurers. But, it would be highly nightmarish for hundreds of thousands of vehicle owners who shall have to bear the damages over this limit of Rs. 5 or 10 lacs and all such families would be ruined, if the damages to be paid to the victims or heir of victims in case of accident exorbitantly exceed the limits. In all such hundreds of thousand cases the vehicle owner at times may not be able to pay the damages over this cap being proposed even after selling all his/her family assets, including the house or hutment owned by him/her, if any. No single company is going to incur losses and turn bankrupt, even without any such cap, but hundreds of thousand of middle and lower middle class families would be rendered bankrupt after enactment of these limits who might be required to pay claims above the caps. Moreover, in majority of road accidents the claims are much less than the caps being proposed. In India 5 Lac road accidents are being reported every year in which 1.5 lac people lose their lives.

The focus of the government should be to curb road accidents through improved traffic monitoring and other means, emulating other countries instead of exposing poor policy holding individuals and families to unlimited risks, which might totally ruin hundreds of thousand of such families, aimed just to help the insurance



The basic and universal doctrine of insurance is to secure the policy holder.

cle owners, having a third party insurance policy to such a random, blind and unlimited risk, to pay damages, themselves over and above Rs. 5-10 lac, inspite of their buying an insurance cover, just to guarantee higher profits to 27 general insurance companies amounts to arbiter in their favour, against millions of poor unorganized policy holders. For years since 1956, the public sector insurers were offering third party vehicle insurance at much lower premiums. Cross subsidisation from one product to the other has been a standard practice and is the need of hour for social and economic justice. All the public sector general insurance

worry, just to marginally reduce the reinsurance premium of third party vehicle insurers.

It is true that the premium collection in 2015-16 from third party motor insurance was only Rs. 21,242 crores and the companies have been saying that the claims to premium ratio is now 140%. Though this ratio is much lower than earlier, yet, the overall premium collection in general insurance is Rs. 96,394 crores, which helps them to have enough cushion to pay reinsurance premium to get excess liabilities reimbursed. Thus, this deficit of theirs is also being defrayed via reinsurance, and not a direct liability over the general

companies save some petty sums on reinsurance.

Moreover, looking towards the poor ratio of claims to premium in motor insurance segment the Insurance Regulatory and Development Authority (IRDA) has already hiked the vehicle insurance premiums by 25 to 40% for 2016-17. For small cars the third party motor insurance premium is raised by 40% from Rs. 1468 to Rs. 2055 and for SUVs and luxury cars, it has been raised only by 25% from Rs. 4931 to Rs. 6164. Likewise, for other vehicles as well, the professionally competent statutory regulatory authority, the IRDA has raised the premiums in line with the risk and liability involved. Therefore, now where is the need for the government to worry for these companies and cap their liabilities. Worried upon to help the 21 private general insurance companies to add few crores into their profits and, enabling them to save these few crores of Rupees, being spent upon reinsurance. If insurer is not required to compensate the true loss, what does insurance mean?

The basic and universal doctrine of insurance or the idea behind insurance is to secure the policy holder, unable to foot a hefty bill of damages, if something untoward happens. If the victim or the legal heirs of a victim of road accident are entitled for claim of Rs. 20 or 50 Lacs or even more say Rs. 1 crore, then after capping of liability through this proposed amendment, the insurance company would be liable to pay only up to Rs. 5 Lac in cases of grievous injury and up to Rs. 10 Lacs in cases of death. The balance damages shall have to be borne by the vehicle owners out of the 21 Crores

vehicle owners, majority being very poor, would not be able to bear this hefty damage, even after liquidating all their family assets. Indeed, when this proposed law would limit the liability of insurer, who his making fortunes out of insurance business, and subject the policy holder to unlimited risks, would create chaos after every fatal accident, numbering 5 lacs per annum.

It is more than strange that the proposed amendment also mandates that the central government



would prescribe the base premium and the liability of an insurer in relation to such premium for a motor insurance policy, in consultation with the IRDA. Today, when the IRDA, an expert body has been taking care of premium determination and has been duly revising of every year to take care of insurers' interests where is the need to arbit in favor of their companies? Prior to the entry of foreign players the claims to premium ratio of public sector companies was above 200%. Yet, they all were afloat via reinsurance. It has now come down to 140% in 2015-16 and would further dip below 110% after this year's premium revision, for 2016-17.

***The Proposal
exposes policy
holders, contributing
almost Rs. 21,242
crores as premium
per annum, to protect
fortunes of general
insurance
companies.***

Situation can be further improved in favor of the insurance companies, merely by a further marginal increase in premium. Therefore, rendering majority of the 21 crores poor vehicle owners holding a third party insurance, vulnerable by exposing them to random, blind and unlimited risk, especially when this 40% excess of claims over premium is not at all a direct burden of insurance companies as they also go for reinsurance is unwarranted and unjust. The companies have to bear only a marginal cost in the form of reinsurance premium out of their total revenue. So this proposed amendment Bill needs to be reconsidered. □□

SC collegium functioning - betrayal of Third Judges Case

Justice J. Chelameswar of the Supreme Court has made some shocking revelations regarding the process of appointment of judges: that the Collegium does not record or communicate the views of its members to the government; that it does not even maintain the minutes of its own meetings; that the views or dissent of its members are not recorded or communicated to the government; and nor are the views of the Chief Justices of the High Courts made known to the government.

Justice Chelameswar's letter to the Chief Justice containing these observations is a stinging indictment of the Collegium. In fact, it is a confession from within the guild about its guilt. This indicates that the Collegium has been violating with impunity the Third Judges case judgement on which it is founded.

The core mandate of the Third Judges case judgement was: 'In respect of each of the recommendations of the Collegium, the opinion of all its members, and of the senior most judges of the Court who hail from the High Courts to which the recommendation relates, should be in writing.

Their views must be conveyed by the Chief Justice to the Government with his recommendation. The others' views the Chief Justice or members of the Collegium may elicit might not be put in writing, but that should also be communicated by way of a memorandum to the government'. The judicial leadership should be worried about the rot affecting the judiciary. Instead, it seems to be obsessed with its claim of primacy of the judiciary which, as Justice Chelameswar has exposed, has virtually ended up as only a claim of privacy of the judiciary.



The judicial leadership should be worried about the rot affecting the judiciary. Instead, it seems to be obsessed with its claim of primacy of the judiciary which has virtually ended up as only a claim of privacy of the judiciary,
S Gurumurthy



This serious matter needs a national debate and should not be left only to the judiciary to decide in a way as a judge in its own cause.

Betrayal

If what Justice J. Chelameswar, a judge of the Supreme Court, is reported to have written to his Chief on the ways of the Court's Collegium is true, it is not just shocking that the Collegium has been violating with impunity the Third Judges case judgement which had founded it. Chelameswar seems to indict that the Collegium has betrayed the trust reposed in it by five eminent judges of the Court who consti-

ed to the government. Four, nor are the views of the Chief Justices of the High Courts made known to the government. Chelameswar's letter to the Chief Justice is a stinging indictment of the Collegium. In fact, it is a confession from within the guild about its guilt. Chelameswar has also decided not to attend the Collegium meetings and has asked the Chief Justice to send him the recommendations which he will examine from his chamber and give his views.

The judge has also taken a high moral ground by stating, "In less than two years I am going to retire. I will not look up to anyone

for any post-retirement jobs. I will not be seen around working for this Commission or that. I have no personal agenda nor is there anything personal in my objection to the way the Collegium is functioning". He does not need to adduce more proof to claim that he is speaking only in public interest. He has said, rightly, "Let there be a public debate about the issue. The public is the only stakeholder in judicial appointments. How can you keep the whole society out of it?" By his courageous action he has made the Collegium directly answerable to the public. The Chief Justice of India, who cried before the Prime Minister, also publicly indicted him for not dealing with judiciary's issues in his Independence Day address, has merely responded to Justice Chelameswar by saying, "We will sort it out". But the chief of the highest judiciary ought to know that it is now beyond the four walls of the Collegium to sort it out as the genie is out of the bottle and into the public domain.



Collegium must record and communicate the views of all its members including their dissent, to the government.

tuted it. The core mandate of five judges in the Third Judges case [para 22 of the order dated October 28, 1998] which the Collegium ought to abide by may be summarised thus: 'In respect of each of the recommendations of the Collegium, the opinion of all its members, and of the senior-most judges of the Court who hail from the High Courts to which the recommendation relates, should be in writing. Their views must be conveyed by the Chief Justice to the Government with his recommendation. The others' views the Chief Justice or members of the Collegium may elicit might not be put in writing, but that should also be

communicated by way of a memorandum to the government'. The two fundamental principles laid by the Court are: the Collegium must record and communicate the views of all its members and others, including their dissent, to the government.

Collegium indicted

Now, 16 years after the Third Judges case, Justice Chelameswar shocks the nation when he says that one, the Collegium does not record nor communicate the views of its members to the government. Two, it does not even maintain minutes of its own meetings. Three, the views or dissent of its members are not recorded nor communicat-

Capitulation 1970s and 1980s

The judicial leadership of India will do well to recall that when the Judiciary-Executive confrontation began with the call for a committed judiciary by the Indira Gandhi regime and the supersession of the three judges in 1973, the moral credentials of the judiciary were very high and the stock of the political Executive was very low. Now the judiciary's credibility is certainly no higher than the political Executive's. The judiciary's moral stock declined gradually first and expeditiously later. During the Emergency when it was required only to stand up, the highest judi-

ciary betrayed the nation and the Constitution in the ADM Jabalpur case by endorsing the dictatorship almost as integral to the Constitution. The judiciary began giving on a platter all judgements supporting the socialist order which the political Executive demanded, by reading the Directive Principles of the Constitution over the Fundamental Rights. Today none of those judgements will form constitutional precedents because the political Executive itself has given up socialist policies! Again, in the early 1980s the judiciary meekly surrendered its primacy in making judicial appointments to an executive that had brought the judiciary to its knees and kept it under leash for over two decades, eroding its credibility further. No one in the high judiciary talked of judicial independence or primacy in judicial appointments between the 1970s and 1980s. It was only in the Second Judges case in the early 1990s, with the political dynasty out of power and the political Executive weakened by coalition politics, that the highest judiciary asserted its institutional independence and primacy in appointments. It declared that the views of the Chief Justice in the domain were unquestionable and binding. Very soon the emphasis on the Chief justice's primacy seemed misplaced. On a Constitutional reference by the most moderate political Executive in India's democratic history, in 1998, the Third Judges case instituted the Collegium mechanism of recorded collective opinion making for judicial appointment. Now Justice Chelameswar discloses that the Collegium does not make any record and functions so opaquely — read secretly. Chelameswar has

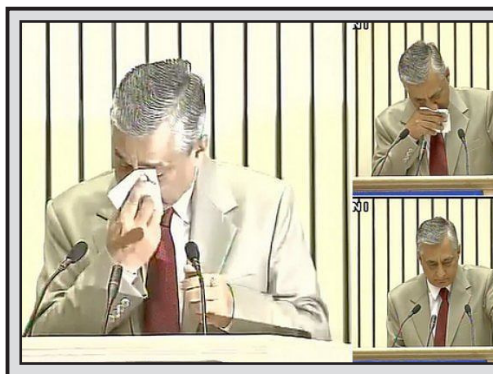
let out a well kept secret that neither the letter nor the spirit of the Third Judges case was complied with by the Collegium.

Corruption charges

Any charge of judicial corruption against the higher judiciary was blasphemous till the early 1970s. No more now. The first instance of higher judicial corruption was the infamous Justice Veeraswami case, an FIR against whom was filed in 1976. In 1979, the Chief Justice of India permitted the CBI to file a charge sheet against the judge under the Prevention of Corruption Act. The matter never reached the trial stage. From asso-

orders and ad-interim stay on anticipatory bail pleas of smugglers having links with the Mumbai underworld, was arrested for FERA violations after retirement. Between 1996 and 2001, two chief justices of the Supreme Court were in the news for very wrong reasons that bordered on corruption.

In 2002, allegations of sex for acquittal were made against a judge of the Rajasthan High Court. In 2002, three judges of the Punjab and Haryana High Court were charged with cash for jobs for their kin, leading to two judges resigning and one judge being kept out of judicial work. In 2002-03



Emphasis on the Chief justice's primacy seemed misplaced.

ciating a judge with bribes being considered a sin till the early 1970s to judges being increasingly accused of corruption, the reputation of the Indian judiciary began nosediving. Here is a bird's eye view of how its moral decline occurred. After the Veeraswami case, during 1991-93 Justice V Ramaswami's impeachment proceedings shook the judiciary. In 1995 A M Bhatnagar, chief justice of the Bombay High Court was forced to resign after it was found that he had received '70 lakh as a book advance from a publishing firm known to have links with the underworld. In 1996, Ajit Sengupta, a High Court judge, who was alleged to have passed routine ex parte

there were allegations of a sexual brawl against three High Court judges of Karnataka which led to an inquiry by the Chief Justice of India who gave them a clean chit. In 2003, a judge of the Delhi High Court resigned when, in a CBI raid on property developers, a draft judgement by him was found in their possession. And the judiciary's reputation reached its lowest point in September 2009 when the civil rights activist Prashant Bhushan openly charged in a media interview that, "half of the last 16 chief justices were corrupt". A reputed senior counsel, as amicus curiae, initiated proceedings for criminal contempt against Prashant Bhushan and a three-judge bench



of the Supreme Court led by Chief Justice Altamas Kabir issued notice to Bhushan. It became worse in September 2010 when Shanti Bhushan, former law minister and one of the senior-most counsels of the Supreme Court, filed an affidavit telling the Court to its face that, at least “eight of the 16 chief justices of India were definitely corrupt”, naming many of them and adding that six of them were “definitely honest”, but he could not comment on the remaining two judges. The contempt proceedings have not seen the light of day till now. Seven years have passed by. The latest report of the Court on September 9, 2016 says that there is no order by the Court even for listing the matter. To make it worse, Justice Katju, a retired judge of the Supreme Court, spoke about how a corrupt judge was successfully imposed on the Court by the UPA government which two of the Chief Justices of India — read Collegium under them — could not resist.

Judicial leadership should worry

That was the state of the judiciary when, in 2015, Parliament almost unanimously passed the National Judicial Appointments Commission Act which attempt-

ed to make judicial appointments a more transparent affair. The Supreme Court shockingly struck down the entire law, holding that the law would affect judicial independence and the primacy of the judiciary, which are basic features of the Constitution. The Court did not even attempt to do what it normally does, namely, read down the law to make it constitutional. Now look at the facts. Given the facts about the multiplying judicial corruption which was totally absent till the 1970s, it needs no seer to say that the judiciary does not command the high respect it undoubtedly commanded three decades back. The situation has turned worse in the last decade when half of the chief justices of India are openly charged as corrupt and the apex court could not even proceed with the contempt charge against such a serious allegation. The judicial leadership itself should be worried about this rot. Instead of addressing the serious decline, it seems to be obsessed with its claim of primacy of the judiciary which, as Justice Chelameswar has exposed, has virtually ended up as only a claim of privacy of the judiciary. This serious matter needs a national debate

and should not be left only to the judiciary to decide in a way as a judge in its own cause.

Appeal to brooding spirit of law

Justice Chelameswar’s reported letter is consistent with his sole dissent in the NJAC case. In his separate judgement, he pleaded for transparency as vital for constitutional governance, argued against opaqueness in the Collegium’s work, asserted that the assumption that “primacy of the judiciary” in the appointment of judges is a basic feature of the Constitution “is empirically flawed”, pointed to the lack of accountability because of default of documentation, voted against exclusion of the government from the process of appointment of judges and upheld the NJAC law vetoed by the other judges. Chief Justice Hughes [Supreme Court of USA [1936]] said that a dissenting judgement “is an appeal to the brooding spirit of the law, to the intelligence of a future day, when a later decision may possibly correct the error into which the dissenting judge believes the court to have been betrayed.” Justice Chelameswar’s dissenting order is indeed such an appeal to the future intelligence to correct the erroneous approach to judicial appointment into which the present Court has been betrayed into. □□

PS: After the NJAC verdict, the government is asking the Collegium to do what the Third Judges case had directed the Collegium to do, namely to record and send to the government the views including the dissent of any member. Chelameswar’s dissent is a protest against the Collegium not recording and sending the views of all to the government as mandated by the Third Judges case. This in short is the reason for the stand off between the judiciary and the executive today. The solution is for the Collegium to go by the Third Judges case which seems to be precisely the demand of Justice Chelameswar too in his letter.

S Gurumurthy is a well-known commentator on political and economic affairs.

Singur judgment may checkmate large land grab, save farms

The Supreme Court judgment scrapping land acquisition in Singur and a report of the SN Dhingra commission on illegal and unethical land deal in Haryana brings to the fore that land remains the core to the economic and political realities of this country. The Supreme Court judgment is significant for all future land acquisition. It establishes the basic norm that the state cannot acquire land for private body. It also states that the court would stand by the most vulnerable section. It says that the weakest sections of the society alone cannot take the brunt for development. The judgment is expected to go a long way to save fertile multi-crop land losing its farm character. In both the cases, the state governments of Haryana and West Bengal were actively involved for purposes that had least to do with public good.

What the farmers are deprived of their land for a pittance, fetch the powerful almost eight to ten times to the wheeler-dealers. The Gurgaon land deal is unique as the purchaser, Skylight Hospitality, got Rs 7.5 crore as loan from builder DLF. Its land use was changed and fetched him almost Rs 58 crore. Like Singur, it also took ten years to come in public domain.

In Singur, the court not only scraps the 1000-acre deal of 2006 but also finds the then Buddhadeb Bhattacharya government indulging in gross irregularities, misinterpreting public purpose to benefit a company. The SC said that the “hurried” acquisition process was anti-farmer and in violation of law. What had happened at Singur in reality far graver than what happened in Gurgaon. In the name of public interest, the WB government had entered into a secret agreement granting largesse to Tata’s Nano.



Land acquired in the name of SEZs and industrialisation is often at unfair terms, and is misused for real estate purposes. The CAG found gross violations in 17 states, reminds
Shivaji Sarkar



It had given the 997 acre of land at annual lease rent of Rs 1 crore gradually rising to Rs 20 crore. It had also given a loan of Rs 200 crore to the company at nominal interest of one percent a year. Apart the state government had agreed to return the VAT that was to be paid on the sale of cars, to the company, which had virtually made no investment.

The choice of the land given a-la-carte to the Tatas, was an act of overcompensation. Even the compensation to the farmers was paid by the state government and not the Tatas. The SC now has allowed them to retain the compensation for loss to their ten years of livelihood. It is a blatant misuse of state power to benefit a company, which was doing no charity. Its coffers are overflowing and the state power connived with it to deprive 2200 “unwilling farmers”.

No wonder the SC observed “if Singur land acquisition was termed valid, then there would be attempts by governments to justify any and every acquisition of land of the most vulnerable sections of the society in the name of public purpose”.

The SC has gone beyond. It says, “When the brunt of this ‘development’ is borne by the weakest sections of the society, it is onerous duty of the state government to ensure that the mandatory procedures laid down under the Land Acquisition Act are followed scrupulously”. It warns “otherwise the acquisition proceedings will be rendered void ab initio in law”. Both in Gurgaon and Singur, one or more individuals or a company with the backing state power, was out to mint tons without investing a penny. Indeed, it is a brand new form of liberalization

at the cost of the poorest!

In this context it is to be noted that large scale acquisitions and conversion of agricultural land as well as forest land for special economic zones (SEZs), mining, industries and urbanisation is taking place. Land acquired in the name of SEZs and industrialisation is also often at unfair terms, and is misused for real estate purposes. The Comptroller and Auditor General noted the non-utilisation of land earmarked for SEZs. Out of a total of 45635.63 hectares of SEZ land allotted till 2014, work has begun in only 28,488.49 hectares. The CAG found gross violations in 17 states of which in Odisha 96.58 percent of

Among the groups that diverted land acquired for SEZs are Reliance Industries and Essar Steel.

SEZ land remained unutilised.

In Odisha, over Rs 75,000 crore was raised by mortgaging such land illegally; in ten years only two percent of projects were ready to start. Most companies that sought captive coal mines — and associated land — never used them, except to boost their own value. Several hectares of land acquired for SEZs invoking public purpose were later sold off or used for other purposes. Among the groups that diverted land acquired for SEZs are Reliance Industries and Essar Steel.

Since the enactment of SEZ Act 2005, 576 formal approvals of SEZs covering 60,374.76 hectares was granted in the country, out of

which 392 SEZs covering 45,635.63 hectares were notified till March 2014. Out of the 392 notified zones, only 152 had become operational, and SEZs had no noticeable impact on the national economy, the CAG said.

According to a calculation in the case of the Delhi-Mumbai industrial corridor which passes through six states there is the potential threat of loss of almost 7 lakh sq.km or 17.5 percent of all agricultural land in the country to forcible acquisition. The proposed capital city of Andhra Pradesh will be built over an area of over 7000 sq.km of fertile multi-cropped land.

In UP, it is estimated that more than 23,000 villages would be affected by ongoing acquisitions. In the case of Yamuna Expressway 1.43 lakh acres and another 37,362 acres for the Ganga Expressway are being acquired. Large tracts of land acquired for Yamuna Expressway has gone for golf courses, the Formula One Racing Track, and such projects with limited potential of creating jobs. The proposed 100 smart cities will also lead to widespread displacement and land grab.

Over 40 percent of agricultural land could face direct threat of forcible acquisition. Land acquisition is thus emerging as a major source of primitive accumulation and transfer of wealth and resources from the people to the corporate world. The Singur judgment will be a landmark for that reason. No longer can the hands that feed be taken for a ride. The SC’s verdict is a reminder that in this seemingly harsh world, there is room for justice and fairness, and even the weakest won’t be taken for a ride in a democracy like ours. □□

Self-Reliance in Defence and the Mirage of FDI



Disregarding the long cherished ideals of Self-Reliance in defence, the Ministry of Defence has come to believe that allowing foreign companies to completely own Indian defence setups would facilitate transfer of technology and creation of critical, state-of-the-art weapon systems in India, finds Koshtub Vohra

Despite of what the history tells us, the Government of India has decided yet again to increase or rather drop altogether the pre-existing cap on FDI in the Defence sector, to allow 100% foreign ownership of defence entities in India. Past experience suggests that raising the FDI limits has not yielded the desired objective of acquisition and absorption of high technology. Hardly any Original Equipment Manufacturers (OEM) have either come to the country with a significant and advanced state-of-the-art technology through the FDI route or created the much needed infrastructure for that sector. To take an example, India has allowed 100% FDI available in Telecom Equipment Manufacturing since almost 15 years now. We are also one of the 'largest telecom market' in the world (wide subscriber base) but still, hardly any telecom equipment manufacturing happens in this country despite of the size of the Indian telecom market and the freedom provided to foreign capital and foreign ownership. Despite of 100% FDI in the Telecom sector, there has hardly been any significant hi-tech design, development and manufacturing of telecom equipment in the country.

Disregarding the long cherished ideals of Self-Reliance in defence, the Ministry of Defence has come to believe that allowing foreign companies to completely own Indian defence setups would facilitate transfer of technology and

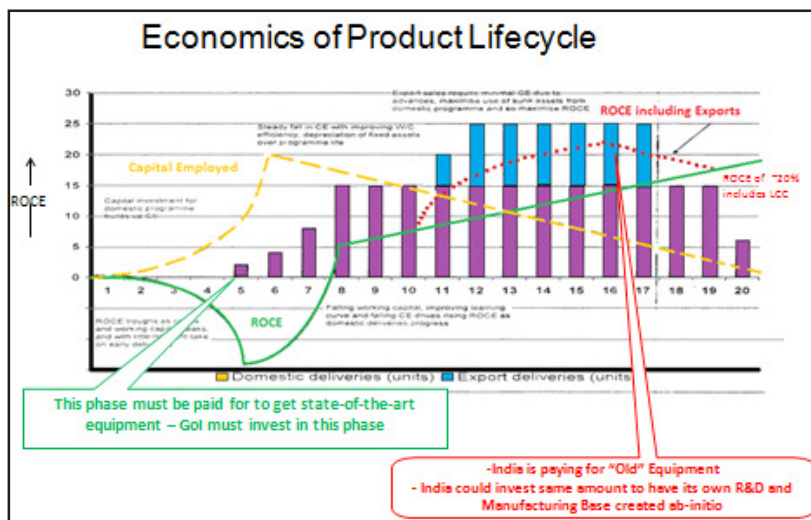


creation of critical, state-of-the-art weapon systems in India.

Anyone well versed with the politics of high-technology and technology-denial regimes would tell you that typically, a Defence company cannot supply its technology independently or on its own terms. The government of the country, where the company is located, controls the technology and decides whether the technology should be shared with another country, such as ours. Therefore, the power of a foreign OEM, and by correlation, the significance of 100% FDI, in helping India acquire advanced technology remains muted and merely symbolic.

In defence technology, state-of-the-art weapon systems are not just those that are advance but also those that are exclusively available to a select few. The lack of exclusivity erodes the very edge that a technology provides against enemy's weapons. Therefore, if the weapon is available in the open market for many countries to buy off the shelf, it cannot be called a state-of-the-art product as it will lose its merit of exclusive capability. Therefore, nations that develop such state-of-the-art products, keep them exclusive to their own armed forces and don't export the product till the time it starts becoming obsolete and losing its critical edge.

Usually the exports begin in the 10th year. This allows the Home Country to upgrade their own systems from the realization of the export profits and on developing next generation of state-of-the-art technologies. Thus, every country that invests in indigenous design and development of high-technology, is able to maintain state-of-



Defence Systems, lifecycle costs are 4-7 times the initial purchase costs.

the-art weaponry in its stockpile by keeping it exclusive to itself and not exporting it till the time that the product starts becoming obsolete or needs finances to develop technology refreshes that would deem it state-of-the-art again.

In general, for all Defence Systems, lifecycle costs are 4-7 times the initial purchase costs. Globally, the Return on Capital Employed (ROCE) of a Defence company is based on "Life Cycle Returns" where returns are driven through upgrades and refreshes etc. Whereas in India we have followed an assembly model with no upgrades coming out of our DPSUs for last 60 years. Thus in the present model India is not only chasing the technology tail-lights i.e. getting technologies which are 10-20 years old, but we also remain critically dependent on foreign technology for our

security.

Having just brought in the IDDM (Indigenously Designed, Developed and Manufactured) category as the first choice for Acquisition in the DPP, increasing FDI at this stage gives an impetus to "Assemble in India" and will frustrate any attempts to "Design and Develop in India". In this connection we find it appropriate to quote from 'The Economist' of 14th April 2016:

"Sceptics wonder whether local groups do much more than give existing foreign weapons systems an Indian veneer just thick enough to get contracts. Assembly work is not the lucrative bit of the weapons industry—just as the iPhone brings more profits to Apple (its designer) than to Foxconn (its contract manufacturer). All that could change if Indian companies develop expertise to design, not just assemble, equipment. Last month the government said it would give priority to weapons designed and made in India. Countries that spend heavily on armed forces typically have successful arms-making companies. India's ambition, one day, is to stop being an exception to this rule."

<http://www.economist.com/news/business/21696959-countrys-conglomerates-are-throwing-themselves-arms-making-opportunity-strikes?frsc=dg%7Ca>

The Economist Article clearly brings out the point that jobs follow the “The Value Creation” in the Industry. Today design, life-cycle supports and upgrades have a larger share of value creation than “Manufacturing”, especially high-tech manufacturing where design to manufacturing capabilities, 3D printing are creating the phenomena of ‘jobless growth’.

Going back to the Defence sector, we feel that the current geopolitical situation, where major Western countries are reducing their budgets for Defence, provides a unique opportunity for India to leverage its interests and scale as a large market. Due to the budget cuts in foreign countries, the foreign Defence companies and their Governments will be far more open to finding export opportunities and therefore will accommodate Indian MoD’s demands for Transfer of Technology (ToT). Indian Defence market and our positioning in the BRICS as a reliable stable partner and provide us that additional leverage, enabling us to negotiate from the position of strength, as Team India.

Today, the Indian industry has surged ahead in many strategic defence areas; it is also making breakthrough in some cutting edge technological areas, and is investing in R&D in many new areas. The increase in FDI may adversely affect the gains which Indian industry has made in several technological sectors. The time has come to consolidate



Increasing FDI level would only benefit the Foreign OEMs.

eign OEMs.

In fact, the performance of FDI in other sectors of economy has been far from encouraging. Empirical data establishes that FDI has in fact adversely affected the Indian economy leave alone providing a solution to the Indian problem. Outflows through royalty, interest, profits, and exorbitant salaries to Foreign OEM specialist so on are more than inflows of FDI. For example, the year 2014-15, had FDI inflow of US \$ 31 billion, and an outflow of US \$ 36.5 billion. FDI is not known for pushing the economic growth or creating employment opportunities, it only allows foreign companies and their governments to make their business and economies profitable.

The Indian defence industry

needs government support not only as “The Market” but also as “The Market Maker” in order to create product design capabilities and thereon create & absorb ‘know-why’ instead of just continuing with the current thrust on acquiring ‘know-how’ (Assembly).

The government of India’s support is essential to development of Indian “System Engineering Capabilities” which goes way beyond mere “Systems Integration” capability, which is essentially just a euphemism for screw-driver assembling. Mere assembly of Defence Product created abroad, and replacing DPSU Assembly lines with Private Sector Assembly lines, will ultimately result in nothing more than a few assembling jobs and a pronounced era of jobless growth. This cannot be our policy thrust for the Defence sector, if “Make in India” has to be successful. For “Make in India” to really take off, it needs to be interpreted as “Design, Develop and Make in India, by Indians and with Indian Capabilities”. □□

Author Koshtub Vohra is Executive Assistant to Chairman DIIA

Only genuine FDI welcome, but will it come?

The Modi Government had plugged the Mauritius route of round tripping of Indian money masquerading as FDI. Now the Government proposes to give the same treatment to FDI coming from Cyprus, Netherlands and Singapore. India has entered into a Double Tax Avoidance Agreement (DTAA) with these countries. The Cabinet has recently approved renegotiated DTAA with Cyprus. Investors were misusing these treaties hugely.

Indian nationals were sending their incomes abroad and bringing it back through Mauritius. The DTAA provided that capital gains earned from an investment made in India from Mauritius would be taxed in Mauritius only. "Capital gains" refers to the income earned due to the increase in the value of the shares. This is distinct from the income earned from dividends. Say, you invest Rs 100 in a share. You get a dividend of Rs 10 every year. In addition, the value of your share increases to Rs 150 in three years. This increase in the value of investment is known as "capital gains." The DTAA with Mauritius provided that capital gains income would only be taxed in Mauritius and not in India. However, this resulted in zero tax because Mauritius did not impose any capital gains tax; and India did not collect any tax because it was prevented from collecting tax due to the DTAA. Indian investors made a beeline to Mauritius to invest in India through that country so that they would not have to pay any capital gains tax.

Say, an Indian investor invested Rs 1 crore in a new company in India. He would have to pay capital gains tax on the increase in the value of this investment if he invested the money directly from his bank account in India. In order to avoid paying this tax, the Indian investor sent the money to Mauritius through the hawala route. He formed a "shell" company in Mauritius. His Mauritius Company sent the Rs 1 crore back to India as foreign investment and invested the money in his Indian company. He would not have to pay capital gains tax on the increase in the



FDI will not come for manufacturing and exporting from India because the global markets are down. The only reason that FDI may still come into India is to avail benefits of poor governance, thinks

Dr Bharat Jhunjhunwala



value of this investment because this investment is classified as “foreign investment” and, since it is coming from Mauritius, it is exempt from capital gains tax in India.

The Indian Government has renegotiated the DTAA recently. It has now been provided that benefit of the DTAA will be available only if a Mauritius investor spends Rs 27 lacs in Mauritius in the preceding one year. It will not be possible to register a shell company in Mauritius and escape paying capital gains tax. This will reduce, if not eliminate, round tripping of Indian money. The Government wants only genuine Foreign Investment to come from Mauritius. Now the Cabinet has decided to make a similar amendment to the DTAA with Cyprus and block that route for round tripping. This step of the Government is in the right direction and wholly welcome.

This is a step in the right direction but it will change the nature of foreign investment coming into India. Only genuine investment will come now. Question is whether this genuine foreign investment will pour like torrents that it has been coming until recently. Remember that FDI inflows to India were at US Dollar 31 Billion in 2015 against USD 28 billion to China and USD 27 Billion to USA.

The circumstances have changed. The Netherlands Bureau of Economic Policy Analysis reported that world trade shrank 13.8 percent last year. Consulting company A.T. Kearney has said that the present spurt in FDI is actually an indicator of withdrawal from globalization. Multinational Corporations are investing in foreign countries because of the “rise of protectionist sentiments in

many countries.” MNCs are finding that it is not possible to manufacture in China and export, for example, to India. They are investing in India that they can sell in the Indian market. This means that it will not be possible to replicate the China story. MNCs had come into China, manufactured in that country and exported to the developed countries. Today FDI is coming not for export but for domestic sale.

The deepening crisis in the developed countries is indicated in the zero interest rates. The Central Banks of many developed countries are happy to lend at zero interest rates but there are no takers. There simply no demand for goods in these countries. Businesspersons are unwilling to set up

It will not be possible to replicate the China story.

factories because the markets are dead. Donald Trump, the Republican frontrunner in the US Presidential race, has repeatedly pledged to bring millions of jobs back to the US. He has specially targeted India. Our exports have declined continuously in the last 17 months. FIIs have become sellers in the last two years. These and many other indicators point towards a withdrawal from globalization. Countries are finding that free trade and free movement of capital is not helping them raise incomes of their people. That means that we cannot attain prosperity by the export route that was taken by China.

A clarification regarding the US economy is in place here. US

job data have been positive in the last year. However, these jobs are being created in health and education sectors that are driven by US Government spending. My daughter lives in New Jersey. She says that highways are not being repaired. There are increasing numbers of potholes. It appears that the US Government has cut the expenditures on infrastructure and increased the same in the health sector. It is like our MNREGA. The US Government is borrowing and creating jobs with that money. This cannot sustain.

Let us assess whether we may continue to get large amounts of FDI after amendment of the Mauritius and Cyprus DTAA Agreements in the above backdrop. Our own capital will not round trip from these countries because exemption for capital gains tax will not be available. FDI will not come for manufacturing and exporting from India because the global markets are down as detailed above. The only reason that FDI may still come into India is to avail of poor governance. MNCs often find that the Government here is pliable. Licenses can be obtained and policies can be got changed by giving a bribe to the politicians or bureaucrats. Thus, Saurabh Mukherjea, CEO of Ambit Capital says, “It is naive to expect a well-intentioned government to deliver a bull market in the equities market.”

The Modi Government must be congratulated for putting an end to round tripping from the Mauritius and Cyprus routes. However, this means that foreign investment will not come in torrents. Thus, the Government must simultaneously focus on reigniting the cycle of domestic demand and domestic investment. □□

Women Ask: Where are our Trillion Dollar Output?



Whenever some visitors asked my elder sister “do you work” she used to be amused. She used to say “what else I do from 5am to 10 pm every day”. For most people household work is not considered as “work”. It is not included in computing National income or GDP. National income by definition is aggregate of Products and services produced in a country during the year. But household work is not included in the services. In other words only paid services are included. For instance, if you marry your servant maid then the national income will come down. Believe me!

I had most sagacious and wise Prof Moni Mukherjee as my National Income paper—teacher in my Post Graduation at Indian Statistical Institute Calcutta. I was curious and gathered courage [in those days you don’t meet Professors in the “staff room” and ask questions!] and asked him about this issue. He mentioned to me that the “Euro-Centric world view regarding un-paid household work is accepted as the “given wisdom” and followed by all the Economists and Economies”. This means that bringing up children/cooking/keeping house in order and taking care of home economy are not considered as “productive”. When you investigate further you find that it is related to the “idea of women” as propagated by the Abrahamic faiths primarily Islam—who call themselves as “Religion of Peace”—RoP- and Christianity who call themselves as “Religion of Love”—RoL.

Unfortunately neither of these faiths—which rule more than half of the world—accepted woman as equal or “productive”. Christianity for centuries did not recognize women have “soul” and Islam treated them as a protective “meat”. So one of the important premise was to do –de-legitimize” their contribution to the world at large more so in the sphere of Economics and computation of National Income. So to earn legitimacy they must join the “workforce”. In the initial period of Crusades/Jehadis many of them were needed as nurses to tender to the injured and so nursing as a profession was “glorified” by men. Florence of Nightingale became symbol of “highest form of sacrifice—more so Productivity”

In the earlier stages of Industrialization and Corporate developments large number of women were needed as blue color workers and also as typists/coffeemakers in office and as assistants. So –office work began to be encouraged and household work undermined. Also efforts made to reduce household work from time and efforts point of view by new gadgets like cooker etc.

Still women were not given any position of importance in the outside work place. And so they were encouraged to “break Glass ceilings” to get into higher positions in workforce. Slowly advertisements/TV serials/Cinemas began to talk of “burden of family” children are burden/encumbrances” at the same time Children are needed by the society and so “super Mom’s” created by the business and



Time has come for ancient but living non-Abrahamic civilizations like India to recognize the services of its women /recount and make a new world order, pleads

**Prof. R
Vaidyanathan**

media to make women work at home as well as office.

Women are encouraged to more and more be active in “office work” and they are encouraged to demand equal pay for equal work—instead of recognizing massive work at home. Their “worth” is proved only if they perform the Acts of men” whether it is combatants role in Army or it is Speed car racing. They are permanently made to feel inferior by these “tricks”. Hence a huge mass of “Feminists” have been developed by business and corporate men to compete with men and prove their worth. Women unfortunately have fallen into this new trap to “prove” themselves.

Corporate business has also made society into “Sex centric” from family Centric since Societies which are family centric “respect” women in the household as mother/grandmother/mother in law etc. But modern business do not want a society which “respect” women but a society where “women “are craving for rights and which are thrown as crumbs by men. The arrival of Marx and communism re-enforced this stereo type of women in military /women in factories and offices as “progressive” and women at home as “backward”.

Not only that, most of these “developed” countries gave their women voting rights after much agitations and some like Switzerland as late as 1971 in their federal elections. Unfortunately instead of questioning this whole hypothesis and premise women fell for the single largest trick of men in making them feel that they are worthies only if they ape men in dress/food/aggression & “office work”

Post contraceptive revolution

they are told that they can be more active in paid work place since Child birth is now a choice. Instead of burning women in stalks by calling them witches the modern business burns them in office by asking to “perform”/excel and show results along with unaccounted household work. The fundamental point that household work is not treated as “productive service” was never discussed since all “renowned Economists” were men. Colonized countries like India also adopted the same route since colonizers wanted to create a mirror image of their civilization on the “unwashed” in terms of culture/language/economics etc. Hence we never count million women hours spent by women in cooking/fetching water/bringing up children etc. That is totally lost. In a pioneering work “GDP and the Value of Family Caretaking: How Much Does Europe Care?

Gianna C. Giannelli University of Florence et al [Discussion Paper No. 5046 July 2010. IZA—Forschungsinstitut zur Zukunft der Arbeit Institute for the Study of Labor] estimates that for Europe as a whole, the total value of these activities ranges between 20.1 per cent and 36.8 per cent of the EU GDP, depending on the applied methodology. It is all the more shameful for a country like ours where major Gods are women and important things in life like Education/Wealth and Valor are given as boons only by women Gods. We pray to Lakshmi for wealth/pray to Saraswathi for Education/knowledge/pray to Durga [Parvathi] for valor or power. Actually most men Gods can’t offer many of these worldly things. Not only that—most of the names

of male gods is Pre-fixed with the name of his wife {not suffixed} like Sita Raman or Radha Krishnan.

We are one of the few living civilizations who recognized the contribution of Women Rishis like Gargi who questioned Sage Yajnavalkya. We are essentially a “women centric civilization” and predominantly our economy can be called “Feminine Economics” unlike that of Europe and Middle East which are “Masculine Economics”. Masculine economies are destructive and anti-woman while as feminine Economies are nature and animal friendly and preserving by its design. Feminine economics is inclusive /collaborative and Cooperative. Masculine of the Abrahamic faiths are competitive as in war and exclusive and violent in nature.

In the last several centuries trillions of dollars of household work undertaken by women were not counted and it continues even today. In the context of the decline of the west and slow eclipse of Euro Centric view of the world—it is required for countries like India to re-think some of these basic things imposed by colonialism. Even if we take Housework to be same as the “measured work” in an economy like ours—we will find that our GDP is at least twice as big as it is currently counted.

Time has come for ancient but living non-Abrahamic civilizations like India to recognize the services of its women /recount and make a new world order. As a beginning Government can ask some its eminent “internationally known/recognised” economists to estimate the trillions of dollars of uncounted services provided by housewives sorry home makers in India. Somewhere we need to start. □□

India may get Rafale jets sooner

Defence Minister Manohar Parrikar has said that India may start getting Rafale fighter aircraft from France earlier than the agreed-upon 36 months. "As per terms of the deal it is 36 months (during which the delivery has to start), but it may come slightly earlier. We have requested them to (deliver it) as fast as possible," he said. On September 23, India and France signed the Euro 7.87-billion (Rs 59,000 crore approx) deal for Rafale fighter jets, equipped with latest missiles and weapon system besides multiple India-specific modifications that will give the IAF greater "potency" over arch rival Pakistan. The 'vanilla price' (just of the aircraft alone) will cost about 91 million Euros each for a single seater and about 94 million Euros for a two seater trainer aircraft. Parrikar also said that a 12-member committee to suggest structural changes in the military on cutting down flab and reducing revenue (maintenance) expenditure will soon submit its report. The committee is headed by Lt Gen (Retd) DB Shekatkar.

GST Council agrees on 5 areas

In signs of fracture, the Centre and states disagreed on decisions reached at the first meeting of the GST Council on service tax assessment although they reached a consensus on area based exemption in the new tax regime. The second meeting of the all-powerful GST Council, headed by Finance Minister Arun Jaitley, agreed on five subordinate legislations dealing with issues ranging from registration to invoicing under the new Goods and Service Tax (GST) regime. It also agreed on the treatment of exemption from GST. Currently, the Centre gives exemption to 11 states mostly in North East and hilly regions from excise duty as also many states give the same as incentive for setting up industry. The council decided that under GST, which will subsume excise duty and VAT among other levies, taxes will have to be collected and it can be reimbursed from the annual budgets to the exempted categories. But there were divisions over ratifying or approving the minutes of the first meeting of the Council, held last week, after at least two states disagreed with what was documented as decided on the Centre's assessing 11 lakh service tax filers in the new dispensation.

The second meeting of the GST Council finalised rules for registration, rules for payments, returns, refunds and invoices. With this as many as 6 issues have

been settled by the Council, that has representatives of all the states, in two meetings in a span of one week. Discussions on service tax assessment and the formula for calculating compensation to be paid to states in case of revenue shortfall as a result of implementation of the GST regime, possibly from April 1, 2017, would be taken up at the next meeting on Oct. 18-20.

"FIRs for property defacement"

Those who put up posters without permission can face prosecution for defacement of property as FIRs will now be lodged on complaints against such activities, Delhi Police has told the Delhi High Court. The submission was made before a bench of justices Badar Durrez Ahmed and Ashutosh Kumar which is hearing a PIL by a retired army officer contending that advertisements, hoardings, banners, posters and billboards are being put up on residential buildings in violation of the policy and the law.

Delhi Police told the bench that its legal cell has issued a memo indicating that, FIRs will be registered under the Delhi Prevention of Defacement of Property Act in case of defacement of property. The response came after the municipal corporations, on an earlier date of hearing, had claimed that one of the "major hurdles" in removal of illegal hoardings in the city was their re-appearance due to inaction by police. The corporations had contended before the High Court that wherever immediate action was required, complaints were forwarded to Delhi Police, but "no action was forthcoming" from it. Thereafter, the court sought police response on whether there had been any inaction on its part and, if yes, to take immediate steps to find a remedy.

HC seeks govt reply on FSA PIL

The Delhi High Court has sought the response of the AAP government on a PIL seeking a direction to it to implement the National Food Security Act to ensure good health to children attending Anganwadi centres and schools. A bench of Chief Justice G Rohini and Justice Sangita Dhingra Sehgal issued notice to the Delhi government on the plea by a charitable trust which has alleged that the quality of food being supplied under the Anganwadi and Mid-day Meals schemes here are of low standards. The court has fixed the matter for further consideration on October 19.

According to Matri Sudha, there is a lack of monitoring and coordinated working on the issues

of nutritional and food security in Delhi as mandated under the National Food Security Act, 2013. It has alleged that the Delhi government has "failed to create and maintain scientific storage facilities at state, district and block levels sufficient to accommodate foodgrains required under the Targeted Public Distribution System and other food-based welfare schemes". The PIL, filed through advocate Vikram Srivastava, also alleged that the food supplied could be "harmful to the health of both pregnant and lactating mothers as well as children and hence, there was a complete violation of fundamental right to health of women and children in India".

Telcos should tank-up spectrum

A day before India's biggest spectrum auction begins, the Government said telecom firms should "tank up" radiowaves to bridge shortfall in their holdings as the next such sale may not happen for "quite some time". Terming the auctions as a "great opportunity to tank up on spectrum", he said not doing so will place operators at a competitive disadvantage vis-a-vis others. The same opportunity in terms of the variety of spectrum that is being placed on the block will not come for quite some time, he added. Only after harmonisation process is complete, will we think of the next auction," Deepak said.

India's biggest telecom players Bharti Airtel, Vodafone, Idea Cellular and new entrant Reliance Jio Infocomm are amongst 7 companies that are in fray for the bidding. Other bidders include Reliance Communications, Aircel and Tata Teleservices. As much as 2,354.55 megahertz of frequencies are being put up for auction in seven bands -- 700 Mhz, 800 Mhz, 900 Mhz, 1800 Mhz, 2100 Mhz, 2300 Mhz and 2500 MHz. The radiowaves being put up for auction can be used for 2G, 3G and high speed 4G mobile services. This is more than the cumulative spectrum holding of the top 4 operators. On the high cost of spectrum, Deepak said the industry "absolutely" has the paying capacity for buying it in the auction which starts at 10 AM on Saturday (30 Sept. 2016). This is the first time radiowaves in 700 Mhz band will be put up for auction and it is priced at Rs 4 lakh crore at the reserve price.

Fresh probe into Kerala solar scam

Crime Branch of the Kerala State police is set to start a new probe into the serious allegations levelled against former Chief Minister Oommen Chandy and

several of his colleagues in the Congress party in connection with the infamous solar scam. The probe by a special Crime Branch team headed by an Inspector General is being launched as per the instruction Director General of Police Loknath Behera received from Marxist Chief Minister Pinarayi Vijayan. The investigators will look into the various allegations – including those of sexual exploitation and bribery – Saritha had leveled against Chandy and others.

The new investigation is based on a complaint Saritha had lodged with the Cantonment Women Police Station in Thiruvananthapuram in 2014. The Chief Minister ordered the probe after she approached him with the request for further probe. The Cantonment police have reportedly handed over Saritha's complaint to the Crime Branch. The Justice G Sivarajan Commission, which is presently looking into the solar scam, is considering the financial aspects of the scandal and not the other allegations. In her complaint to the Chief Minister, Saritha said that neither the judicial commission nor the police had taken her allegations seriously.

Reliance, Dassault Aviation JV

In a major deal for India's private defence industry, Anil Ambani-led Reliance Group and Rafale maker Dassault Aviation have announced a joint venture (JV) that will be a "key player" in execution of offset contract worth about Rs 22,000 crore as part of the fighter jet deal. The announcement of the JV, Dassault Reliance Aerospace, comes within days of India and France on September 23 signing an agreement for 36 Rafale fighter jets at a value of euro 7.87 billion, or about Rs 59,000 crore. The agreement includes a 50 per cent offset obligation, the largest-ever offset contract in the history of India. The main point of the offset agreement is 74 per cent of it has to be imported from India, which means direct business worth around Rs 22,000 crore. The offset, spread over seven years, will be finalised soon. There is also a technology-sharing component, which is being discussed with the Defence Research and Development Organisation (DRDO). Other companies involved in the Rafale deal include French firms MBDA and Thales, besides Safran, which too will be part of the overall offset obligation. The Dassault Reliance Aerospace joint venture will be a key player in the execution of offset obligations, a joint statement by the companies said. The development has come as a boost to the Reliance Group, which entered the defence sector only in Jan. 2015. □□

Trump digs up bill's sex scandals

After losing out to Hillary Clinton in presidential debate, Donald Trump and his campaign aides are toying with a new gamble to upstage her by raking up her husband Bill Clinton's past marital infidelities, notably the sexual misconduct involving White House intern Monica Lewinsky that nearly dislodged him from office in the late 1990s. It may be a high-risk strategy for the thrice-married New York billionaire, but Trump seems unfazed by the counter-punches he may be inviting from the Clinton camp. Trump's own push is being projected as a counter-punch after Clinton brought up at the debate his treatment of a former Miss Universe, calling her Miss Piggy after she put on weight. Clinton, when asked by reporters about the possibility that Trump would raise her husband's infidelities, said, "He can run his campaign however he chooses. That's up to him. I'm going to keep talking about the stakes in this election."

'China can't pick & choose'

China cannot "pick and choose" principles it wants to benefit from and those it prefers to try to undercut, US Defence Secretary Ashton Carter has said, amid flexing of muscles by Beijing in the disputed South China Sea. Noting that the US has "serious concerns" over China's recent actions, including in the seas, Carter said principles are meant to apply to every nation "equally". "The United States still has serious concerns with some of China's recent actions on the seas, in cyberspace, and elsewhere," he said.

Indian films stopped in Pak

Major cinema houses in Pakistan have stopped screening Indian films to express solidarity with the armed forces in the wake of heightened tensions between the two countries following the surgical strikes by India on terror launch pads across the LoC. Lahore's Super Cinema, the country's largest cinema house, first announced in a Facebook post that they will stop the screening of all Indian films in their theatre after which Karachi's Nueplex Cinemas followed suit. It also called on the Government to ensure that sale of DVDs of all Indian films was stopped. Nueplex and Atrium cinemas in Karachi have ceased the screening of Bollywood megastar Amitabh Bachchan-starrer Pink.

China blocks Brahmaputra tributary

China's move to block a tributary of the Brahmaputra coincides with the debate in India on the recalibration of Indus water flows into Pakistan following the cross-border raid in Uri that has so far killed 20 Indian troops. China has blocked a tributary of the Brahmaputra as part of a major hydro-electric project, whose construction began in 2014. The state-run Xinhua news agency is reporting that the blockage of a tributary of the Yarlung Zangbo river is part of China's "most expensive" hydro project.

The Brahmaputra in its upper reaches is called Yarlung Zangbo, after it originates from the Angsi glacier in western Tibet, southeast of Mount Kailash and Mansarovar Lake. According to Xinhua, China's action falls within the parameters of the larger Lhalo project that began in 2014. The project on the Xiabuqu in Xigaze, also called Shigatse, involves an investment of \$740 million, the head of the project's administrative bureau was quoted as saying. The multi-purpose enterprise, which includes construction of two power stations with a combined generation capacity of 42 MW, was scheduled for completion in 2019. Its reservoir is designed to store up to 295 million cubic meters of water and help irrigate 30,000 hectares of farmland, Xinhua reported.

Next U.S. President to review policy

India's new strategic posture of 'offensive defence' may have been an outcome of exasperation with Pakistan, but the fact that the U.S. shares that exasperation with its long-time ally could bolster New Delhi. In its last year, the Obama administration has made that displeasure with Pakistan clear by cutting aid, which also led to the scrapping of the sale of eight F16 fighter planes as scheduled. The U.S. Congress cornered the Obama administration into these decisions, but the next President — whether it is Republican Donald Trump or Democrat Hillary Clinton — will have to review and restructure the country's relations with Pakistan.

The U.S. policy in Afghanistan and Pakistan has put the burden of restraint on India so far, but with India signalling an end to that restraint, the new U.S. policy will have to factor in the new Indian policy rather than dictate it, altering the correlation between the two. America's approach towards India's Pakistan policy has been hinged on its own policy in Af-

Pak and the Middle East. Stabilising Afghanistan and avoiding the launch of another 9/11 type terrorist attack from the region is the core objective. The danger of Islamist groups getting their hands on Pakistan's nuclear arsenal is America's worst nightmare at this moment.

PAK behaviour prompted pullout

Terming Pakistan a "defeated force", Prime Minister Sheikh Hasina says Islamabad's protests over recent execution of a 1971 war crimes convict prompted Bangladesh to pull out of the SAARC Summit. Pakistan's protests over recent executions of a 1971 war crimes' convict prompted Bangladesh to take the decision not to join the 19th SAARC summit to be held in Islamabad, Hasina said at a press meet here, a day after returning from New York where she attended the UN General Assembly.

"The diplomatic ties will be there... We will face them (Pakistan) diplomatically," the PM said. She asked Bangladeshis to think about the relationship of "cohorts and patrons" of perpetrators of 1971 war against humanity who carried out genocides siding with Pakistani troops during the Liberation war, in an oblique reference to BNP-led by former PM Khaleda Zia.

EU 'cannot force' Hungary

Hungarian Prime Minister Viktor Orban said the European Union (EU) could not force Hungary to accept migrants on its soil, after low voter turnout voided his referendum aimed at rejecting a contested quota plan. Although a whopping 99.8 per cent of those who voted supported his bid to reject the proposal, turnout was just 44 per cent, falling short of a 50-per cent threshold. Among the ballots cast only 39 per cent were actually valid, the National Election Committee said as it declared the referendum void after counting the ballots on yesterday evening. But Orban vowed there would be "legal consequences" nonetheless, as he sought to downplay the significance of the low turnout.

"Brussels or Budapest, that was the question, and the people said Budapest," he said. "I will propose to change the Constitution (which) shall reflect the will of the people. We will make Brussels understand that it cannot ignore the will of Hungarian voters," he added. Opposition figures earlier warned that any le-

gal amendment based on the referendum result would violate the Constitution.

Minister slams 'Irresponsible' Bank

German Economy Minister Sigmar Gabriel has lashed out at Deutsche Bank's handling of its troubles, saying "irresponsible" managers had put thousands of jobs at risk. Speaking to reporters on his way to Tehran for a trade visit, Gabriel said Deutsche's woes could be traced back to past mistakes made by the management. "The scenario is that thousands of people will lose their jobs. They now have to bear the responsibility for the madness carried out by irresponsible managers," said Gabriel, who is also Germany's vice-chancellor and leader of the Social Democrats, the junior partner in the coalition government.

Deutsche Bank has found itself at the centre of a storm ever since the US Department of Justice last month demanded an unaffordable \$14 billion fine over the bank's role in the subprime mortgage crisis. Fears over Deutsche's financial health and speculation that it might need a bailout sent its shares plummeting this week. Its stock recovered on Friday on a report that the bank was close to a settlement with US authorities to lower the fine to \$5.4 billion.

Cryan already announced some 9,000 job cuts last year – nearly a tenth of the bank's workforce – as part of a massive overhaul to improve the Deutsche's profitability in an environment of low interest rates and sluggish global growth.

The German government has strongly denied preparing any rescue plans for Deutsche, while the bank itself has said it does not need any state aid.

Record hits over terrorism petition

A new petition filed on the official UK Parliament website calling on Britain to "strongly condemn" Pakistan for providing a safe haven for terrorists on Sunday crossed the threshold of 10,000 signatures, making it incumbent upon the UK Government to respond to it. The petition titled 'UK Govt to strongly condemn Pakistan or providing safe haven for terrorists' has now crossed the number of signatures required to make it incumbent upon the UK government to respond to it. But the aim is to gather as many as 100,000 signatures by the March 29, 2017 deadline so that the issue has to be considered for a parliamentary debate in the House of Commons. □□

India drags US to WTO

India has dragged the US to the WTO over America's domestic content requirements and subsidies provided by eight states in the renewable energy sector. "India has requested consultations with the US under the dispute settlement system regarding alleged domestic content requirements and subsidies provided by eight US states in the renewable energy sector," said the WTO. The eight states are – Washington, California, Montana, Massachusetts, Connecticut, Michigan, Delaware and Minnesota.

India has confirmed the same. An official told media, "Yes we have sought consultations with the US on the matter." India has stated that the measures are inconsistent with the global trade norms because they provide less favourable treatment to imported products than to like domestic products, and because the subsidies are contingent on the use of domestic over imported goods. The request for consultations is the first step in a dispute at the WTO under its Dispute Settlement System. Consultations give the parties an opportunity to discuss the matter and to find a satisfactory solution without proceeding further with litigation. After 60 days, if consultations fail to resolve the dispute, the complainant may request adjudication by a panel.

India loses WTO appeal

India lost its appeal at WTO in a dispute over solar power, failing to overturn a U.S. complaint that New Delhi had discriminated against importers in the Indian solar power sector. The WTO's appeals judges upheld an earlier ruling that found India had broken WTO rules by requiring solar power developers to use Indian-made cells and modules. The appeal ruling is final and India will be expected to bring its laws into compliance with the WTO rules. Indian officials made no immediate comment on the appeal outcome. U.S. solar exports to India have fallen by more than 90 percent since India brought in the rules, the statement said.

Britain to seek membership

Britain intends to become an independent member of WTO when it leaves the European Union, according to a reports. The newspaper, without citing its sources, said Fox would use a speech at the WTO on Tuesday to say Britain would seek to be an

independent member of the body so that it could negotiate its own trade deals outside of the EU. Being an independent member of the WTO would involve Britain leaving the EU's customs union, the newspaper said, something the government has so far refused to confirm it intends to do.

Dispute Settlement at WTO

United States of America filed dispute challenging Chinese agricultural subsidies. The United States notified the WTO Secretariat on 13 September that it has initiated WTO dispute proceedings against China regarding China's domestic support measures in the agriculture sector. The measures concern domestic support allegedly provided by China for agricultural producers of, among other crops, wheat, Indica rice, Japonica rice, and corn. Similarly Ukraine has filed complaint against Russian Federation over transit restrictions. It notified the WTO Secretariat that it has initiated WTO dispute proceedings against the Russian Federation regarding measures allegedly imposed by Russia on traffic in transit from Ukraine through Russia On 14 September 2016.

WTO to discuss India's paper on TFA

India has proposed for simplification of procedures and clarity in work permits and visas for smooth movement of professionals. The first meeting of a WTO panel to discuss the new concept paper floated by India on a proposed trade facilitation agreement in services will be held on October 6 in Geneva. India is pitching for this agreement with a view to reduce transaction costs by doing away with unnecessary regulatory and administrative burden on trade in services. Services sector contributes about 60 per cent to India's economy and 28 per cent in the total employment. With the growing importance of the sector, India has time and again pitched for liberalisation and streamlining of norms for the sector in the Geneva-based WTO.

In its concept note, India has proposed for simplification of procedures and clarity in work permits and visas for smooth movement of professionals. India is making the case for this pact in line with the Trade Facilitation Agreement (TFA) in goods, signed by WTO in 2014, which aims at expediting movement, release and clearance of goods as well as co-operation on customs compliance issues. □□