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Reform Judiciary

Prime Minister Narendra Modi has rightly sought a debate on creating an All India Judicial Service (AIJS) and inclusion of people from the lower strata of society into the judicial system. It is the proper way in a democratic set up. A healthy discussion can sort out apprehensions, reduce differences in opinions and a conclusion can be reached where everyone feels part of the decision.

It must be remembered that the move for an AIJS didn't find favour with the higher judiciary in the past. The present Chief Justice of India has over-reacted to the cause of delays in the appointment of judges. The National Judicial Appointments Commission (NJAC) was stalled by the collegium of judges. Had it been in place, this situation would not have arisen. Higher Judiciary Must realise that they too are not above suspicion. Their image is no better than the politicians. Corruption in Judiciary is an open secret. Appointments are also marred with controversies. Still matters can be sorted out by holding talks with the Government and not by accusing the latter.

Creating AIJS must not be seen from the angle of including the neglected sections of the society into Judiciary only. That is very important. But the process to include them is also essential. AIJS can attract better if not the best talent to the system. Judicial reform must also include other facets. the judiciary enjoys the most number of holidays in a year. Add to it, the number of adjournments that a case faces. Moreover, there is no time-frame to finalise a case. And, the less said about corruption the better. Judicial reform is a must in this age. Earlier done is the better.

– Lingamurthy, Tamil Nadu

Meat export from the country of Gandhiji

India is the largest exporter of Meat. For obtaining this meat for export, thousand of cattle are daily slaughtered very cruelly in slaughter houses across India. I request you to do something to stop the meat export from India, so that lives of thousands of cattle is saved. At last India believes in Non-Violence taught by father of the nation Mahatma Gandhiji.

– Prasad Rajendra Walekar, Vajapur, Aurangabad (Maharashtra)

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Quote-Unquote



"When you apply pure contract for society it is market society. In a cultured society oral contracts are as good. They invoke relations".

S. Gurumurthy

Journalist & CA



"The new normal is that India doesn't accept that Pakistan can keep inflicting injury on India. If it does, the costs will be heavier."

Arun Jaitley

Union Minister



"We do not agree with the so-called (SIMI activists) encounter theory. This is all happening in the name of political vendetta".

Mamta Banerjee

CM, West Bengal



"The Dalai Lama is an honoured guest of India. He is free to travel to any part of the country".

Vikas Swarup

External Affairs Ministry spokesperson

People's power on display

Boycott Chinese drive hurts China

From dismissing it as inconsequential to threatening impact on investments and Indo-china ties, the boycott Chinese resolve of the people of India has made a significant point. Common man in a democratic set up is powerful enough to act in a manner it desires proper for its country. National governments may be hesitant or under compulsion, people are not. Deeply hurt by the constant unreasonably inimical behaviour of China towards India, people of India in particular the Indian Netizens and consumers declared a war on China. This warfare is not fought with weapons of mass destruction that expansionist China employs and encourages against its neighbours including India. Indians are using the time tested modus operandi of "Boycott" instead. People take pledge not purchase cheap, but environmentally disastrous Chinese products. Poets are making fervent pleas to purchase diyas (lights) made of clay that have the fragrance of India instead of the sterile, plastic Chinese ones. Youths are taking processions throughout country calling upon people to boycott Chinese goods. Somewhere it is protest demonstration; at other places thousands turn to form human chains. At yet another place Chinese products are burnt in a manner western products were burnt during freedom struggle. This is the constructive way of showing displeasure and protest against China's continued support to 'terrorist state' Pakistan. They shout slogans in support of the boycott. Speakers on these occasions explain the continuous hostility China is exhibiting through its actions towards India. So huge is the impact of boycott appeal that young kids are playing an important role in ensuring that Chinese products don't enter their homes. Gradual but steady progress of the 'Boycott Chinese' campaign can be gauged by the response from Beijing. Initially, the Chinese official media outlet Global Times dismissed the campaign, saying that it won't impact the sale of their goods. Later they undertook efforts to plant stories in Indian media saying India will be hurt more as Indian traders have paid in advance for the items used during Deepawali festivities that include 'Diyas' and hazardous firecrackers of inferior quality. Even that did not work in their favour. China soon resorted to what can be termed as threats saying "such a move (Boycott) will negatively impact the India-bound investments from its enterprises and also the bilateral cooperation between the two countries. A statement issued by the Chinese embassy in New Delhi said China is the world's largest trading nation in goods, with its exports in 2015 amounted to \$2276.5 billion. "The exports to India accounted for only 2 per cent of China's total exports and India's boycott of Chinese goods will not have much impact on China's exports. "China is more concerned that the boycott will negatively affect Chinese enterprises to invest in India and the bilateral cooperation, which both Chinese and Indian people are not willing to see."

The fact However is that China is unable to take notice of its own behaviour. Its conduct on every count, be that moral, ethical, legal, constitutional, bilateral or multilateral demeanour is unbecoming of a country desirous of becoming a superpower. Only expansionist ambitions can explain Chinese unreasonable opposition to India's entry into NSG. Still more perverse is its decision to stall efforts to declare Massod Azhar of Jaish a designated terrorist by UNO. Blocking a tributary of Brahmaputra just because India is raising costs for terror exporter Pakistan can be termed irrational to be soft. Chinese actions on border or at sea are other issues that irritate Indians. China is leaving no stone unturned in its efforts to create impediments in Indian developmental process. It is supporting every anti-India force wherever they are. And yet it expects Indians not to react. The fact is that Chinese have been paying the price of public anger at different places for its belligerent behaviour. Africans don't like them. A small country like Myanmar has taught it a lesson that the Chinese will take ages to forget it. Srilankans question its intentions. Vietnamese hate them. And one can go on counting. China needs to understand that, with its economic clout, it may succeed in arm-twisting governments and rulers. But they can't underestimate the will and determination of a people more so in democratic set ups. But then Democracy is as alien to China as is reason.

Economic scenario, Jobless Growth and Displacement



The National Democratic Alliance (NDA) government led by Prime Minister Narendra Modi assumed office on 26 May 2014. It was voted to power by a huge majority in the general election. It was an overwhelming mandate for the issues raised during the campaign.

There were great expectations from the Modi government when it came to power. Government has, no doubt, taken several initiatives, in particular on economic front. Evaluation of the performance of the government after it being in office for thirty months is on expected lines. Supporters of Prime Minister and BJP eulogize it gratifyingly. Those

in opposition criticise it fancifully. Both sides have a prejudiced view and react in a manner that suits their narrow party or personal agenda. It is more subjective and is largely devoid of any objectivity.

Independent appraisal based on merits and facts is rarely found. Analysts, seemingly not linked directly with the political division based opinions are also difficult to be found. Some have corporate interest as the basis of their critique, while others are ideologically driven in their assessment.

Government's biggest success, according to some, has been an attempt to make India more business-friendly, reduce bureaucracy, improve transparency, and embark on a vigorous foreign policy path, yielding some results. But has that resulted in the desired objective on ground?



Steering away from contested narratives and misleading Economic Indicators, it is time to have a look on issues like unemployment, growing inequality and consistent displacement of people, in particular from rural to urban areas, pleads
Ajey Bharti

Economic Model unchanged

Economics as it is implicit, taught and studied these days is mainly a western concept. All varieties of economic thinking whether capitalistic or socialistic originated in England and has developed during past 250- 300 years.

By and large the basic concept of development under this philosophy is free enterprise and open international trade based on comparative cost advantage. Role of the State is encouraged to shrink and selected few who are fittest are permitted to rule not only their own enterprises but the world. Various instrumentalities like World Bank, IMF, WTO have been created to help achieve that objective. International financial institutions are driven to practice of conditionality- making loans to poor and developing countries available only in exchange for policy reform. Whitemen of west, to hide their sinful greed, claim they have to take this burden to free markets in poor & developing countries.

This western economic model for long period of time has been prescribed as a "RamBhan" solution to all the ills of India. Based on what is being called as

conventional economics and politics growth & development is termed as the positive agenda for a developing nation like India.

Characterized as Development economics, we are told it deals with economic aspects of the development process in low-income countries. Its focus is not only on methods of promoting economic development, economic growth and structural change but also on improving the potential for the mass of the population, for example, through health, education and workplace conditions, whether through public or private channels.

Development economics involves the creation of theories and methods that aid in the determination of policies and practices and can be implemented at either the domestic or international level.

This understanding to a large extent is based on the experience of most of the developed economies and their claim to have been successful to greater extent in raising the standard of their people with the increasing economic output.

Growth as the solution

The wisdom, we are told, is in having faster growth of economy than the growth of population. It is said that increased consumption will lead to increased economic activity that will result in higher collection of taxes to be spent on improved public services and reduction of unemployment and poverty. Inflation, GDP, and employment have been considered as the most important measurable indicators to gauge the progress of economy.

In this stage-managed discourse other side has for long been ignored. Diminishing marginal utility of income and wealth; external

side-effects such, as increased pollution leading to global warming and increased inequality are hardly receiving the required attention. These issues are discussed only through lip service and to sustain the failed model of economy & development.

Economic indicators

Some data at macro scale related to economy termed as economic indicators is being used to interpret current or future investment possibilities or to judge the overall health of an economy. In this regard specific pieces of data released by government and non-profit organizations have become widely followed. Such indicators include but aren't limited to: the consumer price index (CPI), gross domestic product (GDP), unemployment figures etc. Debate among different political parties is reduced to a Slugging match in this era of 24*7 TV channels. This data is mostly misleading as it hides more than it reveals.

Steering away from these contested narratives and what they call as Key Economic Indicators, it is time to have a look on issues like unemployment, growing inequality and consistent displacement of people, in particular from rural to urban areas.

High Unemployment rate

The latest annual household survey on employment conducted by Labour Bureau reveals that the country's unemployment rate has risen to a five-year high of five per cent in 2015-16, from 3.8 per cent in 2011-12. It was 4.9 per cent in 2013-14, 4.7 per cent in 2012-13. The annual survey also showed that 47.8 per cent of the surveyed population was reported to be employed in 2015-16 compared

with 49.9 per cent (also known as worker population ratio) two years earlier when the previous survey was conducted.

Not just the number of opportunities even the pattern of employment in the corporate sector is changing. There is a steady decline in the proportion of self-employed and salaried workers and a rise in contractual employment. Survey further reveals that over a third of working people are employed for less than a year and 68% of households are earning up to only Rs 10,000 per month.

Displacement of population

Over 7.8 lakh persons in 1.6 lakh households were surveyed across the country between April and December 2015. Expectedly, urban areas continue to provide more and better paying jobs compared with the rural areas. While 82% of job seekers get year-round jobs in urban areas, just 53% of rural job seekers manage to get such security. This is leading to unbridled migration to cities which are already cracking under pressure.

Urbanisation is taking place at a faster rate in India. Population residing in urban areas in India, according to 1901 census, was 11.4%. This count increased to 28.53% according to 2001 census, and crossing 30% as per 2011 census, standing at 31.16%. According to some surveys including one by UN State of the World Population report in 2007, by 2030, 40.76% of country's population is expected to reside in urban areas.

Mumbai alone accommodates 12.5 million people, and is the largest metropolis by population in India, followed by Delhi with 11 million inhabitants. Witnessing the fastest rate of urbani-

sation in the world, as per 2011 census, Delhi's population rose by 4.1%, Mumbai's by 3.1% and Kolkata's by 2% as per 2011 census compared to 2001 census.

Consequences of unplanned, uncontrolled urbanisation

Rapid rise in urban population, in India, is leading to many problems like increasing slums, decrease in standard of living in urban areas, also causing environmental damage. India's urban growth rate is 2.07% and has around 300 million people living in metropolitan areas. This has greatly caused slum problems, with so many people over crowding cities and forcing people to live in unsafe conditions which also includes illegal buildings. Water lines, roads and electricity are lacking which is causing fall of living standards. The gap in urban infrastructure investment over the next 20 years is estimated at \$827 billion; two-thirds of this is required for urban roads and traffic support. It is also adding to the problem of all types of pollution.

Urbanization also results in a disparity in the market, owing to the large demands of the growing population and the primary sector struggling to cope with them. It is virtually a disaster in making.

Growing Inequality

Inequality is another outcome of the flawed western model that needs to be scrutinised properly. Data shows that inequality in earnings has doubled in India over the last two decades, making it the worst performer on this count of all emerging economies. The top 10% of wage earners now make 12 times more than the bottom 10%, up from a ratio of six in the 1990s.

Moreover, wages are not

smoothly spread out even through the middle of the distribution. The top 10% of earners make almost five times more than the median 10%, but this median 10% makes just 0.4 times more than the bottom 10%. India's Gini coefficient, the official measure of income inequality, has gone from 0.32 to 0.38, with 0 being the ideal score. In the early 1990s, income inequality in India was close to that of developed countries; however, its performance on inequality has diverged greatly since then, bringing it closer to China on inequality than the developed world.

There is evidence of growing concentration of wealth among the elite. The consumption of the top 20% of households grew at almost 3% per year in the 2000s as compared to 2% in the 1990s, while the growth in consumption of the bottom 20% of households remained unchanged at 1% per year. In comparison, the income of the bottom 20% of households in China grew at double the rate in the 2000s as compared to the 1990s, while the increase for the top 20% of households was much slower. In Brazil, household incomes have been growing faster among the poorest households than among the richest for the last two decades.

Of all the emerging economies, India has by far the highest proportion of informal employment, by any national or international measure. "In India...informal employment includes a disproportionate number of women, home-based workers, street sellers and workers sub-contracted by firms in the formal sector," the OECD report said.

India spends less than 5% of its GDP on social protection

schemes as compared to Brazil's more than 15%. Its tax revenue as a proportion of GDP is under 20%—the lowest of all emerging economies, and just half that of developed countries.

BJP in its 2014 election manifesto had given highest priority to employment generation. It had said that, "The country has been dragged through 10 years of Jobless Growth by the Congress led UPA Government. Under the broader economic revival, BJP will accord high priority to job creation and opportunities for entrepreneurship. We will:

- Strategically develop Labour-intensive manufacturing (viz. Textile, footwear, electronics assembly) and tourism.
- Strengthen the traditional employment bases of Agriculture and allied industries and retail-through modernisation as well as stronger credit and market linkages".

Performance after two and half years is there for all to see. Not that on the front of much publicised key economic indicators there is some major change. infact latest Key Economic Indicators for India suggest continuation of economic performance.

- GDP. Latest: 7.1% for 2016
- Industrial Production. Latest: -2.4% for Jul. 2016. Previous: 2.1% for Jun. ...
- Foreign Trade. Latest: -US\$7.7 bil for Aug. 2016. Previous: -US\$7.8 bil for Jul. ..
- Wholesale Price Index. Latest: 3.7% for Aug. 2016

But the joblessness and its impact is serious threatening the social fabric of the country. It is time to attend the issue without further delay. □□

A vision for Indian Economy

India is at crossroads. Two years of the NDA Government have passed by. On the one hand there is a palpable sense of enthusiasm that a strong government is in place. On the other hand there is a growing sense of disenchantment that the common man has not gained much as was expected. There is a need to make a checklist of the emerging challenges and finalize the contours of our response for the coming two decades.

The first issue is of jobs. Large numbers of youth will enter the workforce in this period. Manufacturing is unlikely to provide jobs to these new entrants. It is difficult to secure a huge increase in manufacturing in our country because we do not have the land, minerals or electricity that are necessary for this. Moreover, manufacturing is increasingly being undertaken by automatic machines. Some of the newest plants are manned entirely by robots. A sugar factory I know was crushing 2000 tons of sugarcane every day in the sixties and employing 200 workers. Today the same factory is crushing 8000 tons of sugarcane but employing only 500 workers. The capacity has increased fourfold while employment has decreased to one-fourth. We will not be able to provide jobs to our youth in manufacturing because our resource base is not suitable for manufacturing and because manufacturing will create few jobs. The vision must be to focus on the services sector. We should think of the new services that are emerging on the horizon such as space travel, customized computer games, production of fruits and vegetables of customized shape and taste, astrology and palmistry, production of movies in various foreign languages, translations between global languages like from Chinese to French and so on. The demand for these services is virtually unlimited. The spread of e-literacy has already laid the foundations of



Growing sense of disenchantment with the perceived strong government for below expectation-performance necessitates preparation of a checklist of the emerging challenges and finalization of the contours of our response for the coming two decades, urges
Dr Bharat Jhunjhunwala





We must consider exiting the WTO if necessary.

this jump. The government must take the initiative to capture these emerging markets. Production of these services requires large numbers of educated workers and does not require huge amounts of natural resources like iron or electricity and matches with our resource endowment. The Government must establish e-service institutes along the lines of IITs, IIMs and NIITs to give a push to this market. These institutes must establish specialized courses in services such as translations, editing, e-astronomy, call centers so that large numbers of our youth are enabled to enter this field.

The second challenge is to work out our relationship with the global economy. Main problem is that globalization involves a race to the bottom. Every country has to per force match the wages of the poorest country. If, for example, Vietnam is able to produce a T-Shirt in 2 US dollars by paying a salary of, say, equivalent of Rs 200 per man day, then all countries of the world will have to pay this low wage in order to survive in the market. The wages in India have come under pressure due to the imports of cheap goods from China. Indian toy makers are forced to pay less because of competition from these imports. The only way to secure an increase in

the wages of our people is to erect a wall against cheap imports. We must embrace protectionism for the domestic economy and embrace globalization for the world economy. The trick lies in imposing import taxes to raise the domestic prices so that higher wages can be paid to our worker who is making the T-Shirts. Simultaneously we must provide export subsidies to enable our industries to compete in the global markets despite paying high wages. The price of T-Shirt in India will be higher than the price in the global market. The higher price will enable our manufacturers to pay higher wages to the workers. The high import duties will provide protection from cheap imports. The export subsidies will enable our manufacturers to nullify the higher cost due to high wages and compete globally. The government must provide export subsidies equal to the increase in cost due to high wages. There is a need to revisit the WTO Treaty in the light of this necessity. We must find ways of implementing this model within the existing WTO Treaty. We must consider exiting the WTO if necessary. The goal of the government must be to secure the welfare of our people. If necessary, we must accept lower rates of growth. Of what use is growth if it does not lead to welfare of our people?

Three, we need to focus on sources of energy that suit our natural resource endowment. We do not have coal to last for many decades. Nuclear power generated from imported uranium makes us dependent on the antics of foreign powers just as China has blocked our entry into the Nuclear Suppliers Group. We have plentiful resources of thorium though. The technology of producing nuclear power from this fuel is as yet undeveloped. China is to commission the world's first thorium based nuclear plant soon. We must make big effort to develop this thorium based nuclear power. The Government is moving fast to develop our solar energy resources. This step is in the right direction. It must be pushed with full vigor.

Four, we must free our people from the shackles of the welfare mafia. Most states are using all their receipts from sales tax only for paying the salaries of government teachers. These teachers are paid about five times the salary of their brothers and sisters working in the private sector. The quality of their teaching is poor. Large numbers of their students fail. The same holds for health. The challenge is to free the country from the grip of this welfare mafia. The government school system should be dismantled. Vouchers must be given to every school going child. The student must be given the freedom to buy education from whichever school he wants. The money being paid to the government health employees must be used to buy universal health insurance for all the people. We need to solve the four problems at the roots to make India a great country in 15 years. □□

Rashtrarishi Dattopant Thengadi (10 Nov. 1920 – 14 Oct. 2004)



Sh. Saroj Mitra
*explains how
Thengadi ji,
Deendyal
Upadhyay and
Guruji Golwalkar
had one vision of
ushering in
renaissance in
India. Their
expressions moved
in the same
wavelength.*

‘Dattopant is our thought giver’ commented Shri Guruji Golwalkar at Thane meet of RSS in 1972. Shri Guruji Golwalkar was deliberating on various western thought processes like Fabian socialism, Syndicalism, Capitalism, Communism and also ancient Indian world view, economic theories based on certain eternal values. Deducing from this deliberation Thengadi ji projected Western and Hindu paradigms. This scholarly work contributed significantly to download integral humanism from theoretical domain to practical sphere.

Though Shri Guruji praised BMS for submitting its voluminous memorandum to Labour Commission headed by Justice Gajendragadkar he questioned certain extreme methods adopted in the name of collective bargaining. Years later Thengadi ji advanced his idea of national commitment to be factored into collective bargaining as enunciated by Webb’s where social cost was ignored. This memorandum prepared by Gajanand Rao Gokhale, Manohar Bhai Mehta and Dattopant Bapurao Thengadi was hailed by Gajendragadkar as last word on labour issues.

While Pt. Deendyal Upadhyay desired production by masses instead of mass production at one place leading to jobless growth Thengadi ji encouraged self employment over wage employment. Both championed the need of developing appropriate technology for India. Thengadi ji pointed out how majority of industries with foreign collaboration in India particularly in public



sector suffer from 40 percent idle capacity. Deendyal ji's Integral Humanism is now deciphered as sustainable development. But so long the world is treated as a market instead of family (Vasudaiva Kutambakam) exploitation in various forms will not cease. One and the same consciousness exists in individual, society, nation and cosmos which Thengadi ji put forth as 'Akhand Mandalakaram Vyapta Yen Characharam'. This Hindu concept of ever expanding consciousness from individual to infinity without any conflict is the impeccable path to achieve world unity. "Maa Gridha Kashya Sit Dhanam?" Whose wealth you want to steal, asked Deendyal ji citing the above Upanisadic treatise which questioned absolute ownership of wealth.

Thengadi ji opposed stock exchanges with speculative trade practices, derivative trade, currency trading etc. Contrived scarcities and rising prices with excessive profit to be replaced by abundance of production with

A living and growing society will preserve out of its multitude of old systems and patterns whatever is essential and conducive to its progressive march, throw off those as have outlived their utility, and evolve new systems in their place.

unrestricted supply to bring down prices, was Thengadi ji's prescription. Thengadi ji demanded to declare cost of production of goods and services.

Thengadi ji often quoted following observation of Guruji, "Once the life-stream of unity begins to flow freely in all the veins of our body-politic, the various limbs of our national life will automatically begin to function actively and harmoniously for the welfare of the Nation as a whole. Such a living and growing society will preserve out of its multitude of old systems and patterns whatever is essential and conducive to its progressive march, throw off those as have outlived their utility, and evolve new systems in their place. No one need shed tears at the passing away of the old order, nor shirk to welcome the new order of things. That is the nature of all living and growing organisms. As a tree grows, old leaves and dry twigs fall off, making a way for fresh growth. The main thing to bear in mind is to see that the spirit of oneness permeates all parts of our social set-up."

"Every system or pattern will live or change or even entirely disappear according as it nourishes that spirit or not. Hence, it is useless in the present social context to discuss the future of all such systems the supreme call of this age is to revive the spirit of inherent unity and the awareness of its life-purpose in our society. All other will take care of themselves."

Thengadi ji, Deendyal Upadhyay and Guruji Golwalkar had one vision of ushering in renaissance in India. Their expressions moved in the same wavelength. □□

Doubts About the Promised Bounty of Genetically Modified Crops

The controversy over genetically modified crops has long focused on largely unsubstantiated fears that they are unsafe to eat. But an extensive examination by The New York Times indicates that the debate has missed a more basic problem — genetic modification in the United States and Canada has not accelerated increases in crop yields or led to an overall reduction in the use of chemical pesticides. The promise of genetic modification was twofold: By making crops immune to the effects of weed killers and inherently resistant to many pests, they would grow so robustly that they would become indispensable to feeding the world’s growing population, while also requiring fewer applications of sprayed pesticides.

Twenty years ago, Europe largely rejected genetic modification at the same time the United States and Canada were embracing it. Comparing results on the two continents, using independent data as well as academic and industry research, shows how the technology has fallen short of the promise.

An analysis by The Times using United Nations data showed that the United States and Canada have gained no discernible advantage in yields — food per acre — when measured against Western Europe, a region with comparably modernized agricultural producers like France and Germany. Also, a recent National Academy of Sciences report found that “there was little evidence” that the introduction of genetically modified crops in the United States had led to yield gains beyond those seen in conventional crops. At the same time, herbicide use has



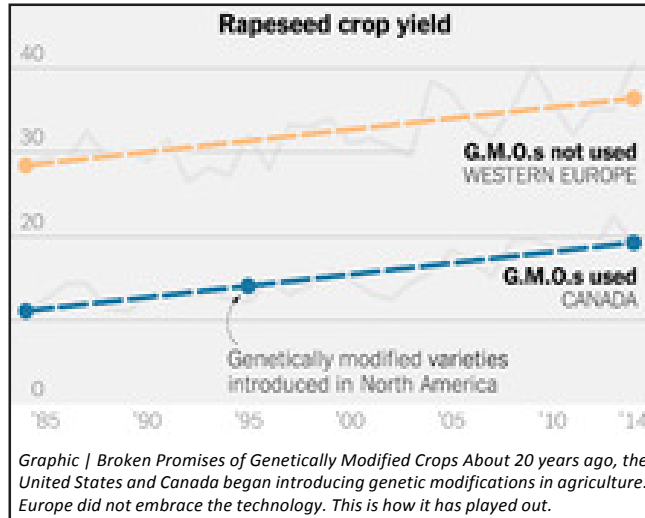
Higher yields with less pesticides was the sales pitch for genetically modified seeds. But that has not proved to be the outcome in the United States, writes
Danny Hakim
in an article published by The New York Times on October 29, 2016.



increased in the United States, even as major crops like corn, soybeans and cotton have been converted to modified varieties. And the United States has fallen behind Europe's biggest producer, France, in reducing the overall use of pesticides, which includes both herbicides and insecticides.

One measure, contained in data from the United States Geological Survey, shows the stark difference in the use of pesticides. Since genetically modified crops were introduced in the United States two decades ago for crops like corn, cotton and soybeans, the use of toxins that kill insects and fungi has fallen by a third, but the spraying of herbicides, which are used in much higher volumes, has risen by 21 percent. By contrast, in France, use of insecticides and fungicides has fallen by a far greater percentage — 65 percent — and herbicide use has decreased as well, by 36 percent.

Profound differences over genetic engineering have split Americans and Europeans for decades. Although American protesters as far back as 1987 pulled up prototype potato plants, European anger at the idea of fooling with nature has been far more sustained. In the last few years, the March Against Monsanto has drawn thousands of protesters in cities like Paris and Basel, Switzerland, and opposition to G.M. foods is a foundation of the Green political movement. Still, Europeans eat those foods when they buy imports from the United States



and elsewhere.

Fears about the harmful effects of eating G.M. foods have proved to be largely without scientific basis. The potential harm from pesticides, however, has drawn researchers' attention. Pesticides are toxic by design — weaponized versions, like sarin, were developed in Nazi Germany — and have been linked to developmental delays and cancer.

“These chemicals are largely unknown,” said David Bellinger, a professor at the Harvard University School of Public Health, whose research has attributed the loss of nearly 17 million I.Q. points among American children 5 years old and under to one class of insecticides. “We do natural experiments on a population,” he said, referring to exposure to chemicals in agriculture, “and wait until it shows up as bad.”

The industry is winning on both ends — because the same companies make and sell both the genetically modified plants and the poisons. Driven by these sales, the combined market capitalizations of Monsanto, the largest seed company, and Syngenta, the Swiss pesticide giant, have grown more than

six fold in the last decade and a half. The two companies are separately involved in merger agreements that would lift their new combined values to more than \$100 billion each.

When presented with the findings, Robert T. Fraley, the chief technology officer at Monsanto, said The Times had cherry-picked its data to reflect poorly on the industry.

“Every farmer is a smart businessperson, and a farmer is not going to pay for a technology if they don't think it provides a major benefit,” he said. “Biotech tools have clearly driven yield increases enormously.”

Regarding the use of herbicides, in a statement, Monsanto said, “While overall herbicide use may be increasing in some areas where farmers are following best practices to manage emerging weed issues, farmers in other areas with different circumstances may have decreased or maintained their herbicide usage.”

Genetically modified crops can sometimes be effective. Monsanto and others often cite the work of Martin Qaim, a researcher at Georg-August-University of Göttingen, Germany, including a meta-analysis of studies that he helped write finding significant yield gains from genetically modified crops. But in an interview and emails, Dr. Qaim said he saw significant effects mostly from insect-resistant varieties in the developing world, particularly in India.

“Currently available G.M. crops would not lead to major yield gains in Europe,” he said. And

regarding herbicide-resistant crops in general: “I don’t consider this to be the miracle type of technology that we couldn’t live without.”

A Vow to Curb Chemicals

First came the Flavr Savr tomato in 1994, which was supposed to stay fresh longer. The next year it was a small number of bug-resistant russet potatoes. And by 1996, major genetically modified crops were being planted in the United States.

Monsanto, the most prominent champion of these new genetic traits, pitched them as a way to curb the use of its pesticides. “We’re certainly not encouraging farmers to use more chemicals,” a company executive told *The Los Angeles Times* in 1994. The next year, in a news release, the company said that its new gene for seeds, named Roundup Ready, “can reduce overall herbicide use.”

Originally, the two main types of genetically modified crops were either resistant to herbicides, allowing crops to be sprayed with weed-killers, or resistant to some insects.

Figures from the United States Department of Agriculture show herbicide use skyrocketing in soybeans, a leading G.M. crop, growing by two and a half times in the last two decades, at a time when planted acreage of the crop grew by less than a third. Use in corn was trending downward even before the introduction of G.M. crops, but then nearly doubled from 2002 to 2010, before leveling off. Weed resistance problems in such crops have pushed overall usage up.

To some, this outcome was predictable. The whole point of engineering bug-resistant plants “was to reduce insecticide use, and

it did,” said Joseph Kovach, a retired Ohio State University researcher who studied the environmental risks of pesticides. But the goal of herbicide-resistant seeds was to “sell more product,” he said — more herbicide.

Farmers with crops overcome by weeds, or a particular pest or disease, can understandably be G.M. evangelists. “It’s silly bordering on ridiculous to turn our backs on a technology that has so much to offer,” said Duane Grant, the chairman of the Amalgamated Sugar Company, a cooperative

To the naked eye, the seeds looked identical. Inside, the differences are profound.

of more than 750 sugar beet farmers in the Northwest.

He says crops resistant to Roundup, Monsanto’s most popular weedkiller, saved his cooperative. But weeds are becoming resistant to Roundup around the world — creating an opening for the industry to sell more seeds and more pesticides. The latest seeds have been engineered for resistance to two weed-killers, with resistance to as many as five planned. That will also make it easier for farmers battling resistant weeds to spray a widening array of poisons sold by the same companies.

Growing resistance to Roundup is also reviving old, and contentious, chemicals. One is 2,4-D, an ingredient in Agent Orange,

the infamous Vietnam War defoliant. Its potential risks have long divided scientists and have alarmed advocacy groups. Another is dicamba. In Louisiana, Monsanto is spending nearly \$1 billion to begin production of the chemical there. And even though Monsanto’s version is not yet approved for use, the company is already selling seeds that are resistant to it — leading to reports that some farmers are damaging neighbors’ crops by illegally spraying older versions of the toxin.

High-Tech Kernels

Two farmers, 4,000 miles apart, recently showed a visitor their corn seeds. The farmers, Bo Stone and Arnaud Rousseau, are sixth-generation tillers of the land. Both use seeds made by DuPont, the giant chemical company that is merging with Dow Chemical.

To the naked eye, the seeds looked identical. Inside, the differences are profound.

In Rowland, N.C., near the South Carolina border, Mr. Stone’s seeds brim with genetically modified traits. They contain Roundup Ready, a Monsanto-made trait resistant to Roundup, as well as a gene made by Bayer that makes crops impervious to a second herbicide. A trait called Herculex I was developed by Dow and Pioneer, now part of DuPont, and attacks the guts of insect larvae. So does YieldGard, made by Monsanto. Another big difference: the price tag. Mr. Rousseau’s seeds cost about \$85 for a 50,000-seed bag. Mr. Stone spends roughly \$153 for the same amount of biotech seeds. For farmers, doing without genetically modified crops is not a simple choice. Genetic traits are not sold à la carte.



G.M.O. acceptance is exceptionally low in Europe.

Mr. Stone, 45, has a master's degree in agriculture and listens to Prime Country radio in his Ford pickup. He has a test field where he tries out new seeds, looking for characteristics that he particularly values — like plants that stand well, without support.

"I'm choosing on yield capabilities and plant characteristics more than I am on G.M.O. traits" like bug and poison resistance, he said, underscoring a crucial point: Yield is still driven by breeding plants to bring out desirable traits, as it has been for thousands of years.

That said, Mr. Stone values genetic modifications to reduce his insecticide use (though he would welcome help with stink bugs, a troublesome pest for many farmers). And Roundup resistance in pigweed has emerged as a problem.

"No G.M. trait for us is a silver bullet," he said. By contrast, at Mr. Rousseau's farm in Trocy-en-Multien, a village outside Paris, his corn has none of this engineering because the European Union bans most crops like these.

"The door is closed," says Mr. Rousseau, 42, who is vice president of one of France's many agricultural unions. His 840-acre farm was a site of World War I carnage in the Battle of the Marne. As with

Mr. Stone, Mr. Rousseau's yields have been increasing, though they go up and down depending on the year. Farm technology has also been transformative. "My grandfather had horses and cattle for cropping," Mr. Rousseau said. "I've got tractors with motors."

He wants access to the same technologies as his competitors across the Atlantic, and thinks G.M. crops could save time and money.

"Seen from Europe, when you speak with American farmers or Canadian farmers, we've got the feeling that it's easier," Mr. Rousseau said. "Maybe it's not right. I don't know, but it's our feeling."

Feeding the World

With the world's population expected to reach nearly 10 billion by 2050, Monsanto has long held out its products as a way "to help meet the food demands of these added billions," as it said in a 1995 statement. That remains an industry mantra.

"It's absolutely key that we keep innovating," said Kurt Boudonck, who manages Bayer's sprawling North Carolina greenhouses. "With the current production practices, we are not going to be able to feed that amount of people." But a broad yield advantage has not emerged. The Times looked at regional data from the United Nations Food and Agricul-

ture Organization, comparing main genetically modified crops in the United States and Canada with varieties grown in Western Europe, a grouping used by the agency that comprises seven nations, including the two largest agricultural producers, France and Germany.

For rapeseed, a variant of which is used to produce canola oil, The Times compared Western Europe with Canada, the largest producer, over three decades, including a period well before the introduction of genetically modified crops. Despite rejecting genetically modified crops, Western Europe maintained a lead over Canada in yields. While that is partly because different varieties are grown in the two regions, the trend lines in the relative yields have not shifted in Canada's favor since the introduction of G.M. crops, the data shows.

For corn, The Times compared the United States with Western Europe. Over three decades, the trend lines between the two barely deviate. And sugar beets, a major source of sugar, have shown stronger yield growth recently in Western Europe than the United States, despite the dominance of genetically modified varieties over the last decade.

Jack Heinemann, a professor at the University of Canterbury in New Zealand, did a pioneering 2013 study comparing trans-Atlantic yield trends, using United Nations data. Western Europe, he said, "hasn't been penalized in any way for not making genetic engineering one of its biotechnology choices."

Biotech executives suggested making narrower comparisons. Dr. Fraley of Monsanto highlighted

data comparing yield growth in Nebraska and France, while an official at Bayer suggested Ohio and France. These comparisons can be favorable to the industry, while comparing other individual American states can be unfavorable.

Michael Owen, a weed scientist at Iowa State University, said that while the industry had long said G.M.O.s would “save the world,” they still “haven’t found the mythical yield gene.”

Few New Markets

Battered by falling crop prices and consumer resistance that has made it hard to win over new markets, the agrochemical industry has been swept by buyouts. Bayer recently announced a deal to acquire Monsanto. And the state-owned China National Chemical Corporation has received American regulatory approval to acquire Syngenta, though Syngenta later

warned the takeover could be delayed by scrutiny from European authorities.

The deals are aimed at creating giants even more adept at selling both seeds and chemicals. Already, a new generation of seeds is coming to market or in development. And they have grand titles. There is the Bayer Balance GT Soybean Performance System. Monsanto’s Genuity SmartStax RIB Complete corn. Dow’s Phyto Gen with Enlist and WideStrike 3 Insect Protection.

In industry jargon, they are “stacked” with many different genetically modified traits. And there are more to come. Monsanto has said that the corn seed of 2025 will have 14 traits and allow farmers to spray five different kinds of herbicide. Newer genetically modified crops claim to do many things, such as protecting against

crop diseases and making food more nutritious. Some may be effective, some not. To the industry, shifting crucial crops like corn, soybeans, cotton and rapeseed almost entirely to genetically modified varieties in many parts of the world fulfills a genuine need. To critics, it is a marketing opportunity.

“G.M.O. acceptance is exceptionally low in Europe,” said Liam Condon, the head of Bayer’s crop science division, in an interview the day the Monsanto deal was announced. He added: “But there are many geographies around the world where the need is much higher and where G.M.O. is accepted. We will go where the market and the customers demand our technology.” □□

Author Danny Hakim is an investigative reporter in The New York Times’s London bureau. He has previously been a European economics correspondent, chief of The Times’s bureaus in Albany and Detroit, and a reporter covering investing. (Published courtesy The New York Times for non-commercial).

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Unearthing of Black Money for Resource Mobilization

The recent drives launched to unearth black money in India, Indonesia and Argentina have succeeded in varying degrees in bringing undisclosed income to the surface in these 3 countries. Indians were earlier believed to be having highest quantum of black money stashed in Swiss Banks and other tax havens, as per a controversial report of the Swiss Banks' Association, which was later disowned by the Association itself. The aforesaid report of the Association carried a figure of USD 1.4 trillion (Rs. 94 lac crores) stashed in Swiss banks alone. But, after completion of two rounds of income disclosure scheme in 2015 and 2016, the amount is hardly to touch Rs. 80,000 crores, which would be even short to touch USD 12 billion against a belief for USD 1.4 trillion. On the other hand, such schemes in Argentina and Indonesia have brought to surface USD 80 billion, equivalent of INR 5,36,000 crore and USD 379 billion, equivalent of INR 25,40,000 crores respectively. In case of Indonesia this declaration tally is secured by the end of the first phase of 3 months that ended on September 30th out of a 9 month scheme likely to end on March 31, 2017.

The income disclosure scheme in India was launched in two phases. In the first phase of 2015, it was for disclosing the black money stashed abroad, which invoked a very high tax liability of 60% and it succeeded in securing a disclosure of



The black money declared is much below the expectations. Yet, the amount unearthed, whether by search and seizures or under the voluntary disclosure scheme, would at least constitute white capital for the country and generate revenue on this newly disclosed wealth for the government for years to come, thinks

Dr. Bhagwati Prakash Sharma



mere Rs 4174 crore i.e. little more than half a billion USD.

In the second phase of 2016, allowing a period of 4 months from June 1st to September 30th for disclosure of undisclosed income stashed within India, the tax liability including the penalty was 45% and again a paltry sum of Rs 65,250 crore, hardly touching an equivalent of USD 10 billion was declared. The amount is likely to touch Rs 75,000 crores after the final revision of the figure.

The final estimate of declaration of undisclosed income of second phase in India may though, slightly exceed over Rs. 75,000 crores. In that case too, the declarations made so far would be less than 15% of the declarations made in Argentina and less than 3% of the declarations made in Indonesia. In India, these declarations made so far, too have been secured after coercing the people through serving more than 62,000 notices and huge pressure exerted through numerous search and seizure operations in last two years. Through, as a result of search and seizure operations conducted in last two years too, an undisclosed income of Rs. 87,300 crores was also unearthed. But, after adding this amount as well, the total black money unearthed does not exceed over 1,70,000 crores equal to mere USD 25 billion. This figure is less than 2% of what was being alleged to be with Swiss banks alone. In case of Indonesia around \$ 140 trillion out of a total declaration of \$ 379 was of the wealth stashed abroad. Seventy percent of it was stashed in Singapore followed by Cameron Islands and Hongkong.

For a lack luster tally of dec-



The declarations made so far would be less than 15% of the declarations made in Argentina.

larations in India, there can be three explanations as are being offered by different experts for this paltry sum of declarations made so far, vis a vis the huge declarations made in Argentina and Indonesia. Firstly, there may not be such a huge quantum of black money with Indians, as was being alleged earlier.

Second, the rate of tax levied upon declarations was very high, which was 60% for the money stashed abroad and 45% for the money declared at home which would have dissuaded the black money holders. Because, in case of Indonesia the tax rate proposed was just 31% to facilitate more declarations with ease. Indeed, the In-

donesia had announced a nine month scheme, divided into 3 phases of 3 months each. The first phase started from July 1, almost a month later than June 1, when India launched its scheme. In the first phase which ended on September 30, 2016, when the India's Income Declaration also terminated, Indonesia invoked a tax rate of 31%. In the second and third phase Indonesia has proposed to raise the tax rate by 3 and 10 percent respectively.

Third alternative reason being advanced for the small tally of declarations made in India is that, may be the black money holders may have converted their black income into white by round tripping it as export income or as FDI or FII investment through Mauritius, Cyprus or Singapore routes.

Whatever may be the reasons, the black money declared is much below the expectations. Yet, the amount unearthed, whether by search and seizures or under the voluntary disclosure scheme, would at least constitute white capital for the country and generate revenue on this newly disclosed wealth for the government for years to come. □□

Boycott of Chinese goods

As per the reports coming from various quarters, sale of Chinese goods has gone down by 25-30 percent in the recent weeks. It's being said that traders who import goods from China have already suffered heavy losses. Traders also say that given public position about Chinese goods, they would rather not import Chinese goods, next time. These reports say that this is the effect of campaign on social media such as WhatsApp, Facebook, Twitter etc., against unjust stand of China of not allowing Masood Azhar to be declared international terrorist in United Nation and blocking of Brahmaputra water against India. It's notable that imports from China has been increasing in the last three decades and Chinese imports have increased from merely US\$ 0.015 billion in 1987-88 to US\$ 61.7 billion in 2015-16. Since exports from India were hardly US\$ 9 billion in 2015-16, Chinese trade caused a deficit of nearly \$US 52.7 billion in 2015-16. It may be noted that deficit from trade with China accounted for nearly 45 percent of total trade deficit of India, that is, US\$ 118.3 billion.

If we leave aside exceptional period between 2000-01 and 2002-03, when India's balance of payment turned positive; India has experienced increasing deficit in the balance of trade and balance of payment on current account. Country's deficit in BOT reached \$US 190 billion and current account deficit in the BOP at 88 billion in 2012-13. Though, in the recent years due to declining oil prices, both



We witness an unprecedented feeling among the people of independent India with respect to boycott of Chinese goods. There is almost unanimity on this issue in the country, except for lone voices arguing impact Indo-Chinese relations, oppose it, elucidates
Dr. Ashwani Mahajan





trade deficit and balance of payments deficit have come down to US\$ 118.3 billion and 22 billion respectively, country is yet not out of payment problems and rupee is still under huge pressure. Our foreign debt, which was only US\$ 101 billion in 2001, reached US\$485.6 billion by 2016. Every year country has to shed huge amount as interest on this debt, which further worsens our debt.

Now when the people of India have decided to boycott Chinese goods, even on the occasion of Diwali, the impact could be significant on imports from China. It is true that we import many intermediate goods and accessories, components and machinery, apart from finished goods. At present boycott is limited to the consumer goods, but if the same public sentiment continues, it is possible that the effect of boycott may be felt on the import of spare parts and machinery. The first effect will be on imports and the trade deficit. Today, when 40 percent of trade deficit is due to Chinese imports, a mere 20 percent reduction in Chinese imports may reduce our trade deficit by more

China's trade surplus has come down from US \$627.5 billion to US \$ 419.7 billion. 12% of it comes from trade with India.

than US\$ 12 billion. Lesser imports from China may boost production and employment in the country. If 20 percent of Chinese imports are replaced by domestic production, our production may increase by rupees 130 thousand crores. Smaller trade and balance of payment deficit may reduce pressure on rupee. Today, when our imports are nearing 20 percent of GDP, 10 percent improvement in rupee may lower our inflation by nearly 2 percent. Prices of petroleum products and host of other imported goods may be cheaper.

Impact on China

Critics may say that India is

not a very important trade partner of China, as Indian imports constitute hardly 3.4 percent of total exports of China. Today China's exports total US\$ 1845 billion, out of which India's imports from China are hardly US\$ 61.7 billion. However, we shouldn't forget that at one point of time China's trade surplus had reached US\$ 627.5 billion, which has now come down to meagre US\$419.7 billion. If we see Indian trade provides more than 12 percent of trade surplus of China. Therefore if Indian imports from China come down by even 20 percent, impact on China would be significant. Experts believe that declining exports from China is putting pressure on Chinese yuan. It's notable that Chinese yuan has reached the weakest level in the past 6 years.

We witness an unprecedented feeling among the people of independent India with respect to boycott of Chinese goods; as people have never shown such feelings against Imports from any country except during war for independence, namely 'Swadeshi Movement'. There is almost unanimity on this issue in the country, except for lone voices opposing this, as they argue that this may impact Indo-Chinese relations. But this is also a fact that the way official Chinese media is reacting to this boycott, even terming it as 'barking dogs'; it seems that the same has started impacting China. This boycott call may even dither other countries also, which see India only as a market and continue to hurt our national and strategic interests at international fora and otherwise. □□

(The author is a Associate Professor, PGDAV College, University of Delhi)

Communism destroyed common civil code

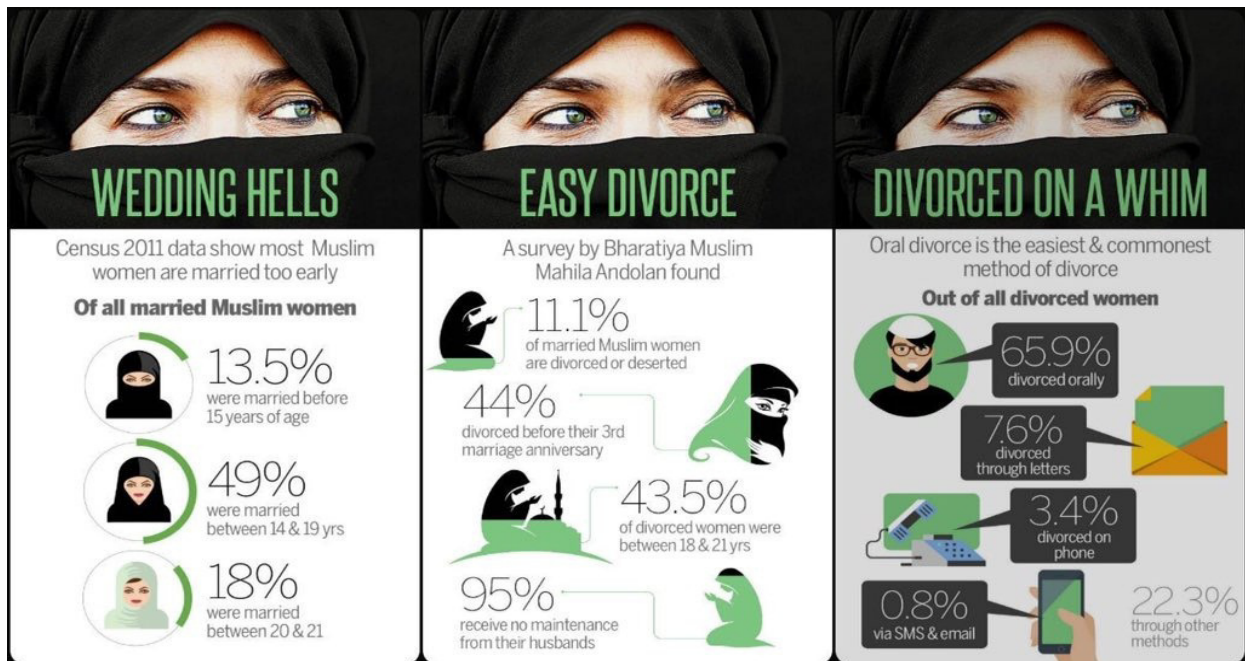
If six decades after India became a constitutional republic, Articles 44 and 37 of the Constitution which directs and casts duty on the government to secure a Uniform Civil Code for all Indians, are still debated, it is symbolic of constitutional failure. Customary common civil code for succession prevailed in India till 1937, which the Hindus and Muslims, were following. Its implication is this: if Muslims did not follow the rules of Sharia, but customary law for succession, they could change or modify the Sharia rules of marriage for enacting a common civil code. Here is the sordid story of how Hindus and Muslims were divided by law enacted by the British in collusion with the Muslim League, which imposed Sharia on Muslims; of how Art 44 of the constitution attempted to bridge the divide by mandating a common civil code and the state ducked that mandate; and of how the state actually cocked a snook at the Supreme Court which had counseled the state to enact common civil code and over ruled the court by a special law directed against Art 44!

In unified India, Hindus and Muslims shared common customary law of succession till 1937. The customary Marumakkattayam law applied to both communities in Kerala. In Punjab (now Punjab, Haryana, J&K, Himachal Pradesh) and North-West Frontier (in present Pakistan), Muslims followed local Hindu laws, not Sharia and same was the case in Oudh province (now Uttar Pradesh) and Ajmer-Merwara (now Rajasthan). In Gujarat also, Muslims (Kutchy Memons, Halai Memons, Sunni Bohras, Khojas, Molisalam Ghirasis) were governed by customary Hindu laws. In the Presidencies of Madras, Calcutta and Bombay also, Muslims followed local Hindu customs. In Madhya Pradesh too local customs that conflicted with Sharia prevailed. In the case of Kutchy Memons, their only holy literature was Oashavatar, in which nine avatars were Hindu Gods, the tenth



In unified India, Hindus and Muslims shared common customary law of succession till 1937. Routed in the 1937 elections, the Muslim League strategized to carve out the Muslims from Hindus and demanded that British government impose the Sharia law on Muslims, finds S. Gurumrthy





avatar being 'Holy Ali'.

Routed in the 1937 elections, the Muslim League strategized to carve out the Muslims from Hindus and demanded that British government impose the Sharia law on Muslims. The British obligingly passed the Muslim Personal Law (Application) Act 1937 and outlawed the customary common civil code that bonded Hindus and Muslims till then. But as the 1937 law excluded agricultural lands from Sharia, two thirds of Indian Muslims still share common customary law with Hindus in respect of farm lands, reducing Sharia to largely urban Muslims. In Cooch-Bihar in West Bengal, the 1937 Sharia law was made applicable only from 1980. Undeniably while Hindus and Muslims of India (and Pakistan) were following the common customary Hindu civil code, the Muslim League-British combine imposed Sharia on Muslims. The division of Hindus and Muslims by the 1937 Act established the power of a separate civil code to divide not just the people, but a

nation into two in just 10 years!

And now come to Constitutional India. In the Shah Bano case (1985), a Constitution bench of Supreme Court regretted that Article 44 had remained a dead letter in the Constitution. The court said that Muslims were unlikely to make the first move and bell the cat. Understanding the difficulties in the matter, the court said that a beginning was needed "if the constitution were to have any meaning". The Court referred to Dr. Tahir Mahmood's view that a secular state should not administer "religion based personal laws". Dr. Mahmood had asked the Muslims not to waste their energies to fight for immunity for their personal law from the state legislation, and appealed to them to purge anachronism from Sharia and "enrich the common civil code of India." The Court also cited Pakistan government's Report of the Commission on marriage and Family Laws which said that "a large number of middle-aged women who are being divorced without rhyme or rea-

son should not be thrown on the streets without a roof over their heads and without any means of sustaining themselves and their children." Unfortunately this wise counsel of the Court led to huge protests from Muslims. The government of the day far from enacting common civil code, overturned by a law, the Shah Bano judgment, which pleaded for common civil code.

After 1986, those who demanded common civil code were labelled as communal and those who opposed it, as secular. Thus the debate ended and labeling - read, abuse - started. Now, with the rise of Islamic fundamentalism, which is beyond the capacity of the minority community leaders to handle, the Indian polity ought to introspect and restart the suspended debate. As the minority community is unlikely to bell the cat as the Supreme Court has said, the majority community needs to take lead, as pleaded by Dr. Tahir Mahmood. Will the majority community do its duty to the minority? □□

What's wrong with Crop Insurance? How to make it farmer friendly?



Launched with much fanfare, the *Pradhan Mantri Fasal Bima Yojna* (PMFBY) seems to have run into rough weather.

Sample this. Unseasonal rains have damaged standing crops in Nagaur district in Rajasthan. Hundreds of farmers had been running from pillar to post to bring the damage to the notice of concerned authorities. Farmers complained that with toll free number, email id being faulty and unreachable, they had no idea whom to get in touch with. In neighboring Haryana, the standing paddy crop was affected by a disease in Gohana district. More than 700 complaints were filed seeking

immediate damage assessment by the revenue officials. Farmers had to resort to a serial hunger strike for 7 days before the administration promised to get a special *girdhari* conducted to assess the loss suffered.

While the tussle between farmers and administration continues, agricultural officials in Haryana had refused to conduct crop cutting experiments. Although the Haryana government had prohibited any strike by farm officials revoking Essential Services Maintenance Act (ESMA) for a period of six months beginning September, agricultural officials had said that at a time when *Kharif* crops had started reaching the markets, any crop cutting at this stage would be unreliable and therefore would go against the farmer's claim for settlement.

Reports coming from Madhya Pradesh say that farmers had protested at numerous places wanting officials to assess the crop damage. Chief Minister Shivraj Singh Chauhan had promised action within 15 days and compensation to be paid within a month when crops are hit by unseasonal rains or hailstorm. In Maharashtra too, newspaper are full of reports of the failure of crop insurance companies to assess the crop damage.

Take this particular case. According to a news report in *Rajasthan Patrika*, crops like moong, moth, til, bajra, cotton, chaula, groundnut, guar and jawar were included for crop insurance under PMFBY. The maximum claim that would be applicable in moong had been worked out to Rs 16,130, which is roughly 40 per cent of the total value of the crop. If we look at the estimates prepared by the State Agriculture Department, seven *quintals* is the average output of *moong* per hectare. Going by the Minimum Support Price for *moong*, the total output in terms of value comes to about Rs 40,000 per hectare. So if the crop loss is 60 per cent, the insurance company doesn't have to pay for the entire loss. Farmers have complained that the State Government had been dilly-dallying in its replies in the



Crop insurance is turning out to be an excellent business proposition for the private companies since they do not have to make initial investment for creating adequate infrastructure, including employing the manpower, explains
Dr. Devinder Sharma

State Assembly on the questions being faced on crop insurance.

The reports that I have cited above are simply to give you an idea that probably the *Pradhan Mantri Fasal Bima Yojna* was launched without even assessing the problems it would throw up if not implemented properly. The government either did not visualize that there were serious problems in its implementation the way the scheme was designed or probably had too much of faith on the private insurance companies. But what I have been reading and analyzing so far, the *Pradhan Mantri Fasal Bima Yojna* seems to be an insurance against any possible loss that the private sector insurance companies would incur rather than aimed at providing an insurance cover for the crop losses for the farmers.

Why I feel like saying so is because I find the crop losses and claims that are being worked out are based on open bidding. I haven't seen crop insurance companies anywhere in the world getting into an open bidding process select areas where they would like to operate. There are roughly 12 insurance companies, including the public sector Agriculture Insurance Company Ltd (AICL), and they are quoting the premiums they are able to offer for each district. Such an exercise determines what the government subsidy is going to be since it has become mandatory for states to share the premium jointly with the Centre. Farmers have to only pay 2 per cent in case of *Kharif* crops, 1.5 per cent in case of *Rabi* crops and 5 per cent for horticultural crops.

The difficult areas, which are known to face severe weather fluc-

tuations, are therefore left to the government agency. Even for other districts, I find the variation in the premium limits quoted by the private companies to be not based on risk-based premiums but simply based on their commercial gains. This shouldn't have been allowed in the first instance. This clearly shows that the government's intention is to provide an open field to the private sector companies to maximize their profits without any accountability. Take the case of Rajasthan, for instance. News reports say Rajasthan will have to provide roughly 35 per cent of its agricultural budget to implement PMFBY. This is because the insurance companies are quoting a higher premium and the government has no mechanism to force them to reduce it.

Crop insurance is also turning out to be an excellent business proposition for the private companies since they do not have to make initial investment for creating adequate infrastructure, including employing the manpower required into loss assessment and crop cutting. Agricultural officials in Haryana, who had threatened to go on strike, were justified when they said the task of crop cutting should be undertaken by the private companies. Since 24 crop cutting experiments are mandated for a district, the country will need 40 lakh crop cutting experiments to be conducted. Why shouldn't this be paid for by the private companies?

The *Pradhan Mantri Fasal Bima Yojna* is going to be a roughly Rs 18,000-crore business activity, a jump of nearly Rs 12,000-crore from last year's crop insurance performance. Isn't it surprising that for

getting a scooter or car insured, insurance companies employ agents across the country. But for crop insurance, they forcefully get the premium deducted through banks, and in addition do not have to make any investment for measuring crop losses. I don't know whether this is being done to make it easy to do business or out of ignorance.

My suggestions to make this scheme more meaningful would be:

1. Stop the deduction of premiums from the bank accounts of loanee farmers. The insurance companies do not even know what crop they have insured for the premiums are collected straight from banks.
2. Stop the bidding process for assessing the insurance premiums. Instead, set up an independent body that provides a weather-based crop profile and also what the premium should be for each district.
3. Make insurance companies build up a skilled workforce for crop cutting experiments. This will help generate employment among the educated and unskilled youth.
4. Make it mandatory for the insurance companies to take a farmer's field as a basic unit for assessing crop loss and claims. Losses cannot be estimated on the basis of the damage incurred in a block.

To begin with, since 60 per cent of the crop insurance is done in 50 risk-prone districts I see no reason why the government cannot direct each of the 12 insurance companies to implement the insurance policy on a per farm unit basis in these districts as a pilot. □□

Frivolous legal cases drain Rs 1 trillion

The government departments must cease to be a compulsive litigant. The easy approach, “let the court decide” must be eschewed and condemned. The approach has a high financial cost, leads to pendency of cases and demoralization of the staff. The employees at different levels are also fighting legal battles with the government, in most cases for arbitrary or biased decisions. In many cases, the employees are told to go to court to seek redressal or even reinstatement. These in most cases could be done by a judicious and sympathetic approach at the top. But the approach in most cases is “to teach a lesson” or avoid taking a decision. The perpetrator, a high official, goes scot free and even gets cushy re-employment after their retirement but the employees continue to suffer for life in terms of financial cost and demotivation.

Since 1985, up to September, 2010 a total of 566,706 cases have been filed in the CAT, according to official data. The Modi government as per a cabinet secretary note has called for curbing litigation. The Supreme Court has passed severe strictures against state-run corporations fighting long battles with each other “at the cost of taxpayers”.

How much is the cost of such litigations? There is no exact estimate as different departments spend it and it is not easy to compile such data. Besides, each individual employee also spends a ton in terms of fees for lawyers, courts and other expenses. Even the US government finds it difficult to assess the costs but says it is huge. A US Government Accountability Office (GAO) investigation report of September 8, 2016 says the cost of lawsuits against the federal govern-



Government move to cut litigation may save over Rs 30 lakh crore as it spends lakhs of rupees on counsel fees that ranges from Rs 9,000 to Rs 13,500 a day, plus many other expenses ranging from Rs 900 to Rs 3000 a day plus pocket expenses, finds
Shivaji Sarkar



ment where the plaintiffs win “cannot be fully determined” because not all federal agencies track their legal expenses.

In India, such cases, not only by central government departments and employees but also state governments and their employees, certainly costs the nation Rs 50 lakh crore to Rs. 1 trillion rupees – all taxpayers’ money. Even at the minimum the government everyday spends lakhs of rupees on counsel fees that ranges from Rs 9,000 to Rs 13,500 a day, plus many other expenses ranging from Rs 900 to Rs 3000 a day plus pocket expenses. In addition, there are costs for filing cases as also clerkage.

The Modi government move can save the country about one-third of the total expenses over Rs 30 lakh crore. The cases, SC has observed, are often frivolous. LIC, ONGC and other government departments are regularly approaching the court against various tax demands. These issues can be resolved through negotiations. Over 50 percent of the cases in higher judiciary pertain to government appeals, including tax cases.

A March 2016 report of Central Board of Direct Taxes (CBDT) notes that in more than 30 percent tax-related litigations, appeals were filed mechanically, “without appreciation of the maintainability of the issues involved”.

Calling its affairs a “scam,” the Union Law Ministry under Ravi Shankar Prasad has pulled up the Central Agency Section (CAS), which conducts the litigation work in the Supreme Court on behalf of all the ministries and departments of the Central government.

Nudged by the Prime Minister’s Office, the Law Ministry has sent

a 10-page note to the CAS, enumerating various flaws and deliberate omissions which are adversely affecting the government’s cases in the top court. “The maintenance of the files in the CAS appears to be a scam. If a file gets returned to the CAS on account of postponement of the hearing, the file will never come back to the law officers/panel advocates on the subsequent date. The staff of the CAS will create a facade of non-availability of those files” the note stated.

Former Additional Solicitor General Bishwajit Bhattacharyya, who had retired at the end of his three-year term in November 2012, had published a damning account of his experience in office and said the CAS should be dismantled if the government wants to stop losing revenue. Countries like the US have limited mandatory time frames, for example under the US Speedy Trial Act 1974. However, India does not have general statutory time limits comparable to the US law, Law Commission of India July 2014 report notes. This has led to accumulation of over three crore pending cases at high courts.

A committee of law ministry for strengthening judiciary toward reducing pendency and delays in 2009 suggested having a National Litigation Policy. It noted litigation between public sector undertakings is causing great concern. If litigation cannot be avoided, then alternative dispute resolution methods like mediation must be considered.

Analysis of cases disposed of by the Central Administrative Tribunal (CAT) by Krishna Tangirala, legal intern National Law University, Jodhpur in December, 2013 finds that 40 percent of the cases were filed by group C employees.

“This can be attributed to the lack of avenues available to the lower group employees for the proper redressal of their grievances. This is mainly because of the faulty implementation of the policy of the government”, Tangirala says.

In some cases, employees’ dues are not cleared even after a decade of their retirement. About 43 percent of cases filed even by Group A, B and even C employees sought relief for promotion, pay fixation and increments or anomalies in implementation of pay commission recommendations. Roughly 20 percent of the cases filed prayed for quashing of the suspension orders and reinstatement with full pay and arrears.

In 14 percent of the cases, the petitioner challenged the selection process, including interviews and exams. Majority of petitioners in this category were Group-A employees. About 13 percent of the cases filed prayed for the regularization of services offered by the petitioner, and majority of petitioners in this category were Group-C employees. Around 51 percent of the petitions sought relief directly against the existing policy of the government on suspension, regularization of temporary and contractual employees or non-implementation of pay panel recommendation. Almost half, 49 percent of the cases were decided in favour of the employees. In most promotion related cases, CAT accepted the employees’ plea.

If moves of Modi government are implemented, it would save not only money but also precious man-hours lost. Apart it would ensure healthy atmosphere and is likely to speed up government functioning. □□

Time has come to break the government hold on Education



The race to claim minority tag has become virulent to escape inequitable government control that discriminates between educational institutions on the basis of 'majority' and 'minority' tags. Future education, in such a situation, is in danger of being only with Church run groups, warns
Prof R. Vaidyanathan

Systematic attempts have been made in the last few decades to completely destroy our educational system. First it was communist books imbibing communist values and totally ignoring leaders like Nethaji/Rash Behari/Sardar Patel/Savarkar etc in our text books and focusing only on Nehru Khandan. This was possible due to historians loyal to the Nehru Family. Then VP Singh brought about reservation for OBC's in Education. Most of the kings in the Pre-1947 India were OBCs and India is the only country where erstwhile rulers got benefits out of "positive discrimination". It became absurd as in Tamil Nadu where the reservation goes up to 69% and the population covered is more than 90%. In Tamil Nadu for instance in the last decade all the top hundred rankers are from reserved category and practically the quota idea has become a laughing matter.

Then came the "historic" Right to Education Act under UPA regime. Many feel that it is the brain child of Church run educational institutions to kill other educational institutions. This Act compels schools to have reservation up to 25% in schools for 'poor and educationally backward children'. It is only for schools managed by Hindus not for Christian or Muslim or Parsee and other minority run schools. Also the act talks of "free" education for these children to be reimbursed by state under a Public /Private Partnership basis. Most State Governments have not reimbursed for years.

The race to claim minority tag has become virulent with Tulus in Karnataka becoming minorities and Telugus in Chennai claiming minorities. Lingayats—who run large number of educational institutions—claim that they are not Hindus but Veerashaivas and the most unbelievable case is that of Ramakrishna Mutt claiming that they are not Hindus. Primarily to come out of control of the then left Government in West Bengal. Even though fortunately that case was rejected by Su-

preme Court.

The whole situation is bizarre where in if you are Hindu then better not run any educational institution since you are controlled by Government unlike Church run institutions. Slowly we may have situation where in only Church run schools and colleges will be present in the private sector.

Schools should be able to proudly proclaim that “we are not recognized by any Government”.



What is the way out for Hindu population? First and foremost the idea that Government will help in the process has to be given up. The government in India is a Socialist/Secular Government and any Government has to work under that preamble. State not only may not help any Hindu school but may coerce and make them bleed since other schools cannot be touched.

Hence time has come for Hindu owners /managers of schools who are still interested in running the institutions to think of innovative and revolutionary ways of dealing with the situation, First and foremost the idea of government recognition is obnoxious in this 21st century where Government recognition is a negative point for education. Government consists of semi-literate politicians and bureaucrats with bloated ego. Over and above it is corrupt to the core.

Hence schools should be able to proudly proclaim that “we are not recognized by any Government”. If the word School is not possible call it Gurukulams.

All schools should jointly form a quality or accreditation agency which should be the primary watch dog of quality of these schools. Similar system for colleges. If quality is good then employers will come in. If degrees are issues then Certificates of different levels can be given. Many universities are moribund and appointment of Vice Chancellors are based on cash and caste. So the existence of those institutions are irrelevant. They will be monuments of failure representing the secular/socialist India.

What is the main strength of the Government –more so state Governments. It is their ability to allot land for setting up new insti-

tutions. With development of Internet/Android etc. large tracts of land not needed for schools/colleges. For schools thrice a week meeting of children can be organized –even in the large halls or balconies of some of the parents it is very important that government hold on education is broken completely and it becomes real knowledge centric systems and not cash /caste centric systems.

Most important point is ability of the Gurukulams to teach truthful history of our past and inculcate a sense of pride in being Indian. Over time the colonial genes may be modified and we may be less wired to whims of white man.

Deserving students can be given fees waiver [based on the decision of parents/teachers/management] and if needed loans can be arranged for deserving ones from Non-bank Finance companies [existing and new ones started for such purposes].Most of the middle /upper class in India has opted for their own “enclaves “with power/water/security etc. Time has come to create similar educational enclaves unsullied by the Government.

This is only a preliminary draft of a possible future action. Needs substantial refinements and modifications. But important point is that future education is in danger of being only with Church run groups. If that is considered as not desirable then this is the time to act. Government is a prisoner of the “secular” set up and completely impotent to help in this situation where future is bleak. Governments are run by rhetoric and vote-considerations and not by any concern about quality or about concern of future generations. □□

Amending Preferential Market Access Policy

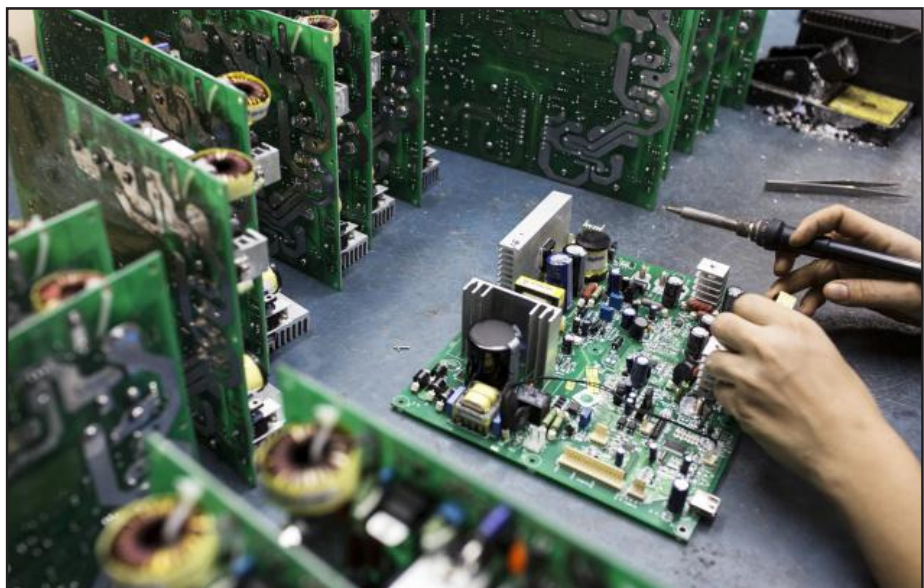
A special treatment to large Foreign Investors and Players

Domestic manufacturers for electronic products have been dwarfed by the large global players. The growth of domestic players was virtually stymied by International Technology Agreements (ITA1) signed by India under WTO that provided for duty free imports—a situation that could be a death knell for the domestic players afflicted by disadvantage of scale and cost of financing vis a vis the foreign players. In its wisdom to promote and incentivise the domestic players in the arena where demand is expected to be about Rs 28,00,000 crore by 2020, the Union Government had brought in a policy of Preferential Market Access (PMA) that provided for at least 30 per cent quota in government procurement of electronic productions for domestic players. The present demand for the products is about USD 40 billion and government procurement is only a miniscule part of it. So be it. Even as an incentive to promote zero import should the proposed amendment in the policy come at the cost of domestic industry.

Alas, Union government has come out with a draft proposal for amendment in the existing PMA policy - to introduce and incorporate a new concept of Deemed Domestic Manufacturer (DDM). Under this, a committed investment of USD 1 billion in next five year can enable a company to take benefits under the PMA policy even for products which are fully imported. One wonders if the move is consistent with the basic premise of the PMA policy to promote domestic manufacturing and whether it may be construed as self defeating the cause.



Concept of Deemed Domestic Manufacturer entitling a foreign company to take benefits under the PMA policy even for products which are fully imported is inconsistent with the basic premise of the PMA to promote domestic manufacturing , elucidates Sanjeev Kakkar



This move has created quite a flutter in the domestic Telecom manufacturing Industry. Many are perplexed as weather this amendment will stifle/impact the aspirations of the large domestic Electronic Industry players who have already made huge investments in innovation and manufacturing of products in line with Prime Minister Shri Narendra Modi's grand vision of "Make in India".

The argument behind the policy relaxation, proposed by the Ministry of Electronics and Information Technology, is to attract large investments in India. The guiding principle of the preferential market access policy was an important strategic consideration to promote domestic manufacturing in high technology products with progressive value addition by providing them market access in an oligopolistic market structure. The existing frame work is non discriminatory, without offering any price preference or lowering of quality and provides fair chance to any manufacturer in India -- small or large to compete for such business.

One of the nine pillars of Digital India Vision is 'Net Zero Import' in electronics sector by 2020 for meeting a domestic demand of \$ 400 Billion. While It remains compelling to attract large FDIs, the proposed amendment may be construed as if by allowing import of products equivalent to 50% value of domestic manufacturing for large project through such FDIs, the effective target of \$ 400 Billion domestic manufacturing is getting diluted because of 50 % import- deemed domestic content. As one reads the terms of the draft proposal -- some incon-

sistencies vis a vis the original policy are too obvious.

Qualification

Large companies will get qualified under the proposed scheme just based on providing commitments of making future investments/annual turnover/foreign exchange generation at the end of next five years. None of this is measureable at the time of taking initial benefit, but no checks and safeguards are visible to ensure new beneficiaries meet the target

Large companies will get qualified under the proposed scheme just based on providing commitment.

and commitment. Any Policy objective must lay down clear year on year performance criteria's based on which qualification shall be ascertained.

Key Features and incentives:

In the proposed amendment, qualified company will be provided with a credit of 50% of the total value of products they manufacture in India. Against this value, they will be allowed to import products which will directly get qualified as domestic products under the PMA scheme. Other deceptive feature of change include, allowing value addition to be calculated based on the entire product portfolio (including many prod-

ucts) on weighted average basis. Original policy set the qualification of value addition for product on product basis to ensure that efforts are measureable on respective complexity of each product and domestic industry move up in the value chain to achieve Net Zero import in real sense. Apprehensions are that intended beneficiary companies will get unfair advantage of getting some products qualified without meeting their individual value addition.

Surprisingly, amendments also stipulate investments made by other industry partners including EMS supplier to be considered as part of company's investment under consideration for the eligibility qualification. Quite unreasonable, how can investment by any other market players who would be extending services to more than one customers and have no direct legal association with the company be clubbed for such considerations.

Proposed relaxed terms are not consistent with the spirit of the PMA policy & has tendency to provide the preservation of an element of special and differential treatment to those foreign investors who qualify under this category.

Last few years country has seen domestic IT & Telecom manufacturers grow significantly because of policy support. In Telecom alone, projects worth about 10,000 Crores are being executed by domestic players under Government procurement. The proposed changes however, are tilted towards interests of large foreign investments. And hence, the amendments as a tool for more FDI to achieve Net Zero import by year 2000 may not be tenable. □□

Swadeshi Mela (Delhi): A Report



Swadeshi Jagran Manch, Delhi organised 3rd Swadeshi Mela from 19th-23rd October, 2016 at the Centre of Cultural Resources and Training (CCRT), Dwarka, Delhi. This mela was aimed at recalling our ancient traditions, cultural richness and basic ethics of India. Some of the main attractions of this cultural extravaganza was the showcase of Swadeshi handicrafts, Diwali decorative items, Ayurvedic and traditional medicinal products, puppet show, camel ride, and live demonstrations by potters, blacksmiths and Artisan (Bunkars) etc. A simple "HUT" and a big "TRISHUL" lighted in the centre of the ground further added to its lustre. This point rather became much famous among the visitors as "selfie point". The live demonstration by the potter was also the point of attractions as people/children enthusiastically participated and made pottery items themselves for the forthcoming Diwali festival.

On the eve of the initiation of mela, mehndi a traditional and auspicious ceremony was organised at the same venue for the ladies. Ladies thoroughly enjoyed and made purchases for Karwachauth that followed the next day.

On the first day 19th October a befitting initiation of this five day of fair started by performing "Vedic Havan" in which all the organising members with their families participated. This event was graced by the presence of Prof. Jagdish Mukhi, Lt. Governor, Andaman and Nicobar, Government of India.

The other attractions of the fair were more than 100 stalls showcasing the rich Indian traditional handicrafts and cultural legacy.

In the evening the event started with the lightening of lamp and floral tributes were offered in the holy feet of the Goddess Saraswati by the honourable chief guests of the evening Chaudhary Virender Singh, Central Steel minister and Sh. Manoj Tiwari (MP and famous singer). Both the guest of honour shared their experiences and appealed to the mass to incorporate Swadeshi-mindset and lifestyle. As the first day of the event also happened to be Karwa Chauth, more than 200 ladies attired in their traditional best participated and worshipped Goddess Karwa. This was followed by a cultural programme that showcased the talent of the participants beautifully in the form of dance, singing, dandiya etc. Dr Ashwani Mahajan, all India Co-convenor, swadeshi jagran manch, was also present in the 1st day ceremony of the mela.

On the 2nd day of fair started with the lightening of lamp in the auspicious presence of Sh Mahesh Sharma, Cultural Advisor, Haryana, Sh Pawan Sharma, Incharge Mizoram state and also of Co-Incharge, (Bihar BJP) Smt. Swaroop Asha Nayar (Vice-Principal, Birla Vidhya Niketan), Sh. Kamaljeet Ji (Sanghthak, Delhi and Haryana region). Sh. Ajey Bharti (All India Co-Vichar Mandal Pramukh). The main attraction of the day was Odishi dance performance by Sahitya Kala Parishad.

On the 3rd day of the on-going mela at CCRT grounds inauguration and lightening of the lamp was done by former Major General PK Sehgal and Sh Satish Ji (All India Sah-Vichar Mandal Pramukh), Sh Pradeep Sharma 'Deepak' (All India Prachar Pramukh) and Sh. Muridhar Rao (former Delhi Prant-Sanyojak and All India General Secretary, BJP). The occasion was also graced by the presence of Sh. Dharmdev Solanki (former MLA), Sh. Siddharthan Ji. All the honourable guests were felicitated by tying turban by Sh. Banke Pehalwan in the auspicious presence of Sh. Sushil Panchal (Prant Sanyojak, Delhi) and



Sh. Ravinder Solanki (sah-Prant Sanyojak, Delhi & Mela organiser). In their inaugural speech both the chief guests stressed the need to boycott chinese products and appealed to the masses to switch to swadeshi lifestyle.

The main attraction of the day was the Kavi Sammelan in which all the poets by their poetry and recitations overwhelmed the audiences. The entire atmosphere reverberated with slogans of 'Vande-Matram'. This was followed by Kathak Performance on theme of desh bhakti. There was also a stall displaying medicinal plants with their uses specified for the treatment of various diseases. Information related to the first aid and primary treatment related to any medical emergency was also demonstrated.

Swadeshi Mela also witnessed many foreign visitors enthusiastically participating and purchasing many items from different stalls

The 4th day inauguration was done by the chief guest for day Sh. ShantPrakashJatav(former central prashikshanprabhari, BJP) and Sh. Srinivasan (akhilbhartiya sah-sangathan Mantri, ABVP). The other dignitaries present were Sh. Ashish Sood (Mahamantri, Delhi, BJP), Sh. Rajesh Gehlot (former MLA, Matiala), Pawan Rathi, Suman Dagar Rakesh Malik, Ramesh Chandra, Ruby Yadav, Rakesh Bansal , Sunil, Brijesh-Prashar (Associate Vibhaagkaryavah, RSS).

The prime attraction of the day was performance by renowned singer Miss Manu vandana , winner of the 'Awaz E Punjaab' , enthralled the audience by singing desh bhakti geet. Other artists Madhumita and BhanuShri are also added lustre to the event by their performances. School students in beautiful tradition costumes gave many remarkable performances. Students also performed yogasnas, Yogkriyas and actively participated in many sport activities. Palam Sports club secured the first position and yogasanas performed by Dimple, a student of Bhaskaracharya

College, Dwarka left many people spell bound. Later all the participants were given prizes and certificates by SwadeshiJagranManch.

The last leg of the 5thday fair saw huge foot fall. People from far and wide came in masses to attend the event. The day was also marked by organising a start-up and entrepreneur meet in which about 25 businessmen participated. The Guest of honour Smt. Krishna Raj (cabinet minister of women and child welfare, Govt. of India) along with special guest Sh. Ramesh Biduri, MP, Sh. Karan Dev Kamboj (Food and supply minister, Govt of Haryana), Sh. Pawan-Kumar (member Bhartiya Mazdoor Sangh) lighted the ceremonial lamp. Students from Sanskar Bharti enacted a beautiful play followed by a vibrant and colourful Rajasthani Dance performance. The day saw huge sale of different displayed swadeshi items. Later in the evening a vote of thanks was given by Sh. Ravinder Solanki to all the participants and businessmen and congratulated the organisers of the event for the successful completion of the mela.



In the Off stage activities more than 200 students of different schools participated in drawing, colouring, rangoli, fancy dress, Lemon race competitions etc.the theme of drawing was changed daily as environmental protection, betibachao-betipadao, jal hi jivanhai, swachhata etc. Large number of school students took part in sport activities, like Kho-Kho and Kabaddi. The students securing positions were given prizes and certificate by the SwadeshiJagranManch.

The main members of the melaTeam was Sh. Ravinder Solanki, Brijbhushan Arya, Dr Manjeet Singh, Naveen Garg, Dr Rakesh Kumari Malik, Anita Pandey, Nihkil Goswami, Pankaj Sharma, Ravinder Aggarwal, Ram Niwas Dahiya, Shashi Talwar, Rami Singh, Rattan Bisht, Rajinder Negi, Indu Rajput, Urmila Sharma and many more. □□

Real estate act rules notified

The Centre has notified the final rules to implement the Real Estate (Regulation and Development) Act, 2016, which aims to bring transparency and set accountability in the sector. The Real Estate (Regulation and Development) (General) Rules, 2016, is applicable for five Union territories without legislature — Andaman & Nicobar Islands, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep and Chandigarh. For Delhi, the Ministry of Urban Development is in the process of finalisation of rules while the state governments have to notify the rules on their own. However, generally most of the state governments take features from the rules adopted by the Ministry of Housing and Urban Poverty Alleviation (HUPA).

In a relief for home buyers affected by delay in projects, developers will now be required to refund or pay compensation to the allottees with an interest rate of the State Bank of India's highest marginal cost of lending rate plus 2% within 45 days of it becoming due. This interest applies to payments due to the developers by the allottee which is to be paid within the period to be specified in the agreement of sale. Rules provide for compounding of punishment with imprisonment for violation of the orders of Real Estate Appellate Tribunal against payment of 10 % of project cost in case of developers and 10% of the cost of property purchased in case of allottees and agents. Compliance with reasons for punishment shall be complied within 30 days of compounding, said the rules. The government has fixed fees for registration of projects and real estate agents. For ongoing projects that have not received completion certificate, developers have to make public the original sanctioned plans and changes made later, amount collected from allottees and its utilisation.

BID to 'Convince' China fails

Close to the next round of meeting of the Nuclear Suppliers Group (NSG) in Vienna in November, India made another attempt to win over China that has been obstructing its membership application for the elite group. Indian officials continued to engage with Beijing on the NSG issue ahead of the crucial meeting. Joint Secretary (Disarmament and International Security) Amandeep Singh Gill met China's Director General of Department of Arms Control Wang Qun in Beijing to convince about In-

dia's efforts in clean energy and need for NSG membership. The Chinese side has been holding on to a rigid position of signing of nuclear nonproliferation treaty (NPT) as a precondition for the NSG, while India seeks exemption on the basis of its 2008 waivers by the same group and its clean track record in nuclear sector.

Both sides said the talks were substantive and constructive but neither gave out any details about it. Without making any commitments, China had said in a statement in September, that the issue of the non-NPT states' participation in the NSG raises new questions for the Group under the new circumstances, and the whole focus was how to address the gap between the existing policies and practices of the non-NPT states and the existing international non-proliferation rules and norms based on the NPT as the cornerstone.

61.2% Differently-abled in schools'

Between 2001 and 2011, nearly 27 per cent (17.5 lakh) of India's differently-abled population in the age-group of 5-19 years never attended any educational institution even as 12.1 per cent (8 lakh) of them dropped out of schools. But as per the recently released Census 2011 in India, 40.2 lakh (61.2 per cent) are attending educational institutions, which still sends out some optimism as it is an improvement of about 11 percentage points for the differently abled persons in the age group attending schools. Further, out of the 40.2 lakh disabled persons attending educational institutions, 22.8 lakh (56.7 per cent) are males and 17.4 lakh (43.3 per cent) are females.

Need to lessen load on Judiciary

Terming government as the "biggest litigant", Prime Minister Narendra Modi said there is a need to lessen the load on the judiciary which spends its maximum time in tackling cases where the government is a party. He also pitched for an All India Judicial Service on the lines of Indian Administrative Service. Addressing the golden jubilee celebrations of the Delhi High Court here, Modi said the government is the "biggest litigant". The Prime Minister said the load on the judiciary can be reduced if cases are filed after taking a considered view.

He said if a teacher approaches court over a service matter and wins, then the judgement should be used as a yardstick to extend the benefit to thou-

sands of others to reduce litigation at a later stage. Though there are no concrete figures, government is party to at least 46 per cent of the court cases ranging from service matters to indirect taxes. While the Centre has so far failed to finalise the litigation policy, several states have gone ahead with their respective policies based on the 2010 draft of the Law Ministry.

No roadmap without KPs

Asserting that Kashmiri Pandits are a key stakeholder in Kashmir issue, Union Minister Dr. Jitendra Singh has said no viable road-map is possible without involvement of the community. "Kashmiri Pandits resolved the problems of India in the past and if there is any Kashmir problem, it will be resolved by Kashmiri Pandits only," Singh said as he cited the Simla Agreement and noted that "Indira Gandhi, P N Koul, P N Haksar and D P Dhar" shared the same roots.

Referring to the current unrest in the Valley, Singh said after the outbreak of militancy, Kashmiri Pandits teaching fraternity were forced to migrate which led to closure of schools and quality of education fell in the Valley and now "they are burning schools". He questioned why the community was being "kept out" from any talks on the future on Kashmir. "It is neither good for the state nor for the country," he said. "We have to fight it strongly. We should assert that Kashmiri Pandits are essential stakeholder in any future road-map on Kashmir and no future road-map on Kashmir is viable without taking into account the future of the Kashmiri Pandits," he added.

Infra sector growth at 5 pc in Sep

Infrastructure sector recorded a growth rate of 5 per cent in September -- the highest in three months -- on account of healthy performance by cement, steel and refinery products. The growth rate of the eight infrastructure sectors - coal, crude oil, natural gas, refinery products, fertilizers, steel, cement and electricity - in September 2015 was 3.7 per cent. The core sectors, which contribute 38 per cent to the total industrial production, had expanded by 3.2 per cent in August. As per the official data the cumulative growth of the sector during April-September period of the fiscal was 4.6 per cent against 2.6 per cent in the same period last fiscal. Production of cement, steel and refinery products grew by 5.5 per cent, 16.3 per cent and 9.3 per cent respectively in September this year.

Growth in fertilizer and electricity generation fell to 2 per cent and 2.2 per cent in September 2016, from 18.3 per cent and 11.4 per cent respectively in September 2015. Production of coal, crude oil and natural gas, however, contracted by 5.8 per cent, 4.1 per cent and 5.5 per cent during the month under review.

Country gets first Sanctuary

The endangered Asiatic Wild Buffaloes have got country's first dedicated sanctuary at Kolamarka forests in Maharashtra. As per the Red List Book of the International Union for Conservation of Nature (IUCN), less than 4,000 population remain worldwide, with as few as 200 "genetically pure" individuals remaining. In this scenario, Kolamarka's success lies in registering nearly two fold rise in wild population of the species from about 10 to 22 during the last three-four years. This prompted the Maharashtra Government to grant it in principle approval for sanctuary status, to ensure better protection and management of the species. Its major threats include interbreeding with feral and domestic buffalo, hunting/poaching and habitat loss/degradation.

This 180.72 sq kilometers of moist deciduous forest shares geographical contiguity with the Indravati Tiger Reserve (ITR) in the neighbouring State of Chattisgarh. "While ITR enjoyed a historical presence of the species, extremism and rise in anthropogenic pressures in the reserve, resulted in migration of some wild buffalo herds to the bordering Kolamarka in Gadchiroli district for the past few years," says Kishore Rithe, Member SBWL.

NGT shadow on 'BALIYATRA'

The famous 'Baliyatra' festival at the Mahanadi riverbed here has run into rough waters with the National Green Tribunal asking the State administration to refrain from allowing traders from erecting makeshift stalls on the riverbed. "The Tribunal has ordered us to avoid allotting plots on the riverbed for makeshift stalls," said Cuttack District Collector NC Mishra, quoting the NGT order. Mishra, however, said the State Government was planning either to move the Tribunal to review its order or to appeal against the order in the Supreme Court. The East Zone bench of the Tribunal, adjudicating over an original application, had asked the district administration in July this year not to use the riverbed as a dumping ground. □

Diwali 'Diya' in oval office

President Barack Obama led the Diwali celebrations in the White House by lighting what he called the first-ever 'diya' in the Oval Office. "To all who are celebrating the festival of lights across America and around the world, happy Diwali," he wrote in a Facebook post, noting: "This year, I was honored to kindle the first-ever diya in the Oval Office - a lamp that symbolizes how darkness will always be overcome by light. It is a tradition that I hope future Presidents will continue." "As Hindus, Jains, Sikhs, and Buddhists light the diya, share in prayers, decorate their homes, and open their doors to host and feast with loved ones, we recognize that this holiday rejoices in the triumph of good over evil and knowledge over ignorance," he wrote, stressing how it also "speaks to a broader truth about our shared American experience".

Recalling that he was proud to have been the first President to host a Diwali celebration at the White House in 2009, Obama went on to say: "Michelle and I will never forget how the people of India welcomed us with open arms and hearts and danced with us in Mumbai on Diwali." Democratic presidential nominee Hillary Clinton also sent her greetings to the Indian-American community on the occasion. "To those of you celebrating this joyous occasion, I wish you and your loved ones a Happy Diwali and Saal Mubarak," she said in a statement.

'Terror threat from Pak remains'

The Pentagon has warned that there continues to be a terror threat from within Pakistan to the Pakistani people and to outside, even as it acknowledged that "more can be done" to address the issue. "Focusing on counter-terrorism has been a big part of our ongoing conversations with Pakistan and will continue to be a major focus of our efforts with Pakistan," Pentagon Press Secretary Peter Cook told reporters. "We believe that there continues to be a terrorist threat within Pakistan against the Pakistani people and also posing a threat outside of Pakistan and we continue to work closely with the Pakistan government to try and address it," he said in response to a question.

Cook said the United States continues to have regular communication with Pakistani counterparts on

the safety and security of nuclear weapons. He said the US is watching the situation and the region closely. The United States, he said, is engaged on a regular basis with Pakistani military counterparts.

"We will continue to have the conversation that we always have with them with regard to stability in the region, stability of Pakistan, and of course, the terrorism threat that emanates from Pakistan and the area," Cook said.

Blast at a coal mine in China

At least 15 workers were killed and 18 remained trapped after an explosion rocked a coal mine near China's Chongqing city in the latest mine accident to hit the world's top coal producing nation. A total of 35 miners were working underground at the privately-owned Jinshangou Coal Mine in Laisu Town, Yongchuan District, when an explosion shook the mine.

Fifteen workers were killed in the accident while two miners managed to escape. Eighteen others remain unaccounted for, Chongqing municipal coal mine safety inspection bureau said.

UN extends Mandate

The UN Security Council has voted to extend the mandate of inspectors charged with determining who is behind confirmed chemical weapons attacks in Syria. The resolution extends the mandate for the so-called Joint Investigative Mechanism or JIM for two weeks while diplomats try to negotiate a longer extension.

France's UN Ambassador Francois Delattre yesterday said the mandate extension was only a first step. "We consider it very important," Delattre said. Britain's UN Ambassador Matthew Rycroft said that the extension was shorter than what western powers wanted but that it would at least allow the inspectors to continue their work. Investigators have already determined that the Syrian government was behind at least three attacks involving chlorine gas and the Islamic State group was responsible for at least one involving mustard gas.

The United States, Britain and France want the Security Council to impose sanctions on the Syrian government for using chemical weapons. But Russia, Syria's closest ally, has repeatedly questioned investigators' conclusions linking chemical weapons use to the regime of President Bashar Assad.

Russia has said it would also like to expand the inspectors' mandate to cover the use of chemical weapons by "terrorists" beyond Syrian territory. Deputy US Ambassador Michele Sison rejected that idea.

Australia, Indonesia joint patrols

Australia is considering joint patrols with Indonesia in the disputed South China Sea, Foreign Minister Julie Bishop said. The possibility was raised by Jakarta during meetings between Bishop and Defence Minister Marise Payne and Indonesian officials including Defence Minister Ryamizard Ryacudu. Ryacudu was cited by the Sydney Morning Herald as saying he had proposed a "peace patrol" with Australia.

"There are no intentions to disrupt the relationship (with China). It is called a peace patrol, it brings peace. It is about protecting fish in each other's areas," he said. Beijing asserts sovereignty over almost all of the resource-rich South China Sea, despite rival claims from its Southeast Asian neighbours -- most notably the Philippines, which took the case to the Hague-based Permanent Court of Arbitration. The court ruled in July that there was no legal basis to China's claims -- a verdict Beijing dismissed vehemently.

Unlike some Southeast Asian neighbours, Jakarta has long maintained it has no maritime disputes with China in the South China Sea and does not contest ownership of reefs or islets there. But Beijing's expansive claims overlap Indonesia's exclusive economic zone -- waters where a state has the right to exploit resources -- around the Natunas, a remote scattering of islands that are rich fishing grounds.

Britain could hold second EU vote

Britain's former prime minister Tony Blair has said there was nothing preventing a second Brexit referendum and warned that the break-up would be "very, very tough" as European leaders were in an unforgiving mood. He called on fellow "Remain" supporters to "mobilise and to organise" against proponents of Brexit, writing in The New European newspaper that "we're the insurgents now". "There is absolutely no reason why we should close off any options," he later told BBC radio. "We are entitled to carry on scrutinising, and, yes, if necessary, to change our minds. This is not about an elite overrul-

ing the people.

"If it becomes clear that this is either a deal that doesn't make it worth our while leaving; or, alternatively, a deal that is going to be so serious in its implications that people decide they don't want to go, there's got to be some way, either through parliament, or through an election; possibly through another referendum," he added.

Blair, who was PM from 1997 to 2007, called Brexit as "catastrophe", and revealed that he had recently held talks with French President Francois Hollande that had highlighted the challenges Britain faces in upcoming negotiations to set the terms of the break-up.

Attack to grab Hindu Land

The attacks on several Hindu temples in Bangladesh were carried out under a well orchestrated plan aimed at grabbing lands of the minority community, the country's top rights body said. The statutory National Human Rights Commission (NHRC) said their initial investigation into the attacks on several Hindu temples and households in the central Brahmanbarhia district's Nasirnagar indicated that they were pre-planned.

"Our investigation is still underway but our initial findings suggest that an organised quarter carried out the attacks in a pre-planned manner," Enamul Haque Chowdhury, NHRC member and chief of a three-member fact-finding committee of the rights panel, told PTI. He said near simultaneous attacks were carried out at several temples and Hindu households at different locations in Nasirnagar area to render police helpless.

"We are expecting to wrap up our investigations within the next two days," Chowdhury said.

"The attack was carried out to drive away the Hindus from their land," Chowdhury told The Daily Star.

S.Korea fires at Chinese Trawlers

South Korean Coast Guard vessels have, for the first time, fired machine guns against Chinese boats illegally fishing in Korean waters, an official said.

No casualties were reported from the incident yesterday, the first of its kind since the coastguard announced last month that it would pursue a "more aggressive" firearms policy with Chinese trawlers. □□

India for level playing field

India has called for creating a level playing field for developing countries in agri-trade to safeguard livelihood of millions of poor farmers. The issue, among others, was discussed during the mini-ministerial gathering of key Trade Ministers of WTO in Oslo on October 21-22. Commerce and Industry Minister Nirmala Sitharaman represented India.

In the meeting, she “underlined the need for creating a level playing field for the developing countries in agricultural trade by addressing inequities and distortions which are threatening the livelihood of millions of poor farmers across the world,” the Commerce Ministry said in a statement. Drawing attention to the livelihood and food security concerns of fishermen in developing countries, she also underscored the importance of special and differential provisions in fisheries subsidies.

The two-day meeting was convened with a view to informally discuss various issues relating to WTO negotiations and set the stage for the Eleventh Ministerial Conference of the WTO to be held in Argentina in December 2017. In her interventions, Ms. Sitharaman highlighted the centrality of the development dimension of the Doha Round and the need to work on the issues and ministerial decisions of special interest for developing countries.

Inclusive, balanced outcomes vital

Stressing the importance of ensuring adequate policy space for developing countries in the negotiations, India has urged Roberto Azevedo, DG WTO to find the means to achieve inclusive and balanced outcomes at the Eleventh Ministerial Conference. On the issue of securing success at the meeting in Argentina and beyond, Commerce and Industry Minister Nirmala Sitharaman called for the need to focus on putting concrete ideas on the table for moving from 'reflection to action'.

Emphasising the primacy of multilateralism, she cautioned against use of regional trade agreements to make fundamental changes in the architecture of WTO agreements, the statement said. The minister also highlighted the need for trade facilitation in services on which India recently introduced a concept note in the WTO. “This will remove unnecessary regulatory and administrative burden of cross border supply

of services, benefiting all members,” it said.

Ms. Sitharaman met Roberto Azevedo during the mini-ministerial gathering of key Trade Ministers of WTO in Oslo on October 21-22.

EU appeal against WTO ruling

The European Union has filed a notice of appeal on 13th October, challenging a WTO compliance panel's findings in the dispute “European Communities and Certain Member States — Measures Affecting Trade in Large Civil Aircraft – Recourse to Article 21.5 of the DSU by the United States.” The compliance panel had issued its report on 22 Sept.

Argentina's new law questioned

Several members including EU, Mexico and Canada raised issue with Argentina's new law that offers tax incentives to automakers that give preference to the use of local auto parts, at a meeting of the WTO Committee on Trade-Related Investment Measures on 17 October 2016. Such 'local content requirements' may run counter to commitments under the WTO Agreement on Trade-Related Investment Measures (TRIMs), they said.

Mexico said that the tax incentives offered in Argentina's new law, which was published on 1 August 2016, could run contrary to the TRIMs agreement, and that Argentina has not informed the WTO of the measure. Argentina said it would convey the comments back to Buenos Aires. It stressed that the law was mandated to promote development of its auto part sector, and that it has not been implemented. The delegation said it is willing to talk with members bilaterally.

Preferential treatment Concerns

Some members also repeated concerns over measures in China, Indonesia and Russia that they believe favour the use of local products and home-grown technologies. The United States reiterated its concern about a draft regulation in China, which requires insurance companies to procure “secure and controllable” information technologies (IT). The draft measure “seems to be implying a preference to indigenous technologies”, the US said.

The European Union and other members likewise echoed the US concerns. □□