

CURRENT ISSUES WRITING PRACTICE

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Q.1. Highlight features of The Farmer's Produce Trade and Commerce (Promotion and Facilitation) Act, 2020. Do you think provisions of this act will help to achieve doubling of farmer's income? Justify your answer with suitable arguments.

Answer 1. The Union government has undertaken landmark agricultural reforms, freeing farmers from restrictions on sale of their produce and ending the monopoly of traders. The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 permits intra-state and inter-state trade of farmers' produce beyond the physical premises of Agricultural Produce Market Committee (APMC) markets and other markets notified under the state APMC Acts.

The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020

- **Trade of farmers' produce:** The Act allows intra-state and inter-state trade of farmers' produce outside: (i) the physical premises of market yards run by market committees formed under the state APMC Acts, and (ii) other markets notified under the state APMC Acts. Such trade can be conducted in an 'outside trade area' including: (i) farm gates, (ii) factory premises, (iii) warehouses, (iv) silos, and (v) cold storages.
- **Electronic trading:** The Act permits the electronic trading of scheduled farmers' produce (agricultural produce regulated under any state APMC Act) in the specified trade area. An electronic trading and transaction platform may be set up to facilitate the direct and online buying and selling of such produce through electronic devices and internet. The following entities may establish and operate such platforms: (i) companies, partnership firms, or registered societies, having permanent account number under the Income Tax Act, 1961 or any other document notified by the central government, and (ii) a farmer producer organization or agricultural cooperative society.
- **Market fee abolished:** The Act prohibits state governments from levying any market fee, cess or levy on farmers, traders, and electronic trading platforms for trade of farmers' produce conducted in an 'outside trade area'.
- It should be noted that the Acts do not repeal the existing APMC laws (as done by Bihar), but limit the regulation of APMCs to the physical boundaries of the markets under their control.

Concerns raised:

- Critics view the dismantling of the monopoly of the APMCs as a sign of ending the assured procurement of food grains at minimum support prices (MSP). To the Centre's 'one nation, one market' call, critics have sought 'one nation, one MSP'.
- Critics argue that ensuring a larger number of farmers get the MSP for their produce and straightening links in the APMCs, instead of making these State mechanisms redundant is the need of the hour.
- Many commentaries erroneously suggest that so far farmers had no choice but to sell their produce to rapacious middlemen operating in the mandis. This is far from the truth. Nationally representative data of agricultural households suggests that only 25% of all transactions in India during 2012-13 passed through these mandis, whereas 55.9% were sold to private traders.

Act will help to double farmer's income:

- The Farmer's Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 has opened the window for private capital by allowing farmers to enter into deals with large

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buyers such as exporters and retailers. This is expected to catalyze the sector, bring in much-needed private investment and boost rural incomes.

- Farmers in India suffered from various restrictions in marketing their produce. There were restrictions for farmers in selling agri-produce outside the notified APMC market yards. The farmers were also restricted to sell the produce only to registered licensees of the State Governments. Further, barriers existed in free flow of agriculture produce between various States owing to the prevalence of various APMC legislations enacted by the State Governments.
- The new legislation will create an ecosystem where the farmers and traders will enjoy freedom of choice of sale and purchase of agri-produce. It will also promote barrier-free inter-state and intra-state trade and commerce outside the physical premises of markets notified under State Agricultural Produce Marketing legislations. This is a historic-step in unlocking the vastly regulated agriculture markets in the country.
- It will open more choices for the farmer, reduce marketing costs for the farmers and help them in getting better prices. It will also help farmers of regions with surplus produce to get better prices and consumers of regions with shortages, lower prices. The Bill also proposes an electronic trading in transaction platform for ensuring a seamless trade electronically. The farmers will not be charged any cess or levy for sale of their produce under this Act. Further there will be a separate dispute resolution mechanism for the farmers.
- The legislation basically aims at creating additional trading opportunities outside the APMC market yards to help farmers get remunerative prices due to additional competition. This will supplement the existing MSP procurement system which is providing stable income to farmers.

Way Forward:

- Constitutional division of law-making power between Center and states should be respected. Instead of Center passing umbrella legislations on items mentioned in the state list, unions may nudge states to pass their own laws. Indeed, several states like Bihar have either already repealed APMC Acts or have reformed their Acts.
- Center should ensure that farmers are not exploited by powerful corporations. There should be a guideline for determining and enforcing a minimum price for each produce, in absence of which private players will dictate price to small farmers.
- Farmers should come together to make “Farmers Producers Organisations”. These FPOs should negotiate prices with private players instead of individual farmers.
- Need to improve both Public and Private investment in post-harvest infrastructure. Mere removing restrictions from selling produce to APMC will not be sufficient as experience of Bihar shows. APMC Act was abolished but condition of farmers in Bihar has not substantially improved.
- Responsive grievance redressal mechanism is required to resolve any conflict between two contracting parties. Currently India has a very poor record on contract enforcement.

The reforms taken by the government are steps in the right direction. It must be ensured that all the stakeholders are equally included in the decision-making process so as to improve the process of policy making and implementation as well. It will certainly pave the

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way for creating One India, One Agriculture Market and will lay the foundation for ensuring golden harvests for our hard-working farmers.

Q.2. Social security is a comprehensive approach designed to prevent multiple things and there is a need for universal social security in India. Discuss. Do you think the present code on Social security is the need of the hour? Give your views with suitable illustrations.

Answer 2. Social security is primarily a social insurance program providing social protection, or protection against socially recognized conditions, including poverty, old age, disability, unemployment and others. But there is quite a bit of confusion about what social security means, and also about the concept of social protection. This includes not only pension schemes and health insurance, but also unemployability, issues of gender discrimination, child labour, the formal –informal sectors of employment etc. Hence a wider concept of social security is needed in order to respond to the realities faced by informal economy workers, who constitute the majority of the world labour force. In general, there are three principal ways to extend social security:

1. Through efforts to extend statutory social insurance;
2. Extend coverage through community-based schemes;
3. Extend social security is through the promotion of cost-effective tax financed social benefits.

Some constitutional provisions under Directive Principles of State Policy that mandates the State to provide social security are:

Article 41: Right to work, to education and to public assistance in certain cases: The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want.

Article 42: Provision for just and humane conditions of work and maternity relief: The State shall make provision for securing just and humane conditions of work and for maternity relief.

Social security in countries like India needs to be viewed as part of, and fully integrated into, anti-poverty policies, providing access to productive assets, employment guarantees, minimum wages and food security. Further there is a gender dimension also.

The United Nations General Assembly adopted in its Universal Declaration of Human Rights stating that "every member of a society has a right to social security".

Social Security is both a concept as well as a system. It represents basically a system of protection of individuals who are in need of such protection by the State as an agent of the society. Such protection is relevant in contingencies such as retirement, resignation, retrenchment, death, disablement which are beyond the control of the individual members of the Society. Social security has major social benefits, but it also has costs. Benefits arise from gains in efficiency and from a more harmonious and cohesive society. Costs arise from distortions generated on both the tax and the benefit sides, with additional distortions generated by non-insurance instruments. It can help

- To make people capable of earning an income and to increase their productive potential;
- It may help to maintain effective demand at the national level; and

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- It may help create conditions, in which a market economy can flourish, notably by encouraging workers to accept innovation and change.

According erstwhile, Planning commission Social Security has been recognized as an instrument for social transformation and progress and must be preserved, supported and developed as such. Further social security organized on a firm and sound basis will promote progress, since once men and women benefit from increased security and are free from anxiety, will become more productive.

The existing social security arrangements in the unorganized sector can be broadly classified into four groups as follows:

1. Centrally funded social assistance programmes;
2. Social insurance schemes;
3. Social assistance through welfare funds of Central and State Governments; and
4. Public initiatives

India has always had a Joint Family system that took care of the social security needs of all the members provided it had access/ownership of material assets like land.

The present code on Social Security is the need of the hour

Lok Sabha recently cleared new versions of three labour codes — Industrial Relations Code Bill, 2020, Code on Social Security Bill, 2020 and Occupational Safety, Health and Working Conditions Code Bill, 2020. The government proposes to increase the ambit of social security by including gig workers and inter-state migrant workers.

Labour falls under the Concurrent List of the Constitution of India. Therefore, both Parliament and state legislatures can make laws regulating labour. The central government has stated that there are over 100 state and 40 central laws regulating various aspects of labour such as resolution of industrial disputes, working conditions, social security and wages.

- The Second National Commission on Labour (2002) found existing legislation to be complex, with archaic provisions and inconsistent definitions.
- To improve ease of compliance and ensure uniformity in labour laws, it recommended the consolidation of central labour laws into broader groups such as: industrial relations, wages, social security, safety, and welfare and working conditions.

Code on Social Security, 2020

The 2020 Bill states that the central government may, by notification, apply the Code to any establishment, subject to size-threshold as may be notified. The 2020 Bill makes the following changes for such workers:

Social security funds for unorganised workers, gig workers and platform workers: The 2020 Bill states that the central government will set up such a fund. Further, state governments will also set up and administer separate social security funds for unorganised workers. The 2020 Bill also makes provisions for registration of all three categories of workers - unorganised workers, gig workers and platform workers.

National Social Security for gig workers and platform workers: The 2020 Bill states that in addition to unorganised workers, the National Social Security Board may also act as the

Board for the purposes of welfare of gig workers and platform workers and can recommend and monitor schemes for gig workers and platform workers.

Role of aggregators: The 2020 Bill clarifies that schemes for gig workers and platform workers may be funded through a combination of contributions from the central government, state governments, and aggregators. For this purpose, the Bill specifies a list of aggregators in Schedule 7. These mention nine categories including ride sharing services, food and grocery delivery services, content and media services, and e-marketplaces.

Changes in definitions: The 2020 Bill changes the definitions of certain terms in the Code. These include: (i) expanding the definition of ‘employees’ to include workers employed through contractors, (ii) expanding the definition of “inter-state migrant workers” to include self-employed workers from another state, (iii) expanding the definition of “platform worker” to additional categories of services or activities as may be notified by the government, (iv) expanding the definition of audio-visual productions to include films, web-based serials, talk shows, reality shows and sports shows, and (v), exempting construction works from the ambit of “building or other construction work” if the total cost of construction work exceeds Rs 50 lakhs (and if they employ more than a certain notified number of workers).

Term of eligibility for gratuity: Under the 2019 Bill, gratuity was payable on the termination of employment, if the employee has been in the organisation for at least five years. The 2020 Bill reduces the gratuity period from five years to three years for working journalists.

The most important aspect emerging about the social security measures in India is that there has been Constitutional and official recognition of the need to provide both basic and contingent social security to the needy and the vulnerable sections of the population. But unfortunately, much of the benefits have not reached the needy and there is lack of timely availability of state support in many cases. Ensuring basic social security involves removal of disabilities and lack of opportunities based on prejudices like caste, religion and sex. The nationalist movement took up the cause of the socially excluded by highlighting the need for eliminating oppressive caste-based practices like untouchability. The social agenda of the nationalist movement was incorporated into the philosophy of the state in post-independence India.

Q.3. “The distribution of a vaccine for COVID-19 poses a major challenge than its development. The distribution of a vaccine should be on an equitable manner rather than the ability to pay”. Substantiate your concerns with the back drop of rise of vaccine nationalism.

Answer 3. In response to the COVID-19 pandemic and the societal disruption it has brought, national governments and the international community have invested vast sums in the development of a safe and effective vaccine. Although subject to myriad uncertainties, mass vaccination against this novel coronavirus offers the possibility to significantly reduce transmission and severe morbidity and mortality beyond what might be accomplished through non-pharmaceutical interventions, better diagnostic tests, and improved therapies. The goal of protecting the public’s health is intertwined with the goal of protecting society’s socioeconomic well-being, which in turn has an impact on the public’s overall health. Even if one or more safe and effective COVID-19 vaccines under development are tested and quickly approved for use, they are unlikely to be available immediately in amounts sufficient to vaccinate the whole population, despite plans to begin large-scale production of promising vaccines even before trials are completed. As a result, at the outset and in the months to

follow, vaccines will almost certainly, be available only in limited supplies. In this context, a scarce vaccine or vaccines will need to be allocated in ways that reduce virus transmission and/or reduce morbidity and mortality in order to protect the public's health and its socioeconomic well-being.

A mass vaccination campaign for an infectious disease outbreak is a complex enterprise that requires balancing different strategies for allocation, distribution, administration, access, and other considerations. Each infectious disease outbreak differs in terms of its clinical characteristics and impact across various populations, thus each outbreak requires a tailored mass vaccination approach. Although the task to develop a framework specifically for allocation, looking back at some of the broader successes and challenges of previous mass vaccination campaigns is instructive from both operational and ethical perspectives. For instance, prior campaigns can illustrate how distribution systems can make different allocation schemes more or less feasible and how the choice of distribution system can support or impede choices regarding allocation.

Key Strategies for distribution

1. Leverage relationships with professional medical societies and other key downstream stakeholders from the outset.
2. When cost, insurance and other policies create barriers, consider the issue of rationing at the state, local, and practice levels.
3. Develop effective systems for tracking distribution.
4. Ensure that ancillary supply distribution is timely and appropriate.
5. "Under-promise and over-deliver" in planning and communication efforts.
6. Ensure up-to-date information on vaccine production, inventory, and projections via stronger and more formal partnerships between federal entities and vaccine producers.
7. Plan for a range of vaccine supply scenarios.
8. Continue to use the Vaccines for Children program infrastructure as a basis for emergency vaccination distribution programs; consider something similar for adults.
9. Deploy limited vaccine supplies equitably and transparently using pre-established, evidence-based criteria to prioritize allocation.
10. Promote global regulatory harmonization and standardization in vaccine development to improve speed, flexibility, and efficiency.
11. Consistent, respectful, accurate communication to earn, secure, and maintain trust.

In May 2020, a publication in the *New England Journal of Medicine* proposed a set of ethical values to underpin recommendations for allocating scarce medical resources during the COVID-19 pandemic. Drawing on previous proposals about how to allocate resources during scenarios of absolute scarcity, such as pandemics, the authors identify four fundamental ethical values:

- a. Maximize benefit,
- b. Treat people equally,
- c. Promote and reward instrumental value (i.e., providing benefit to others), and
- d. Give priority to the worst off

Importantly, the authors maintain that none of these values should be used in isolation to determine the allocation of resources; instead, fair allocation requires a multi-value framework that can be tailored to specific settings and resources. Each of these values could be operationalized in different ways in the context of the COVID-19 pandemic. The authors use these four values to generate six recommendations for fair allocation of resources during the COVID-19 pandemic:

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- To maximize the benefit of limited resources, prioritization should balance two aims: saving the greatest number of lives and maximizing improvements in people's length of life after treatment.
- By virtue of their instrumental value in the pandemic response, health care workers and others who maintain critical infrastructure should be prioritized.
- For patients with similar prognoses, equality should be operationalized by random allocation.
- Criteria for prioritization should be tailored to the specific resource that is scarce and responsive to changing evidence.
- Research participants should be recognized by receiving some priority, but only as a tiebreaker among those with similar prognoses.
- The same criteria for allocation should apply to people with and without COVID-19.

There is a basic requirement to encompass the obligation to protect and promote the public's health and its socioeconomic well-being in the short- and long-run. In this pandemic, it entails the obligation, to maximize societal benefit by reducing morbidity and mortality caused by transmission of the novel coronavirus. Meeting this obligation constitutes the overarching goal of the creation of a proposed medicine allocation framework. Societal benefit is broadly understood in this context, public's health and socioeconomic well-being. While it includes individuals' health and well-being, there is a need to recognize that conflicts may emerge between the society's and the individuals' needs and risks and require resolution. The medicine allocation framework should seek to combine them to the extent possible.