



## CURRENT AFFAIRS



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### **The prerequisites for the success of COP26: Climate justice along with climate finance (GS-3)**

In the run-up to the Conference of the Parties (COP26), there is a mounting pressure on developing countries like India to curb emissions but nobody is talking much about cumulative historical global emissions that heated the earth by 1.1% above the pre-industrial levels.

If we fail to arrest these emissions and curb the rise in the temperature 0.5C below the preindustrial level then it will lead to many disasters like unprecedented rise in sea levels, sudden weather changes, increased number of cyclones like we see today in arabian sea, crop failure, unpredictable monsoon, submergence of small island countries and storms will make a huge part of the planet prone to disaster and uninhabitable.

Greenhouse gases (GHGs) like carbon dioxide (CO<sub>2</sub>), CO, SO<sub>x</sub>, CH<sub>4</sub>, and nitrous oxides (NO<sub>x</sub>) etc. contribute to global warming but they have varied impact on global warming depending on their respective warming potential. CO<sub>2</sub> stays for the longest in the atmosphere, whereas methane, second most abundant greenhouse gas after carbon dioxide (CO<sub>2</sub>), is comparatively short-lived but is 28 times more powerful than CO<sub>2</sub> as it can warm up the planet 80 times more than CO<sub>2</sub> in 20 years of their release.

India is the third largest emitter of CO<sub>2</sub> but its per capita share is very less as compared to countries like USA and CHINA. India comes at 21st in the descending order of magnitude of per capita emissions. Contrarily, the historical emissions place India as a fairly low emitter. India's lead in the United Nations Framework Convention on Climate Change (UNFCCC) 1992, by introducing Common but Differentiated Responsibilities and Respective Capabilities (CBDR-RC), paved the way for the principle of equity and climate justice.

### **In COP26, India's promise on five points deserve appreciation: The Hindu Analysis**

1. To power 50% of our energy needs from renewable sources
2. Increasing the renewable installed capacity to 500 gigawatts (GW) by 2030 from the present 100 GW
3. Reducing the total emission to 1 billion tonnes from its projected emissions from now till 2030
4. Reducing the carbon intensity of the economy by 45% by 2030
5. Pledging net zero by 2070.

India represents 17% of the global population, but its historical cumulative emissions are only 4% of the global emissions (Ministry of Environment, Forest and Climate Change).

Any commitment to net zero by India and similar developing countries will not bring a sizable reduction in GHG emissions unless the United States (US), European Union (EU), and China whose combined emission accounted for almost half of the total emissions, take any concrete measures. The failure of the COP25 was attributed to the poor initiative by the highest polluters. The Paris Agreement of 2015 talked about "loss and damage" but did not say much on liability and redress. The proposal of climate finance by the US to the tune of \$100 million annually was brought in and recorded as early as 2009, but the deadline of 2020 has been pushed to 2023.

The basic idea behind climate finance is to compensate the countries facing natural disasters caused by global warming. The other route to protect the planet from depletion and devastation is by technology transfer to ensure clean

production practices. This calls for the initiative of the historical emitters to lead by sharing their clean technology, which they acquired. Although technology transfer was never on the table of previous conferences, the UNFCCC aims at the adaptation of the climate goals through several means, including this.

India is predominantly an agricultural economy, and more than half of its population is dependent on agriculture for employment. Livestock and agriculture is central to the economy but both these activities emit methane. Signing a pledge to stop deforestation and cut methane emission may put the rural economy in peril. Livestock emission—from the gastroenteric releases and manure—make up 32% of anthropogenic methane emissions. The NO<sub>x</sub> from fertilisers also contribute to global warming. The destruction of peatland contributes to methane ending up in the atmosphere. But any disproportionate stress on methane or NO<sub>x</sub> emission reduction will disturb the food chain causing other imbalances in addition to the rise in food insecurity in less developed and developing countries. The solution lies in farmer-friendly technologies to reduce emissions from livestock and bring climate-friendly paddy cultivation practices within the reach of farmers.

The climate change debate involves the classic case of global commons exploited by the players because of non-excludability. The abstract notion of universalism versus national interests results in different approaches of the players (nations). In the former, all humanity is a composite whole aiming at protecting the environment vis-à-vis the latter with priorities of the individual nations for their well-being leading to the trade-off between securing more rights for their group/nation/bloc. The brouhaha over net-zero emission pledges does not guarantee any check on the emissions before the target date but determining the growth curve of emissions will help.

Although many countries have submitted their Nationally Determined Contributions (NDCs) and others have even revised their submissions upwards, the scenario is, at best, suitable for a rise of 2.7% above the pre-industrial levels by the end of the century. All this, too, is only subject to complete fulfilment of the commitments made by the nations. The negotiators at the summit should aim higher with the principle of universalism, considering the basic needs of the poorest of the poor. The protection of vulnerable communities and regions from

the vagaries of the environment is as much a necessity as the basic needs of all the dwellers of the planet and should not be posed as competing goals. Hence, climate finance should include technology transfer as well to serve the needs of all.

**Swarn Singh**

## **Sedition Law : Is it a tool to crush the voice of opponent GS paper II, Paper I The Hindu**

### **Introduction :**

Union Law minister Kiran rijuju , on 10 Dec 2021 told the Loksabha that the ministry of home affairs had no proposal under consideration to scrap section 124 A of Indian Penal code which is related to sedition

What is section 124A of India penal code

This was a law of the colonial period through which the British government crushed any protest and discontentment of the Indians .

Under Section 124A of IPC, a person would be charged if that person by words or otherwise brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards the government established by law.

The sedition law which is enshrined in Section 124A of the Indian Penal Code (IPC) was introduced by the British government in 1870 to tackle dissent against colonial rule.

For last 2 decades it has been observed that many opponent people were booked through this section and even supreme court rejected this section many time because this section had lost its credibility therefore it should be revoked by the central government but as per the statement of union law minister that

government still understand its significance so it should not be revoked or curtailed

### **History of 124 A charge over Indian Freedom Fighter: The Hindu Analysis**

According to the LOC (Library of Congress) blog, the first known instance of the application of the law was the trial of newspaper editor Jogendra Chandra Bose in 1891. Bal Gangadhar Tilak and Mahatma Gandhi many times were booked through this section of Indian Penal code. In modern India, it has also been observed that those who criticized the prime minister, chief minister or any other important government were arrested with this charge. Therefore, nowadays this section is continuously losing its significance. Recently in a case filed by Major General (retired) SG Vombatkere, during the hearing, Chief Justice of India N V Ramana stated that this is colonial rule and it should be repealed.

In fact Major General (retired) SG Vombatkere had challenged the validity of this section 124 A in the court on the grounds that it has a "chilling effect" on speech and poses an unreasonable restriction on the fundamental right of free expression. Indian citizen were given the fundamental right of freedom of speech and expressions.

This sedition law has been challenged before this incident because generally the government has been using this section as a tool to crush the voice of the opponent.

### **Conclusion**

The section of IPC 124 A has been the subject of debate for a long time. Just after independence communist leaders opposed this section and appealed to the government many times to repeal it. And nowadays it was also suggested by the honorable supreme court to remove this section. Now the ball is in the court of the legislature whether the government would remove this section or will amend this section. As per the situation of the country it looks that this section would not be removed in near future even though the possibility of the amendments are still there

**Dr. Anshul Bajpai**

# Legal Guarantee to MSP: The Demand of farmers and Obligations under AoA of WTO (GS 3, Economics, The Hindu, Indian Express)

Legal Guarantee to MSP: The Demand of farmers and Obligations under AoA of WTO- Today Current Affairs

**Context:** The demand of farmers for the legal guarantee of MSP has many dimensions of debate. For example, will it not be heavy fiscal burden on the government to procure all 23 crops for which government announces MSP?, what about logistic and storages if procured by the government, and what about obligations made under Agreement on Agriculture (AoA) under WTO regarding *de minimis* limit of trade distorting domestic support, like MSP.

The WTO endeavors for fairly competitive international trade practices. It does not favor the support from the governments to their respective producers. The logic behind is that if a government directly supports its producer, the producer would be making more products, resulting in a production surplus which ultimately results in cheap export, and thus the domestic producer of this country can capture the international market. All this became possible only due to support from the government (domestic support) to its producer. Hence this kind of support is considered as trade distorting and against the principle of free and fair market system, which is advocated by WTO.

These kinds of domestic support (Subsidies) restrictions are mentioned in the Agreement on Agriculture (AoA), which is one of the many agreements under WTO. In AoA, the domestic support from the governments or Subsidies are categorized in terms of green boxes, blue boxes, amber boxes and development boxes.

**Green Box :** under green box subsidies are not considered as trade distortive. These subsidies must not be products specific and must not involve price support ( such remunerative price or MSP). They can include environmental protection and regional development programmes. Examples of green boxes are

domestic policies dealing with research, extension, inspection and grading, environmental and conservation programs, disaster relief, crop insurance, domestic food assistance, food security stocks, structural adjustment programs, and direct payments not linked to production. At present there are no limits on spending on blue box.

**Development Box :** Agriculture Agreement allows developing countries additional flexibilities in providing domestic support. The type of support that fits into the developmental category are measures of assistance, whether direct or indirect, designed to encourage agricultural and rural development and that are an integral part of the development programmes of developing countries. They include investment subsidies which are generally available to agriculture in developing country members, agricultural input subsidies generally available to low-income or resource-poor producers in developing country members, and domestic support to producers in developing country members to encourage diversification from growing illicit narcotic crops.

**Blue Box :** It is also called as “amber box with condition”. These are subsidies which tend to limit the production. Here farmers are given support to limit/reduce the production so as to neutralize the production distortion. Actually the story behind is that in the 1970s and 1980s the US and European countries were hugely incentivizing their agriculture production by directly supporting the farmers which was later seen as trade distortive. These countries got enough fixed resources like land and others behind agriculture production because of huge government incentives. The crux is that now to fix the trade distortion problem, they shall not be using all resources for production, maybe sometimes like leaving the land fallow. This will obviously reduce the income of the farmer. Here if farmers are given some support/benefits from the government to balance their reduced income, then this support/benefits/subsidies will be counted in blue box. For example subsidies linked with capping of acreage or number of animals. There is no WTO cap for blue box subsidies.

**Amber Box :** Nearly all domestic support measures considered to distort production and trade (with some exceptions) fall into the amber box, which is defined in Article 6 of the Agriculture Agreement as all domestic supports except

those in the blue and green boxes. These include measures to support prices, or subsidies directly related to production quantities.

These supports are subject to limits. “De minimis” minimal supports for both product-specific and non-product-specific support are allowed, defined as a share of the value of agricultural production. This threshold is generally 5% of the value of agricultural production for developed countries, 10% for most developing countries.

**The issue in legalizing MSP :** Procuring all the 23 crops at MSP, as against the current practice of procuring largely rice and wheat, will result in India breaching the de minimis limit making it vulnerable to a legal challenge at the WTO. Even if the Government does not procure directly but mandates private parties to acquire at a price determined by the Government, as it happens in the case of sugarcane, the de minimis limit of 10% applies. Very recently, a WTO panel in the case, India – Measures Concerning Sugar and Sugarcane, concluded that India breached the de minimis limit in the case of sugarcane by offering guaranteed prices paid by sugar mills to sugarcane farmers.

Way forward / alternatives : India can shift the support system from Price-based (in the form of MSP) to Income-based, which will not be trade distorting under the AoA provided the income support is not linked to production. Or alternatively, Price-based (in the form of MSP) can be given to the *de minimis* limit and can be supplemented with Income-based support policy. But in the backdrop of three repealed farm laws, whatever is to be done in the near future regarding agriculture reforms, the government has to engage and convince the farmers priorly.

***Md Layeeque Azam, Economics Faculty***