

Agricultural Reforms, and the quagmire of MSP

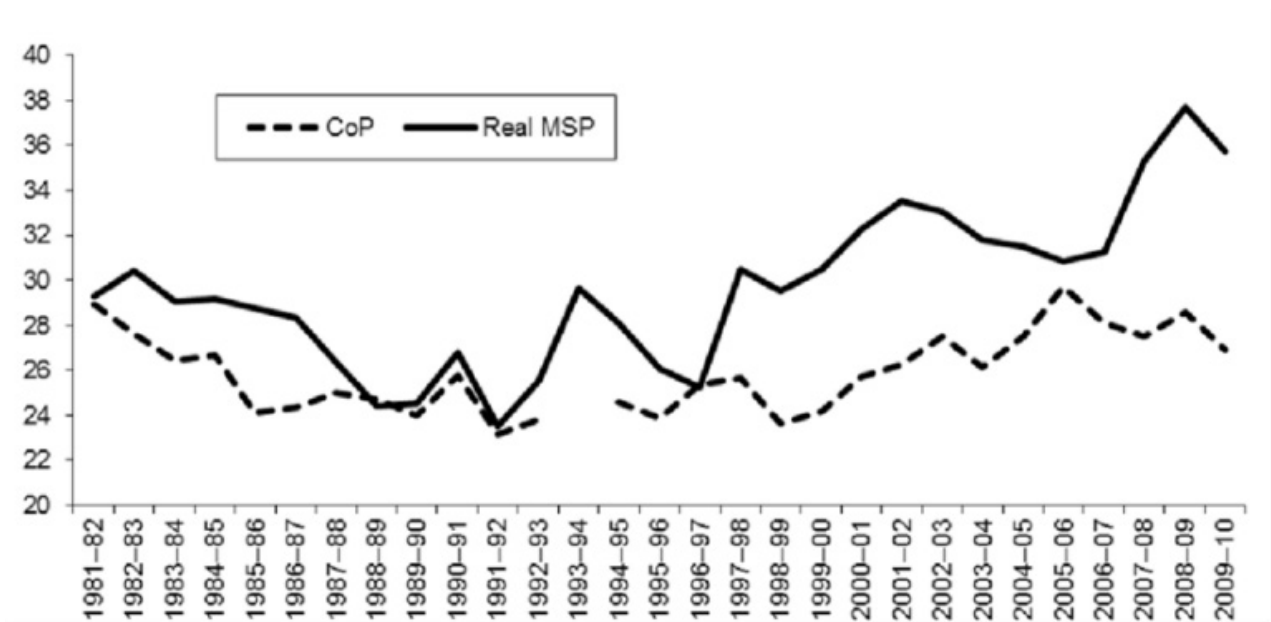
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Introduction

The recent Two Thousand and Twenty Farm Acts were passed in an air of controversy. Multiple farmer's organization's and leaders of the opposition staged protests against the three enactments. The protestors were extremely unhappy with the changes that the three bills would bring in the agricultural field. A moot point for all individuals and organizations protesting against the said bills was centered around the future for the provision of "Minimum Support Prices" in the country. The new bill viably replaces the APMC structure and adopts a more open process, where buyers and sellers can transact with one another beyond the boundaries of a Mandi. The set up effectively defeats the most generic feature of a market i.e., a central place for the exchange of goods formed by buyers and sellers collectively. Consequently, The Farmers Produce Trade and Commerce Act, often dubbed as the APMC Bypass Act, 2020 essentially negates the characteristics of all Market Committee's in the country and leaves it upon the private investors and individual buyers to directly deal with the farmers. Accordingly, the removal of the APMC's may have a drastic effect on the availability of the Minimum Support Price feature to the farmers. Most states like Punjab and Haryana buy their farmer's produce at MSP rates via APMC Mandis. The Mandi's have purchase centers where the farmers can come and sell their produce at minimum rates. Accordingly, as per Siraj Hussain, one of the previous Agricultural Secretaries of the country, the removal of the Mandi's can weaken the precursor to sell at those rates and the farmers could face blockages in exercising this provision. However, as per the Modi government, the three new Acts would in no way impact MSPs and the farmers would be allowed to sell their produce at a basic rate. Regardless, since the three Acts do not talk about MSPs at all, and a tweet from the prime minister isn't enough to placate the worries of the country's producers, protests are being held across the country. Accordingly, this portion of the paper is an attempt to analyze MSPs, its development and availability of legal support, impact on farmer's incomes before the three acts, situation post the Acts, and other ancillary factors which may affect farmers across the country.

Minimum support price: Origin and Role

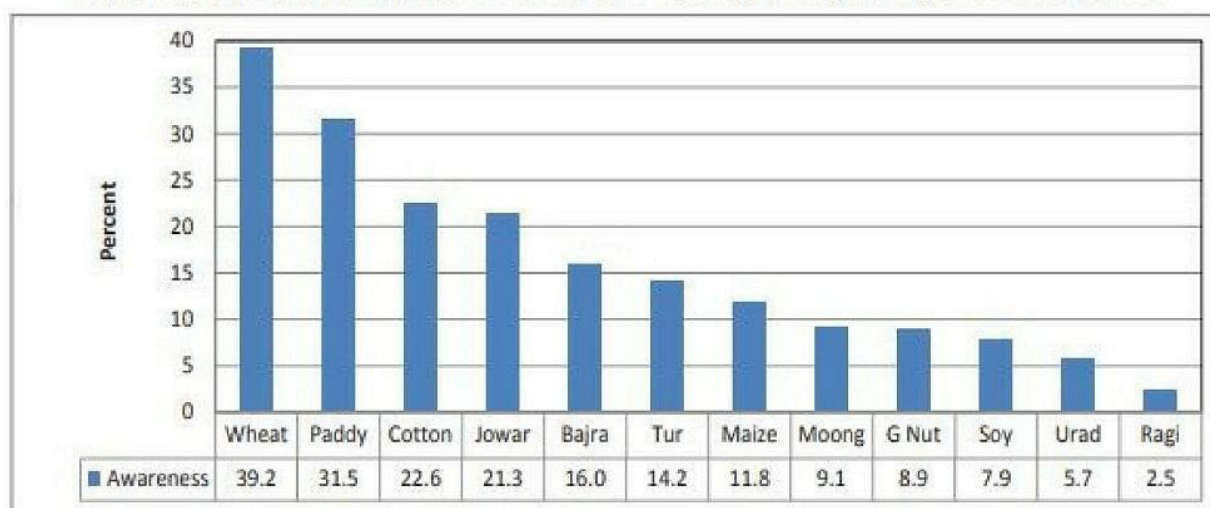
Minimum Support prices were introduced in the early 1960's in the agriculture sector to support the production of a High Yielding Variety of crops. MSP's were essentially meant to be the minimum amount at which the government would purchase a particular crop in order to support the farmer. In other terms, an MSP is the amount which the government pays to buy a particular commodity. The amount is fixed by the government so as to ensure that a farmer can in fact ensure a return on his/ her cost of production or have a gainful return on investment (ROI) from the amount that he/ she has invested in growing the crop. Accordingly, the trend for MSPs has seen a gradual increase over the years with an initial dip in the early 1990's. The graph below depicts the trend of MSPs with respect to the cost of production for wheat.



The provision was announced by the government in the wake of the green revolution and exists as a guarantee to the farmers, even before they sow their crops, that they would be able to acquire a specific amount for their produce, despite the market conditions. The idea behind introducing the provision was to guarantee farmer rights; however, due to low levels of exposure and high illiteracy rates, the farmers of the country are not even aware of this supplement. As per a report by the National Sample Survey Office, less than 25% of rural households are aware of Minimum Support Prices for different goods. Further, according

to a 2013 survey for farmer awareness, knowledge about the availability of Minimum Support Prices for different commodities still lies at abysmal rates. For Instance, only about 2.5% of Ragi farmers know that their crop can be sold at a guaranteed price to the government. The graph below depicts farmer awareness about MSPs for different commodities in 2012-13:

Chart 2.10: Farmer Awareness about MSP of major crops: July-December 2012



Note: For wheat data relates to January-June 2013

Source: Some Aspects of Farming in India; NSS 70th Round (January– December 2013)

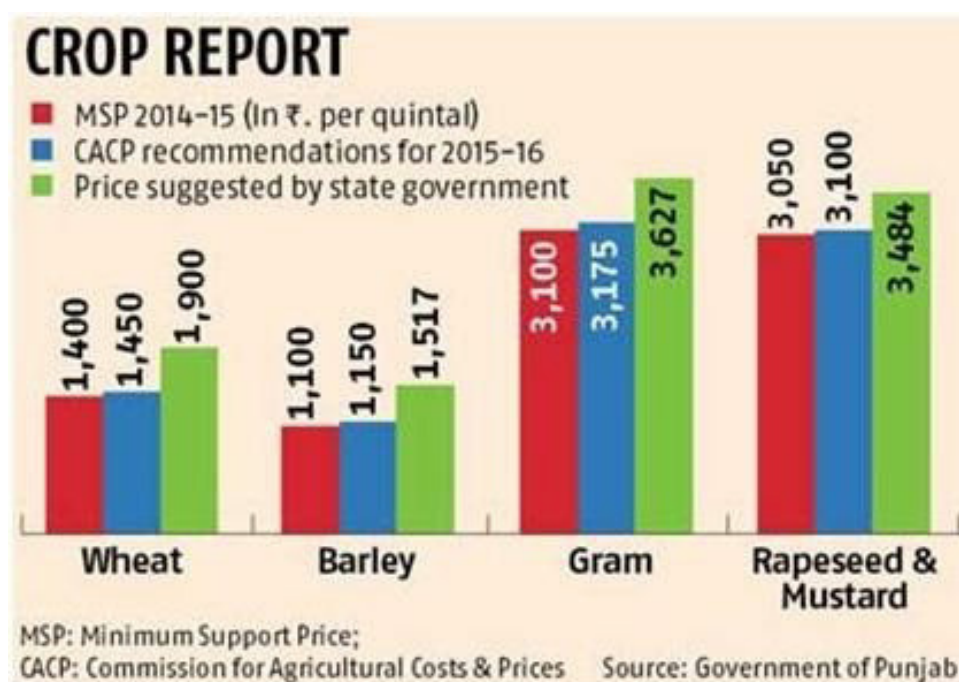
Further, the idea behind the formation of the Agricultural Prices commission in 1965 and introduction of multiple aspects such as the Minimum Support Prices and Public Distribution Systems was to provide a protective distribution Measure. However, due to ineffective application and losses in actual transposition of commodities under the MSP, Indian farmers have been unable to enjoy the benefits of the said provision. Accordingly, there exists a very heated debated around replacing the Minimum Support prices model with a price deficiency structure for farmers, in order to create a more effective system; however, currently the MSP approach is followed.

Accordingly, the government sets the Minimum support price for a certain number of commodities as per the recommendations of the Commission for Agricultural Costs and Prices and various state governments and central departments. Originally, the M.S. Swaminathan Commission, had recommended setting Minimum Support Prices at more than 50% of the total cost of production. However, the policy is not often feasible and the government has historically set varying MSPs for different commodities. Most recently the Modi government announced MSP rates for more than twenty-two commodities, out of which six were given

incredibly high rates. The government has increased MSPs for crops by more than 6%. For instance, the MSP for wheat has been hiked by fifty rupees now totaling an amount of Nineteen Hundred and Seventy-Five rupees per quintal instead of the earlier Nineteen Hundred and twenty-Five rupees. Accordingly, in an effort to analyze the impact of MSPs, their growth over the years and various considerations used to support their production, it is important to further analyze this provision's initial growth and the determinants used by the government to establish different rates.

Minimum support price - Development, Impact and Casual elements

Historically, Minimum Support Price was one of the multiple provisions introduced by the government to support the growing agricultural sector of the country. In the early 1960's, India was facing a food crisis in most parts of the country, and technological inputs clubbed with governmental efforts were seen as the required elements to ensure food security. However, only ensuring greater technological implements weren't seen as enough to support Agricultural growth and institutional backing was necessary to frame the required dynamism for the sector. Hence, a number of reforms were introduced to help support technological growth and ensure systemic development of the sector. One of the measures that the government introduced was a revised set up for land reforms in the country i.e., the third phase of agrarian reforms. The central government and various states worked on introducing new measures to ensure greater equitability. A few institutional steps taken can be categorized as such: a) Lowered ceiling limits and effective redistribution of surplus land, b) new tenancy rules, c) changes in agrarian structure and computerized land records etc. Accordingly, the next institutional step was ensuring a more efficient system for agricultural administration as well as effective implements to provide agricultural education. The new implements ensured higher levels of agricultural literacy for farmers, and greatly structured the work of the Indian Council of Agricultural Research in the country. The government also nationalized a multitude of private banks in order to provide greater credit facilities to the farmers and ensure against unnecessary exploitation by private corporations. An element that, unfortunately, the government has failed to recognize for the three new enactments. Regardless, the steps taken were clubbed together and the most transformative idea introduced was the formation of a price policy for the particular field. The government envisaged growth in agriculture through price incentive and cost-based support. A new committee under L.K. Jha was formed to suggest the required inputs for a new Agricultural Price Policy for the country. The committee made a series of recommendations to the government and later on provided the base for the formation of the Agricultural Prices Commission in early 1965. The view of the commission was to provide a balanced and integrated price structure which supports the farmers of the country and gave due regard to the consumer as well as producer's interests. The commission made yearly recommendations about a minimum support price for farmers in the country and ensured that the best technology package is adopted so that the farmers are able to produce as efficiently as possible. The commission's recommendations and the state's suggestions are used to formulate the yearly MSPs. The graph below compares the two determinants and the actual MSP for 2014-15:



Accordingly, even though the MSPs are established by the government as per the recommendations of the states and the CACP, there are various determinants that the commission has to use in order to form the required support price for a year.

The commission analyses the Cost of production of different commodities in various states and comes with a particular price that would indeed support the farmers and establish a minimum floor price.

The commission uses both micro and macro level aggregates for a hectare as well as quintal-based analysis. Further, it covers two types of costs of the form C2 and C3. The C2 costs are those which include the expenses inculcated by the farmers for production of goods in the form of cash or kind. It includes elements such ROI on land, labor input of the farmer's family etc. The C3 costs essentially account for the managerial remuneration from a commodity. It is calculated by adding the 10% of the C2 costs and the actual C2 costs together to cover all ancillary factors (10% of C2 + C2). Accordingly, the commission takes into consideration a certain number of determinants to formulate the different types of costs. A few of the determinants are as such: a) Production costs) differing input prices, c) Market trends, d) Demand and Supply for a good, c) Inter crop parity, f) International situation etc. The factors combined together are used to allocate the MSP for the year. The table below elaborates on the different determinants as per individual categories:

Production Related factors	Supply factors	Ancillary factors
Cost of Production	Crop Area	Parity between price received and paid for producers
Input Price	Productivity	Effect of subsidies
Price parities	Offshore trade	Original Costs
Market demand and Supply	Processing amounts	
Living Costs	Transportation and administration amounts	
Inflation	Levies and other administrative costs	
Global costs	Domiciliary product availability	

Table Depicting different determinants for MSPs divided into three categories

Accordingly, to further analyze the idea of Minimum Support Price in the country it is essential to study its impact on farmer's incomes and analyze whether the government is legally bound to provide support rates or not.

Minimum support price - Farmer's Income and Legal Backing

Minimum Support Prices are often understood as the basic structure for farmers to receive a return on their investments. It is what sets the floor price in the market, below which the price for a particular commodity cannot be perceived. Hence, MSPs are treated as a benchmark by farmer's which allows them to calculate the minimum amount that they can receive on a commodity, since the government's rates are essentially a base price. However, the actual scenario is quite different and often the market rates fall below what the government limit is and the price structure doesn't always benefit farmer's or doesn't have the required effect on their income. The table below shows the parity between Market rates and the MSP for Paddy in different states for 2019-20.

Table 2.4: Market Prices vis-a-vis MSP of Paddy in Major Producing States in KMS 2019-20 (Oct 2019 to Jan 2020)

States	No of days market prices reported	No of days market prices were above MSP	No of days market prices were below MSP				Average difference (%) between market price & MSP
			< 5%	5%-10%	10%-15%	>15%	
Andhra Pradesh	121	68	50	0	1	2	2.4
Assam	42	0	1	5	8	28	-17.3
Chhattisgarh	122	0	36	20	40	26	-10.4
Tamil Nadu	119	3	46	37	26	7	-7.4
Telangana	123	31	48	29	14	1	-4.0
Punjab	64	64	0	0	0	0	1.3
Uttar Pradesh	123	3	45	49	23	3	-6.9
West Bengal	123	30	74	18	1	0	-2.3

Source: 1. AGMARKNET, Directorate of Marketing & Inspection (DMI), Department of Agriculture, Cooperation and Farmers Welfare, Ministry of Agriculture and Farmers Welfare
2. Directorate of Economics & Statistics, Ministry of Agriculture and Farmers Welfare

Accordingly, the price model is often unable to actually support farmers because of ineffective implementation and troubles execution.

Price support measures often turn out to be ineffective due to a number of factors. A few of them are as such: The general model of hiking MSPs without providing the requisite infrastructure results in only a temporary solution. An immediate rise may be seen in farmer's incomes because of an MSP hike; however,

for long term growth, the government must improve the infrastructural elements as well. Further, MSP calculations often include costs which aren't always comprehensive and create structural issues for farmers. The CACP and state governments often refer to A2 (sowing costs) and FL (Labor costs) costs to calculate yearly MSPs. However, these factors aren't easy to determine and strong arguments are made stating that only C2 costs (land rent, imputed rent of capital) which are far more comprehensive should be considered. Moreover, MSPs are essentially a single price policy for the entire country, and the determining agencies often fail to consider the varying needs of farmers producing in different situations. For instance, a farmer producing in a dry area will have different needs and support requirements as compared to one who produces on a more cultivable field. However, MSPs situate a single price for all farmers and hence ignore the differing needs w.r.t individual factors. Further, the sole use of MSPs and ever-increasing hikes can often lead to a glut for the government, hurting the interests of the farmers in the long run. Too much of a hike can lead to an inflationary rise in prices and can even hurt the government's treasury if they aren't able to sell of their produce. For instance, in 2015, the Modi government increased the MSP for pulses by a huge margin which did in fact increase production. However, a predictable glut followed where the government was unable to sell of its purchases and farm income fell, fueling rural distress. Therefore, sole reliance on MSPs and an ever increasing hike doesn't always have a positive impact on farm income. Additionally, due to a lack of effective implementation, MSPs often are announced for twenty or twenty-three odd commodities; however, only two or three are actually ensured. Hence, MSPs aren't always as effective as they are considered in theory and multiple determinative factors can hurt its implementation in practice.

Accordingly, in order to further analyze the status of MSPs in the country and the legality of farmer protests in favor of guaranteeing MSPs, it is essential to examine whether the government is legally bound to provide Minimum Support Prices or not.

MSPS And Legal backing?

The weakening of the Mandi system has caused major protests across the country, where most farmers are protesting against the fear of losing out on the MSP provision. However, before we analyze how the new farm bills impact this provision, it is important to understand whether the support prices exist as a legal right for farmers or are they just a governmental policy?

Minimum Support Prices were introduced as a support policy in addition to other initiatives such as the Public Distribution system. However, unlike the Public distribution system, the government isn't legally bound to provide support prices to its farmers.

The Commission for Agricultural Costs and Prices is not a statutory body and it does not have any legal teeth. It is only seen as a wing of the agricultural department or a sub division for the government, which has no legal succor. As per Abhijit Sen, Former Chairman of the CACP, MSPs are only policy implements that are a part of the government's administrative decision making. Further, in the midst of the protests against the new farm bills, the TNCC president T.S. Alagiri questioned the government's intentions since MSP's weren't mentioned in any of the bills. He maintained that if the Modi government really wanted to help, they would have legalized MSPs. Another recent instance were MSPs weren't regarded as legal rights.

Further, the body responsible for ensuring that the farmers are able to sell their produce at the Support prices is the Food Corporation of India or the FCI. It is the duty of the corporation to ensure effective price support operations; however, there is no legal mandate behind this duty/objective. As per the Agricultural Produce Marketing Committee Act, 2006 the APMC's are obligated to ensure that the farmers are able to sell at base prices and the FCI provides open ended procurement. However, without a legal right available to the farmers the said provisions are unenforceable and don't delineate an effective remedy. The situation for the farmers currently is such that the government can choose not to provide MSPs whenever they wish to. A comparable analogy would be if the fundamental rights are made available to the citizens of the country but Article 32 of the constitution was invalidated. The currently unlegalized sphere relegates the use of MSPs as political Jhumlas instead of actual implements which may benefit farmers.

Regardless, there is precedence for legalizing such a provision. The government legalized the public distribution system via the National Food Security Act, 2013. Once the UPA-II government passed the Act, access to PDS for all priority households was made a legal right. These households could now legally enforce their right to obtain 5 Kilograms of food grains at rupees two per kilogram for wheat and rupees three per kilogram for rice. Similarly, Sugarcane is one commodity which has statutory backing to enable MSPs. However, the commodity is governed by the Sugar Cane Control order of 1966 under the EC Act, and hence is a lone provision. Consequently, MSPs aren't a legally enforceable right for farmers and for an actual change to be brought about in the Agricultural sector, give this provision legal backing.

Accordingly, in order to astutely understand the new acts, it is more than essential to cover the changes that it might bring for MSPs and how the farming sector would be impacted if MSPs are indeed removed.

The FARM BILL'S Impact and A Non-MSP Regime

The nation-wide protests against the new farm bills are centred around one basic aspect that is the possible removal of the Minimum Support Price provision. As established above, MSPs don't have any statutory backing and are only a governmental policy. Hence, the government can validly remove this provision and not provide support prices to its farmers.

The three new bills at a certain level do indeed threaten the structure for MSPs; however, Narendra Tomar, the agriculture minister, has repeatedly ensured that the MSP provision will in no way be removed. He maintains that the bills essentially aim to free the agricultural market and are in no way related to the Minimum Support Price Provision. However, different state governments, do not agree with the centre's assurances and have moved their own amendments to nullify the three bills. Punjab and Haryana have been amongst the first few states to pass their own bills. On October 20, 2020 the Punjab government nullified the three bills by unanimously rejecting them in a special assembly and passing their own amended accords. The state has relied on the Punjab Agricultural Produce Markets Act, 1966 to pass the amendments and has claimed that central bills have gravely ignored the interests of the small and marginal farmers. The Punjab government used the 2015-16 agricultural census to show that close to 85% of the farmers in the state were small and marginal and the new acts could greatly hamper their interests. The MSPs if indeed removed would allow private players to establish the base limit at which the market would transact for a particular commodity, and such extensive privatisation could greatly hamper the interests of the small-scale farmers. Further, in a Non-MSP structure, private sale and purchase of goods and commodities could change the demand relations for different products where the farmers would be at the mercy of corporates and would have to produce according to their needs. Additionally, if the government was to simply revoke the MSP provision without providing a satisfactory replacement or a similar support structure, a huge chunk of farmers would essentially be abandoned and would be left without any institutional support. Further, the government's refusal to extend any form of debate over the said provision only adds fuel to the farmer's fears.

However, even though there have been widescale protests against the possible revocation of MSPs, the real scenario for farmers and whether the provision actually benefits them is quite different. In practicality, only a small number of farmers are actually able to exercise their MSP rights and get a minimum amount for their produce. Even though the 6% estimate which is an often-quoted factoid isn't exactly correct, the actual usage of MSP rates in the country is still alarmingly low. The tables below shows the relationship between the commodities produced and the amount procured by the government at MSP rates in 2019-20.

GOVERNMENT PROCUREMENT VS. PRODUCTION IN 2019-20

	PROCUREMENT (1)	PRODUCTION (2)	(1) AS % OF (2)
Rice	51.38	118.43	43.38
Wheat	38.99	107.59	36.24
Cotton	104.62*	354.50*	29.51
Chana	2.10	11.35	18.47
Arhar/Tur	0.72	3.83	18.80
Moong	0.14	2.46	5.69
Mustard	0.80	9.12	8.78
Groundnut	0.71	10.10	7.03
Milk**	18.53	187.75	9.87

*Lakh bales of 170 kg each;

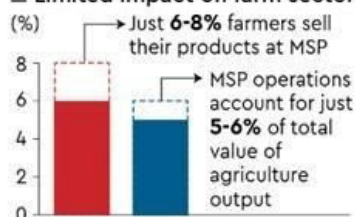
(All figures in million tonnes)

**Data is for 2018-19 and procurement by dairy cooperatives.

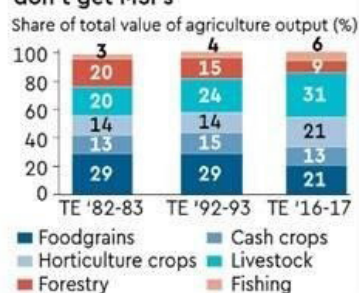
Source: Food Corporation of India, NAFED, Cotton Corporation of India, National Dairy Development Board, Ministry of Agriculture & Farmers' Welfare and Department of Animal Husbandry & Dairying.

MSP's 6x6 matrix

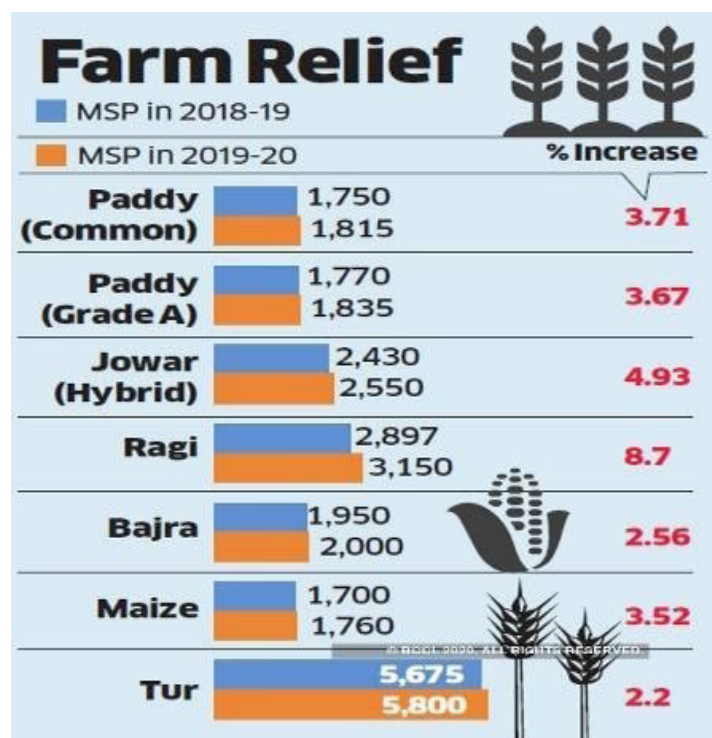
■ Limited impact on farm sector



■ Fruit & vegetables, milk etc don't get MSPs

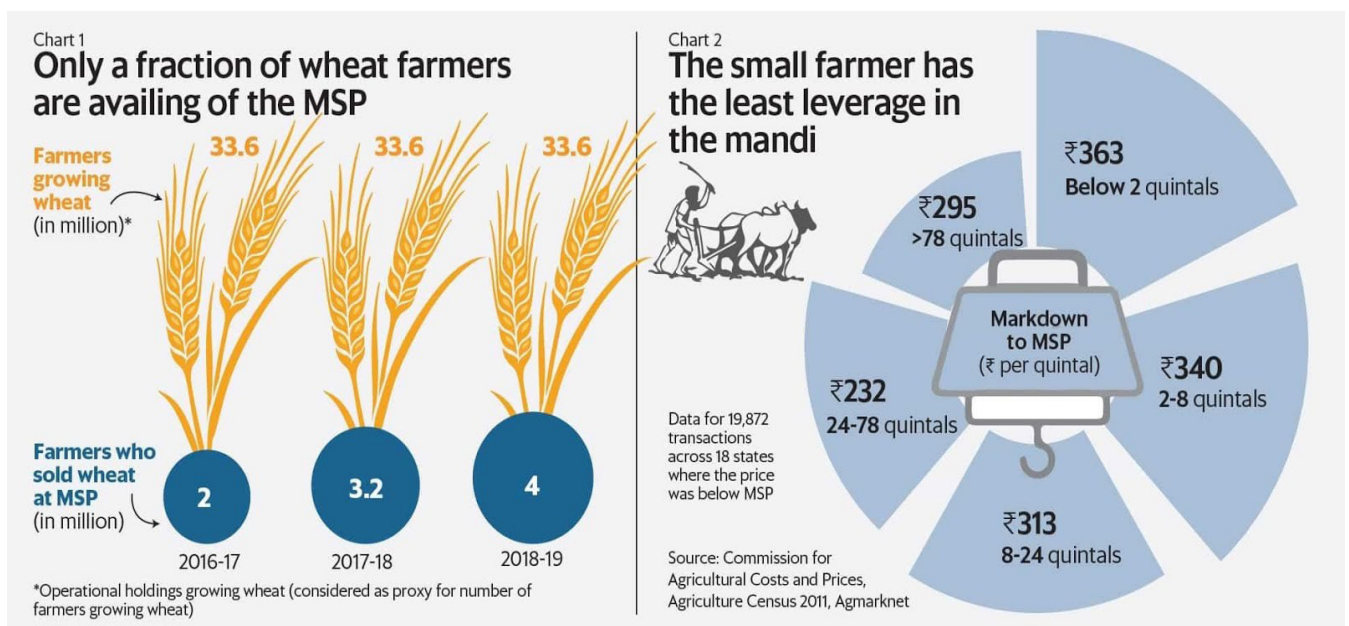


Furthermore, the MSP provision puts a burden on the government's treasury and creates huge economic costs for the Food Corporation of India. Historically, the government has extensively hiked MSP rates for different commodities; however, with each hike, the burden on the FCI keeps on increasing. The table below covers the increase in MSPs for Kharif crop in 2019-20. Noticeably, all commodities have seen a more than a 3% increase each.



Accordingly, with the systematic hike, economic costs keep on rising as well. The economic cost for wheat comes at about Twenty-Seven rupees per KG and for rice a stifling Thirty-Seven rupees per KG. Additionally, the FCI's burden which is currently touching close to three lakh crore rupees isn't depicted in the annual budget and the corporation is advised to keep borrowing continuously.

The MSP provision often fails to actually help the small and marginal farmers and greatly increases Food Corporation of India's debt. Further, another reason for the general failure of the MSP position, and the rather unaffected state of the Indian agricultural sector, if it is indeed removed, is because of the lack of an agriculture market information system. Technological advancements have allowed farmers to track the development of different crops to the tee; however, the lack of system which delineates the demand and supply relations in the market greatly affects the applicability of MSPs. Most small and marginal scale farmers are either unaware of the MSP provision or don't know which way market demand for agricultural produce will sway in a particular year. Hence, due to lower levels of knowledge and scarcity of information about market trends most farmers won't really be affected if the MSP provision is indeed removed.



Additionally, another reason why the MSP provision has benefitted only a small number of farmers and a situation where it doesn't exist won't necessarily impact a large share of producers, as mentioned above, is the method of calculation used by the government. Ideally, the government should consider only C2 costs which are much more comprehensive; however, A2 and FL costs are alternatively used which leaves out imputed rent and Interest on land or capital. The Modi government has often used this method to show an MSP which is 50% higher than the cost of production. However, since multiple types of costs are ignored the MSP rates don't necessarily benefit farmers as much as they should.

Accordingly, if the MSP system is removed entirely, it is possible that a certain section of farmers will suffer from not having a base price and may even become puppets for large corporations. However, since only a small percentage actually utilizes MSP rates because of failures in implementation and lack of knowledge, a complete removal won't necessarily impact the large share of India's producers.

Conclusion

The Minimum Support Price provision was introduced in the 1960s to support the dwindling agricultural sector of the country. However, today the situation is quite different, and even though farmer incomes haven't improved greatly, the economy at the least sees surplus production. Accordingly, the Minimum Support Price element has seen a rather tumultuous journey where the provision is often used by different governments as political jhumlas. However, MSP rates have at least helped a certain percentage of farmers gain fruitful returns on their investments. Unfortunately, the number of farmers that have actually been able to utilize this provision has been greatly restricted and hence a complete removal won't necessarily impact a large majority. Consequently, the MSP structure requires a number of reforms for a more effective implementation and if in any case the price model is entirely abandoned, the government must provide a similar or supporting infrastructure for farmers so that they aren't left to the mercy of corporates. In conclusion, due to ineffective implementation, MSPs aren't utilized widely; however, a complete removal without a backup structure can indeed hurt the interest of India's cultivators.

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