

THE NEW AGRICULTURE BILL: Amongst the most controversial one, an Insight

The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Ordinance, 2020 alongside, The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Ordinance, 2020 was promulgated by the Union Cabinet on 5 June 2020. The Lok Sabha approved the bills on September 17, 2020 and Rajya Sabha on 20 September 2020.

The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Ordinance has following provisions; firstly, it opens up agricultural sale and marketing outside the notified Agricultural Produce Market Committee (APMC) mandis for farmers, secondly removes barriers to inter-State trade, thirdly, provides a framework for electronic trading of agricultural produce. And lastly, prohibits State governments from collecting market fee, cess or levy for trade outside the APMC markets.

The Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Ordinance relate to contract farming. It has following provisions; firstly, provides framework on trade agreements for the sale and purchase of farm produce. Secondly, the mutually agreed remunerative price framework envisaged in the legislation is touted as one that would protect and empower farmers. And lastly, the written farming

agreement, entered into prior to the production or rearing of any farm produce, lists the terms and conditions for supply, quality, grade, standards and price of farm produce and services.

The Essential Commodities (Amendment) Ordinance provisions are; firstly, it removes cereals, pulses, oilseeds, edible oils, onion and potatoes

50% increase in the retail price of non-perishable agricultural food items.

Now, the question here arises is that, why are these bills being opposed? To this the major key points are as follows: Firstly, it is against the Cooperative federalism, i.e., agriculture and markets are State subjects – entry 14 and 28 respectively in List II – the ordinances

and it can easily be anticipated that there will be increase in black marketing. Thirdly, it will end MSP in India, critics view that dismantling of the monopoly of the APMCs is a sign of ending the assured procurement of food grains at minimum support prices (MSP). As per the Centre's 'one nation, one market' call but critics have sought 'one nation, one MSP'. And lastly, the Price Assurance Bill, while offering protection to farmers against price exploitation, does not prescribe the mechanism for price fixation leading to exploitation of farmers by private corporate houses. Critics are apprehensive about formal contractual obligations owing to the unorganized nature of the farm sector.

Presently, a mass agitation is being observed in some parts of the country. It is obvious Opposition is vehemently against the ordinances and has created fuss among farmers but to this it is strongly advisable that one should not get persuaded by such acts and use their own conscience of what is wrong and right. On the other hand, the way these bills are passed has created mistrust amongst farmers it is the responsibility of the government to take certain positive steps in this regard eliminating the loopholes.



from the list of essential commodities. The amendment will deregulate the assembly, storage, movement and distribution of those food commodities. Secondly, the central government is allowed regulation of supply during war, famine, extraordinary price rise and natural calamity, while providing exemptions for exporters and processors at such times as well. And lastly, imposition of any stock limit on agricultural produce must be based on price rise. A stock limit may be imposed only if there is a 100% increase in retail price of horticultural produce; and a

are being seen as a direct encroachment upon the functions of the States also, the Centre, however, argues that trade and commerce in food items is part of the concurrent list, thus giving it constitutional propriety. Secondly, Food security is undermined as easing of regulation of food items would lead to exporters, processors and traders hoarding farm produce during the harvest season, when prices are generally lower, and release it later when prices increase. Resulting, the States would have no information about the availability of stocks within the State



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Aftermath of COVID'19 on Insolvency and Bankruptcy Code

In the wake of Pandemic across the globe, it seemingly has pushed the running machinery of our country as well in the back foot. In the backdrop of early lockdown and forced vacation, the economic wheel of our country which are financial institutions and corporate bodies fret and sensed insolvency which could have led to bankruptcy proceedings. We saw the breakout that centuries would never have witnessed certainly. Before we understand the dynamism aftermath Covid' 19, the readers must know what is IBC?

Insolvency and bankruptcy code got final clearance in the year 2016; newly implemented law was proposed to mitigate the burdens and long process awaited before NCLT / NCLAT (Tribunals) by way of substituting the faster redressal mechanism. Any Corporate body, companies, partnership firm, etc, can now within the time span given in the code for disposal of proceedings can get relief on the matter related to repayment of loan and debts;

creditor can initiate the proceedings for defer payment or if money is due. The term 'insolvency' is situation where an individual entity or bodies cannot meet obligation of their liabilities and bankruptcy is legal proceeding, where court orders to declare such party to be insolvent and consequently proceed



with resolution for insolvency.

The pandemic triggered in operational shutdown of MSMES's and other commercial sectors. Centre with a view to curtail the effect of inevitable closure and to extend relief to these commercial units, exercised its powers under section 4 IBC, increased the upper limit to Rs 1 crore which were earlier Rs 1 lakh for invoking insolvency proceedings and to

exclude the Small and micro units from the purview of liquidation. In an attempt to minimise hardships which could be inflicted by potential creditors, central government has also suspended sections 7, 9 and 10 of IBC for the period of 6 months, refraining functional creditors, operational creditors and corporate applicant to invoke the threshold when time barred.

Furthermore, NCLAT taking Suo moto cognizance and given directive in reference to the "Quinn Logistics India Pvt. Ltd. vs. Mack Soft-Tech Pvt. Ltd" held that the

period of lockdown shall be excluded for the purposes of CIRP and has ordered the continuance of the interim/stay order in any appeal under Companies Act, 2013 or Competition Act, 2002 passed by the Tribunal until the next hearing. For computation of activities and proceedings for Corporate Insolvency Resolution process the time period of lockdown has been excluded

by amending and inserting 40 'C' to CIRP to Regulations, 2016 and Regulation "47A" to the liquidation Regulations.

However, the said amendments will not attract the pending suits before announcement of the lockdown made and therefore will not have any retrospective effect but prospective one. This will allow 'resolution professionals' to expeditiously dispose of the pending matters before tribunals.

Attempt to provide financial stability and control the tide owing to pandemic, government has made innumerable attempts and put efforts to keep the MSME's alive. Keeping in view all factors into consideration it was perhaps the need of the hour and proving out to be righteous approach. However, the migrant's population is yet to the "see light of a day."



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Agriculture Bill: A Threat or Reform to Farm Market

Is farming a business or a necessity? This question arises after the agriculture bill being passed by the Parliament on 20 September 2020. The farmers of Punjab and Haryana are protesting the bills: Farmers Produce Trade and Commerce (Promotion and Facilitation) bill 2020, The Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Service Bill 2020 and The Essential Commodities (Amendment) Bill 2020 amongst them the two have been passed. The first bill attempts to allow farmers to sell their products at places other than Agriculture Product Market Committee (APMC) – mandis. This idea is to get expansion to farmer's choices. The second bill encourages farmers to enter in Contracting farming. This is the signing of written contract with a company to produce the item they wish in return of healthy remuneration. The third bill allows economic agents to stock food articles without the fear of prosecuted for advertisement. The idea behind the three bill is to liberalise the farm market. The Farmers are opposing this bill due to insecurities coming in their mind.

The basic issues with bills are its implementation without any discussion and research. As discussion with various stakeholders, farmers and Middle men is required. Also the consultancy is lacking with state government though agriculture and

competition, already they face lots of problems going farming. This competition may lead to the snatching of food from their stomach. Farmers have big challenge coming up as how industrial and companies market going to treat them and offer also will they be capable to bargain efficiently in so large market. Also farmers can be robbed and exploited when they participate in market. Though APMC mandis also have issues but farmers are now well-known to them. Their are innumerable example where farmers suffer due to consumers as the prices of commodities rise. At is point Minimum Support Price (MSP) is the only earning they get. Another problem



is lack of information with farmers which inhibit ability to take right decisions for themselves. These issues are quite challenging to farmers. trade is matter of state list as well. The problem farmers are going to face as genuine as the traditional methods they were using from years suddenly changed. Farmers feel this step as withdrawal of government support, the attempts to weaken APMCs and also withdrawal of Minimum Support Price (MSP) by government. The fear of farmers is clear as they will be fighting for their rights in the market full of



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Communication - A Key for Leadership

Communication is the "knowledge path" of the leader, It flows free in all directions and under all conditions – in great times and particularly in difficult ones. Communication is connexion and stimulus for a leader – It is not simply a knowledge transmission.

Research shows that communication and successful leadership are closely related. A Weisman Success Resources study showed that 44% of company leaders responding expressed dissatisfaction with their employees' jobs. In that community, 70% said they found that they wanted



to strengthen their communication with their workers in order to overcome morale problems and improve motivation and the other group of the Leaders who were delighted with the success of their staff contributed this to their communication skills.

For Angela Ahrendts, CEO of Burberry Group PLC, from her first day on the job five years ago, communication was her number one priority. At the point, she and Chief Creative Officer Christopher Bailey made a promise to connect "very simply, very regularly, and very honestly" with staff so that they accept and support the strategic vision of the company.

The consequences of poor financial management are understood by most leaders, but not all leaders appreciate the importance of communication skills in Leadership. In April 2010, the blowout of the offshore oil rig Deepwater Horizon resulted in a major crisis for BP and its partners. "Poor communication" and a reluctance "to exchange significant details" were among the main factors contributing to the tragedy (Groysberb & Slind, 2012).

As a leader, you must inspire people with your words and acts. And before you talk, make sure you listen and analyse; it is as important to know the audience as the message you are transmitting. It advises, convinces, directs, and enhances communication. You must be prepared to show yourself further, to encourage others to see your essence. If you do not, your effectiveness as a leader will be compromised, and your supporters will quickly sidestep.

The audience is characterised by excellent communicators. They're explicit. They're genuine. Because they are great listener, They excellently connect and they respect it, and that's the first crucial step towards becoming a leader.



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FOETICIDE AND PRE-NATAL TESTING: CONCEPTUAL DILEMMAS FEMALE FOETICIDE IS A CRIME; DON'T COMMIT IT!

Women, who constitute half the human population are encountered with the many challenges. Female feticides are perhaps one of the worst forms of violence against women where a woman is denied her most basic and fundamental right that is "right to life." As there is no particular definition of female feticides provided by criminal law but the following definition of my own will clear all your conception: "female feticides is the killing of the health female fetus, in order to get rid of a female child by means of Medical Terminal of Pregnancy {MTP} or abortion". Female feticides are considered a criminal offence in India.

Abortion is lawful only when the doctor believes that due to medical reason the continuance of the pregnancy may cause a threat to the health of the mother or the unborn child.

Basically, these techniques were adopted previous to female feticides and prominently in rural areas where most people do not have access to sex determination capacity the rate of female infanticide is alarming. "infanticide is the killing of the child after birth." right to equality under article 14 and right to live with dignity under article 21, sex detection test violates both these rights.

Female feticide is an alarmingly common practice in India, as evidence

by the most recent Indian national census in 2011 indicating only 914 females for every 1000 males in the 0 to 6 years range. The root cause of female feticides, a form of structural violence against women is multifaceted and complex. As the Indian minister of health and family welfare states in it 2006 annual report, "the social, cultural and religious fiber of India is



predominantly patriarchal, a comprehensively contributing to the secondary status of the women". The high rates of female feticides reflect the secondary status. Lower earning capacity, patrilineal social structure dictating inheritance, and the white spread practice of dowry contributes to the diminish position of the women. Improvement in the socio economy condition in India has done little to raise the status of women. Recent evidence reveals the sex selection remains common among the affluent and

educated in India.

One of the greatest threats to our contemporary civilization is the menace of skewed sex ratio. The increasing imbalance between men and women is leading to many crimes such as illegal trafficking of women, sexual assault, polygamy and dehumanization of society. These acts have been increasing making this world unsafe for women. Female feticides are one of the most nefarious crimes on this earth perhaps.

What is detestable is that the people who commit crime belongs to the educated class. To this menace our ancestral and based view about male child, lack of education, ever increasing population and dowry have been good propellants. Some measures and their enforcement have to happen immediately. The

ineffectiveness of the pre- natal Diagnostics Techniques act is very much evident. Hence there needs to be quick reformation in the attitude of people to look beyond the legacy and transform this world as a better place to live in.



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Interview

RAGHAV KUMAR SINGH

Deputy Legal Manager, State Bank of India

It was indeed a great experience to be in such intellectual environment and I appreciate the efforts of not only the teams participating but the organizers who have done fabulous job.

Sir, you have been into both corporate and litigation sector so what difference or challenges did you encounter while engaging in the two resp.?

Both the sectors demand intense hard work at any point of time and require their own sets of skills in a person to be successful. While we talk about Corporate Legal Sector, there is a heap of monotonous work so one must have that stability of mind. Further for the corporate sector one must have grasp over certain things, for example: drafting, processes involved in the dealings be it legal or otherwise. Now, since for now, I am in the banking sector, so as per the internal guidelines I must have a hold not only on the related laws but also banking system and culture prevalent therein. But, when we give a see through to the litigation area, challenges comparatively are more than we see in corporate sector. To elaborate, practice in law needs drafting skills, oratory skills, time management etc. When I was in litigation what I felt was, it's just not about the law but eventually the people involved in it which

includes the judge, your client, your counterparts and many others who even are not in your circle of the case. You need to have that foresight to look inside every tits and bits of the facts of the case, then whether the facts told to you are full facts or not and lot many things. So basically, both sectors have their own pros and cons but what I feel is that litigation is more challenging else it depends from people to people how they take it.

With the coming economic frieghtedness in the lifestyle of the people and in the developing country like India, loans have become a major parameter of development, meanwhile resulting in the increase in the rate of Non-Performing Assets so what does legal banking sector doing about it?

When the banking legal department is concerned, we need to understand one thing that NPA are not a single entity; there are different types of NPA. So, for that purpose we first need to know which NPA majorly puts implication on the performance of the bank and the economy of the country. For example,

there are certain types of loans called Sponsored Scheme Loans (Mudra Loans) and corporate loans that are given on the basis of securities. Therefore the best option we opt for is Lok Adalats since civil suits are time consuming and recently in 2018 the government ordered to recover NPA amounting to 1 Lakh Million Rupees for which we have a institution in Mumbai that is trying to resolve the issue with NCLT.

In your opinion how beneficial moot courts are in the life of a law student? Do they also help in the corporate sector?

Moot Court are the most important exercise in the law school that helps you gain confidence and sharpens your skills that are required in the future of a law career. Like during my law school I did many moots that have been helpful to me in many ways not only in upgrading the CV but otherwise. Research and drafting are the base of law professionals and they are anyways polished while moot courts and you also learn the practical aspects to a certain limit and how to

tackle the question thrown at you by the judge and opponent. So, Moot Court are the basic and attractive part of law schools that are very beneficial to the law students in building their future.

Being an illustrious professional what expectation do you have from the young aspiring law professionals and what message would you give to them?

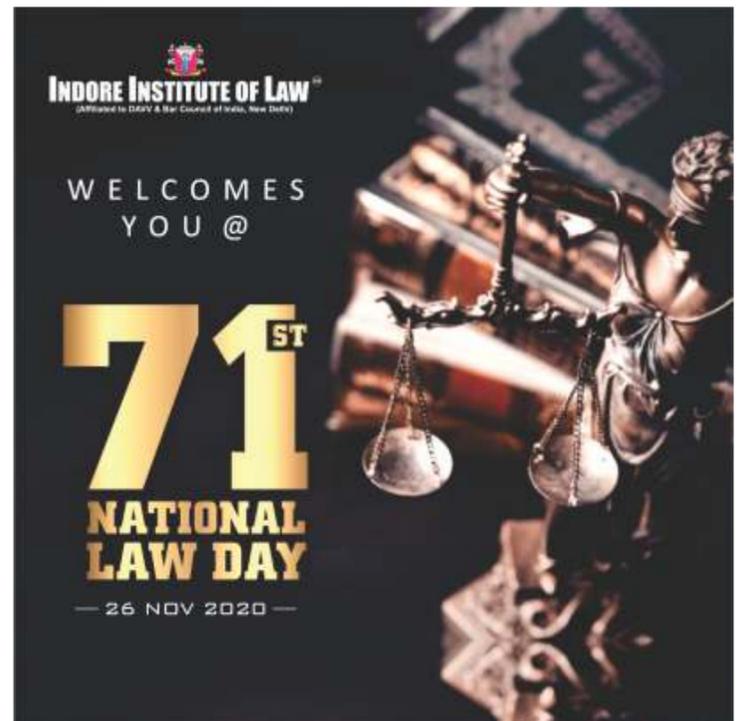
It's a very interesting career with lots of opportunities. Go ahead, polish yourselves, learn not only the theoretical aspect of law but practical too as that counts more valuable while you stand outside you law schools. Success comes when you work hard so do your best and try to observe and learn from your seniors.

Sir, how was your experience at Indore Institute of Law?

It was indeed a great experience to be in such intellectual environment and I appreciate the efforts of not only the teams participating but the organizers who have done fabulous job. At last what matters is not what you do but where you are, so do your best in future also and all the best.

CURRENT AFFAIRS NOVEMBER 2020

- The Five Eyes countries recently issued a joint statement expressing their concern about increasing Chinese curbs on the autonomy of Hong Kong. The joint statement was issued following the postponement of Legislative Council elections that was due in September 2020 and imposition of national security law in Hong Kong. According to the countries the decisions of China undermined the autonomy of Hong Kong and its freedom and rights..
- The Union Minister of Science and Technology, Harsh Vardhan has launched the 'SERB – POWER' schemes which aim to encourage and support emerging as well as eminent women researchers to undertake R&D activities in frontier areas of science and engineering. SERB-POWER stands for Science and Engineering Research Board – Promoting Opportunities For Women in Exploratory Research.
- Indian boxers Amit Panghal, Sanjeet and Ashish Kumar have won gold medals at the recently concluded Alexis Valentine International Boxing Tournament held in Nantes, France. The tournament was the first international event that Indian boxers were a part of since the lockdown
- Cambridge Dictionary has named 'quarantine' as Word of the Year 2020. The word has been named the word of the year based on data that showed that it was one of the most highly searched words on the Cambridge Dictionary this year. Cambridge editors have noticed that people are using the word in a new way this year describing a “general period of time in which people are not allowed to leave their homes or travel freely so that they do not catch or spread a disease.” This new sense of quarantine has now been added to the Cambridge Dictionary.
- The United States has officially withdrawn from the Paris climate accord on 04 November 2020. With this, the US has now become the only country to formally pull out of the deal since it was adopted in 2015.
- The landmark Paris climate agreement was signed in 2015 to protect the planet from the worsening impacts of the climate crisis. As per the rules of the agreement, a country cannot officially leave before one full year of notifying the UN of its intent to withdraw. The United States notified the United Nations of its withdrawal on November 4, 2019.



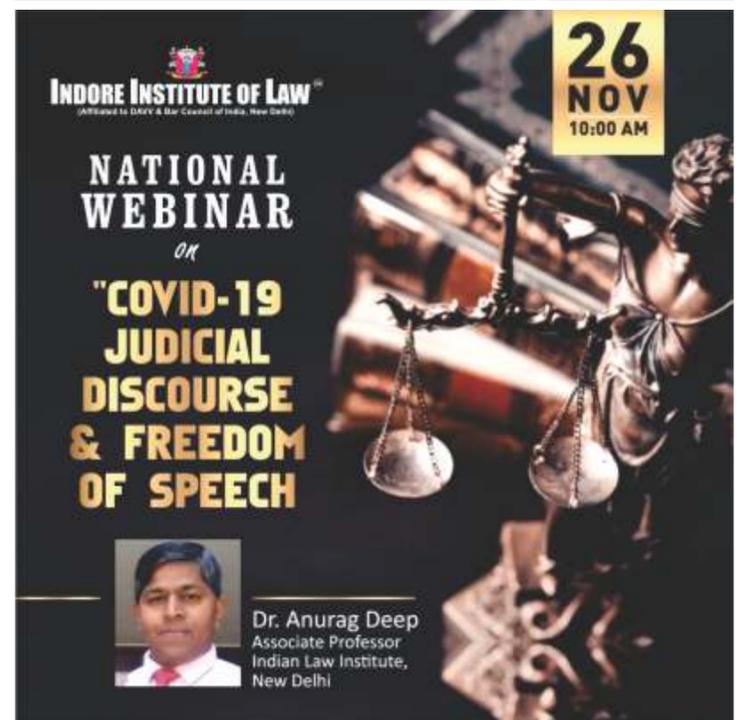
Indore Institute of Law celebrated Constitution Day (or Samvidhan Divas), also known as National Law Day, on November 26, 2020. The day is celebrated across India every year to commemorate the adoption of the Constitution of India. On 26 November 1949, the Constituent Assembly of India adopted the Constitution of India, and it came into effect on 26th January 1950.

The Government of India declared 26 November as the Constitution Day on 19 November 2015 by a gazette notification. The Prime Minister of India Mr. Narendra Modi made the declaration on 11th October 2015 while laying the foundation stone of the B. R. Ambedkar Statue of Equality in Mumbai. The year of 2015 was the 125th birth anniversary of Dr. Bhimrao Ambedkar, who had chaired the drafting committee of the Constituent Assembly and played a pivotal role in drafting the Constitution of India. Previously this day was celebrated as the Law Day. 26th November has been chosen so as to spread the importance of the constitution and to spread thoughts and ideas of Dr. Ambedkar.

The celebration started with a webinar on “Covid 19 Judicial Discourse & Freedom of Speech” conducted by **Dr. Anurag Deep, Associate Professor, Indian Law Institute, New Delhi**. The webinar was attended by more than 550 students of the institute, it covered various aspects related to the subject matter of the webinar and helped in enhancing their knowledge.

The webinar was followed by the “**Lawman's Pursuit – Quiz and Article Writing Competition**”. A total of 200 students participated in the quiz.

The article writing competition was on the topic “Analysis of Circumstances prevailing in India during outbreak of COVID – 19 with respect to Abrogation of Fundamental Rights”. A total of 50 students participated and expressed their thought is an impactful way. The winners of the competition were **Mr. Rajveer Singh (BALLB 7th Sem, 1st Position)**, **Ms. Shruti Jain (LLB 1st Sem, 2nd Position)** and **Ghanendra Nagar (LLB 1st Sem, 3rd Position)** and were awarded with cash prizes.



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