

Farm acts 2020 in India: socioeconomics and legal assessment and evaluation

Bandu Meshram

Professor, PhD (Computer Engineering), LLM (Constitutional Law), Department of Computer Technology, Computer Hacking and Forensic Investigator (CHFI) Former Head and VJTI, Matunga, Mumbai, Maharashtra, India

Abstract

The Sections of Farm Acts 2020 and the Government approach towards —inter-State trade and —intra-State trade to dismantle the APMC in a planned manner, private contract farming, unlimited crops storage to benefit big corporates is critically reviewed, analysed to identify the social, economic and legal effects of farm acts on the farmers, traders, corporates and the people of India and some rectifications are proposed and evaluated. The first act about the farmers' produce trade and commerce relaxes restrictions governing purchase and sale of farm produce, the second introduces a dedicated legislation to enable contract farming based on written agreements, the third relaxes restrictions on stocking under the Essential Commodities Act (ECA), 1955. Due these acts, corporates will adopt profit-making strategies and make essential services of foodstuff unaffordable to the society or unavailable to large segments of the population or corporates shall act as exporter of crops and foodstuff. Researcher proposed that Agricultural universities shall take active part for strengthening and streamlining the agriculture by educating farmers by providing necessary facilities and application of frontier science. Nationalized Farmer Public Sector Corporation (NFPSC) shall be created to promote agricultural industry for setting up a national common market for agricultural commodities. Instead of contract farming, nationalization of agriculture should be done and states should be empowered in agricultural domain. Private corporate industry should not be the owner to export agricultural produce at the sweat, blood and land of the farmers. —The One Nation, One Market, one MSP, One Corporate Minimum Sell Retail Price (CMSRP) or MRP should be the strategy of the government, farmers, and NFPSC.

Keywords: trade, MSP, APMC, contract, essential commodities, nationalization of agriculture

Introduction

Agriculture, markets and fair trade and commerce within the state are all state subjects in the Constitution (Entry 14, 26, 28, List II, Seventh Schedule). Agricultural markets have therefore been the responsibility of the states. At the same time, the centre has an overarching responsibility via Article 301 to ensure that there is free trade within the country: of ensuring Freedom of trade, commerce and intercourse. State-specific laws under the Agricultural Produce Marketing Committee (APMC) Acts thus regulate agricultural trade within states. Though the APMC Act was designed to protect farmers' interests, it perversely rendered farmers dependent on middlemen, who were financiers, information brokers and traders, all rolled into one. Middlemen perform a critical role that formal institutions have found hard to replace or dislodge. Agents and traders are not all mercenary and trade in the APMC markets is in fact auctioned or tendered in closed bids to the highest bidder. But the nexus between traders and commission agents tends to keep out competition and often leaves the farmer with little bargaining power, but we cannot avoid middlemen in contract farming as the corporate is not directly reachable by the farmers. Every year depending on the environment, when the crops come in market, government should decide the MSP product prices- minimum retail price...

The Food Corporation of India is an organization created and run by the Government of India. It is a statutory body under the Ministry of Consumer Affairs, Food and Public Distribution, Government of India, The Food Corporation of India or the FCI was set up under the Food Corporations Act

1964 to implement the following objectives of the National Food Policy:

1. Effective price support operations for safeguarding the interests of the poor farmers.
2. Distribution of food grains throughout the country for Public Distribution System (PDS).
3. Maintaining a satisfactory level of operational and buffer stocks of food grains to ensure National Food Security.
4. Regulate market price to provide food grains to consumers at a reliable price.

The Minimum Support Price (MSP) System was started in 1966-67 for wheat and was expanded further to include other essential food crops. Food Corporation of India actively procures wheat and rice under the public distribution system (PDS) to sell to the poor under subsidised rates.

On 5 June 2020, amidst growing concern over the seismic collapse of the economy and the spread of the Covid-19 pandemic, the Government of India promulgated three ordinances relating to agricultural marketing that represented a fundamental reorientation of the existing regulatory framework. In doing so, the central government demonstrated its willingness to use the Covid-19 crisis and the ordinance route to unilaterally push through reforms, without the explicit involvement of the state governments. Nor did the government use the parliamentary discussion as an opportunity to reveal and clarify its larger vision for

Indian agriculture that these bills foregrounded.

The three form Acts aimed at transformation of agriculture in the country are

- The farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020, NO. 21 OF 2020 [24th September, 2020].- (The market Place law)
- The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 [26th September, 2020].- (Contract Forming)
- The Essential Commodities (Amendment Act, 2020, NO. 22 OF 2020[22nd September, 2020]

On 27th September 2020, President gave his assent to the three 'Agriculture Bills' that were earlier passed by the Indian Parliament and were notified in the gazette.

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

The Farmers' Produce Trade And Commerce (Promotion and Facilitation) Act, 2020 indicate the inter-State trade and —intra-State trade. Government of India claim that 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. This legislation 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. But how ?, Transport cost shall increase and there shall be decay of perishable objects during transportation and farmers shall spend time,energy and lodging and boarding expenditure during journey for — inter- State trade and —intra-State trade.

The sections of the market Place law pros and cons are analysed as below

Chapter 1 deals with various definitions used in the act.

Chapter II-Promotion and Facilitation of Trade and Commerce Of Farmers' Produce

Section 3. Freedom to conduct trade and commerce in a trade area.

As per this section, Who will bear the cost of transport of farmers' produce in-electronic trading and transaction platform? Government has to educate the farmers for-electronic trading and transaction platform, and Hacking may involve in money transaction, farmer may be cheated by phishing attacks or social engineering.

Section 4. Freedom to conduct trade and commerce in a trade area

Who is qualified as a trader and contractor to do contract farming? As trader is purchaser, he is also contractor of contract Forming. Section 2(m).states that —trade area means any area or location, place of production, collection and aggregation including-(a) farm gates; (b) factory

premises; (c) warehouses; (d) silos; (e) cold storages; or (f) any other structures or places which does not include the premises, enclosures and structures and private market formed under each State APMC Act in force in India;

Due to exclusion of APMC infrastructure, each State APMC Act in force in India will be demolished, state sponsored APMC will collapse, it will lead privatization. What the state will do with APMC Infrastructure like auction halls, weigh bridges, go downs, shops for retailers, police station, post office, bore wells, warehouse, farmers' amenity centres, State go downs and manpower such as agents, aadatiyas,broker, Hamals and the like involved into it ? The APMCs are stunned at the prospect of all trade moving out of their jurisdiction because of the advantage of zero tax in the trade area. There is a growing realisation among the farmers and people that the APMCs may wither away and farmers will be left at the mercy of the corporates. Yes- =True.

Section 5. Electronic trading and transaction platform

In this section-MAYI terminology is used, hence regulation or guidelines are not confirmed. Any person or Any farmer producer organisation or agricultural co-operative society establishing and operating an electronic trading and transaction platform shall prepare and implement the guidelines for fair trade practices such as mode of trading, fees, technical parameters including inter-operability with other platforms, logistics arrangements, quality assessment, timely payment, dissemination of guidelines in local language of the place of operation of the platform and such other matters on behalf of farmers. This is a vague clause.

As legal document is involved into it, The Indian Contract Act 1872 would have been used to prepare the format of agreement document(Contract Forming Format) by the government in which only traders and farmers data like name, address, form description and MSP shall be kept empty and shall have decided at the time of contract. Quality assessment parameter is legally dangerous for the farmers due to environment change or illegality of the trader. Quality assessment of scheduled farmers' Produce and mode of payment Is a negative clause which cannot serve the interest of the farmers. Government should have decided the quality of the produce as A, B, C with MSP A1, B1, C1 respectively. The pricing of farming produce and the process of price determination should be mentioned in the agreement. For prices subjected to variation, a guaranteed price for the produce and a clear reference for any additional amount above the guaranteed price must be specified in the agreement.

Section 6: Market fee under State APMC Act, etc., in trade area

Due to this Section 6, Market fee or cess or levy, by whatever name called, under any State APMC Act or any other State law, shall not be levied on any trader. Trader is at benefit side and the state governments will be deprived from the market fee or cess or levy and In spite of this, many traders shall hike prices of purchased crops in the market for more benefit and will earn huge profits. Traders and contractors will always think about cost benefit analysis, there can be definitely inflation in the market and it will have a very high impact on the people in general. Due to zero tax to traders in the trade area, trade shall move out of the APMC jurisdiction, the APMC shall wither away,

Marginal (Below 1.00 hectare), Small (1.00-2.00 hectare), Semi- Medium (2.00-4.00 hectare), farmers will suffer due to non-functioning of APMC and Medium (4.00-10.00 hectare) and Large (10.00 hectare and above) rich capitalist farmers will be left at the mercy of the few monopolized corporates. What about the operational holdings of three social groups, viz., scheduled Castes, Scheduled Tribes and Others if they have to sell their crops without APMC?.

Article 302 of Constitution of India: power of parliament to impose restrictions on trade, commerce and intercourse shall not be applicable for —inter-State trade and —intra-State trade of buying or selling or purchasing farmers' produce due to Art 302 because notwithstanding anything in article 302, Parliament or state legislative shall have no power to make any law making any discrimination between one state and another by virtue of any entry relating to trade and commerce in any of the lists in the seventh schedule.

Section 6 of The Farmers' Produce Trade And Commerce (Promotion And Facilitation) Act, 2020 will go against Article 304 of the constitution, the legislature of a state may by law may not impose any Tax on goods imported from other state or UT. State shall not collect taxes from the trader; this is a biggest profit business of private corporates against the public interest.

Section 7 Price Information and Market Intelligence System; This is a very good idea for prevailing price of a particular crop of a particular grade in the local market of the concern state or in a market in another State.. But this can be implemented under every State APMC Act.

The corporate always decide the contract forming cost benefit analysis to obtain more benefits by the formulation as given below:

Assured profit= Earning per acre - cost of production
Rs/acre

Where

Earning per acre = Yield/acre * Buy back rate

Cost of production Rs/acre= Expenditure for (Seeds + Labour + Chemical fertilizers + Machinery + water + electricity) what about the Swaminathen recommendations? Are we going to consider it to decide the prices of Agriculture crops? No, MSP is not specified in

Section 7. There should be balance between assured profit to corporate and MSP and MRP.

Chapter III: Dispute Resolution Penalties

Settlement of Dispute: The Act provides for a three-level dispute settlement mechanism-- Conciliation Board, Sub-Divisional Magistrate and Appellate Authority.

Section 8. Dispute Resolution Mechanism for farmers.

Sub-Divisional Magistrate is a conciliation authority and force of the decree of a civil court shall be enforceable. As a son of farmer or as a farmer, it is beyond the scope of my mind or it is beyond the scope of finance of the small or middle class farmers. The illiterate poor /marginal, small medium farmers, operational holdings farmers cannot spend time and money for this activity, the *farmers cannot move from post to pillar against it, they can not act as pendulum for this debate* and there is no hope of expected justice as it

is an unequal partnership between the 'mighty' company and the farmer and there is judicial pendency of farmers largest set of cases. The court action is not considered here. Free Court service shall be provided by the government to support suffering farmers to resolve the conflicts/deadlock over contract farming disputes.

But the farmers do not want any amendment in farm acts and only expect legal MSP Act and repeal of farms laws due to judicial pendency of farmers largest set of cases. Moreover, the farmers are more likely to lose than win these contract forming disputes before the High court/ Supreme Court. If farmer win, then can the court enforce the decisions against the corporate/ government?, Court have limited judicial capacity to follow up on such enforcement.

Bombay HC raises concern over systemic insensitivity towards farmers' problems: The court observed that farmers cannot afford to indulge in litigation in case they are duped. Farmers cannot afford litigation, and traders like the applicants take advantage by making money on the hard work of farmers. The Aurangabad Bench of Bombay High Court, lamented refusing to quash criminal proceedings against two persons accused of duping farmers in Jalgaon, Maharashtra and observed that farmers had no resources to push for litigation, and also commented on the rising incidents of farmer suicides. Farmers in the country are facing "all kinds of problems" but none of the "systems" display any sensitivity towards them. This observation of the court comes at a very crucial point as farmers protesting the capital are raising similar concerns of being exploited by corporates and them not having avenues of legal redressal, among other things.

Chapter IV—Penalties.

Section 11 Penalty for contravention of Act and rules.

Whoever contravenes the provisions of section 4, 5, 7 shall be liable to pay a penalty. The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Ordinance, 2020 enables farmers' engagement with large processors, aggregators, wholesalers, large retailers and exporters. It is a very good idea if penalty is given to only them,, it is not farmers bread and butter in any case, farmer cannot bear this penalty and the Act did not formulate any procedure to pay the penalty. So statutes routinely bar the jurisdiction of civil courts by setting up alternative dispute mechanisms which cannot protect the interest of farmers due to delayed time frame of court or time frame of farmers, being busy with the farm work.

The government initiated many major, medium and minor irrigation projects for the farmers, the government can also make capital investment in the farmers land to enhance productivity and improve quality of product, pay attention at the depreciation of land capacity by means of latest technology, the social ownership of the means of production and workers' self-management of enterprises, so that we will have socialist democratic republic.

The Farmers (Empowerment and Protection) Agreement on Price Assurance And Farm Services Act, 2020

Government claim that Indian agriculture is characterized by fragmentation due to small holding sizes and has certain weaknesses such as weather dependence, production uncertainties and market unpredictability. This makes

agriculture risky and inefficient in respect of both input & output management. This legislation will transfer the risk of market unpredictability from the farmer to the sponsor and also enable the farmer to access modern technology and better inputs. It will reduce cost of marketing and improve income of farmers. Farmers will engage in direct marketing thereby eliminating intermediaries resulting in full

realization of price. Farmers have been provided adequate protection. Effective dispute resolution mechanism has been provided for with clear time lines for redresses.

Chapter I Preliminary.

The analysis of section 2 definitions and its impact on farmer is observed as below.

Table 1

Definition	Impact on farmers	Reason
2(f) "Farmer Producer Organisation"	Positive with conditions	Registered association or group of farmers. But the association should be responsible to sell the farming produce at Corporate MSP and the trader/corporate also sell the farming produce to the people of India at Corporate MSP or MRP decided by the farmer organizations or state government For Win- Win Situation.
2 (g) farming agreement written agreements entered prior to the production or rearing of any farming produce of a predetermined quality. (i) "trade and commerce agreement"(ii) "production agreement"	Negative	Difficult to produce production or any produce of a predetermined quality due to Climatic and physical factors. What is the remedy? No Remedy. No MSP Clause in Act. Which crops should be cultivated by farmer will be decided by the trader !. What is the strategy to protect the depreciation of farming Land?
2(h) "farming produce" :products of poultry, piggery, goatery, fishery and dairy, intended for human consumption in its natural or processed form;	Negative	Perishable products In Transportation shall create the loss to the farmer.
2 (j) "force majeure" means any unforeseen external event, including flood, drought, bad weather, earthquake, epidemic outbreak of disease, insect-pests and such other events, which is unavoidable and beyond the control of parties entering into a farming agreement;	negative	No crops produced by farmers due to unforeseen event, but services are provided to farmers by trader during this period. What is the remedy in Act about it ?

Chapter II -Farming Agreement

Section 3 Farming agreement and its period:

The government should have decided the *general legal model farming agreements format* for the Farming agreement as per minimum legal requirements of The Contract Act 1872 as specified in sec 3 (4) by discussing with *various states and farmers*, otherwise the agreement will be made by the trader to support the sponsor, each farmer cannot interpret the clauses of the Farming agreement made by farm service provider. How will "share cropper" work, no regulation on it in the Act, agreement may be for one production cycle or 5 years or may go beyond five years. *Distribution of " Fixed share of crops" among contracting parties and government is not decided to provide food security and the like or the depreciation of land and its remedy is not provided in the act.*

Section 4 Quality, grade and standards of farming produce.

Sec 4(4) quality, grade and standards shall be monitored and certified during the process of cultivation or rearing, or at the time of delivery is a very dangerous clause. The condition for the performance of such agreement compliance and mutually acceptable quality, grade and standards shall not be definitely maintained at the time of delivery, due to varying agro-climate or land depreciation, crop diseases or the labour shortage and the like.

Section 4 shall have provision to quote MSP for A, B, C grade crops under contract farming. State must decide to control food trade under MSP.

Section 5 Pricing of farming produce. The price to be paid for the purchase of a farming produce may be determined and mentioned in the farming agreement itself, and a guaranteed price to be paid for such produce including

bonus or premium, to ensure best value to the farmer and such price reference may be linked to the prevailing prices in specified APMC yard or electronic trading and transaction platform or any other suitable benchmark prices is a good idea which can serve the interest of farmers, however if sec 4 is not followed/confirmed, then it may create the conflict/ havoc among the parties to the contract, Secondly M S Swaminathan's proposal about Minimum support Price (MSP) is also not considered into this payment and MSP does not have any legal backing.

The Commission for Agricultural Costs & Prices (CACP) in the Ministry of Agriculture projects three kinds of production cost for every crop, both at state and all-India average levels. 'A2' covers all paid- out costs directly incurred by the farmer — in cash and kind — on seeds, fertilisers, pesticides, hired labour, leased-in land, fuel, irrigation, etc. 'A2+FL' includes A2 plus an imputed value of unpaid family labour. 'C2' is a more comprehensive cost that factors in rentals and interest forgone on owned land and fixed capital assets, on top of A2+FL.

The committee proposed MSP should be 1.5 times the farmers' Input costs (or simply C2+50%). While laying down the formula for calculating input costs to include the paid out cost (A2), the imputed value of family labour (FL) added to the interest on the value of owned capital assets, rent paid for leased in land or rental value of owned land (C2).

Government's View

is that calculation of input costs will only include A2 and FL costs but not C2 because the land rental costs are too diverse across the Country, but some constant cost must be decided about C2.

Farm activists, had said that the 1.5-times MSP formula —

originally recommended by the National Commission for Farmers headed by agricultural scientist M S Swaminathan and promised in the BJP's 2014 Lok Sabha election manifesto — should have been applied on the C2 costs.

Section 6: Sale or purchase of farming produce Sec 6 (2) states that The Sponsor may, before accepting the delivery of any farming produce, inspect the quality or any other feature of such produce as specified in the farming agreement. If the quality is not up to mark, then no solution is provided at the Act and it may definitely create conflict in the contract.

Whatever stocks which are brought to the Purchase centres falling within the Government of India's specifications are purchased at the fixed support price. *If the farmers get prices better than the support price from other buyers such as traders / millers etc., the farmers are not free to sell their produce to them.* FCI and the State Government/its agencies ensure that the farmers are not compelled to sell their produce below support price. Such types of provisions are not supported by Section 6 and if the forming contract is made, it is not applicable to the parties of the contract.

In The Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Act, 2020, Section 6(5), 6(6) may be added into Section 6 as below

— Section 6(5) Corporate minimum sell price(CMSP) shall be decided by the government for the sale of a farming produce in the local market so as to avoid the inflation and more profit making business by the corporate.¶

6(6) FCI itself may start procuring crops directly from the formers outside the APMC market and FCI Shall not be allowed to procure the agricultural crops from corporate. FCI shall be the third party to the forming contract.

Section 7 Exemptions with respect to farming produce

Where a farming agreement has been entered with respect to any farming produce under this Act, such produce shall be exempted from the application of any State Act, established for the purpose of regulation of sale and purchase of such farming produce. Due to this nobody will move towards AMPC and ultimately APMC infrastructure will be of no use and the workers, hamals and the like involved into APMC will suffer with unemployment. This makes APMC Act Inactive.

In sale and purchase chain of farming produce, the cost of sale of farming produce (MRP) by service provider must be decided by the government to avoid inflation.

Section 8 provide the security to the farmer, however

Section 8 should also add the clause to restore the land to its original condition from the depreciation of the land if the agreement is for 5 years or more than that, at the cost of service provider.

Section 13 and 14 Dispute Resolution Mechanism for farmers and penalty clauses are similar to-the farmers' produce trade and commerce (promotion and facilitation) act, 2020¶.

Since the Appellate Authority was the highest level of appeal for the farmer against any private entity, the farmer is effectively prevented from moving the Court. Thus, the Act is highly skewed in favour of private entities as the individual farmers did not have the resources that private

companies had for court debate or conciliation process.

The Essential Commodities (Amendment) Act, 2020

The Essential Commodities (Amendment Act, 2020 (Unlimited storage of crops by corporates); Government claim that while India has become surplus in most agri-commodities, farmers have been unable to get better prices due to lack of investment in cold storage, warehouses, processing and export as the entrepreneurial spirit gets dampened due to Essential Commodities Act. Farmers suffer huge losses when there are bumper harvests, especially of perishable commodities. The legislation will help drive up investment in cold storages and modernization of food supply chain. It will help both farmers and consumers while bringing in price stability. It will create competitive market environment and also prevent wastage of agri-produce that happens due to lack of storage facilities.

Amendment of section 3 is very interesting wherein the supply of foodstuffs, as the Central Government may, by notification in the Official Gazette, specify, may be regulated only under extraordinary circumstances which may include war, famine, extraordinary price rise and natural calamity of grave nature;. And order for regulating stock limit shall not apply to a processor or value chain participant of any agricultural produce, if the stock limit of such person does not exceed the overall ceiling of installed capacity of processing, or the demand for export in case of an exporter: but extraordinary circumstances situations may rarely happen and there cannot be a control on stock limit.

If the donor is eligible to donate, the donated blood is tested for blood type (ABO group) and Rh type (positive or negative). This is to make sure that patients receive blood that matches their blood type. Before transfusion, the donor and blood unit are also tested for certain proteins (antibodies) that may cause adverse reactions in a person receiving a blood transfusion. To protect patients, your blood is tested for several types of hepatitis, HIV, syphilis, and other infections. If your blood tests positive, it will not be given to a patient. DO NOT donate blood if your donation might harm the patient who receives the transfusion. Such formalities/debate with farmers and state governments are not adopted by the government before passing the bills.

Many people, many thoughts, however, the logical farmer thought is more appropriate. if farmer do not want, then why to insists on it...

Farm Acts and Constitutional Federalism

Seventh Schedule: Terms relating to agriculture occur at 15 places in the Seventh Schedule.

List I: Union List. (Article 246)

Entries 82, 86, 87, and 88 in the Union List mention taxes and duties on income and assets, specifically excluding those in respect of agriculture. Entry 82. Taxes on income other than agricultural income.

86. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies.

87. Estate duty in respect of property other than agricultural land.

88. Duties in respect of succession to property other than

agricultural land.

List II- State List (Article 246).

In the State List, eight entries contain terms relating to agriculture:., See Entry 14, 18,28, 30,45,46 47 48

14. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.

18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization.

28. Markets and fairs.

30. Money-lending and money-lenders; relief of agricultural indebtedness

45. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues.

46. Taxes on agricultural income.

47. Duties in respect of succession to agricultural land.

48. Estate duty in respect of agricultural land. 46. Taxes on agricultural income.

List III— Concurrent List. (Article 254). Entry 33 is added as per Constitution (Third Amendment) Act, 1954, S. 2 (w.e.f. 22-2-1955).

The Constitution (Third Amendment) Act, 1954, re-enacted entry 33 of the Concurrent List in the Seventh Schedule of the Constitution with relation to include trade and commerce in, and the production, supply and distribution of 4 classes of essential commodities, viz., foodstuffs, including edible oil seeds and oils; cattle fodder, including oilcakes and other concentrates; raw cotton whether ginned or unspun, and cotton seeds; and raw jute..

[33. Trade and commerce in, and the production, supply and distribution of,—

- a. the products of any industry where the control of such industry by the Union is declared by Parliament by law to be expedient in the public interest, and imported goods of the same kind as such products;
- b. foodstuffs, including edible oilseeds and oils;
- c. cattle fodder, including oilcakes and other concentrates;
- d. raw cotton, whether ginned or unspun, and cotton seed; and
- e. Raw jute.]

But List III— Concurrent List

Entry 6. Transfer of property other than agricultural land; registration of deeds and documents

Entry 7. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.

Entry 41. Custody, management and disposal of property (including agricultural land) declared by law to be evacuee property. Now consider the entry 26 and 27 of state list as below:

List 26 Trade and commerce within the state subject to the provision of entry 33 of List III

List 27 Production, supply and distribution of goods subject to the production of entry 33 of List III.

Due to entry 26 and 27, The Centre could argue that it is within its powers to pass laws on contract farming and intra- and inter-state trade, and prohibit states from imposing fees/cesses outside APMC areas. However, like education, farming is an occupation, not trade or commerce and foodstuffs cannot be considered synonymous with agriculture. Therefore, it ultra vires the Parliamentary Legislature of Contract farming, and the Agriculture subject intra vires(within the legal power) the State.

Though agriculture is a state subject (Entry 14), the concurrent list empowers the Centre to legislate on production and trade and supply of foodstuffs (Entry 33). *The Supreme Court of India, in S. Samuel, M.D., Harrisons... vs Union Of India And Ors on 6 November, 2003 and The State Of Bombay vs Virkumar Gulabchand Shah, 1952 AIR 335, 1952 SCR 877 held that - the term 'foodstuff is ambiguous. a commodity which is a 'foodstuff' need not be declared to be an 'essential commodity' In one sense it has a narrow meaning and is limited to articles which are eaten as food for purposes of nutrition and nourishment and so would exclude condiments.*

In cases of legislation that covers entries in two Lists such as *The State Of Rajasthan vs Shri G. Chawla And Dr. Pohumal on 16 December 1958, 1959 AIR 544, 1959 SCR Supl (1) 904*, Supreme Court of India have used the doctrine of —pith and substance to determine the character of legislation that overlaps between entries. The constitutionality of legislation is upheld if it is largely covered by one list and touches upon the other list only incidentally. But the two new farm Acts go beyond that — they impinge on entries in the State List. In interpreting the lists, the Supreme Court in *State of Bihar v Kameshwar Singh, 1952 1 SCR 889, AIR 1952 SC 252* invoked the doctrine of colourable legislation, which means-. Maxim—what cannot be done directly, cannot be done indirectly.¶ The Supreme Court of India ruled on the constitutional validity of the Bihar, United Province, and Madhya Pradesh land reform legislation. The Supreme Court held the Bihar legislation constitutional, but found (in majority of 3:2) two of its provisions unconstitutional. As per *Union of India v H.S. Dhillon 1972 AIR 1061, 1972 SCR (2) 33*, the constitutionality of parliamentary laws can be challenged only on two grounds — that the subject is in the State List, or that it violates fundamental rights. It is clear that the Union List and Concurrent List put matters relating to agriculture outside Parliament's jurisdiction, and give state legislatures exclusive power. No entry in respect of agriculture in the State List is subject to any entry in the Union or Concurrent Lists. Hence contract forming shall not come under concurrent list. Centre must consider the states vision and mission about the development of agriculture. A major state subject like agriculture has virtually been transformed into a concurrent subject and three farm acts are enacted by the center, the Centre has made massive inroads into state subject-agriculture... The author note that The Acts do not mention, in the Statement of Objects & Reasons, the constitutional provisions under which Parliament has the power to legislate on the subjects covered. The Supreme Court Bar Association President Mr. Dushant Dave clearly indicated

that the Farm laws are "unconstitutional and illegal".

Department-related Standing Committees for passing Bill

The Committee considers the general principles and clauses of the Bills referred to it and makes Reports thereon within the given time. I am doubtful whether the form bills or any of the provisions thereof, if enacted, would be constitutionally valid or not are researched seriously by the Committee on Agriculture, there was no consultation undertaken by the central government at the time of promulgating the ordinances, and subsequently while pushing the bills through the Parliament.

Art 143 Power of President to consult Supreme Court should have been utilized for the discussion and debate of the form bills.. Now it is on the court to examine whether it should be answered or not, if not with valid reasons. However, *it is pertinent to note that the views taken by the Court is not binding on the President.*

The Supreme Court has held in The Kerala Education Bill,... vs Unknown on 22 May, 1958, 1959 1 SCR 995 that the use of the word "may" in Article 143(1), in contradiction to the use of the word "shall" in Article 143(2) shows that whereas in a reference under Article 143(2) the Supreme Court is under an obligation to answer the questions put to it, under Article 143(1) it is discretionary for the Supreme Court to answer or not to answer the questions put to it. This analogy is also stated in Judicial Committee Act, 1833 and The Government of India Act, 1935, by section 213(1).

The judiciary should act only as an alarm bell; it should ensure that the executive has become alive to perform its duties. While there has been some discussion on the issue of activism by the judiciary, it must be noted that there are also instances of the legislature using its law making powers to reverse the outcome of some courts judgments.

The legislature overriding the decision of the Supreme Court was seen in the Essential Commodities (Amendment) Ordinance, 2009 which was passed into an Act. *The Supreme Court " Mahalakshmi Mills vs. Union of India (2009) 16 SCC 569 " had ruled that the price at which the Centre shall buy sugar from the mill shall include the statutory minimum price (SMP) and an additional amount of profits that the mills share with farmers. The Amendment allowed the Centre to pay a fair and remunerative price (FRP) instead of the SMP. It also did away with the requirement to pay the additional amount. The amendment applied to all transactions for purchase of sugar by the Centre since 1974. In effect, the amendment overruled the Court decision. Thus in past legislature overturned the judicial pronouncements by passing laws with retrospective effect, so I am doubtful about MSP implementation by court.*

National Problems and Solutions

"The approach of the farmer is either repeal the Farm Acts or don't repeal. Its either yes or no." Farmers see their death that's why the Agitation..... As a farmer/son of farmer, I have many questions in mind which are not answered by these farm acts.

Can the government fix the MSP for farmers and CMSP for corporate? Can the Government control MSP for the Consumer Price Index (CPI) and Producer Price Index (PPI) for WIN-WIN situation?

Preamble (Equality and justice) and Art 14 (14. Equality before law. of the) constitution — must be implemented by the government in case of farmers investment and farm labour, farm produce, fruits and vegetables and any perishable food.... The government shall pass the act to pay MSP to the farmers, Moreover Government may decide CORPORATE MINIMUM SALE PRICE (CMSP) Or MRP for the local market for India and % corporate sale for Export and local market shall be decided, otherwise it contravene article 14 of the Constitution.

What are the measures in farm acts proposed by the government to control inflation of farm produce and food grains?

As per The Essential Commodities (Amendment) Act 2020, all items removed from essential commodities act are: Rice, Wheat, Potatoes, Onions, and Oil. How the list of essential commodities as per the original act become nonessential? Further, the government cannot impose a stock limit i.e. it cannot stop a supermarket chain or a retailer from hoarding unless there is a 100% (percent) increase in price of perishable goods or 50% (percent) increase in price of non-perishable goods. What will happen if there is 99% increase in price of perishable goods or 49% (percent) increase in price of non- perishable goods? Big private players can make artificial price fluctuation under the scale of

Extraordinary price rise

The cost benefit analysis of the corporate depends On Private corporate trader margins, MSP payment to producer and charge on consumer, Hence Corporate Minimum Sell Retail Price(CMSRP) or MRP shall be decided by the legal acts, which is not considered in the farm acts. Supply Demand (MSP- CMSP) must be legalized in a country like India. Crucial crops had to be removed from the Essential Commodities list, otherwise in longer run, due to contract forming futuristic fate of people will be dark.many people, many thoughts However, the logical farmer thought is more appropriate. if farmer do not want, then why to insists on it...

What are the consideration for the depreciation of land?

The Government aims at liberalizing agricultural trade and to accord considerable benefit to farmers will have a guaranteed purchaser and uncertainty regarding prices will be minimized. This argument does not hold good, people of India will suffer due to inflation and depreciation of Land. In some cases, the buyer would also be willing to give loans in kind to the farmer — that is, seeds, fertilisers, supply of farm inputs, land preparation, technical inputs, etc., thereby pushing them into the clutches of traders who would also act as moneylenders. A land improvement is a tangible depreciable item that is added to the underlying land and improvement will deteriorate over time and ultimately become worthless unless it is maintained. *See, e.g., Ekberg v. United States, No. 711 W.D., 1959 U.S. Dist. LEXIS 4467 (D. S.D. 1959); Rev. Rul. 75-137, 1975-1 C.B. 74; Rudolph Investment Corp. v. Comr., T.C. Memo. 1972-129.* Associated maintenance costs would be currently deductible as a repair expense.

Is there any section or consideration in three farm acts about Top 3 Factors Affecting Farming? NO

Top 3 Factors Affecting Farming are

1. Economic factors such as subsidies, commodity prices,

- labour and immigration laws, cost of land, transport, capital and markets, etc. affect farming.
2. **Climatic factors** such as light, water and rainfall, temperature, air, relative humidity and wind also affect farming.
 3. **Physical factors** such as topography/relief, soil and climate affect farming.

What is the status of Art 305 of constitution of India?

Art 305: Saving of existing laws providing for state monopolies. Though the act has got the assent to the terms of this Act from the president of India, In contract forming trader can be a company and Art.19(6)(ii) is not applicable to any industry or company or corporate. Company not being a citizen has no fundamental rights. Hence can parliament apply Art.19 (6)(ii) under Art. 305 of the constitution for making any law to serve the interest of the company or corporate? NO.

Who stopped Minister of State for Ministry of Agriculture & Farmers Welfare for the implementation of the farmer schemes? Hence what is the need of the three farms Acts?

Minister of State for Ministry of Agriculture & Farmers Welfare in Lok Sabha said;

—with a view to improve the condition of Small and Marginal farmers and to double the income of farmers by 2022, Government is realigning its interventions from production-centric approach to farmers' income-centric initiatives, with focus on better and new technological solutions. These include implementation of schemes like, Pradhan Mantri Krishi Sinchai Yojana (PMKSY), Paramparagat Krishi Vikas Yojana (PKVY), Soil Health Card, Neem Coated Urea, Rainfed Area Development under National Mission for Sustainable Agriculture (NMSA), Pradhan Mantri Fasal Bima Yojana (PMFBY), National Agriculture Market scheme (e-NAM), National Food Security Mission (NFSM), National Mission on Oilseeds & Oilpalm (NMOOP), Mission for Integrated Development of Horticulture (MIDH), Rashtriya Krishi Vikas Yojana (RKVY), National Mission on Agriculture Extension & Technology (NMAET) etc. In addition, farmers are provided information through Focused Publicity Campaigns, Kisan Call Centres (KCCs), Agri-Clinics and Agri-Business Centres (ACABC) of entrepreneurs, Agri Fairs and exhibitions, Kisan SMS Portal etc. [https://kisanmitra.net/2019/02/]. If these schemes are properly and honestly implemented, then there is no need of Contract farming.

What stopped the Government from introducing new laws that would facilitate, fund, farm technology, seeds and legally protect cooperatives in farming to make the country socialist or 'socialist' solutions or nationalized Farmer Public Sector Corporation (NFPSC)?

Government may give loans in kind to the farmer — that is, seeds, fertilisers, supply of farm inputs, and Government agricultural universities may educate the farmers for land preparation, technical inputs, etc., thereby moving them away from the clutches of traders and corporates. Nationalized Farmer Public Sector Corporation (NFPSC) / Farmer Producer Organisations (FPOs) / Farmer Producing Corporation (FPCs) shall be formulated

by the ownership of farmers only, Food processing companies may be run by farmers only to benefit and avail of scales of economy in production and post-production activities LIKE EXPORT at international and local market.. only farmers shall be the owners of (FPOs) and (FPCs). It will create the win win situation for both the farmers and the government and the people of India. Private corporate industry should not be the owner to export agricultural produce at the sweat, blood and land of the farmers.

7. What is the status of Food Corporation of India (FCI) and Public Distribution System (PDS) in India in Three Farm Acts ?

The Food Corporation of India (FCI) is the nodal agency at the centre that is responsible for transporting food grains to the state godowns. Specifically, FCI is responsible for: 1.procuring grains at the MSP from farmers, 2.maintaining operational and buffer stocks of grains to ensure food security, 3.allocating grains to states, 4.distributing and transporting grains to the state depots,5.selling the grains to states at the central issue price to be eventually passed on to the beneficiaries.

Public Distribution System in India

The National Food Security Act 2013 (also 'Right to Food Act') is an Act of the Parliament which aims to provide subsidized food grains to approximately two thirds of India's 1.2 billion people. The enactment of the National Food Security Act, (NFSA) 2013 on July 5, 2013 marks a paradigm shift in the approach to food security from welfare to rights based approach. The Act legally entitles upto 75% of the rural population and 50% of the urban population to receive subsidized food grains under Targeted Public Distribution System. About two thirds of the population therefore is covered under the Act to receive highly subsidised food grains. The National Food Security Act, (NFSA) 2013 is being implemented in all the States/UTs, on an all India basis. Out of maximum coverage of 81.35 crore, around 80 crore persons have been covered under NFSA at present for receiving highly subsidized food grains. The identification of beneficiaries by States/UTs is a continuous process, which involves exclusion of ineligible/fake/duplicate ration cards and also exclusion on account of death, migration etc. and inclusion on account of birth as also that of genuine left-out households.

The Commission for Agricultural Costs & Prices (CACP) in the Ministry of Agriculture would recommend MSPs for 23 crops. These included 14 grown during the kharif/post-monsoon season and six in rabi/winter (wheat, barley, chana, masur, mustard and safflower), apart from sugarcane, jute and copra. The CACP considered various factors while recommending the MSP for a commodity, including cost of cultivation. It also took into account the supply and demand situation for the commodity; market price trends (domestic and global) and parity vis-à-vis other crops; and implications for consumers (inflation), environment (soil and water use) and terms of trade between agriculture and non-agriculture sectors.

Antyodaya Anna Yojana (AAY). provide food grains to poorest of the poor households from the BPL, Households headed by widows or Terminally ill persons or disabled persons or persons aged 60 years or more or single women or single men with no assured means of subsistence or social support; all Primitive Tribal Households, Households

headed by widows or Terminally ill persons or disabled persons or persons aged 60 years or more or single women or single men with no assured means of subsistence or social support; all Primitive Tribal Households, HIV/AIDS persons and Leprosy Affected Persons, and Annapurna Scheme provide food to the old destitute people of 65 years and above age.

"Mahatma Gandhi National Rural Employment Guarantee Act" or MGNREGA), is an Indian labour law and social security measure that aims to guarantee the 'right to work'. It aims to enhance livelihood security in rural areas by providing at least 100 days of wage employment in a financial year to every household whose adult members volunteer to do unskilled manual work. In behalf of this act government provide labour work in rural areas like, ploughing ponds and some other work which will useful for those villages in monsoon for store more water and ultimately that saved water is useful to farmers for farming the scheme has multifarious benefits including "reduction in poverty, reduction in migration, women empowerment, improvement of productivity of agricultural land and regeneration of water resources, but when all services are provided by the price provider contract, can these three farm acts affect the aims and objectives of MNREGA ? The workers points of view can be summed up as:

The International Monetary Fund (IMF) is an international financial institution, spokesperson said that the new farm laws will allow farmers to retain a greater share of the surplus by reducing the role of middlemen. But the middle man is everywhere, farmer can not get direct access of the corporate, government shall eliminate middlemen from APMC. The IMF has, however, given a word of caution that the social safety net needs to be strengthened for those who could be affected by the farm laws and the Supreme Court of India stayed the three contentious laws and constituted a committee to examine the same.

Is there any positive impact of these three farms bill on one nation one ration card? NO positive effect.

Can it positively affect Targeted Public Distribution System of Tricolor Ration Cards Scheme? a) Yellow Ration Cards b-1) Saffron Ration Cards b-2) Priority House Hold (P.H.H.) Cards and c) White Ration Cards? What is the effect of these three form bills on the Scheme regarding Distribution of Food grains at BPL rate to Welfare Institutions, student hostels and the like? Is there any effect of these three farm acts on FCI? The Government policy of procurement of Food grains has broad objectives of ensuring MSP to the farmers and availability of food grains to the weaker sections at affordable prices. It also ensures effective market intervention thereby keeping the prices under check and also adding to the overall food security of the country. To facilitate procurement of food grains, FCI and various State Agencies in consultation with the State Government establish a large number of purchase centres at various mandis and key points. The number of centres and their locations are decided by the State Governments, based on various parameters, so as to maximize the MSP operations. Whatever stocks which are brought to the Purchase centres'

falling within the Government of India's specifications are purchased at the fixed support price. If the farmers get prices better than the support price from other buyers such as traders / millers etc., the farmers are free to sell their

produce to them. FCI and the State Government/its agencies ensure that the farmers are not compelled to sell their produce below support price.

What about the Governments central or state purchase relating to the Public Distribution System or the Targeted Public Distribution System?

The Congress alleged the Bharatiya Janata Party (BJP)-led National Democratic Alliance (NDA) government had waived off Rs. 68,607 crore due from the top 50 bank loan defaulters, including Nirav Modi, Mehul Choksi and Vijay Mallya. RBI has given the names of Nirav Modi, Mehul Choksi and many of BJP's 'friends' in the list of bank frauds. I feel that Government also must waive off the loan of farmers using Art 14. Equality before law. Like Seventh pay commission, state may implement MSP and Art 43, 43A, 43B, 47 and 48 of the constitution to serve the farmers. If the essential commodity stock is made by various contracts and overall ceiling of installed capacity of processing, or the demand for export is not known, how the government control the flow of essential foodstuffs, *state intervention may be uncertain, the rules of the game in markets is always dynamic for cost benefit analysis. business is for income, it is not for government's expected outcome...* Farmers expressed concern over the central Governments —One Nation, One Market ordinance and said it would not only deprive them of minimum support price(MSP), But it would also put additional burden for transporting produce and inflation in the market. Relaxing restrictions governing purchase and sale of farm produce, dedicated legislation to enable contract farming based on written agreements. And relaxation restrictions on stocking under the Essential Commodities Act (ECA), 1955 shall exercise indirect control over farm land in the guise of securing farmer services and it will increase the dependency of the people for food on the corporate. Corporate shall be more interested for the export and become a sizeable exporter at the cost of suffering local market or inflation for local people.

Multiple Firms contractor may —coordinate on pricing and it may end up facing a single buyer, middleman can not be avoided here. We experience it in daily vegetable market, same price on every shop to earn more.

Researcher is of the view to create Nationalized Farmer Public Sector Corporation (NFPSC) to promote agricultural industry for setting up a national common market for agricultural commodities, the NFPSC shall create APMC marketing infrastructure in all states and UT for this promotion and improve civic infrastructure, auction halls, weigh bridges, godowns, shops for retailers, canteens, toilet blocks, lodging boarding, roads, lights, drinking water, police station, post-office, bore-wells, warehouse, farmers amenity centre, tanks, Water Treatment plant, soil-testing Laboratory, banking facility, digital connectivity and other facilities in APMC markets.

State Agriculture Produce Marketing Committee Acts [APMC Acts] relating to marketing, cold storage and processing of agriculture produce need to extend by NFPSC. NFPSC may change the role of the APMCs/ State Agriculture Marketing Boards from regulatory focus to promotion of grading, branding, packaging and creation of foodstuffs, supply and distribution of foodstuffs, and development of distant and international markets for the

local farm produce and foodstuffs. It will create the job market and huge employment in APMC food industries. There is a need to specify the percentage purchase at MSP by central, state government and contract forming, otherwise contract forming may lead the unlimited stock of foodstuff by corporates for foreign export and then sell can be made to the citizen at higher cost, every citizen will suffer due to this modus operandi.

Table 2: The Agricultural crops purchase strategy at APMC shall be defined to keep equilibrium balance for the requirement of society and food security as below:

Government Purchase from farmers with MSP	Contract Forming Purchase with MSP	APMC Purchase with MSP	Farmer Use and no sale
40%	20%	20%	20%

Note that Government should not purchase crops from the corporate, Government purchase of crops may be made from farmers only. Nationalized Farmer Public Sector Corporation (NFPSC), Corporate and farmer shall be the party to Contract Farming and The distribution of crops shall be made at APMC Level without middleman.

Due to India’s decision to Liberalization, Privatization, and Globalization (LPG) Market India liberalize its economy in 1991, embrace the forces of globalization, and welcome global economic integration. Globalizations results in shift of economic power from independent countries to international organizations, like WTO United Nations etc. The sovereignty of the elected governments are naturally undermined, as the policies are formulated in favor of globalization. India should not acquire global competitiveness in all fields. The analyses the results of surveys conducted after the three successive Lok Sabha elections of 1996, 1998 and 1999 shows that Indian national Congress lost the elections mainly due to LPG and the other factors. These three farm Bills dictate the LPG and Privatization of government firms or privatization of public sector may lead to a situation like East India Company. Indian Agricultural Exports Increasingly Destined for Developing Countries. India has become a very important player on the global market, especially for rice, cotton, sugar, and beef (buffalo). In addition to these products, India has also become a sizeable exporter of soybean meal, guar gum, corn, and wheat, as well as a diverse range of other products. The profit must go to Farmers and not to corporate. *What will happen if the purchased crops are exported To external countries only?*

Conclusion

Farm bills are for corporate’s INCOME, it is not for farmers Out Come... Unlimited storage of crops by corporates is for export on the global market and Profit. Nationalized Farmer Public Sector Corporation (NFPSC) should become a exporter at global market and not the corporate. International Monetary Fund (IMF) given a word of caution that the social safety net needs to be strengthened and the Supreme Court of India stayed the three contentious laws and constituted a committee to examine the same. *The* farmers are sticking to their first major point - that the three "anti-farmer" laws passed in September 2020 be repealed. However, the government says these laws are in the interest of farmers to make them richer. The three new farm laws do not have any provision for Minimum Support Price (MSP).

At the centre of the protests are two issues — the fear that minimum support price (MSP) will not be enforced once private mandis come up; and the amendment of the Agricultural Produce Marketing Committee (APMC) Act. Due to poor market infrastructure, more produce is sold outside markets than in APMC mandis. The net result was a system of interlocked transactions that robs farmers of their choice to decide to whom and where to sell, subjecting them to exploitation by middlemen need to be rectified by amending APMC Act. Our farmers will have no contact point to bargain with corporate houses, Like APMC, there is a concern that there is a possibility of middleman in private sector also. In private sector there will be no control and exploitation by middlemen may multiply. With the end of APMC, states will have a lot of revenue loss and, MSP will also practically end which is the most important concern. Government must plug the loopholes in APMC instead of introducing a new system of farm acts altogether. For small and marginal farmers, APMC mandi is the last resort channel of sale. The state government can’t impose any taxes if sale is made in new

—trade areal outside the APMC market, the market fee collected by the APMC mandis is used for the development of rural infrastructure, link roads and storage facilities. The shifting of trade to avoid payment of any levy/market fee by private players is systematic dismantling of the APMC mandi and the Food Corporation of India (FCI) will eventually witness the redundancy of the APMC mandils, leaving the farmers at the mercy of the corporate sharks.

Contract farming, as practiced in India across crops and regions for many years, has shown that marginal and small farmers are generally excluded. Further, the contract farming Act does not provide for remedies when companies cancel contracts on account of quality parameters, or there is delay in taking delivery of produce. Things have only become worse for India’s lower-income groups - those who technically are above the poverty level but are always in danger of sinking below it - in the past four years, since demonetization and GST broke the back of India’s unorganized sector. The small and marginal farmers and even larger farmers find it tough to match the legal resources that corporates use during disputes. The purpose of initiatives such as contract farming seems to be to create conditions that make it difficult for the small and marginal peasantry to sustain them and eventually force them to leave their land or sell it to rich farmers, thus consolidating and centralizing the agrarian capital.

According to The Farmers’Produce Trade and Commerce (Promotion and Facilitation) Act or The market Place law farmers can sell inside the state, outside the state, (inter-State tradel and —intra- State trade). or if they wish they can also sell it online. But the traders will be limited corporates and they shall consolidate or cooperate for the same price everywhere. This is an intellectual modus operandi to earn the more profit.

As per The Contract Farming Law, Farmers can enter into _written agreements_ with anyone like a company, trader and sell them their produce for a set period of time, as per the contract. Being big private companies, exporters, wholesalers, and processors, they will always have an edge in disputes. Written contract is not mandatory which means farmer will never be able to prove violation of terms of

contract. The Contract forming act do not provide the a proper legal contract framework, it may have prepared by the act to the specific requirements of contract Act. Hence, the contracts shall protect company interests at the cost of the farmer and do not cover farmer's production risk and farmers may face problem of enforceability of contracts. We did not properly implemented fundamental rights and directive principles of state policies, we cannot stick to it whatsoever may be the reason, Can the formers raise their voice against the compromised contract in court, why to fall in fire ? The written contracts whose format is not decided in act cannot protect the farmer in case the buyer tries to cheat them. Not only farmers will be affected by it, consumers will also be affected because the main goal or focus of a private company will be to raise its profits. The problem of monopsony, where a single buyer buys produce of hundreds and thousands of farmers, is observed in some cases of contract farming.

The amendment to the Essential Commodities Act shall, attract private sector/foreign direct investment into the agriculture sector. The stocking of commodities by processors, millers, importers, exporters and traders shall increase and the food supply chain shall be controlled by them and inflation may go up or export will be increased at global market and people shall suffer due to inflation. Big corporates and multi-national corporations (MNC) may prefer to stock up their quota at the time of harvest when prices are low and, thus, would not need to buy from farmers when prices rise.. I believe that It is a tool against National Food Security Act (NFSA), 2013, it cannot ensure access to adequate quantity of quality food at affordable prices to people to live a life with dignity.

Though agriculture is a state subject (Entry 14), the concurrent list empowers the Centre to legislate on production and trade and supply of foodstuffs (Entry 33). The term "foodstuff is ambiguous, a commodity which is a 'foodstuff' need not be declared to be an 'essential commodity' of agriculture. Foodstuffs is a product of crops processing industry/corporate....*basic foodstuffs such as sugar, cooking oil and cheese.* The Three farm has neither been discussed with states nor with the experts in this field and it has destroyed the cooperative federalism. The Sarkaria Commission report on Centre-state relations pointed out that the Centre used Entry 33 to disproportionately empower itself in the sphere of agriculture.

Due to amendment to the Essential Commodities Act, the objectives of Food Corporation of India for food security of the country shall be at stake. It is a death warrant for Mid-Day Mill, Ration To Poor People, Public distribution systems, Antyodaya Anna Yojana (AAY), Annapurna Scheme, "Mahatma Gandhi National Rural Employment Guarantee Act" or MGNREGA) and the like. The global experience across agricultural markets demonstrates that corporatisation of agriculture without a concomitant security net in the form of an assured payment guarantee to the farmers results in the exploitation of farmers at the hands of big business. We cannot expect urgent justice from dilatory Indian legal system. Farmers are struggling for survival and not for 'growth'. The purpose of initiatives such as contract farming seems to be to create conditions that make it difficult for the small and marginal peasantry or rich farmers to sustain themselves and eventually force them to leave

their land or sell it to traders though it is protected by act, but pandemic situation cannot be protected or there cannot be defence mechanism for longer time, thus consolidating and centralizing the agrarian capital at the hand of corporate. Taken together, the farm reforms will loose rules around market sale place, market fee, cess or levy on transactions in the trade area, tax in the trade area state, making APMCs functionality, concern for the food security of the most marginalised sections of society, Purchase pricing by corporate and traders (Creating monopoly of traders, corporates and their middlemen), and storage of farm produce (dictating inflation by cost-benefit analysis by corporate) - rules that have protected India's farmers and consumers from the free market for decades. Government of India must have ownership of all the economic resources of productivity, health, education and security and Agricultural green revolution of crops and agroforestry.

Government shall create Nationalized Farmer Public Sector Corporation (NFPSC) to promote agricultural industry. Secondly NFPSC shall implement the MSP to provide a higher income for farmers to improve their economic condition, Thirdly Government purchase strategy for the requirement of society and food security shall be kept in equilibrium balance ----Lastly MRP (inclusive of all taxes) of farming produce shall be decided by the state government, under the supervision of NFPSC to control inflation in the local market.."

References

1. The Farmers (Empowerment and Protection) Agreement on Price Assurance And Farm Services Act, 2020 No. 20 Of 2020 [24th September, 2020.]
2. The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 No. 21 Of 2020 [24th September, 2020.]
3. The Essential Commodities (Amendment) Act, 2020 No. 22 of 2020 [26th September, 2020.]
4. The Indian Contract Act, 1872
5. MP Jain. Indian Constitutional Law, Lexis Nexix 18 ed, 2018.
6. Durga Das Basu. Indian Constitutional Law Nexis 24 Ed, 2020.
7. The constitution of India, Bare Act Jan 2020, <https://www.writinglaw.com/category/constitution-of-india/>
8. Mathur Swati. "Farm bills 2020: President Kovind gives assent to controversial farm bills, laws come into force immediately". The Times of India. Retrieved, 2020.
9. Sudha Narayanan. The Three Farm Bills, Is This the Market Reform Indian Agriculture Needs?, The India Forum (Updated: 27 Nov 2020), <https://www.Theindiaforum.in/article/three-farm-bills>
10. John Schmidt, What Is Inflation And How Does It Work?, (Jul 14, 2020, 4:20pm), <https://www.forbes.com/advisor/investing/what-is-inflation/>, <https://frontline.thehindu.com/the-nation/fast-forward-to-corporatisation/article32880281.ece>
11. RCA Jain. Regulation and Dispute Settlement in Contract Farming in India, http://www.ncap.res.in/contract_%20farming/Resources/16.1%20RCAJain.pdf
12. Ritika Shrimali. Contract farming as a means of ushering in corporatisation in agriculture, (Nov 06,

- 2020), <https://frontline.thehindu.com/the-nation/fast-forward-to-corporatisation/article32880281.ece>
13. <https://farmer.gov.in/mspstatements.aspx> - as accessed on September 29, 2020 14..S. Samuel, M.D., *Harrisons... vs Union Of India And Ors* on 6, 2003
 14. *The State Of Bombay vs Virkumar Gulabchand Shah*, 1952 AIR 335, 1952 SCR 877
 15. *The State Of Rajasthan vs Shri G. Chawla and Dr. Pohumal*, 1958, 1959 AIR 544, 1959 SCR Supl. (1) 904,
 16. *State of Bihar v Kameshwar Singh*, 1952 1 SCR 889, AIR 1952 SC 252 18.*Union of India v H.S.Dhillon* 1972 AIR 1061 SCR. 1972; (2):33.
 17. Ministry of Consumer Affairs, Food and Public Distribution, https://dfpd.gov.in/acts_C.htm
 18. Food Corporation of India: <https://fci.gov.in/>
 19. Kaushiki Sanyal Swaminathan Report: National Commission on Farmers, (December 7, 2006) <https://www.prindia.org/report-summaries/swaminathan-report-national-commission-farmers>
 20. Debayan Roy, Supreme Court stays implementation of three Farm Laws, forms 4-member committee to hold talks, (Jan 12, 2021), <https://www.barandbench.com/news/litigation/supreme-court-stays-implementation-of-farm-laws>