

VOLUME V

ISSUE –I



IILS QUEST

**A Quarterly Journal authored by IILS Students
Published in the IILS Website**

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INDIAN INSTITUTE OF LEGAL STUDIES

Accredited by NAAC
Affiliated to the University of North Bengal
Recognized by the Bar Council of India
Approved under Section 2(f) & 12B of the UGC Act, 1956

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THE STUDENT JOURNAL

(2019)

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MESSAGE FROM THE CHAIRMAN'S DESK



The Indian Institute of Legal Studies is devoted to the all round development of its students and our quarterly journal "QUEST" happens to be the most exemplary manifestation of their persistent cognitive efforts. Over the years our students' journal has presented pertinent issues which not only pertain to the legal sphere but also bear the stamp of succinct social awareness. It is heart-warming to witness the burgeoning evolution of our students, who are attaining new heights of finesse with each passing day. Their ever enthusiastic creative spirit is testament to the fact that "QUEST" indeed has been successful in its quest to recognize and nourish the powerhouse of talent that is our beloved students.

I would like to congratulate all the students who have actively taken upon themselves the responsibility to turn "QUEST" into something which everyone looks forward to. We, on our end, pledge to arrange and implement everything conducive to the wholesome enlightenment of our students.



Joyjit Choudhury
Founder Chairman Indian
Institute of Legal

MESSAGE FROM THE REGISTRAR'S DESK



I take immense pride to record my views in the 'IILS Quest', a students' journal which is authored, edited and published by students of the college. This initiative provides a platform for the students to present their multivocal talent for all to witness and recognize. IILS QUEST is an extension of our collective objective of devoting ourselves for everything 'of the students-by the students-for the students'. It not only aims at enhancing the writing skills of the students, but also awakens the shy embers of creative multiplicity and spirit of enterprise in them. This journal carries forward the contribution of the students thereby reflecting their ethos and aspirations. The articles, poems and photographs published here flaunt the poetic prowess, imagination, creativity, technical competence of our dear students teeming with talent. I congratulate my dear children and wish them all the success.

Sanjay Bhattacharjee
Registrar,
Indian Institute of Legal Studies

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ARTICLES



MALIGNANT PRACTICE OF CASTE BASED RESERVATION IN INDIA



By Arijit Bannerjee,
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What is Reservation? The word 'reservation' can be defined as reserving or keep ing back or holding something. It is a kind of process to provide facilities to the people belonging to the weaker sections of the societies in the areas of scholar- ship, education, government service, jobs, and in other spheres in which they are not being represented properly. The reservation system is under the control of constitutional laws, statutory codes, local rules and regulations. In India caste based reservation is also known as Quota. The caste based reservation system was introduced on 1st January, 1979 by Mandal Commission during the PM era of Late. Morarji Desai to uplift the rejected classes of India who were neglected by the Upper classes during the British Rule and even after Independence till the Caste based reservation came into force.

India has achieved her independence on 15th August, 1947 and now already 72 years have been passed of independence. Till now the caste based reservation is continuing. Till now the SC, ST & OBCs are getting advantage through reserva-tion in each and every sectors, from education to job, from job to promotion. Would it really be acceptable that even after India's 72 years of independence reservation to such SC, ST, OBCs are required? India has achieved lots of things from last 72 years after independence. The nation's economic situation has devel-oped. Since independence the notable greatest achievements of India are-

1) India is now the largest producer and exporter of fresh fruits, milk, pulses, oil seeds. Specially the second largest producer of wheat, rice, sugarcane, potato, tea, cotton.

- 2) India is POLIO FREE nation as declared by W.H.O.
- 3) Indian Defense is the fourth largest military powers in the world today.
- 4) India is one of the second largest DEMOCRATIC NATION after US.
- 5) India has launched various space programs including Lunar and Mars mission.
- 6) India is the largest producer of cotton with a production of 6.51 million tones of the fiber.
- 7) India is the fourth largest economy in the world with current GDP of 2.6 lakh corers USD.

After all such above stated achievements India is still a country of third world and her status will be same for next 72 years if this caste based reservation will not be abolished soon. India's overall literacy rate is 79.3% according to 2011 census. The literacy rate of male is 80% and that of female is 65.46% (2011 census). Nowadays this caste based reservation has become a malignant or better to say a Jagir Raj. A person who got the opportunities of reservation during 1979 naturally his/ her financial status has changed now, or his/her social status had been changed now but it is bitter to say that as the reservation a jagir Raj now even generation after generation of that person is getting those same opportunities and it will be contin- ued as that of a nowadays daily soap episodes.

Once in a Bollywood film named "KhattaMettha" actor Akshay Kumar said a dialogue that- "if you go to France you will meet with the French people, if you go to Spain you will meet with the Spanish, if you go to USA will you meet with the Americans, if you will go to England you will meet with the English but if you come to India you will not meet with the Indians you will meet with the Marathis, Biharis, Bengalis etcetc . Then where are the Indians? Only the 11 players of the Indian cricket team while playing a match with the Pakistan cricket team are the Indians". This happens due to our mindset which directly or indirectly influenced within us due to casteism.

We need to change our mind, our thinking. We should be treated ourselves as Indians not as Upper class, SC, ST or OBCs. Thus Mahatma Gandhi said "Our greatest ability as humans is not to change the world, but to change ourselves".

Ancient Hindu shastra had divided Varna into four sects- "Bhramins, Kshatriya, Vaisya, Sudras". Earlier it had been defined according to the need of the society that "Bhramins are engaged to Poojas & Yaggas, Kshatriyas are engaged to Protect the kingdoms and society, Vaishyas are engaged to business and Sudras are engaged to serve the above four Varnas". But in present day world neither the

Bhramins limit themselves to Pooja and yaggas only nor the Sudras engaged themselves only in serving the other varnas, as there is a huge change in today's society with the ancient society. We need to understand this. The Sudras earlier were the untouchables known as "Harijans" named by Mahatma Gandhi. The earlier society treated rudely with them. Therefore standing at that era it was necessary to give those Harijans reservation for their upliftment. But now the reservation based on casteism to this Harijans are no longer needed as within these 72 years since independence the society has well developed, and within 40 years since implementation of the reservation procedure the SC, STs and OBCs have developed a lot.

But still reservation is required in our country, not based on casteism but based on Economy backward. Those who are economically backward should be provided reservation whether he is bhramin, kshatriya, vaishya or sudra or SC, ST, OBC or whether he/she is Muslim, Jain, Hindu, Christian or of any other religion. There are many persons of unreserved category who are suffering from economic backward as like many SC, ST, OBCs who are economically strong today. Economically weaker section should not have any particular caste or religion, their only identity is that they are economically backward. The Government should think about this that "A human's identity is not only his caste or religion but his work, his thought".

Today's reservation's definition is as a process of giving oil on oily head who are getting opportunities generations by generations though they need no caste based reservation". But the definition should be like this "*Reservation is a kind of process to provide facilities to the people belonging to the ECONOMICALLY WEAKER SECTION of the societies in the areas of scholarship, education, government service, jobs, and in other spheres in which they are not being represented properly.* Caste based reservation has become now a safety weapon of ugly vote banking and a deformed politics. Caste is not the only parameter of measuring a backward class or weaker section of the society. In India from education to Government services majority portion is not measured on merit but on reservation. This not only drains our country's resources but also we are losing talented personnel. The foreign countries are hiring our nation's talent and developing themselves (foreign nations) day by day. The Government should need to amend the reservation policies or better to say it's time to amend the article 15(4) and article 16(4) of the Indian Constitution. "Why should we still be treated ourselves as citizens of a developing country? Why should the developed countries treat us as the nation of the third world?"

Casteism creates discrimination, this discrimination creates a social quarrel and this social quarrel creates a backward society and this backward society deteriorates a nation.

Let us take the reservation scenario of Andhra Pradesh State- SC
(A,B,C,D)- 15%
ST- 6%
OBC (A,B,C,D)- 25%
Physically Handicapped- 3%
Ex- Serviceman- 1%
Women- 33.33%
Total reservation- 83.33%

Out of 100% 83.33% are reserved, remaining 16.67% are only left for the unre- served. Is this is a good example of right to equality before law? The Indian Constitution assured every citizen that no citizen on the grounds of caste, sex, religion, race, place of birth, residence or any of them be discriminated in respect of any employment or office under the state”. But this assurance is only limits to a certain area only. This assurance is not applicable on Government service sector, or on any competitive exams related to government job, or educations. Dalai Lama said that “The purpose of religion is not control yourself not to criticize others.”

The reservation policies need to be amended such that economically weaker section can get the opportunities of reservation. Reservation policies should be framed fairly where the financial strong SC, STs, OBCs will not get no more reser- vation benefits nor their generation by generation. Digital India needs now to digitize her old thoughts of caste based reservation system and to frame new policies of reservation for those who financially till not secure. In 3 idiots movie Amir Khan said that “Grades create divide” like that Casteism creates social deterioration.

Karl Marx, one of the most famous economist and jurist, social thinker and journalist too, the writer of famous book “Das Kapital” said that there should be a classless society for everybody of a nation. Today’s India needs what a Casteless society where a man will be measured by his talent and merit not by his caste.

Give reservation support to those who really need it, who will utilize it in true sense not to those who misuse the opportunities as their generation rights. Oppor- tunities should be given to those who really deserve it not to those who demand it.

“I am proud of my country. But we need to unite to make a unified India, free of communalism and casteism. We need to build India into a land of equal opportunity for all. We can be truly great nation if we set our sights high and deliver to the people the fruits of continued growth, prosperity and equal opportunity” Ratan Tata.

DIFFICULTIES OF ARTICLE 299



By Pratik Sarkar,
Semester II (3year)
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INTRODUCTION

The Article 299 of the Indian Constitution speaks about the provisions on Government Contracts. It says that :

*(1) All contracts made in the exercise of the **executive power** of the Union or of a State shall be expressed to be made by the President, or by the Governor of the State, as the case may be, and all such contracts and all assurances of property made in the exercise of that power shall be executed on behalf of the President or the Governor by such persons and in such manner as he may direct or authorize.*

*(2) Neither the President nor the Governor shall be personally **liable** in respect of any contract or **assurance** made or executed for the purposes of this Constitution, or for the purposes of any enactment relating to the Government of India heretofore in force, nor shall any person making or executing any such contract or assurance on behalf of any of them be personally liable in respect thereof.*

The preceding article, we have noted, admits the power of the Union and of each of the States to enter into contracts for any purpose. This article lays down how Government contracts, including assurances of property, are to be made and executed.

A contract made with the Government - Union or State - must satisfy three requirements:

(i) the contract must be 'executed by a person authorized by the President or

Governor, as the case may be;

(ii) the contract must be executed by such person on behalf of the President or Governor, as the case may be; and

(iii) the contract must be expressed to be made by the President or the Governor, as the case may be.

The provisions of Article 299 are mandatory and their non-compliance would render a contract void. It follows that no suit against the Government - Union or State - can be brought if the requirements laid down in this article are not complied with. Equally, the contract will not be enforceable by the Governments. Whether Article 299 has been complied with is not a pure question of law but a question depending on investigation of facts. Article 299 does not apply to agreements which are not contracts within that article.

But it has been held that so long as all the requirements of Section 175(3) of the Government of India Act, 1935 (i.e., Article 299 of the Constitution) were fulfilled and were clear from the correspondence, Section 175(3) did not necessarily require the execution of any formal document.

In *Beharilal v. Bhumi Devi*, the Supreme Court held that though the contract was not executed strictly in conformity with Article 299(1) but was in conformity with the rules approved by the Rajpramukh. Therefore, it was not void because in substance it was on behalf of the Governor.

The words "**assurance of property**" in clause (1) of Article 299 means any document of conveyance or the legal evidence of transfer of property.

The reason for enacting Article 299 of the Constitution of India is that in order to bind a Government, there should be a specific procedure enabling the agents of the Government to make contracts. The public funds cannot be placed in jeopardy by contracts made by unspecified public servants without express sanction of the law. It is a provision made to save the State from spurious claims made on the strength of unauthorized contracts.

Article 299(1) is based on public policy. In case the executive engineer has signed the contract but nowhere in the contract it was offered and accepted or expressed to be made in the name of the Governor, it was held that it was not a

valid and binding contract.

In *New Marine Coal Co. v. Union of India*¹, a contract entered into by the appellant with the Government of India for the supply of coal to the railway administration was found to have been made in contravention of Section 175(3), Government of India Act, 1935 (or of Article 299 of the present Constitution) and therefore void and unenforceable between the parties. But since the appellant had performed his part and the Government of India had received the benefit of the performance of the contract by the appellant, Section 70, Contract Act, was applied and the Government of India was held bound to make compensation.

“CONTRACTS” AND “GOVERNMENT CONTRACTS”

It is true that in respect of Government Contracts the provisions of Article 299(1) must be complied with, but that does not mean that the provisions of the Indian Contract Act have been superceded.

In the case of *State of Bihar v Majeed*², the Hon'ble Supreme court held that; "It may be noted that like other contracts, a Government Contract is also governed by the Indian Contract Act, yet it is distinct a thing apart. In addition to the requirements of the Indian Contract Act such as offer, acceptance and consideration, a Government Contract has to comply with the provisions of Article 299. Thus subject to the formalities prescribed by Article 299 the contractual liability of the Central or State Government is same as that of any individual under the ordinary law of contract."

As regards the interpretation of contract, there is no distinction between the contracts to which one of the parties is the Government and between the two private parties³.

Though there is hardly any distinction between a contract between private parties and Government contract so far as enforceability and interpretation are concerned yet some special privileges are accorded to the Government in the shape of special treatment under statutes of limitation⁴.

¹AIR 1964 SC 152

²AIR 1954 SC 786

³*Ram Lal v State of Punjab*, AIR 1966 Punj 436

⁴*Navrattanmal v State of Rajasthan*, AIR 1961 SC 1704

Some privileges are also accorded to Government in respect of its ability to impose liabilities with preliminary recourse to the courts. This probably is practiced in the name of doctrines of executive necessity and public interest.

DEBATABLE ISSUES ARISING FROM GOVERNMENT CONTRACTS

1. FAIRNESS OF GOVERNMENT CONTRACT: The principle of reasonableness and rationality which is legally as well as philosophically an essential element of equality or non-arbitrariness is projected by Article 14 and it must characterize every State Action, whether it be under the authority of law or in exercise of executive power without making of law. The state cannot, therefore, act arbitrarily in entering into relationship, contractual or otherwise with a third party, but its action must conform to some standard or norm which is rational and non-discriminatory. The action of the Executive Government should be informed with reason and should be free from arbitrariness. The requirement of 'fairness' implies that even administrative authority must act in good faith and without bias, apply its mind to all relevant considerations and must not be swayed by irrelevant considerations; must not act arbitrarily or capriciously and must not come to a conclusion which is perverse or is such that no reasonable body of persons properly informed could arrive at It is settled principle of law that the court would strike down an administrative action which violates any foregoing conditions.

The government represents the people and their interests. Therefore, it is expected to act on their behalf and in their interest even in matters of contract. But sometimes, due to special powers provided to the state government might be misused to fulfill the malafide intentions of the government officials. In such cases, injustice can occur making the provision biased and unreasonable to some extent. Thus the act needs to be justified to be fair enough to serve for the best interest of the citizen, otherwise judicial intervention can take place.

2. ARTICLE 229 AND EQUITABLE ESTOPPLE: It is open to a party which has acted on a representation made by the Government to claim that the Government shall be bound to carry out the promise made by it even though the promise is not recorded in the form of a formal contract as required by Article 299 of the Constitution. For the application of this principle, it is necessary to establish that there has been a promise or representation on the part of the Government relying on which the citizen has acted to his detriment.

In the case of *City of Bombay v. Secretary of State*, in answer to a requisition of the Government of Bombay, addressed to the municipal commissioner, to remove certain fish and vegetable markets to facilitate the construction of an arterial road, the municipal commissioner offered to remove the structures if the Government would agree to rent to the municipality other land mentioned in his letter at a nominal rent. The Government accepted the proposal and sanctioned the application for a site for establishing the new markets. The municipal commissioner then took possession of the land so made available and constructed stables, workshops, etc. Twenty-four years thereafter, the Government of Bombay served notice 'on the municipal commissioner terminating the tenancy and requesting the commissioner to deliver possession of the land occupied by the markets and to pay in the meantime rent at the rate of Rs 12,000 per annum. The municipality contested the claim of the Government on the plea that the events which had transpired had created an equity in favour of the municipality and accordingly they could not be ejected. The Court accepted the plea of the municipality since an equity was created in favour of the municipality and held that in equity the Government could not enforce any claim against it. Jenkin, C.J. delivering the judgment of the Court, said that:

"The doctrine involved in this phase of the case is often treated as one of estoppels, but I doubt whether this is correct, though it may be a convenient name to apply, the doctrine with which I am now dealing takes its origin from the jurisdiction assumed by courts of equity to intervene in the case of or to prevent fraud."

3. EXECUTIVE NECESSITY: It has been claimed that in England the Crown cannot bind itself so as to fetter its future executive action, and therefore, the Government may refuse to carry out the contract made by it if the altered circumstances necessitated such action. The justification is the executive necessity. The well-known case relied in support that the Crown cannot fetter its future action is of *Rederiaktiebolaget Amphitrite v. King*. In that case, during the First World War, certain neutral ship owners obtained an undertaking from the British Government that if the ship owners sent a particular ship to the United Kingdom with a specific cargo, she shall not be detained. On the face of that undertaking, the owners sent the ship to a British port with that specific cargo. The British Government withdrew their undertaking and refused her clearance. In an action for damages for breach of contract, it was held that the Government's undertaking was not enforceable in a court of law, it not being within the competence of the Crown to make a contract.

which would have the effect of limiting its power of executive action in the future.

The doctrine has been subsequently doubted in *Robertson v. Minister of Pensions* and *Reilly v. King*. The doctrine of executive necessity has no application in India. The Supreme Court has said: "*We are unable to accede to the contention that the executive necessity releases the Government from honoring its solemn promises relying on which citizens have acted to their detriment.*"

4. EQUALITY AND NON-ARBITARINESS: From a positivistic point of view, equality is antithetic to arbitrariness. In fact, equality and arbitrariness are sworn enemies; one belonging to the rule of law in a republic, while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary, it is implicit in it that it is unequal both according to political logic and constitutional law and is violative of Article 14. the principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non- arbitrariness pervades Article 14 like a brooding omni-presence and the procedure contemplated by Article 21 must answer the test of reasonableness in order to be in conformity with Article 14.

5. NO PERSONAL LIABILITY AND LACK OF CONTRACTUAL LIABILITY : Though Government contracts are made in the name of the President and in the States in the name of the Governor, these persons are not personally answerable in respect of any contract. Similarly, the officers who contract on behalf of the Government are not personally liable since they are acting for the Government and not for themselves. The same is the law in England. In *Macbeath v. Haldimand*, which arose out of supplies of stores for a fort under the control of the Government of Quebec, it was held that public officers cannot be sued, either personally or in their official capacity, for contracts made by them in their official capacity.

Thus contractual necessities such as Section 70 of the Indian Contract Act says about:

1. a person should lawfully do something for another person or deliver something to him;
2. in doing so, he must not intend to act gratuitously; and
3. the other person for whom something is done or to whom something is delivered must enjoy the benefit thereof.

But Article 299(2) immunizes the President, or the Governor, or the person executing any contract on his behalf, from any personal liability in respect of any contract executed for the purposes of the Constitution, or for the purposes of any enactment relating to Government of India in force.

Thus due to such provisions, any government contract does not carry much legal consequences for the government official leading them to do unjust, unreasonable actions, take advantage of their position against the interest of the other party of the contract. So such contracts are not desirable unless forced to obey.

CONCLUSION

The subject of government contracts has assumed great importance in the modern times. Today the state is a source of wealth. In the modern era of a welfare state, government's economic activities are expanding and the government is increasingly assuming the role of the dispenser of a large number of benefits. Today a large number of individuals and business organizations enjoy largess in the form of government contracts, licenses, quotas, mineral rights, jobs, etc. This raises the possibility of exercise of power by a government to dispense largess in an arbitrary manner. It is axiomatic that the government or any of its agencies ought not to be allowed to act arbitrarily and confer benefits on whomsoever they want. Therefore there is a necessity to develop some norms to regulate and protect individual interest in such wealth and thus structure and discipline the government discretion to confer such benefits.

AGRICULTURAL MARKETING IN INDIA



By Aditi Agarwal,
Semester VI (5 Year)
B.B.A LL.B

INTRODUCTION:

India is an agricultural country and one third population depends on

the agricultural sector directly or indirectly. Agriculture remains as the main stay of the Indian economy since times immemorial. Indian agriculture contribution to the national gross domestic product (GDP) is about 25 per cent. With food being the crowning need of mankind, much emphasis has been on commercializing agricultural production. For this reason, adequate production and even distribution of food has of late become a high priority global concern.

Agricultural marketing is mainly the buying and selling of agricultural products. In earlier days when the village economy was more or less self-sufficient the marketing of agricultural products presented no difficulty as the farmer sold his produce to the consumer on a cash or barter basis.

Most of the agricultural products in India are sold by farmers in the private sector to moneylenders (to whom the farmer may be indebted) or to village traders. Products are sold in various ways. For example, it might be sold at a weekly village market in the farmer's village or in a neighboring village. If these outlets are not available, then produce might be sold at irregularly held markets in a nearby village or town, or in the mandi.

³Dhankar, G. H., 2003, *Development of Internet Based Agricultural Marketing System in India*, *Agricultural Marketing*. Available at- <http://apjor.com/downloads/1810201421.pdf> (last accessed on 15.09.2016)

India has a vast agricultural raw-material base, and in the present times of liberal- ization of economy, agriculture is also undergoing a sea change. The multinational companies are rushing to India in the areas of fast food and processed foods with the hope of utilizing this vast agricultural base. This has created opportunities as well as challenges in the area of agricultural marketing. On one hand, there are opportunities for the marketer, on the other hand the land holdings of the farmers are getting smaller and smaller. They are unable to make heavy investments and reap benefits of scale. The prices of agricultural products are falling, while the cost of inputs is increasing. This situation has created several newer arrangements in the field of agricultural marketing in India.

In India, there are several central government organizations, who are involved in agricultural marketing like, Commission of Agricultural Costs and Prices, Food Corporation of India, Cotton Corporation of India, Jute Corporation of India, etc. There are also specialized marketing bodies for rubber, tea, coffee, tobacco, spices and vegetables.

Under the Agricultural Produce (grading and marketing) Act of 1937, more than forty primary commodities are compulsorily graded for export and voluntarily graded for internal consumption. Although the regulation of commodity markets is a function of state government, the directorate of marketing and inspection provides marketing and inspection services and financial aid down to the village level to help set up commodity grading centers in selected markets.

CONCEPT OF AGRICULTURAL MARKETING:

Agricultural marketing system is an efficient way by which the farmers can dispose their surplus produce at a fair and reasonable price. Improvement in the condition of farmers and their agriculture depends to a large extent on the elaborate arrangements of agricultural marketing.

The term agricultural marketing include all those activities which are mostly relat-ed to the procurement, grading, storing, transporting and selling of the agricultur-al produce. Thus Prof. Faruque has rightly observed: “Agricultural marketing comprises all operations involved in the movement of farm produce from the producer to the ultimate consumer. Thus, agricultural marketing includes the operations like collecting, grading, processing, preserving, transportation and financing.”

Present State of Agricultural Marketing in India:

In India four different systems of agricultural marketing are prevalent:

1. Sale in Villages:The first method open to the farmers in India is to sell away their surplus produce to the village moneylenders and traders at a very low price. The moneylender and traders may buy independently or work as an agent of a bigger merchant of the nearby mandi. In India more than 50 per cent of the agricultural produce are sold in these village markets in the absence of organized markets.

2. Sale in Markets:The second method of disposing surplus of the Indian farmers is to sell their produce in the weekly village markets popularly known as 'hat' or in annual fairs.

3. Sale in Mandis:The third form of agricultural marketing in India is to sell the surplus produce through mandis located in various small and large towns. There are nearly 1700 mandis which are spread all over the country. As these mandis are located in a distant place, thus the farmers will have to carry their produce to the mandi and sell those produce to the wholesalers with the help of brokers or 'dalals'. These wholesalers or mahajans again sell those farm produce to the mills and factories and to the retailers who in turn sell these goods to the consumers directly in the retail markets.

4. Co-operative Marketing:The fourth form of marketing is the co-operative marketing where marketing societies are formed by farmers to sell the output collectively to take the advantage of collective bargaining for obtaining a better price.

DIFFERENCE IN MARKETING OF AGRICULTURAL AND MANUFACTURED GOODS:

The marketing of agricultural commodities is different from the marketing of manufactured commodities because of the special characteristics. The special characteristics which the agricultural sector possesses, and which are different from those of the manufactured sector, are:

1. Perish ability of the Product: Most farm products are perishable in nature; but the period of their perishability varies from a few hours to a few months.
2. Seasonality of Production: Farm products are produced in a particular season; they cannot be produced throughout the year. In the harvest season, prices fall.

But the supply of manufactured products can be adjusted or made uniform throughout the year. Their prices therefore remain almost the same throughout the year.

3. **Bulkiness of Products:** The characteristic of bulkiness of most farm products makes their transportation and storage difficult and expensive. This fact also restricts the location of production to somewhere near the place of consumption or processing. The price spread in bulky products is higher because of the higher costs of transportation and storage.

4. **Variation in Quality of Products:** There is a large variation in the quality of agricultural products, which makes their grading and standardization somewhat difficult. There is no such problem in manufactured goods, for they are products of uniform quality.

5. **Irregular Supply of Agricultural Products:** The supply of agricultural products is uncertain and irregular because of the dependence of agricultural production on natural conditions. With the varying supply, the demand remaining almost constant, the prices of agricultural products fluctuate substantially.

6. **Small Size of Holdings and Scattered Production:** Farm products are produced throughout the length and breadth of the country and most of the producers are of small size. This makes the estimation of supply difficult and creates problems in marketing.

7. **Processing:** Most of the farm products have to be processed before their consumption by the ultimate consumers. This processing function increases the price spread of agricultural commodities.

FUNCTIONS OF AGRICULTURAL MARKETING

Agricultural marketing functions are many and varied. The part played by each function varies widely as regards to the specific goods and services. It may further be noted that these functions are indispensable regardless of the institution or agency which performs them or the commodity in connection with which they are performed. These functions are closely related to each other and cannot be isolated from one another. Accordingly, the functions of agricultural marketing can be classified into three broad categories:

(1) Exchange Functions: Exchange functions are considered to be the most important of all the functions of agricultural marketing. These mainly include functions related to buying and selling. Buying and selling are complementary to each other and one cannot take place without the other. Buying function is largely one of seeking the sources of supply, assembling of products and activities which are associated with the purchase of goods, raw materials-etc. Selling is the process which stimulates demand or desire, finds the buyer, advises the buyer, and negotiates with him to bring about a transfer of title.

(2) Physical Functions: These functions relate to the physical handling of agriculture produce either in moving it from one place to another or in storing it over a period of time. Agriculture produce has to be moved from threshing floors to the consuming areas, because it is not consumed at the place of its production. Then, on account of seasonal operations, agricultural production cannot be undertaken at will.

(3) Facilitative functions: As the very name of these functions implies, they involve neither transfer of title to goods nor handling of the product but help in the smooth discharge of the above functions. The function of classification and grading helps in classification and sorting out of commodities according to size, quality colour, weight, etc. This makes the determination of prices easy and thereby assumes a fair return to the producer, on the one hand, and good quality produce to the consumer, on the other, without any trouble to either.

DIFFICULTIES OF AGRICULTURAL MARKETING IN INDIA:

Following are some of the main defects of the agricultural marketing in India:

1. Lack of Storage Facility:

There is no proper storage or warehousing facilities for farmers in the villages where they can store their agriculture produce. Every year 15 to 30 per cent of the agricultural produce are damaged either by rats or rains due to the absence of proper storage facilities. Thus, the farmers are forced to sell their surplus produce just after harvests at a very low and un-remunerative price.

2. Distress Sale:

Most of the Indian farmers are very poor and thus have no capacity to wait for

better price of his produce in the absence of proper credit facilities. Farmers often have to go for even distress sale of their output to the village moneylenders-cum-traders at a very poor price.

3. Lack of Transportation:

In the absence of proper road transportation facilities in the rural areas, Indian farmers cannot reach nearby mandis to sell their produce at a fair price. Thus, they prefer to sell their produce at the village markets itself.

4. Unfavorable Mandis:

The condition of the mandis are also not at all favorable to the farmers. In the mandis, the farmers have to wait for disposing their produce for which there is no storage facilities. Thus, the farmers will have to take help of the middleman or dalal who take away a major share of the profit, and finalizes the deal either in his favour or in favour of arhatiya or wholesalers.

5. Intermediaries:

A large number of intermediaries exist between the cultivator and the consumer. All these middlemen and dalals claim a good amount of margin and thus reduce the returns of the cultivators.

6. Unregulated Market's:

There are huge number of unregulated markets which adopt various malpractices. Prevalence of false weights and measures and lack of grading and standardization of products in village markets in India are always going against the interest of ignorant, small and poor farmers.

7. Lack of Market Intelligence:

There is absence of market intelligence or information system in India. Indian farmers are not aware of the ruling prices of their produce prevailing in big markets. Thus, they have to accept any un-remunerative price for their produce as offered by traders or middlemen.⁶

⁶*Naik, Gopal (2008) – "Indian Agriculture – Issues and Reforms", Available at <http://tejas-iimb.org/interviews/12.php> (last accessed on 19.09.2016)704*

CONCLUSION

New marketing linkages between agribusiness, large retailers and farmers are gradually being developed, e.g. through contract farming, group marketing and other forms of collective action. Donors and NGOs are paying increasing attention to ways of promoting direct linkages between farmers and buyers within a value chain context. More attention is now being paid to the development of regional markets (e.g. East Africa) and to structured trading systems that should facilitate such developments. The growth of supermarkets, particularly in Latin America and East and South East Asia, is having a significant impact on marketing channels for horticultural, dairy and livestock products. Nevertheless, “spot” markets will continue to be important for many years, necessitating attention to infrastructure improvement such as for retail and wholesale markets.⁷

Improvement of the agricultural marketing in India is utmost need of the hour.

The following are some of the measures to be followed for improving the existing system of agricultural marketing in the country:

- (i) Establishment of regulated markets.
- (ii) Establishment of co-operative marketing societies.
- (iii) Extension and construction of additional storage and warehousing facilities for agricultural produce of the farmers.
- (iv) Expansion of market yards and other allied facilities for the new and existing markets.
- (v) Provision is made for extending adequate amount of credit facilities to the farmers.
- (vi) Timely supply of marketing information's to the farmers.
- (vii) Improvement and extension of road and transportation facilities for connect-ing the villages with mandis.

⁷, Dhankar, G. H., 2003, *Development of Internet Based Agricultural Marketing System in India, Agricultural Marketing*. Available at- <http://apjor.com/downloads/1810201421.pdf> (last accessed on 15.09.2016)

(viii) Provision for standardization and grading of the produce for ensuring good quality to the consumers and better prices for the farmers.

(ix) Formulating suitable agricultural price policy by the Government for making a provision for remunerative prices of agricultural produce of the country^s

^s “Marketing Infrastructure & Agricultural Marketing Reforms”, Department of Agriculture & Cooperation, Ministry of Agriculture. Available at [http://agmarknet.nic.in/amr scheme /amr1.htm](http://agmarknet.nic.in/amr%20scheme/amr1.htm)



BLOGS



JUVENILE DELINQUENCY: MINOR CRIME



**By Ananya Saha,
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Juvenile delinquency is a vast and vital social issue prevailing in India, affecting people especially minor at large. Juvenile means a young person or an adolescent who is even known as minor and delinquency means "minor crime".

Juvenile delinquency is the participation of a minor child, usually between the ages of 10 and 17, in illegal behavior or activities. Every state has a separate legal system to deal with juveniles who break the law. Nowadays, this juvenile delinquency has greatly overturned and overindulged itself and has taken the shape of trend. Usually, juvenile delinquency is directly proportional to "Peer Pressure"-this is one of the cause of juvenile delinquency which is passed on and tends to win the match due to the company or group of children affecting others though this.

Apart from "Peer Pressure" juvenile delinquency is also affected by the strict control of parents, relatives, neighborhood, community etc. which turns them to be violating standards of behavior as fixed by the community. This tends to be the second cause.

The third cause is mental conflicts- Here, mental troubles and emotional maladjustments are strong factors in delinquency. Sometimes, feelings like inferi-

ority, jealousy adds to the difficulty of mental conflicts. This leads to an expression of aggression which often destroys the whole life of the adolescent.

After analysis, according to psychoanalytic, the delinquent is an individual who is governed by the "pleasurable principle". He wants to get immediate pleasure and satisfaction for his needs and desires. So he becomes a victim to his own impulses. He wants to move out of the control of the elders and wants to experience their fantasies. On the contrary there are also children who becomes the victim of juvenile delinquency where some emotionally maladjusted children become delinquents to get the attention of their parents or as a protest against their treatment.

The fourth cause is beggary- Beggary also joins its arms on this delinquency. Child beggars mostly come from either very poor families or broken homes. Broken homes also includes argument between parents which indirectly affects the children, this often makes the children easily enter into their pleasurable area often leading them to do bad works influenced by bad companies. These children are betrayed of the needed love and affection of the parents and often increases the craving of trying out new things due to lack of guidance. Some of them may even become rebels. They realize that only through deviant practices, they can satisfy their desires and meet their needs. They thus become delinquents.

So, we can say that, delinquents are not born so, but they become so due to social circumstances and personal deficiencies. They are mostly maladjusted person. The support of parents play a very important role in the life of an individual. Parents must be their friends with whom the teenagers should never hesitate to share about their problems and desires and should never lack proper love and affection.

ONLY BETTER PEOPLE, NOT BETTER LAWS CAN TRANSFORM SOCIETY



By Dipu Munda,
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History bears witness to the moments of trial and turmoil when civilisations underwent an upheaval because of the people, and it is bequeathed that it is not better laws, but only better people who rise as Savors and uplift the whole society. Transformations are imperative when the existing system is corrupted and loses its power for progress, such that it douses the whole society into mockery and decline. And during such times, the masses look for someone to rise who would have vision and extricate them from the impending anarchy or liberate them vitiated system.

Perhaps, the most illuminating example is of Nobel peace prize winner , Mr Mikhail Gorbachev the communist system followed in the Soviet Union had far better law in term of bridging inequality and creating an egalitarian society but the law had become merely a litany in the hands of top politician brass, so much as to degenerate itself.it was Mr Gorbachev who foresaw and voiced the need for a total transformation. It is only his efforts that has diffused tension between east and west, and Soviet have breathed an air of freedom.

The main force behind any transformation are the people who pioneer any move-ment whether through art, culture, religion, intellectual consensus, social or politi-cal reforms, for the improvement of the society and it can be achieved only through a mass movement. The aims and ideals of such movements can be later translated into law. An institution is the lengthened shadow of one man, and this man waits

for no law to be transcribed and no one can stop him from achieving his cherished goal. Law have been made from times ancient beyond memory to usher in discipline peaceful Co existence, a sense of responsibility and ethics. But, are they really effective? Do better and stricter law actually bring about a change in society or do we require better people who are inspired and motivated to uplift society? Looking back into history, we find great people like Raja Ram Mohan Roy and vidhyasagar who made earnest endeavors to do away with obnoxious practices of the time. These were noble, committed people who made an example of their own lives showing the masses the way to progress our modern Indian society with its system of western education equally accessible to men and women which by and large condemns atrocities like sati and child marriage owes a debt to these Sterling reformers .had not these men expressed their repugnance at such evil practices of the time and taken such pains to have them removed people would never have shaken themselves out of their apathy. Indians would also have remained ignorant of the giant strides made by Europeans in the field of science and technology industry and public administration, not the doors of European education been opened for them. Here is an instance of how better people changed the very struc-ture of a closed conservative society people like them who got educated realised the degradation of their own society. People like them who got ignorance from it. Our struggle for freedom from the British upliftment of our improverished makes and our fight to our government was a direct consequences of enlighten and coura-geous people coming to the forefront.

In Indian we had social reformers and their workers with far reaching impact completely transformed the Indian society. Baba sahebambekar and Mahatma Gandhi worked for the upliftment of the people who were considered untouch-ables. in ancient times similar attempts were considered untouchable, in ancient times similar attempts were made by Gautama Buddha and lord mahavira for the improvement of the down trodden by creation of new religious systems. people and only people need to change their outlook, their way of thinking and acting for society to change. There can be laws against discrimination on ground of sex, but if people themselves are not convinced that men and women have equal rights, being made of the same flesh and blood can society ever change? Law against prostitu-tion and immoral traffic, against eve teasers and rapists are made only to be flout-ed. People never stop pandering to their baser instincts. The dowry system can never be stopped with laws when people themselves regard it as an integral part of marriage children continue to toil day and night every where in the world some-times in hazardous occupations even as law against child labour arebeing

enforced. True law play a very important with out which criminal and other offend- ers would get away without any fear or punishment but it is also true that law are like cobwebs which may catch small files but let wasps and hornets breaks throught some of the biggest offenders are never concerned some law are just not properly framed and those which are beneficial for society can be evaded in other words law made no difference to a society in which people do not care to improve themselves law can be effective instruments for transformation of society if and only if the spirit of the people unifies with these laws

What we need now is a sea change in the very minds of people. The basis principles of humanity, rationality and at the same time a quest for excellence has to be instilled in people. People should evolve for themselves their own thinking and code of conduct which is unbiased, practical and progressive. Nothing should be approached with a closed succeed in one's own field and a respect to environment both living and non living can work wonders in a society such a society well be flexible and receptive for any sort of change for the better giving no rooms for fanaticism and dogmatism.

Law are merely standards of social conduct (whether or duties) which adapt in accordance with changing times. These can be instruments for change but cannot be catalyst to change peers. The human endeavor to find and realize to achieve, to improve and above all, to be dynamic in his search, yield him more exhilarating results better than the existing ones the relation with social system in no different when a single sentence of Rousseau could spark the French revolution and the revolution itself paved the way for the outburst of cultural and intellectual move-ment, social transformation was indispensable and with such a change all the existing law had been shattered ushering a new social order. The same happened during the Russian revolution which took inspiration from Marx and Lenin the communist system lasted for only 70 years and was again transformed a transition again means change of laws and behind every change it is only the better human beings no law can replace the human minds innovative powers. The human mind is dynamic and continually adopts new ideas in itself and changes its behavior pattern wheares the law being static start to stagnate after a period. And it need only one man who would either change the whole system or interpret the existing laws in accordance with changed circumstances. A leader, pioneer, reformers are but different facades of the same personality and they cherish only one dream uplift-ment of the masses and in pursuing their goal, they rise above law . As Ralph Waldo Emerson has said that a true man is the center of things where he is there is nature he measures you and all men events every true man is cause a country and

an age and posterity seems to follow his steps

As a conclusion it can be said that all the ills in society have been caused only by people's indifference, helplessness or plain selfishness, greed and rigidity. No one feels responsible to the society because every man lives for himself the process of transformation can only begin, if all the people strive for peace, prosperity and progress of the entire human race it must be realized that every life is valuable, this entire planet is valuable and has to be held dear to everyone's heart. Tagore dreamt

of a society where tireless striving stretches in arms towards perfection and where the clear stream dreamy desert sand of dead habits such a dream can be converted to reality only if people will to do so. In fact, the more the laws are enacted, the more the corruption why cant people realize their duties to self, society and nation.

LOVE KNOWS NO GENDER



By Prabesh Sharma Baral,
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Homosexuals are normal humans attracted to their own gender. Homosexuality is a sexual orientation or orientations characterized by romantic or sexual desire or sexual attraction towards member of the same sex. The term usually implies an exclusive or predominant sexual orientation toward persons of the same sex and is distinguished from bisexuality as well as heterosexuality. In addition to referring to a sexual orientation, the term homosexuality is also used for sexual behavior between people of the same sex.

In women, romantic or sexual desire for other women is also called 'lesbianism'. The term 'gay' is used to refer to homosexual persons of either gender, although it is mostly used to refer to males. Persons with the sexual orientation of homosexuality are sometimes called homosexuals. Many people regard the term 'homosexual' as derogatory or clinical because of its cold, antiseptic connotation, particularly when applied to a person, and most people who regard themselves as having a homosexual orientation prefer the term gay, lesbian, or, less frequently, queer or same-gender loving.

Like heterosexuality, homosexuality is an orientation, which is not unnatural. Society is changing and accepts this orientation - what is not changing is the legal mindset in India.

Section 377 of the Indian Penal Code, was enacted by the British in 1860. Ironically, while the British drafted this section while replacing a tolerant Indian attitude towards sexuality with an oppressive one, this law was repealed in United Kingdom in 1967. This section criminalizes what it calls, 'sexual offences against the order of nature'. It does not in any place define what constitutes the order of nature, but the judicial pronouncements that have come over the past one and half century has extended the application of this section to all forms of sexual expressions that is possible between two male persons. Every time the law or the authorities have come across instances of lesbianism, there has been a thus far unsuccessful attempt to apply this law to them as well. Homosexuality in India stands criminalized because of a mid 19th century colonial law.

Very few cases on this law have actually reached the upper courts level in all this time, but the law continues to be a potent tool of oppression. It provides the impunity to a venal police to extort money, blackmail, indulge in violence, and extract other favors, including sexual favors, by dangling this law on homosexual males and females, a traditional social group of transvestites and transsexual persons. It impedes sexual health promotion activities like HIV/AIDS Interventions amongst same sex attracted males. It discourages reporting of male rape, and therefore encourages such rape, often by police. In sum, it disrupts the social existence of all same sex attracted persons, erodes their dignity and self-respect, and reduces them to a sub-human level of existence.

Supreme Court finally declared section 377 to be unconstitutional as it pertained to consensual adults in September 2018, I fundamentally felt relief. There was joy, of course. But after all these years there was essentially relief. The case was over. We queers could now contemplate fighting to claim and give meaning to our other fundamental rights, including to challenge the impunity of domestic and public violence, to publish without fear of obscenity and censorship laws, to create associations, to access public spaces, education and housing free of discrimination, to create families, apply for joint loans, and provide medical consent by proxy for one's partner.

HEALTH IS WEALTH



By Rikesh Thapa,
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‘Health is wealth’ is a common proverb. It reveals a very simple meaning by comparing the value of health with wealth. Here this proverb states that the health of a man is a very important wealth to live a healthy and a peaceful life. We know that nothing is precious than a good health in life. If a person suffers from a bad health condition then they won’t be able to attain most of the things in life. In today’s world health is more valuable than money. People who have good health are poor even if they have lots of money.

Maintaining health is not so simple however not so easy too. Good or bad health depends upon several factors including genetic condition, healthy food, environment, lifestyle, air, water etc. A healthy person can earn lots of money however an unhealthy person cannot because of the lack of motivation, interest and concentration level. A fit and healthy person becomes more resistant to infectious and diseases. Balanced and healthy life includes healthy diet, enough fiber, protein rich fruits, green , vitamins etc. In order to detoxify a body on daily basis, we need to drink more water at least 7_8 glasses of water. According to Mahatma Gandhi, it is health which is real wealth and not pierces of gold and silver. So health is more important than wealth. Getting good health has been very tough because every- thing food, water, air, soil etc. is being polluted.

We should keep our mind peaceful without jealous towards others. Unhealthy body gets tilted very easily and loses self-confidence. True happiness comes to the person with good health condition. A person having good can earn lots of money

But person having money cannot buy health. So there is a great difference between value of good health and money in life. Students need to realize the importance of staying healthy and fit. Also, being the future generation, they can play a vital role in creating awareness and maintaining a stable health regime.

The World health day is celebrated by the people all across the world every year in 7th of April under the leadership of WORLD HEALTH ORGANISATION to draw mass people attention towards the importance of global health. It was first held first time in the year 1948 in Geneva by the WHO.

“Health is the greatest gift, contentment the greatest wealth, faithfulness the best relationship” – Buddha
“Learning is the beginning of wealth. Learning is the beginning of health. Learning is the beginning of spirituality. Searching and learning is there the miracle process all begins” – Jim Rohn

Lastly health of a man is as much important as the wealth to live a healthy, peaceful and prosperous life. Everyone knows that nothing is important in life than the good health. Money is only a source to remain in the state of happiness.



POEMS



THE OPEN WINDOW



By Abhilasha Alice Khongshei,
Semester IV (3 year),
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Memories are like weeds that grow and percolate into the soil of the subconscious.
I seem to have caught many a memory while gazing out of an open window.
I was six when my teacher would scrawl the cursive on the
blackboard, But my eyes would set outside on the grass,
Puppies rolling on the lawn and their hiding place a hole in the wall. I was
eight when I was made to stand at my desk,
For leaving my maths homework undone,
But I was far away gazing at the tall eucalyptus tree,
Thinking about how a tree can hold all the majestic graces of a lady. I
was on vacation at twelve in Kolkata,
When my family decided to stay in at the hotel,
I watched the chai walla pour tea from one tumbler to
another, Much like a juggling trick.
I was fifteen when I watched the fireworks on New Year's Eve
Imagining it as a re-enactment of the big bang,
The cosmic universe seemed closer to me than ever before, I was
eighteen when I was admitted in a hospital, Out of the window I
watched a corpse carried off into an ambulance, With no
relatives to mourn his death.
I was nineteen when I was at a shopping mall,
I happened to gaze at the child selling bookmarks, Outside on
the road his hungry eyes,
Made me realise that I didn't need that dress
With the heavy price tag.

I was twenty when I was in a hall full of brilliant students, A
conference on environment was being held,
I looked out of the window at the pan stained walls, And
the stench from the public bathrooms hit me.
I was twenty one when I sat on a bus,
And almost dozing off due to the traffic jam, I
caught site of a couple walking arm in arm,
He was holding her heels and she was walking happily barefoot,
I was twenty two when we had a power cut at home, Eleven
hours it lasted phones run out of battery,
I saw my neighbours talk to their parents at last.
I am twenty three and still staring out of windows, Who
knows what I will see,
I just know that Life's most important lessons are taught When we
choose to open our eyes to the world.

DEMONS

By Zinath Hashem

She stood on the bridge In
silence and fear
For the demons of darkness
Had driven her here

They cut her heart Right
out of her chest Making
her believe
That the demons knew best

They were always there
Sometimes just out of sight
Waiting in the background Till
the time was right

These demons were destructive
Knocking down the life she knew
Hating everything about her
She hated herself too

These demons can't be seen But
they're far from fairy tales They
live inside your mind Their
evilness prevails

So on the bridge she stood
About to end the flight
Then she stopped and thought I'll
fight them one more night

EVEN THE GODDESS CRIES



By Manjita Thapa,
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B.B.A. L.L.B.

The heaviest tears fall from the purest eyes, She did
not know it was a war to fight.
Broken wings, hard to fly; She
had no right to cry.

At the age of four or five,
Someone else had decided her life.
Where she should have been playing with dolls- Her
little shoulders were responsible for all.

Days of worship were wonderful to see: Until
she reached the age of puberty.
Then the changes came in her life,
People said she was not meant to be someone's wife.

Life wasn't easy outside the temple;
'Cause no one ever helped her.
Her dreams and wishes were not for care- Cried
alone the girl, with whom to share?

She is not the goddess made of stone, Living
creature of skin and bones; Holding the tears
in her eyes
Even the Goddess cries.

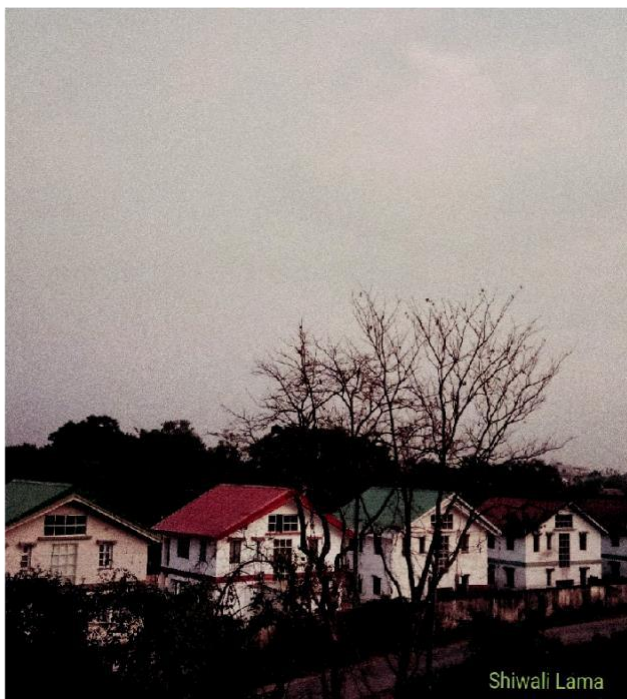


PHOTOGRAPHY





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