



NAVI MUMBAI

# Solstice

## A DECADE IN REVIEW

2011-2020

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## A Note from the Editor

Just as we bid adieu to an arguably horrid 2020, the Publication Committee of NMIMS School of Law, Navi Mumbai is here to bring some cheer to the lives of all academically-inclined enthusiasts within SOL! This second issue of our first-ever volume of Solstice includes a review of the decade that came to an end in 2020.

The Editorial Team has created a holistic review of the past decade in their own preferred styles; be it purely opinionated or factual, or an amalgamation of both. Similarly, the faculty of SOL has contributed to this issue with so much creativity and enthusiasm. It has been a true delight to work with the esteemed faculty members and my own team. I want to take up some space in this note to address everything I'm grateful for in the creation of this issue while also expressing my gratitude for everything 2020 has helped me experience.

Firstly, I have **immense gratitude** for NMIMS, Navi Mumbai's Campus Director, Prof.(Dr) P.N. Mukherjee, Associate Dean, Prof. Saurabh Chaturvedi, Asst. Librarian Ms Amruta Kashelkar, Mr Hitesh Gunjal for their continuous guidance and support in our efforts to create an all-inclusive and educational platform for every student at SOL, Navi Mumbai.

Similarly, I have a **sincere appreciation** for our faculty members' prompt and thorough approach; Prof. Keshab Nandy, Prof. Rakhi Raturi, Prof. Shreya Madali and Prof. Megha Ojha. My team of editors; Ananya Mathew, Shivam Rana, Adrija Datta, Eesha Tekale and Achala Mutha, have all spent an enormous amount of energy in drafting this Issue. The entire Editorial Team has my immense appreciation for authoring these decade review articles with the utmost care and authenticity; Niyati Sharma, Niharika Ravi, P. Nivruthi, Anshita Naidu and Sayon Bhattacharya.

I hope this publication serves as a satisfactory gift for this **winter solstice!**

I hope you, our readers, continue to work on your personal growth and prioritize your mental health, before anything else. If you haven't properly begun your mental health journey yet, I implore you to begin, in **any small way possible**; crying when you feel like, being compassionate with yourself, journaling, trying therapy or any other form of professional help for mental health, communicating more mindfully with yourself as well as those in your life, or any other way that suits you, I hope you take the first step **today** when you're done perusing this Issue, of course!

I am sending a ton of positivity and hope your way for a better 2021 (I hope this doesn't curse it!).

**Stay curious, thrive.**

With lots of appreciation,

Jayantika Sethi

Editor-in-Chief

Solstice

## CONTENTS

<b>P</b> - Political Review- Indian Politics - By Niyati Sharma and Niharika Ravi	5
<b>E</b> - Environmental Review of India- - By P. Nivruthi	13
<b>S</b> - Social Review of India -By Anshita Naidu	17
<b>T</b> - A Decade of Change: Technology - By Sayon Bhattacharya	24
<b>E</b> - Review on Economic Changes & Development - By Sayon Bhattachary	27
<b>L</b> - Legal Review of India - By Shivam Singh Rana	31
<i>Faculty Decade Reviews</i>	
Changing Industrial Relations Perspectives Post Globalisation by Dr. Keshab Nandy , Professor of Managment ,NMIMS	38
Defying logic, embracing emotions: India's Consumers Story by Professor Rakhi Raturi	43
Transposition of Related Party Transactions in the decade gone by Professor Shreya Madali	51
GI Tags by Professor Megha Ojha	56

*P.E.S.T.E.L.*  
*Decade*  
*Review*  
*by the*  
*Editorial*  
*Team*



## A Decade in Review: Indian Politics

By Niyati Sharma and Niharika Ravi

Indian Polity has come a long way since the establishment of the Republic of India as a sovereign democracy in 1947 and the adoption and enactment of its constitution in 1950. It has survived multiple famines, wars against its neighboring states, a grim period of national emergency, a series of terrorist attacks, economic recessions and financial scams, and internal disturbance on religious lines to step into the second decade of the 21st century. This decade, too, has been overwhelmingly insurgent in its political character, witnessing the emergence of multiple new political ideas that sought to break the status quo established previously in the democracy. At its close, this article looks back at the decade under a political lens and makes a comprehensive assessment of the major political changes that have emerged in the time.

The year 2009, in some ways, set the tone for the following decade. It saw a resurgence of the UPA reign in India- an alliance that came to power at the Indian center with an alarming majority and fell in an equally alarming position five years later in 2014. The drastic change in the Indian people's preference and the sudden flip from the left-wing to right-wing nationalist ideology over this span of five years is intriguing to examine and assess. Observations made here may prove to build strong guidelines for future political parties to navigate Indian elections and may establish voting patterns for this period saw the unprecedented rise of the single most successful political party in the history of Indian politics- the Bharatiya Janata Party.

This period saw a slew of scams with the 2G Spectrum scam at the eve of the five years, the Satyam scam in 2009, the Common Wealth Games scam in 2010, the

Adarsh scam in 2012 followed closely by the Indian Premier League and Vyapam scams in 2013. Such gross increment in the blatant abuse of the Indian economy and the Indian taxpayers' money was of massive contribution to their digression in electoral choices. Further, high inflation and unemployment rates coupled with price rise and what can essentially be defined as policy paralysis plagued the country during the second half of the UPA II regime. It is thought that this was primarily a cause of their monumental failure to win the Indian people's vote in 2014.

Whereas 2009 was colored in shades of coalition politics with a hint of Dalit party politics and a small discourse on the role of gender in elections and the construction of each constituency, the nation remembers 2010 by the memorable Indian Onion Crisis which, ironically, is said to have left the nation in tears as onion prices skyrocketed, nearly doubling overnight. India's first tryst with the still-problematic North Indian smog also notably began with six rail accidents due to fog in Uttar Pradesh in January and the 2010 Pune German Bakery Terrorist Attack shook the nation that February., However, the Indian government initiated the Right to Free and Compulsory Education Act on April 1, 2010. Markedly, the XIX Commonwealth Games were held in Delhi in 2010. 2011 saw the rise of the anti-corruption movement that stemmed from the revealing of the Commonwealth and 2G scams to the Indian public. Spearheaded mostly by social activist Anna Hazare who was supported by the popular Yoga guru Baba Ramdev, the initial motive of the movement bore fruit when the first Lokpal was instated in India after the passing of

the Lokpal bill in 2013.

Indian Courts spent a major part of 2010 addressing cases in relation to these scams. Further, 2008 terrorist attacks accused Ajmal Kasab was hanged to death at Yerwada Jail Pune in November 2010- an event that was revisited during the discourse on the validity and effectiveness of capital punishment in the backdrop of the recent hanging of the 2012 Delhi gang-rape case perpetrators. Revisiting the fall of the Congress Party during this term, Party President Sonia Gandhi announced her son's promotion to Vice President of the party in 2013, hence pushing a dialogue on dynasty politics in the Indian political arena to come to light once again in the Indian National Congress' context. The Dravida Munnetra Kazhagam also withdrew its support of the Indian National Congress in the same year as Prime Minister Manmohan Singh attempted to polish the party's image by selecting eight new members for the Cabinet. The long-awaited food security bill and land acquisition bill were passed during the monsoon session this year as well and the new state of Telangana was carved out of the existing Andhra Pradesh, prompting several other separatist movements to come to the forefront- none have yet succeeded in seceding from their mother states.

The 2014 elections made the biggest headlines in the year, closely seconded by a multitude of attacks on personnel and civilians in Chhattisgarh, Bihar, Arunachal Pradesh, and Assam, and the 2014 Kashmir floods. The Thomas and Uber Cups in Badminton were held in New Delhi in 2014 and the Men's Hockey Champion's Trophy was held in Bhubaneswar. The Supreme Court, in a landmark judgment, recognized members of the transgender community as belonging to a third gender for the first time.

The Government announced the establishment of the

replacement of the Planning Commission with the NITI (National Institute for Transforming India) Aayog in January 2015 which has since become India's foremost policy think tank. Soon thereafter, the Aam Aadmi Party made a historical landslide victory in the national capital, winning 67 seats out of 70. Former President APJ Abdul Kalam passed away on July 27, 2015, in Shillong, marking the end of an era. Nitish Kumar won the Bihar elections.

The Legislative Assembly Elections in Assam (where the BJP made a clean sweep win), West Bengal (where the Trinamool Congress kept its stronghold), and Tamil Nadu (Where AIADMK won for the fifth time), the imposition of Article 356 on Arunachal Pradesh and Uttaranchal, and the controversial demonetisation drive were political highlights of 2016. The year began with the Delhi CM implementing the infamous odd-even rule to combat air pollution, an exercise that was repeated later that year as well. Delhi has combatted air pollution due to industrial pollutants and crop burning in neighboring states throughout the decade, with multiple studies denoting the extremely harmful effects of the pollution on the citizens of the national capital. PM Modi notably broke silence on the gau rakshak issues that were resulting in communal violence in India and called them "anti-social," urging a crackdown on criminal activities taking place under the garb of gau raksha or cow protection. Meanwhile, the Cauvery water issue came to head in September 2016 when the SC intervened to resolve it.

The year came to a close with the passing of Selvi J Jayalalithaa or Amma, CM of Tamil Nadu which caused a political crisis in the state. 2017 began with a landmark SC judgment that stated that appealing for votes during elections on the basis of religion, caste, race, community, or language amounted to 'corrupt practices'

and would call for the disqualification of the candidate. Yogi Adityanath took oath as the new CM of Uttar Pradesh in March 2017. While India strengthened international ties in June by becoming a full member of the Shanghai Cooperation Organisation, internal disturbance reigned with an escalation in Gorkhaland agitations in the North East.

The Goods and Services Tax, India's biggest tax reform since independence, was launched in July 2017. Venkaiah Naidu won the vice-presidency the following month and the SC, subsequently, passed the landmark Triple Talaq judgment. The Doklam stand-off came to a close.

Cabinet expansion was conducted at the Rashtrapati Bhavan and 9 new ministers took oath in 2017. The BJP also emerged as the largest party in the Maharashtra Gram Panchayat elections that year and Rahul Gandhi took over as Congress President in December.

The first day of the New Year in 2018 was marred by the violent Koregaon Bhima riots in Maharashtra which resulted in the death of one person, leaving hundreds injured. Many human rights activists were arrested in connection to the case in the following months and the event made news repeatedly for the rest of the decade. The center censured the use of the fast-emerging cryptocurrencies in early 2018 and a CBI Court markedly sentenced RJD chief Lalu Prasad Yadav to three- and half-year jail term, convicting 7 others in the fodder scam case in Bihar.

Former Prime Minister Atal Bihari Vajpayee and former CM of Tamil Nadu M. Karunanidhi passed away in 2018. 2018 was a year of elections. The BJP was defeated in the Rajasthan, Madhya Pradesh, and Chattisgarh Assembly Elections. K Chandreshekhar Rao's TRS won 88 out of 119 seats in a landslide victory in Telangana that year. The BJP-IPFT alliance scripted a historical win by

securing a majority in the Tripura Assembly, marking the end of the 25-year long reign of the Communist Party of India (Marxist) in the state.

Soon thereafter, a Union Home Ministry authorisation to central agencies that empowered them to intercept, monitor, and decrypt "any information generated, transmitted, received or stored in any computer" created a political storm. The move was called out for being unconstitutional, undemocratic, and an assault on fundamental rights.

The rest of the year was engulfed by the Rafale Jet controversy and the Jammu and Kashmir political crisis that arose when BJP pulled out of the ruling coalition, leading Mehbooba Mufti to resign as CM. One must note that homosexuality was decriminalised by the SC in the landmark Navtej Singh Johar Case in 2018.

2019 marked the BJP's massive re-election to the Centre, solidifying its stronghold on North India and making enormous strides in garnering control over the East. Since 2017, the BJP made a huge win in Uttar Pradesh, a close-win in Gujarat, became the single-largest party in Karnataka, dented in Haryana, lost power in Maharashtra in an extremely chaotic and controversial election, and lost in Chattisgarh, Madhya Pradesh, Rajasthan, and Jharkhand.

The biggest policy moves of the year were clearly the criminalisation of triple talaq and the abrogation of Article 370 that the erstwhile state of Jammu and Kashmir is still reeling from. The Ram Mandir judgment was a significant event in 2019 as well. The Citizenship Amendment Act and the National Register of Citizens created a significant amount of havoc in the country in late 2019. Economic woes in the Modi regime also came to the forefront in 2019 just as civil liberties were arguably being trampled in the state of Jammu and Kashmir that was later split into two union territories.

electoral bonds also emerged in Indian polity in 2019.

While 2020 began with massive protests against the CAA which subsequently led to police brutality in eminent minority institutions like the Aligarh Muslim University and Jamia Milia Islamia, the onslaught of the coronavirus pandemic in India in March put a damper on a majority of political and economic activity in the country for the better part of the year, pushing India further into recession. India's GDP witnessed a historic 7.5% fall in the July-September quarter of 2020 and World Bank estimates a 9.6% decline in 2020-21.

Bollywood star Sushant Singh Rajput's demise in Mumbai in June led to much political controversy in the following months, especially with regard to the Shiv Sena and the alleged existence of a drug syndicate in the city of Bombay. Former President Pranab Mukherjee and civil rights activist and religious leader Kesavanda Bharati passed away in 2020. The Ayodhya Ram Temple's Bhoomi Poojan also made headlines, as did the acquittal of all 32 accused of the demolition of the Babri Masjid.

The passing of the three controversial farm bills in Parliament in September has resulted in much uproar and protests by farmers, dominating the tone of Indian polity at the end of the decade as they campaign relentlessly along the borders of the national capital, calling for the three acts to be unconditionally revoked. The first batches of the COVID-19 vaccines are expected to be delivered soon, leading the decade to end on a positive note.

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## The Decade in Review: Environment

by P. Nivruthi

### **“The only constant in life is change” -Heraclitus**

The world is built in a way in which people coexist with the environment. The term environment is not necessarily restricted to just the surroundings, it also refers to the species that we have no direct contact with. This relationship between man and the environment is symbiotic. Man is expected to not exploit the environment and in return, man gets to use the resources of the environment like the forests and the oceans. While this symbiotic relationship based on subsistence living did persist for a while, for the better part of the last two centuries, especially with the advent of the Industrial Revolution, we have begun a doomed conquest of trying to strike a balance between the limited resources and infinite. The advent of this revolution in capitalism and money making left chronic impacts on the environment. As and when the society progressed to accept more technical advancement, we forgot to account for the environmental impact of the same. Although a majority of the damage can be accounted to the many decades of continuous environmental degradation, the last decade sticks out due to the exponential increase in the rate of this environmental degradation.

The beginning of 2010 saw a rise in the biodiversity and an increase in dialogues for the environment. Right from the 2010 UN summit in Japan to address the biodiversity which then led to a pledge to protect ecosystems to dialogues about saving the marine life. But this doesn't hide the fact that the environment was already in bad shape. Air pollution and temperatures were at an all-time high for that time, information about the reality of the situation of climate change was being withheld from the public, coral reefs were dying, there was a scarcity of fresh water and the list is never ending. This alarming list of ways in which the environment was suffering provoked a chain of thought which ultimately

led to the ideation of a lifestyle which was sustainable in the long run.

Contrary to what was expected, this understanding and acceptance of the realities of climate change did not deter us from the path of destruction. The condition of the environment has only gotten worse.

To begin with, the condition of air pollution has only been downhill post 2010. Health ailments due to air pollution have been on an all-time high. The air quality of Delhi-NCR is infamously known to be the worst in the world. 6 of the top 10 world's most polluted cities are a part of Delhi-NCR and Ghaziabad is rated number 1 with 110 AQI (Air Quality Index) which indicates unhealthy air quality and, in the months, this AQI shoots up to 239 AQI in the months of October-December indicating very hazardous levels of air pollution. In 2019, 70 tonnes of pollutants were released into the air. The reasons for this increase in air pollution are many. One of the main pollutants is the increase in vehicular emissions. There is a lot of pollution and fuel consumption in vehicles which must be tackled. Along with this, an increase in the number of industries also led to an insurgence of air pollution. The harmful effects of air pollution cover a wide gambit. Right from health hazards to crop failure, there is no arena that air pollution in 2012, according to WHO data.

Although the statics prove an obvious decline in the quality of air, the measures to combat this degradation were adopted much later. In India, schemes to enforce environmental sensitivity along with making alternative methods available and accessible were launched, right from the odd-even scheme which aimed at controlling

.methods available and accessible were launched, right from the odd-even scheme which aimed at controlling vehicular traffic to introducing schemes to make LPG available to all in place of fodder or dried cow dung for fuel. Reducing the air pollution in the world is one of the UN's Sustainable Development Goals and countries are striving to achieve it by trying to accommodate plans to ensure that we can curb the menace of air pollution before it gets out of hand. One of the biggest blessings in disguise was the COVID-19 pandemic. Months of prolonged inactivity due to the lockdown allowed for the air pollution to get better but this situation was immediately reversed post lockdown.

Water is another precious resource which is on the brink of scarcity. As consumption of water increases due to various reasons like population explosion, weapons industries, increase in cash crops etc., there is depletion in the fresh water resources of the world. A recent study by NASA concluded that 21 of the 37 largest aquifers have exceeded the sustainable usage point. This will prove to be a problem because 20% of the world's farmers depend on ground water for their agriculture, And otherwise, roughly 2 billion people rely on freshwater to satisfy their needs. There is rapid decline in the underground water levels, especially in countries near the equator like the Middle East. This could not only create a humanitarian crisis but could also lead to a conflict. An example of this can be seen in the Cauvery water dispute between Karnataka and Tamil Nadu. Depletion in water will also result in a scarcity in food. However, attempts to tackle this problem are being made by the introduction of Hydroponics and Aeroponics in agriculture. Depletion of water will also lead to the endangerment and extinction of many aquatic species. Along with this, the last decade has seen an increase in the eutrophication of lakes and other water bodies due to the flooding of impure water, often mixed with

chemicals and fertilisers are being dumped into water bodies. This eutrophication increases the diminishing percentage of fresh water available for consumption.

Another major problem that the environment is bound to face is the soil pollution and degradation. The last decade has seen a boom in agricultural technology and the concentration and efficacy of the fertilisers and pesticides has also increased. But constant use of these on the agricultural land in order to meet the rising food requirements, which is fuelled by Mc.Donaldisation, makes the land infertile in the long run. This has two effects. One, there is a massive disruption in the nitrogen cycle of the land and the fauna which helps farmers, like earthworms, suffocate and die. Along with this increase in agriculture, landfills also play a huge role. About 5 trillion plastic bags, which are non-biodegradable are used every single year since 2010. Because these are non-biodegradable, we have no choice but to dump them in empty lands, only to realise that sooner or later, these lands are bound to be full too and that these landfills will have many repercussions like an increase in rodents leading to health hazards and infertility of land. Slow decomposition of the alloy of plastics also released harmful gases into the air which in turn added to the already alarming air pollution.

The world has seen an increase in fast fashion in the last decade. Brands like H&M and Zara indulge in this process called fast fashion which refers to the trend of replicating high fashion at low prices. This is especially problematic because high fashion keeps changing and fluctuating so in order to keep up with the trend, there is a global rise in the number of people buying and dumping clothes after merely one or two uses. This creates many problems. Firstly, the production of this apparel accounts for 8.1% of the global greenhouse gases emissions. Apart from this, fast fashion uses microfibers to produce their garments. These fibres get stuck in the

oesophagus of marine life and choke them to death, which led to a loss of marine life.

Another major problem is the USA, one of the world's worst polluter backing out of the Paris and Rio agreement to evade environmental sanctions.

There has also been a significant rise in the number of forest fires around the globe. As of November, 2020, the world saw a staggering 47,500 wildfires around the globe. This is harmful not just to the flora and fauna but also the ever-rising global temperature. Global warming is at an all-time high with temperatures reaching peaks during summers, leading to melting of ice caps and rising sea levels. The global sea level has risen by about 8-9 inches. The 10 warmest years on record have all occurred since 1998, and 9 of the 10 have occurred since 2005. By 2020 the global surface temperature was more than 0.5°C (0.9°F) warmer than the 1986-2005 average.

This decade has also seen an increase in the conventions and dialogues to tackle this menace. For example, in December 2019, the UN held the United Nations Climate Change Conference in in Spain. This was also known as COP-25. Similarly, 11 conferences have taken place with regard to climate change out of which COP-11 took place in India.

Alongside this, countries have taken initiative to curb the emissions and place a system of checks and balances to ensure that the environment is not degraded further. The Cancún Agreements, adopted at the UN Climate Conference in Mexico (December 2010), include a comprehensive finance, technology and capacity-building support package to help developing nations adapt to climate change and adopt sustainable paths to low-emission economies. The agreements also stipulate for countries to raise 100 Million USD for climate change by 2020. Many countries in the EU have pledged to reduce emissions by increasing the use and efficacy of renewable energy, increase abatement policies in the manufacturing industry and reduce emissions from vehicles.

While there is no doubt that there is a constant rise and change in the climatic conditions, it is also true that the countries have adopted various measures to adapt to this neo normal. Some of them include replicating habitat types in multiple areas to spread risks associated with climate change, adapt protections of important biogeochemical zones and critical habitats as the locations of these areas change with climate and expand the planning horizons of land use planning to incorporate longer climate predictions. Overall, this decade has seen an exponential growth in the degradation of environment. As we progress into a new decade, we must retrospect to ensure that we learn from our mistakes and change our policies and lifestyle to the fit the growing needs of the ever changing climate. While it is true that change is inevitable, we must recognise that ignoring a negative change will only harm us further in the future. Ultimately, the onus is on the people and the government to frame policies and enforce them to undo the damage done in the last ten years or more. The more we learn and gain knowledge about the Earth and its workings, the more must we adapt and adjust to accommodate her needs. Being selfish and making irrational decisions solely based on our wants will only harm us further and will create a chaos for which, after a point, we might not have solutions for. We must push for people to use local, sustainable brands and make them more affordable and accessible so that there is no excuse to not use them. At the same time, we must replenish the forest cover lost to ensure rehabilitation of all the species which have lost their home. It is our responsibility to replenish all that is lost and the next decade must prove to be more fruitful and conscious than this decade to ensure the survival of all the inhabitants of this beautiful planet.

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## Social Review of India Over the Last Decade

by Anshita Naidu

### Introduction:

India in the last decade has seen many changes, especially in the social aspect. "Sociologists define social change as changes in human interactions and relationships that transform cultural and social institutions." In simple terms, social change means large numbers of people engaging in group activities and relationships that are different from those in which they or their parents engaged previously. For example, the existence of homosexuality between any two individuals was a taboo for the previous generation but is an expression of freedom and love for the millennial of today. The theory of social change is very broad. It consists of a series of processes of change in human society in terms of place, time, and meaning. Since it is so broad, it is bound to be somewhat imprecise, tentative, and value-neutral. Well, known examples of such change have resulted from social movements in civil rights, women's rights, and LBGTQ rights, to name just a few.

Social Development is a positive part of social change. "Social development involves individual and collective opportunity to people 'to participate in the national development decision-making process' and 'implementing and monitoring of such plans'." Participation in the national development and the decision-making process by individuals can occur through collectively organized protests, strikes, marches, appeal to the government through media be it print or social, etc. "The UN General Assembly Declaration on the Right to Development, adopted on 4th December 1986 viewed the human person as the center of all development processes and development policy and also the main participant and beneficiary of social

development." The United Nations General Assembly also acknowledges that "the right to development is an inalienable human right." Three sets of rights have been envisaged by it: "the first generation rights" (i.e. the individual, civil and political rights); the "second generation rights" (i.e. economic, social and cultural rights); and the "third generation of solidarity rights" (i.e. collective rights).

India being a stable democracy with free and fair elections and having a political system with strong party rivalry, a fairly active civil society, and a working federal government has seen a lot of changes concerning individuals, culture, traditions, and all things social in the last decade. India has increased ranking in terms of coverage, generosity, efficiency, and the standard of its social security. This is due to all the variables normally proposed for the implementation of generous social policies. The normally proposed variables would be; the amendment of old laws and implementation of new laws. There has also been a pronounced role of the Supreme Court in making the government responsible for social protection in different spheres through its landmark judgments like outlawing the backward practice of Triple Talaq and repealing Section 377 thus declaring it to be unconstitutional. This is of utmost value as the Indian law recognizes precedent as an important source of law, unlike the civil law system which does not recognize the binding nature of case law.

It is said that if one wants to evaluate a society, he/she has to analyze the laws passed by that society and thus can come to know whether that society is developed or mainstreamed. The law, though it is the product of the society is responsible for the social transformations.

There are two modes of this aspect. First is, “Law changing the society”, which means that the law of the land compels the society to be changed according to it. And second is that the “Society changes the law”, as per its needs. “It means the law is made by the society according to its requirement by its democratic institution i.e. Legislative or by adopting custom and usage.” When the law changes society, it is a sign of the beginning of society's growth. When society changes the law, it is a symbol of society's maturity.

We may cite the persistence of the people in the matter of 'Nirbhaya', where the commonest of the commons was speaking about how the law must be, what the punishment must be, etc. Here, it compelled the government to understand the feelings of society and thus set up a commission to make recommendations and untimely criminal law amendment bill came into existence.

The following section will discuss the social development through all the years of the last decade in India through an analysis of major amendments in laws, implementation of new laws, and major Supreme Court judgments a

ll of which concern social issues.

### **Ayodhya Verdict:**

*M Siddiq (D) Thr Los v. Mahant Suresh Das & Ors* popularly known as the ‘Ayodhya Verdict’ is one of those major judgments of the Supreme Court whose facts have been affecting people’s lives for centuries. This is evident from the fact that the Supreme Court started the judgment with a reminder that: “This Court is tasked with the resolution of a dispute whose origins are as old as the idea of India itself.”

Babri Masjid or the focal point of the entire Ayodhya dispute was constructed in the year 1528 under the reign

and command of Babur. The dispute regarding the three-domed mosque arose in 1885 with Hindus claiming that an actual Ram temple had been ransacked to erect the mosque by the invading Muslim army. The District Judge of Faizabad, in his judgment dated 18/26 March 1886, held that “it was most unfortunate that the Masjid should have been built on the land especially held sacred by the Hindus but since the construction had been made 358 years earlier, it was too late in the day to reverse the process.”

The dispute finally reached its end in November 2019 after a battle of several years. The five-judge bench of the Supreme Court headed by former Chief Justice of India Ranjan Gogoi based its last judgment on the case, on three factors- physical evidence, indirect issues of faith and beliefs, and lastly social and religious traditions or practices. It held that the “entire disputed land of 2.77 acres in Ayodhya must be handed over for the construction of a Ram temple. The court also ordered an alternate plot of five acres to the Sunni Waqf Board for the construction of a mosque. This direction was passed invoking powers under Article 142 of the Constitution.”

It is evident from the above-mentioned facts that the case involves two communities and their sentiments regarding their worship place which in turn proves that anything related to this matter would have a huge impact on society. During the course of the dispute and till the last judgment the nation saw many riots across its boundary from the north to the south. Protests were held by both the communities concerning the piece of land. These protests are nothing but social gatherings held to demand justice from the appropriate institutions of the government. Thus it was of utmost importance to the Supreme Court to provide a decision that would bring social peace and harmony to the nation. “For all the case's historical origins, its judgment will help shape India's political and social landscape.” And apparently

the Supreme Court has chosen a road to social stability, unity, and justice with its final verdict.

### **Decriminalization of Section 377:**

A famous Greek Philosopher Pythagoras of Samos once said “Legislation should be the voice of a reason”. And after a battle of several years the Supreme Court in its judgment of *Navtej Singh Johar and others. Vs Union of India* has finally conceded to that voice of reason by striking down the criminalization of Section 377 of the Indian Penal Code partially which earlier treated consensual unnatural sex as illegal.

Decriminalization of Section 377 is the perfect example of how society changes the law as per its needs. As mentioned above, when a society alters an enforceable law then it is a sign of society’s maturity. Here the breakage of all cultural barriers put by long-living traditions is how people in a society have accelerated the decision of the judiciary to strike down Section 377 partially. As the years' progress, a country also evolves and starts adapting to the new changes. Things that would have been considered to be taboo earlier may not be considered a social evil now. This happens when people in a society become more aware and acceptable. The acceptance of the reforms reveals that people condemn the clichés that existed in society. In the case of *Navtej Singh Johar and others. Vs Union of India*, the country saw tremendous social growth as citizens especially the youth start questioning the validity of Section 377 of the IPC. According to the Section 377 was a violation of Article 14 of the Constitution of India. The demand for enforcement of social change of providing equal rights to the LGBTQ community spread unity among all genders as citizens from all over the country participated in spreading awareness about the rights of the LGBTQ community. Organized marches and appeals to the government through media be it print or social

etc. played a huge role in the judiciary finally paying heed to the orthodox provision of Section 377 and thus shunning it. Due to this judgment, the social evil of prejudice is removed thus causing the enhancement of one of the most essential fundamental rights i.e. Right to Equality.

### **Criminalization of Triple Talaq:**

Talaq! Talaq! Talaq! These words held no significance on and from 17th August 2017 when after a long legal battle the practice of talaq-e-biddat or the instant divorce was held unconstitutional by the Supreme Court of India. Three of the five judges held this practice, which was subjected to a lot of debate, as something which is violative to the rights granted by the constitution of India. The opposing judges still were on the side of the majority of Muslim women and wanted the old practice to be banned but not to be held unconstitutional. This ended the legal battle of *Shayara Bano v. Union of India* in the courts.

Whereas the bill has an entirely different meaning for the supporters, it has brought liberation to Muslim women by criminalizing an unjust practice prevalent in society for a long. The new law promotes gender equality. Many women filed Public Interest Litigations in the Supreme Court against this practice as they thought of it to be regressive.

Also after the enactment of the bill which became law on 1st August 2019 many Muslim women have developed a sense of hope and are looking forward to criminalizing other such practices that act as tools of oppression. This shows how social change is being brought through awareness and engaging in social relations for the betterment of society.

Lastly, such a move should be seen as a positive step that brings women a respectable and equal status in society by protecting their human rights and not a threat of

language, which may be obscene. A Bench of the Supreme Court comprising of Justices Dipak Misra and Prafulla C. Pant was considering the appeal preferred by a bank employee who had challenged the framing of charges against him for publishing an alleged “vulgar and obscene” poem- ‘Gandhi Mala Bhetala Hota’ (‘I Met Gandhi’) using the name of Mahatma Gandhi in an in-house magazine of the Bank of Maharashtra Employees Union in 1994.

Jat reservation unconstitutional (Ram Singh v. Union of India)

In a notable judgment, a bench of two of the sharpest Supreme Court Judges; Justice Nariman and Justice Gogoi declined to accept that the Jat community can be given a backward status. Right before the epic 2014 Lok Sabha elections, the UPA government had notified reservation to jats as in the Central list of Backward Classes for 9 states on 04/03/2014, namely Bihar, Gujarat, Haryana, Himachal Pradesh, Madhya Pradesh, NCT of Delhi, Bharatpur and Dholpur districts of Rajasthan, Uttar Pradesh and Uttarakhand. The said notification was crafted even after strong de-recommendation by the National Commission for Backward Classes (NCBC). The then ruling establishment had to face stiff criticism for providing the reservation allegedly to gain vote bank of the community. The NDA government had accepted the notification and agreed to contest the challenge in court.

Section 364A IPC awarding death penalty not unconstitutional [Vikram Singh vs. Union of India]-

The Supreme Court of India, dismissed an appeal by a death row convict, and held that Section 364A awarding death penalty as a possible punishment, for kidnapping any person threatening to cause death in order to compel Government or any other person, to pay ransom, is not unconstitutional. Three Judge bench of Justices T.S. Thakur, R.K. Agrawal and Adarsh Kumar Goel examined the background of the Section 364A and held that it was enacted for the safety and security of the citizens and the unity, sovereignty and integrity of the country. The punishment prescribed, the court held “cannot be dubbed as so outrageously disproportionate to the nature of the offence as to call for the same being declared

offence as to call for the same being declared unconstitutional.” The court however, said that the death penalty prescribed, may be only awarded in cases which falls in rarest of rare category.

Over the past decade, there have been various judgements which have been very fundamental in upholding the rule of Law. Protecting women’s right has been the most important agenda of the decade. Numerous notable rulings have been released by Indian courts upholding women's reproductive rights as part of the implicitly secured "inalienable survival rights" under the universal right to life. In some ground breaking rulings. Also for the first time, the courts have acknowledged abortion freedom as important to women's equality and have called for protection for women's rights to autonomy and pregnancy decision-making.

In instances affecting maternal wellbeing, Indian courts have embraced comprehensive concepts of "reproductive rights" representing human rights principles for contraception, abortion, and child marriage. Although court judgments are not universal, some ground breaking decisions have boldly upheld women's rights.

The different instances illustrate the significant and evolving role the judiciary can play in India to address the legal and practical barriers which operate to deny women and girls their reproductive rights. While litigation has its challenges, including long time frames and difficulty in implementation of decisions, the robust recognition of reproductive rights as fundamental rights emerging from Indian courts has created a mandate for the government to shift away from population control approaches, confront discriminatory stereotypes that limit women’s authority, and instead gives women’s rights to dignity, autonomy, and bodily integrity in reproductive health-related laws and policies.

being used as propaganda against religion.

### **Right to Privacy:**

In August 2017, a nine-judge bench of the Supreme Court in the historic judgment of "*Justice K. S. Puttaswamy (Retd.) and Anr. vs Union Of India*" ruled that Indians possess a fundamental right to privacy – that it is intrinsic to life and liberty – which comes under Article 21 of the Constitution.

The Oxford dictionary defines privacy as "a state in which one is not observed or disturbed by other people" or "the state of being free from public attention". Thus privacy may also be characterized as an individual's right to be left alone and selectively voice his opinion which is an underlying social value.

"This judgment takes a historic step by declaring that the Indian constitution contains the right to privacy, embedded in long-established fundamental rights including individual dignity, liberty, and freedom of expression." These fundamental rights are not just limited to civil and political rights but also fall under the ambit of social rights as they deal with the capability of right bearing individuals. Thus when a citizen is denied such social rights, he is also unable to enjoy his freedom substantively. Inclusion of Right to Privacy under the fundamental rights therefore helps a person to enjoy his freedom in a society.

"The method in which the constitutional social rights or the DPSPs have been enforced or made justifiable by the Supreme Court has been through an expansion of the existing fundamental rights, particularly the Right to Life guaranteed in Article 21." "Right from the late 1970s starting from the Maneka Gandhi's case; the Supreme Court started expanding the guarantee of the Right to Life in Article 21 to include within it and recognize a whole gamut of social rights". Here the social right of right to privacy too has been enforced by

expanding the Right to live under Article 21 of the Constitution of India.

Also, the Right to Privacy is a globally recognized right as "Article 12 of the Universal Declaration of Human Rights, 1948, and Article 17 of the International Covenant on Civil and Political Rights (ICCPR), 1966, legally protect persons against "arbitrary interference" with their privacy, family, home, correspondence, honor and reputation. India became a signatory to this on April 10, 1979. The European Union also recognizes the respect for private and family life, home, and communications. In Europe, this is covered by the Data Protection Directive, which defines how information can be processed and used". Any right which defies boundary limitations can be termed as a social right through which social change can take place. Humans everywhere irrespective of the country when possessing a certain right it is due to its social importance as social aspect and values are mostly the same among humans living in different countries. The right to Privacy being a global right thus helps in social enhancement.

### **Conclusion:**

According to Duguit, a French law scholar laws are "the rules of conduct normal men know they must observe in order to preserve and promote the benefits derived from life in society."

Society and law are interconnected to each other as the law is a representation of people's connections to each other, their morals, what they feel should be safeguarded in life, and how their welfare is established.

The generalized concept of "social change" shows the aspect of people's characteristics and how they want to live in a society. If any action involves or affects a group of people who share the same beliefs or features, then that action would be defined as social change. Social changes are never constant. So, the alteration of law

must be accompanied by social change or the law would be of little benefit. This is usually done in the form of either a constitutional amendment which is making alterations in the prevalent law or by a judgment which is the judiciary's responsibility to ensure the public interest is maintained.

Justice Bhagwati in the case of "*National Textiles Workers Union v P.R.Ramakrishnan*" said "We cannot allow the dead hand of the past to stifle the growth of the living present. Law cannot stand still; it must change with the changing social concepts and values. If the bark that protects the tree fails to grow and expand along with the tree, it will either choke the tree, or if it is a living tree it will shed that bark and grow a living bark for itself. Similarly, if the law fails to respond to the needs of changing society, then either it will stifle the growth of the society and choke its progress or if the society is vigorous enough, it will cast away the law, which stands in the way of its growth". Therefore the law must continuously evolve to stay within a rapidly progressing society.

.By focusing more carefully on some of the most relevant cases of constitutional social rights over the last ten years and examining them, we can see those social achievements are both dynamic and productive in India. Social lawsuits became revolutionary in the Supreme Court where new freedoms have been recognized by the Court and new remedies have been designed for their enforcement. Social transition involves a vast number of people who partake in social gatherings and partnerships rather than those of which they have traditionally been involved in or their parents have been involved in. In addition to the above-mentioned cases, allowing women to enter Sabrimala Temple and penalizing sex with minor wives calling it to be rape are also some cases that brought about social change and development in the country over the last decade.

Any justice system in a country needs to understand the relation and not an exclusion of social issues with the law. Citizens should be in favor of alternative perspectives that are intellectually and morally justifiable and thus support ideals such as integrity, liberty, freedom, and justice.

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# A Decade of Change: Technology

By Sayon Bhattacharya

## Introduction

The decade was defined by reality-defying technological advancement which we are today so used to that the ebbs and flow of such conveniences went relatively unnoticed. However, their impact could not be forgotten and affects our lives to this day. It is often remarked that knowing about the past is important as it helps us understand the future's problems and nuances. Moore's law states that over a period of ten years semiconductors will advance by 32 folds. This theory flows into the improvement of the change in technology brings about in societal progress.

## The Road to 4G

At the start of the decade in terms of network technology 3G was still in its infancy. Offering high-speed mobile internet has been a consistent hallmark of technological progress. It was clear from the relative speed at which 4G was rolled out, especially in India signalling the rise of Jio as the most successful network provider globally. The fourth generation of wireless mobile network offered speeds of up to 10 times faster than its predecessor. To get a perspective, we can look at the download speeds from "1.5 Mbits/s to 15 Mbits/s". This practically means that the download time for an average length movie of 800 MB would previously be 5 hours got cut down to 43

seconds.

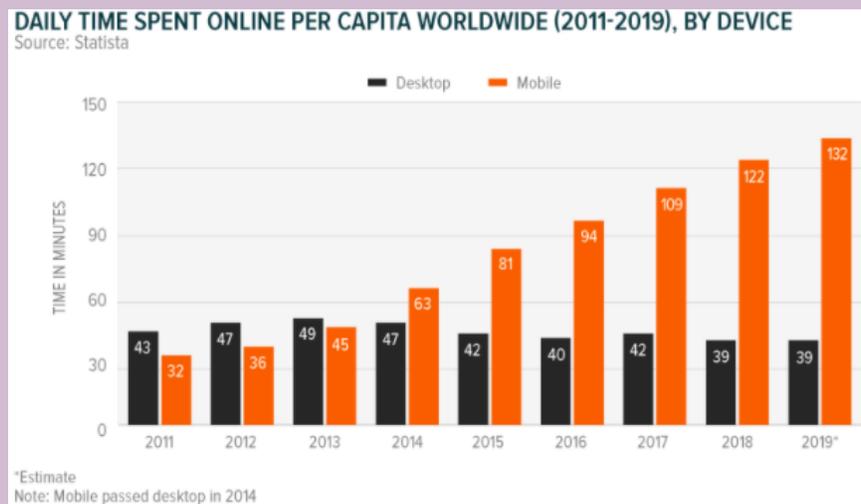
This paradigm shift in network technology would spill over to increased time spent on mobile devices benefiting smartphone manufacturers, social media, and fostered industries such as e-commerce and media streaming.

## The Rise Social Media

Social media has been on the rise since the rise of the millennia; however, the nature of social media usage changed drastically as individuals moved to use their smartphones more often. Social media went from a simple log of past events such as posting pictures of a party one went to the day before, essentially collecting experiences uploaded after the passing of the event to a platform enabling instant broadcast of one's life and experiences. One of the most underrated effects of social media becoming so accessible was that it became more than just a platform for individuals to connect on; it became a platform for companies to advertise. Large scale social media ad agencies are the core of the financial operation of social media giants such as Facebook and YouTube.

## Introduction of Healthcare Genomics and Precision

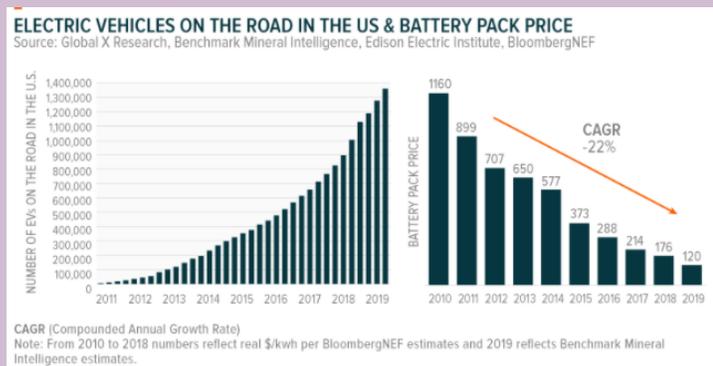
**Medicine** However, this technological advancement was not limited to the advancement of the development of



consumer products. In healthcare genomics and precision medicine, significant cost decrease in genomic sequencing costs has been a trend through the last decade as computing power has increased over the years, leading to advancements in precision medicine. Developments in genomics such as CRISPR-Cas9 and gene editing have given way to newer and more efficient as well reliable way to gene editing, which has shown promising results in curing chronic blood disorders such as sickle cell anaemia and genetic conditions like muscular dystrophy. The development of faster networking protocols has immensely aided biotechnology as we evidenced by new generation Apple watches being able to detect heart rate and predict cardiac condition which can only be attributed to thousands if not millions of saved lives.

### Electric Vehicles For The Win

One of the decade's defining features was undoubtedly the enhancement in technology and mass adoption of electric vehicles. Granted, they have been in development for years at that point, but they were never really any close to competing with traditional internal combustion engine cars. With the improvement in AI, Battery Science, and Metallurgy, massive improvements have been made in the realm of electronic automobiles. Specifically, companies like Tesla and erudite car manufacturers such as Daimler and Tata, have been integrating electric vehicles into their lineup.



### Artificial Intelligence Is The Future

Macro changes that had been the cause of improvement in some of the aforementioned developments and directly caused by them are undoubtedly artificial intelligence, and it has allied Big Data and cloud computing. In essence, since social media use has increased exponentially through the last decade petabytes of data have been generated by such use which has given birth to the science of big data, which is one of the most important ingredients in AI solution deployment. In turn, AI solutions have not only been influential in numerous algorithmic problem solving but also in the domain of number consumer applications such as digital payment and fraud detection, optimization in search engines among other advancements.

### To Conclude:

It can, without a doubt, be concluded that technology has been a major factor that came to define the last century and laid the foundation for a future mired with technology. However, one must never forget that technology, like any other tool, is a double-edged sword and can be used for as many creative applications as destructive. Judicious use and one which concerns itself with peaceful applications and to improve the humankind as a whole must be propagated and that causing harm to humanity or nature must be amended.



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## The Decade in Review: Economic Changes & Development

by Sayon Bhattacharya

Poverty has no causes. Only prosperity has causes. Analogically, heat is a result of active processes; it has causes. But cold is not the result of any processes; it is only the absence of heat. Just so, the great cold of poverty and economic stagnation is merely the absence of economic development”.

- Jane Jacobs, *Activist*

### Economics: The Science of Wealth

The economy is the backbone of a modern nation-state, more is invested in keeping a country’s economy stable than for any other purpose. As a matter of fact, historically countries and empires impeded by economic blockades have suffered more than those engaged in classic warfare.

Furthermore, it does stand to reason that without proper economic growth, countries fail to maintain stable governance and such is also responsible for crimes and general anarchy.

This decade we saw some of the most remarkable developments not only in the field of economics but in socio-political dynamics as well. It has to be understood that no one factor is independent of another, but we would be restricting ourselves to the paradigm shifts in the economy as our primary focus.

### Trans-Pacific Partnership and Free Trade

TPP, Trans-Pacific Partnership, the world's greatest exchange accord that never was. Its ascent and fall show how regular U.S. monetary arrangement—on the off chance that you need to empower development, lower exchange boundaries—was sent to the junkyard for an everybody for-themselves approach. That move has prompted a significant rebuilding of worldwide

exchange connections.

### The backstory:

TPP's starting points can be followed by the Bush organization, which started exchange conversations with Pacific Rim nations in 2008. After three years, at that point, Secretary of State Hillary Clinton spread out the Obama organization's celebrated "turn to Asia."

She contended that more liberated exchange with Asia would open up huge new buyer markets for American organizations while permitting the U.S. to make key interests in the developing district.

TPP took five years of exchanges however was marked in 2016 by 12 countries including India speaking to ~40% of worldwide GDP and 33% of worldwide exchange. Supporters said TPP would open remarkable monetary open doors in the computerized age and make a stabilizer against China's developing impact in the locale.

### 2016 US Elections:

Donald Trump has accepted for quite a long time that the U.S. was getting ripped off in terms of professional career manages different nations. So, when he got down to business in 2017, nobody was astonished when he destroyed TPP before unloading his red ties. The president resounded adversaries of the arrangement when he asserted that TPP would cost American occupations and hurt American fares. It must be noted, however, that Trump was not the only presidential runner for the 2016 election who was against TPP. Clinton herself, who was one of the foremost advocates of TPP discarded the same prior to elections. This sentiment is not, however, unique to the USA. As we will

steady wave of resentment towards globalization and brain drain, particularly in India.

### **The Impact:**

Since 2017, President Trump has gone full "Levy Man," propelling an exchange war with China as well as the EU and other close partners. Simultaneously, American mentalities toward unhindered commerce have gotten increasingly positive. This has impacted the global market significantly as well. India has been affected by this ongoing conflict as well. *"Looking at the products on which China and USA have imposed tariffs on each other, India has made modest gains in capturing such market," said Soumya Kanti Ghosh, Group Chief Economic Adviser, SBI in a report.*

Referring to the case of material imports of the US, which have moved from China towards different nations in South Asia, the bank said that however India has picked up in the initial five months of 2019, yet Vietnam and Bangladesh have seen a lot bigger increment in fares to the USA. Then again, cotton imports from the USA to China have declined for the principal half of 2019 versus H1 2018, and imports from different nations including Brazil, Australia, and India have expanded.

*"Thus, India has benefitted from the US-China trade war by exporting more to China like plastic, cotton, inorganic chemicals, and fish. Interestingly, India has a revealed comparative advantage in some of these commodities," Ghosh said*

### **A Rocky Start**

The decade was plagued with failure and it began with one. The financial crisis of 2008 was the worst economic disaster since the great depression. The shockwaves of its impact are still felt to this day, one whole decade later.

### **Cause of Crisis**

The principal "sign that the economy was in a tough situation happened in 2006 when lodging costs began to fall. From the start, real estate agents cheered. They thought the overheated lodging business sector would come back to an increasingly reasonable level. They didn't understand there were such a large number of property holders with faulty credit. Banks had permitted individuals to take out advances for 100% or a greater amount of the estimation of their new homes. Many accused the Community Reinvestment Act, which pushed banks to make interests in subprime zones, yet that wasn't the hidden cause. The Commodity Futures Modernization Act was ostensibly the genuine villain. It permitted banks to participate in exchanging productive subsidiaries that they offered to financial specialists. These home loan supported protections required home advances as insurance. The subordinates made an unquenchable interest for an ever-increasing number of home loans". Multifaceted investments and other monetary organizations around the globe possessed the home loan supported protections, yet they were likewise in shared assets, corporate resources, and annuity funds. The banks had cleaved up the first home loans and exchanged them in tranches, making the subsidiaries difficult to price.

### **Cost of Crisis**

"The 2008 money related emergency course of events started in March 2008, when financial specialists' auctions off their portions of venture bank Bear Stearns in light of the fact that it had an excessive number of the dangerous assets. Bear drew nearer JP Morgan Chase to rescue it. The Fed needed to improve upon the arrangement with a \$30 billion assurance. By 2012, the Fed had gotten full installment for its loan. Rather, the circumstance on Wall Street decayed all through the late spring of 2008. Congress approved the Treasury Secretary to assume control over home loan

organizations Fannie Mae and Freddie Mac, which cost it \$187 billion at the time. 19 20 Since at that point, the Treasury has made enough benefit to take care of the expense. On September 16, 2008, the Fed advanced \$85 billion to AIG as a bailout. In October and November, the Fed and Treasury rebuilt the bailout, carrying the aggregate sum to \$182 billion. But by 2012, the administration made a \$22.7 billion benefit when the Treasury sold its last AIGU's. Branch of the Treasury. The estimation of the organization had risen that much in four years. On September 17, 2008, the emergency made a sudden spike in demand for currency showcase reserves. Organizations park overabundance money there to acquire enthusiasm on it medium-term, and banks at that point utilize those assets to make transient advances. During the run, organizations moved a record \$172 billion out of their currency to advertise accounts into much more secure Treasury bonds. The ripple effect of this momentous disaster was apparent in its rampage within the Indian economy as well. Apart from rising unemployment and a collapse of its economic infrastructure, India's manufacturing sector as well as its real estate industry is still reeling from the impact a decade since.

### **An Exceptionally Bullish Market**

With staggering figures such as a 200% return on this decade by the S&P 500, it is of paramount importance to discuss the issue of market behavior in the gone decade and how it is going to affect the markets of today.

### **High-Frequency Trading (HFT)**

To understand high-frequency trading, we have to go back to the 1930s. Just after the great depression. However, the HFTs of these times were mostly based on high-speed telegraph services to other exchanges. Modern HFT practices trace their roots to post 1983 introduction of a purely electronic form of trading by

NASDAQ. Presently, we have systems that are capable of performing transactions in microseconds. As we discussed earlier, there was a very high increase in the trading volume by the days following the 2008 crisis. Data from NYSE revealed that trading volumes grew by about 164% between 2005 and 2009 thereby resulting in demand for tools and methods such as HFT to accommodate rising demands. There have been, however, significant concerns over the rise in use of such specialized applications primarily due to the fact that HFT relies on a predatory strategy known as "Quantitative Trading" which utilizes short portfolio holding periods resulting in poorer risk controls due to time crunches. However, experts believe that with reasonable restrictions and checks in place the cons can be mostly negated.

### **Retail Investing and Rise of Smartphones**

One simple observation the readers can make is the rise of smartphones and internet connections around the world. This has led to a multitude of factors which has affected the market positively, one of such factors is the enablement of retail investing. Retail investing alone has generated over \$ 30 Trillion in wealth over the last decade of a bullish market.

With freemium apps such as Robinhood, 5Paisa, etc. it has become incredibly easy for the common masses to invest in the market. Not only that, the trend shows that more and more people are less likely to invest in individual stocks instead of opting for index funds and ETFs. Thus, empowered by technology and the knowledge coupled with rising awareness pertaining to safe investing choices many young professionals have gravitated towards these safer options.

### **India's Bumpy Ride**

Without getting into much political controversy, in the last leg of this decade, we have seen some sweeping

changes mostly pertaining to policies based around populist opinions and not backed by significant quantified planning. It was this very decade in which China got out of its economic rut and come out as a manufacturing and export powerhouse. This slump has been the result of a combination of factors both internal and external as we shall dissert now-

### **Indian Banking Sector**

“The prompt, direct effect on India's financial division was quieted given stringent guideline and resulting constrained mix with the worldwide money related framework. According to the Banking Regulation Act, 1949 (as amended by The Banking Regulation (Amendment) Act, 2017), banks have to maintain - in addition to cash reserve requirements - assets in India amounting to 40% of their total liabilities in India. Perhaps most devastating is the provision that banks are not allowed to borrow outside the country for lending purposes, and this permissible limit is set by their capital adequacy ratio.

Because of legal restrictions, the penetration of outside banks is low (as opposed to rising economies in Eastern Europe and Latin America). The portion of banking resources held by alien banks keeping money with lion's share possession was only 5% in 2006, and these banks don't have a wide share in the retail banking sector. Further, unlike growth sustaining economies, for example, Japan, there was a very little presentation to advanced venture items and subprime contracts that were at the base of the emergency in the US. These variables protected the financial area from the infection impacts of the accident. For example, ICICI Bank, India's biggest private segment loan specialist at that point, had some presentation to the US subprime contract showcase, yet its solid capitalization empowered it to hold over the misfortunes.”

### **ENDNOTES**

[1] <https://data.worldbank.org>



## A Decade in Review: Legal

By Shivam Singh Rana

It was almost 73 years ago, that India made its tryst with destiny, and awakened to a life of freedom on 15th August 1947. Newly formed domain of India, had no democracy and constitution in place. It was only after the constitution of India came into effect on 26th January 1950, did our nation truly become a republic. The journey of independent India has not been a bed of roses to say the least. These years have seen monumental changes not only reflected in the numbers of growing population, but there has been a profound shift in politics and policy, in diplomacy and digitization, in arts and sports, but one of the most remarkable change is the change in legal scenario. In spite of certain shortcomings like shortage of judges, large pendency, and lack of infrastructure, as and when the situation demanded, our judiciary has risen to occasion to uphold the constitutional principles and to protect the rights of all the sections of society. Law being an instrument of social change has worked for the betterment of the society, while the dynamics of the legal environment in the country keeps on changing depending upon the requirement of the society. Law is the reflection of the will and wish of society, it is said that if you want to study any society, you have to study the laws enacted by the society. The law, though is the product of the society is responsible for the social transformations that the society goes through from time to time. As we all know, India is the most populous and most sprawling democracy in the world, and virtually unparalleled heterogeneity in its people, cultures, climates, and resources. India also provides an enviable environment which provides a brilliant opportunity to examine the influence and importance of law in aiding development. This leads to many important issues that a democracy must handle through law and regulation. When the law changes the society it is the sign of beginning of the development of the society. India has

certainly grabbed on to these changes while on its tryst to maintain a balance between law and society. Legislation along with precedents given by the courts are vehicles through which programmed social evolution is brought in India. Drafting of law for the betterment of the society is a difficult task, it becomes even more difficult when it has to cater the growing needs of the people it is meant for. Judges and the law makers of the country have to be very rational while giving out regulations. One has to take into consideration the constitutional provisions, the policy of the Government, requirements of the society and effectiveness of the law. This is the teamwork and needs input from all concerned sections of the society. Making the law parallel to the guidelines of international forums like the United Nations, World Trade Organisation, to make a law more effective and acceptable by the people from all over the world. The lawmakers negotiate the bilateral agreements with other nations. Experience of working in various tribunals and input through various court decisions helps in widening the thought process for drafting and interpreting laws for their proper implementation. The courts have added their new ramifications and measures to the Law. In the words of Justice P. N. Bhagwati:

*“The judge mixes life and blood into the dry skeleton gave by the legislature and makes the living being fitting and satisfactory to address the issues of the general public”.*

Over the last 10 years, India has undergone a process of significant legal change from a system of with heavy Governmental control to one that is more radical, and is endeavouring to match up these changing times. The last decade saw the exit of ruling party United Progressive Alliance and entry of Bhartiya Janta Party as the current ruling party in the nation.

The judiciary of India witnessed the departure of 10 Chief Justices from the office, while each of them glorified the chair of Chief Justice of India. The last decade was monumental in comparison with the other decades. This decade saw the Judiciary taking the front seat and coming forward to protect the Constitutional values of our nation. Be it scrapping the National Judicial Appointments Commission in 2015 or laying down the Vishakha Guidelines in 2013, judiciary has paved a way for the upliftment of our new India.

Legislature has also done its part in adapting to these changing times and has drafted laws as per as the needs and aspirations of society. From the passing of Criminal Law (Amendment) Act, 2013 in the aftermath of Nirbhaya tragedy to the introduction of Goods and Service Tax Act, 2016 which revolutionized tax collecting and integrated all the indirect taxes. One of the most talked about piece of legislature passed by the parliament was Targeted Delivery of Financial and other Subsidies, Benefits, Services Act, 2016 also known as the Aadhar Act. As of January, 2020, there have been 104 amendments of the Constitution of India since it was first enacted in 1950. We will discuss the different changes that India has seen in the last decade (2011-19) in the legal aspect.

#### **Closure for controversial Ayodhya Ram Mandir-Babri Masjid Case-**

In 2019, the Supreme Court gave an unanimous verdict, the court said that a report by the Archaeological Survey of India (ASI) provided evidence that the remains of a building "that was not Islamic" was beneath the structure of the demolished Babri mosque. The court said that, given all the evidence presented, it had determined that the disputed land should be given to Hindus for a temple to Lord Ram, while Muslims would be given land elsewhere to construct a mosque.

It then directed the federal government to set up a trust to manage and oversee the construction of the temple.

#### **Mohd Ajmal Amir Kasab v State of Maharashtra - 2012**

One of the most high-profile executions in the country. The Supreme Court observed that the acts on November 26, 2008, had shaken the collective conscience of Indian citizens and had confirmed the death sentence awarded to prime accused Ajmal Kasab by the trial court and affirmed by the Bombay High Court, for waging war against India.

#### **NOTA Judgment - 2013**

The right to reject candidates formalised. In 2013, the Supreme Court introduced negative voting as an option for the country's electorate. According to this judgment an individual would have the option of not voting for any candidate (None-Of-The-Above) if they don't find any of the candidates worthy.

#### **Patent troubles of Pharma company Novartis (Novartis v Union of India & Others 2013)**

The pharma giant accused of dealing a death blow to innovation in medicine. Novartis' application which covered a beta crystalline form of imatinib, a medicine the company brands as "Glivec", which is very effective against chronic myeloid leukaemia (a common form of cancer) was denied patent protection by the Intellectual Property Appellate Board. The Supreme Court in its ruling upheld the board's decision which eventually led to the medicine being made available to the general public at a much lower cost.

#### **Illegalising convicted MPs and MLAs (Lily Thomas v Union Of India) - July 2013**

The judgement effected much-needed cleansing of legislative bodies. The Supreme Court of India, in this judgment, ruled that any member of Parliament (MP), member of the legislative assembly (MLA) or member of

a legislative council (MLC) who was convicted of a crime and awarded a minimum of two-year imprisonment, would lose membership of the House with immediate effect.

#### **Uphaar fire tragedy (Sushil Ansal vs State through CBI) March 2014**

Split judgment couldn't reach a decision on sentencing.

**August 2015:** Eighteen years after 59 people were killed in a fire in Delhi's Uphaar cinema, the Supreme Court held that the prime accused did not necessarily need to go back to jail as they were fairly aged. The court further held that "ends of justice would meet" if the accused paid Rs 30 crore each as fine.

#### **Nirbhaya case shook the nation - March 2014**

Judiciary spurred into action and laws were strengthened for sex offenders. Four out of the five accused in the horrific gang-rape case of Nirbhaya were convicted and given the death sentence. The case also resulted in the introduction of the Criminal Law (Amendment) Act, 2013 which provides for the amendment of the definition of rape under Indian Penal Code, 1860; Code of Criminal Procedures, 1973; the Indian Evidence Act, 1872 and the Protection of Children from Sexual Offences Act, 2012.

Recognising the Third gender (National Legal Services Authority v Union of India) - April 2014 Third gender acknowledged as citizens with rights.

In a landmark judgment the Supreme Court in April, 2014 recognised transgender persons as a third gender and ordered the government to treat them as minorities and extend reservations in jobs, education and other amenities.

#### **Section 66A revised (Shreya Singhal v Union of India) - March 2015.**

Information Technology Act which allowed arrests for cracking down on "offensive" online content is not easy. Controversial section 66A of the Information Technology Act which allowed arrests for objectionable content posted on the internet was struck down as

Controversial section 66A of the Information Technology Act which allowed arrests for objectionable content posted on the internet was struck down as unconstitutional by the Supreme Court in March 2015.

#### **Yakub Memon sentenced to death (Yakub Abdul Razak Memon V State of Maharashtra and Anr) - July 2015**

No reprieve for the accused in 1993 Mumbai serial blasts. Yakub Abdul Razak Memon was convicted and sentenced to execution by hanging in March 2015 for his involvement in the 1993 Bombay serial blasts. His conviction sparked a nationwide debate on capital punishment in India.

#### **Dance bars functional again - October 2015**

After a gap of two decades, dance bars were opened. The Supreme Court in July 2013 passed a judgment directing the state government to reopen dance bars in Maharashtra which had earlier been banned under the Maharashtra Police Act. The resultant ban by the Bombay High Court was stayed.

#### **NJAC held unconstitutional (Supreme Court Advocates On Record Association v. Union Of India)-**

To substitute the two-decade-old collegium structure, the legitimacy of NJAC under the NJAC Act was questioned. Five top judges of the apex court, under the old Collegium Scheme, proposed the transfer and promotion of judges to the Supreme Court and the 24 High Courts. On December 31, 2014, President Pranab Mukherjee signed the NJAC into an Act. According to the new act, the committee consisting of the Prime Minister will appoint two eminent individuals to the NJAC as members, including The Chief Justice of India and the Leader of the Lok Sabha Opposition, or the leader of the largest single opposition party. Eminent individuals will be nominated and will not be eligible for re-nomination for a period of three years.

to the NJAC as members, including The Chief Justice of India and the Leader of the Lok Sabha Opposition, or the leader of the largest single opposition party. Eminent individuals will be nominated and will not be eligible for re-nomination for a period of three years. The Supreme Court's Constitution Bench ruled the National Judicial Commission (NJAC) unconstitutional as it violated the Fundamental Framework of India's Constitution by a majority of 4:1.

**No compromise in rape cases (State of MP v. Madanlal)-**

The Supreme Court of India in a judgment pronounced has held that in a case of rape or attempt of rape, the conception of compromise under no circumstances can really be thought of. The Supreme Court accordingly ruled out mediation in such cases. The Judgment is very relevant because of the controversial Judgment of Madras High Court in which the Court had ordered mediation in a rape case involving a minor victim. The Apex Court was hearing an appeal filed by State of Madhya Pradesh, against a rape accused. The High Court in the matter had set aside the punishment provided by the Trial Court and restricted the sentence to the period already undergone by the accused. Earlier, the Trial Court had sentenced the person to five years of rigorous imprisonment.

**RBI also under RTI (Reserve Bank of India v. Jayantilal Mistry)-**

The Reserve Bank of India for depriving information under the RTI Act, 2005 in the name of fiduciary relationship between itself and the banks, the Supreme Court has in a landmark decision declared that RBI does not place itself in a fiduciary relationship with the Financial institutions because, the reports of the inspections, statements of the bank, information related to the business obtained by the RBI are not under the pretext of confidence or trust. The Supreme Court said that by attaching an additional "fiduciary" label to the

statutory duty, the Regulatory authorities have intentionally or unintentionally created an in terrorem effect. . The Court also added that neither the RBI nor the Banks act in the interest of each other. The Apex Court was considering a batch of transferred cases from various High Courts wherein the order passed by the Central Information Commission (CIC) directing the RBI to furnish the Information sought to the applicants under the RTI.

**No Politician's photo in govt. ads (Common Cause v. Union of India)**

A Supreme Court Bench comprising of Justice Ranjan Gogoi and Justice P.C. Ghose has restrained ruling parties from publishing photographs of political leaders or prominent persons in government-funded advertisements. Common Cause and Centre for Public Interest Litigation had approached the Court under Article 32 of the Constitution of India, seeking a restrain of the Union of India and all State Governments from using public funds on Government advertisements "which are primarily intended to project individual functionaries of the Government or a political party".

**Age determination of rape victim clarified (State of M.P. v. Anoop Singh)-**

Answering with the central question as to the criteria to be adopted and applied to resolve the controversy over the age of a rape victim in the event of a discrepancy in the birth certificate and the school certificate, the Supreme Court of India has held (State of M.P. vs. Anoop Singh) that Rule 12(3) of the Juvenile Justice (Care and Protection of Children) Rules, 2007, is applicable in determining the age of the victim of rape, and that medial opinion can be relied on only in the absence of the documents prescribed in Rule 12(3) of the Juvenile Justice Rules.

The Apex Court in a significant judgment rendered held that in the name of artistic freedom or critical thinking or generating the idea of creativity, a poet or a writer cannot put into the voice or image of a “historically respected personality” like Mahatma Gandhi, such language, which may be obscene. A Bench of the Supreme Court comprising of Justices Dipak Misra and Prafulla C Pant was considering the appeal preferred by a bank employee who had challenged the framing of charges against him for publishing an alleged “vulgar and obscene” poem- ‘Gandhi Mala Bhetala Hota’ (‘I Met Gandhi’) using the name of Mahatma Gandhi in an in-house magazine of the Bank of Maharashtra Employees Union in 1994.

Over the past decade, there have been various judgements which have been very fundamental in upholding the rule of Law. Protecting women’s right has been the most important agenda of the decade. Numerous notable rulings have been released by Indian courts upholding women's reproductive rights as part of the implicitly secured "inalienable survival rights" under the universal right to life. In some ground breaking rulings. Also for the first time, the courts have acknowledged abortion freedom as important to women's equality and have called for protection for women's rights to autonomy and pregnancy decision-making. In instances affecting maternal wellbeing, Indian courts have embraced comprehensive concepts of "reproductive rights" representing human rights principles for contraception, abortion, and child marriage. Although court judgments are not universal, some ground breaking decisions have boldly upheld women's rights.

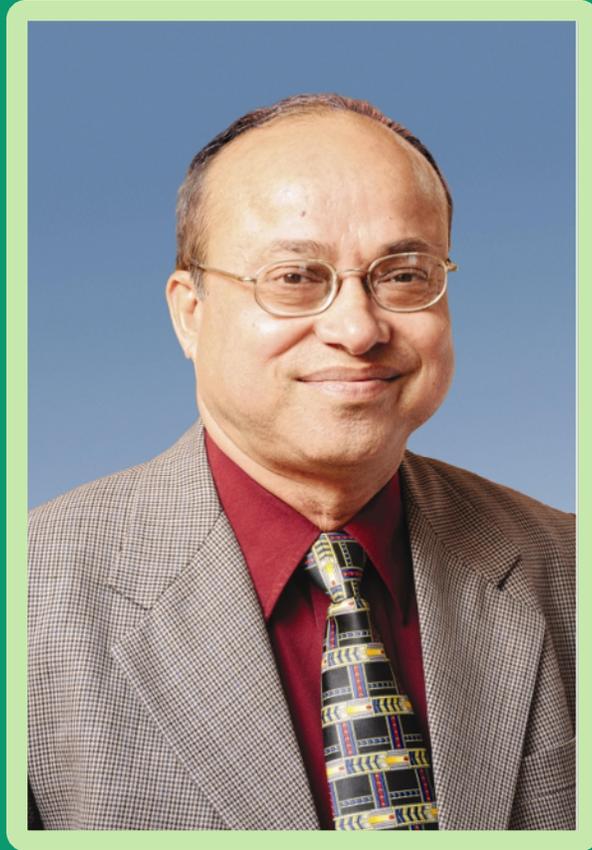
The different instances illustrate the significant and evolving role the judiciary can play in India to address the legal and practical barriers which operate to deny women and girls their reproductive rights. While litigation has its challenges, including long time frames and difficulty in implementation of decisions, the robust recognition of reproductive rights as fundamental rights emerging from Indian courts has created a mandate for the government to shift away from population control approaches, confront discriminatory stereotypes that limit women’s authority, and instead gives women’s rights to dignity, autonomy, and bodily integrity in reproductive health-related laws and policies. The judiciary also has a key role to play in monitoring implementation of existing decisions.

Further, in the coming years, Indian courts will rule in long-pending cases, such as those seeking progressive interpretations, strengthening of the legal framework & prohibiting child marriage, as well as on emerging issues such as surrogacy. In these challenging times when the world stands on the edge of catastrophe, we as a nation have to stand tall & undivided. With various shifts happening in the legal world today, we can only hope for the best.

## ENDNOTES

- 1] <https://reproductiverights.org/sites/default/files/documents/Reproductive-Rights-In-Indian-Courts.pdf>.
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*Decade  
Review  
by the  
School  
of  
Law  
Faculty*



## **Prof. (Dr) Keshab Nandy**

Prof. (Dr) Keshab Nandy is Professor of Management with us and comes with rich 39 years of experience spread across Teaching, Civil Service, Magistrate, senior positions in Reserve Bank of India, Unit Trust of India and as SVP, Occupier, CVO and Director in Boards of 5 well known Manufacturing Companies. He is member of various Corporate Committees and Industry bodies like Bombay Chamber of Commerce & Industry etc and recipient of several prestigious awards by different Govt and Industry bodies. He is a reputed motivational speaker in India and abroad and is an acclaimed NLP trainer. His book "Be a Habitual Winner" is a best-seller.

## Changing Industrial Relations Perspectives Post-Globalization

by Dr. Keshab Nandy, Professor of Management, NMIMS, Navi Mumbai

Post-Independence, when the country was overwhelmed with socialistic fervor, myriad labour legislations were enacted to protect the interests of the labour class. This was done on the assumption that labour class generally gets exploited by the factory owners and industrialists with low wages, long working hours, absence of safety norms and rules, etc. etc... Though most of these legislations were originally intended to protect the interests of labour, in reality, most of these being highly restrictive, created militant trade union practices, frequent strikes, and agitations affecting productivity in all sectors very badly. The situation got further compounded with the Government's vow to elbow out any form of competition from foreign companies to Indian goods and services by increasing many duties including the most crucial Customs Duty to an abnormally high level, resulting in zero competition and thus low long-drawn growth rate of 3 percent, contemptuously branded by Economist in India and abroad as "Hindu rate of growth". The sub-standard quality of goods and services that our companies were producing in the absence of any competition to them, were not imported by any country including even, then-lowly Sri Lanka, Bangladesh, etc. putting serious pressure on Foreign Exchange (FX) Reserve position in Reserve Bank of India. And import was burgeoning since we had to import medicines, fertilizers, aeroplanes, armaments, etc that required to be paid to foreign exporters in Foreign Exchange, the reserve of which was always in pitifully low condition. Then a stage came when RBI had to throw up its hands and the Govt in the helm, with Dr. Manmohan Singh and Mr. Narasimha Rao, we went in 1991 to International Monetary Fund to

borrow and boost our FX reserve. Out of the twelve conditions that IMF set to agree for the loan, the first condition was to Open the Market by reducing Custom Duty, which paved the way for goods and services by foreign companies to be available in our market at less duty and thus gives competition to Indian companies, which phenomenon otherwise came to be known as liberalization or globalization. The main objective of the 1991 World Bank-IMF-led afore-said economic reform programme for India was to increase the GDP growth rate from 3 % to a much higher rate of growth in keeping with the latent potential for growth in our country. This was to be achieved as highlighted, by a sharp shift in the economic policy regime, from the *dirigiste* type of the earlier decades to an unambiguous market-friendly one. Consequently, the growth rates of both aggregate and per capita national income have been very impressive during the last few years with the pace, as well as the nature of growth, being strongly impacted by India's integration with the world economy through gradual trade, investment, and financial liberalisation.

What have been the effects of this accelerated growth with structural shifts in the economy on labour markets and on Industrial Relations(IR) scenario in general? According to the last Census of India, in the workforce, only 10 percent were in the formal sector and the rest were in the informal sector. 'Formal' does not necessarily mean unionised; in fact, the unionised sector is only a small subset of the formal sector. Out of this 10 percent, 69 percent were in the public sector and the rest 31 percent in un-organised sector.

What impact have these labour market outcomes in the last few years had on IR? During the early 1990s when the state opened up the banking, telecommunications, broadcast media, and the domestic airline sectors to private players, the left unions strongly protested. Now, looking at the empowerment that the large-scale diffusion of mobile phones and the falling price of air travel due to competition has caused, few are sympathetic with unions in these sectors. Many would argue that the introduction of private players has slowly forced service quality improvements in state-controlled airlines and banks. Since the 1990s, thanks no doubt to increased media focus, a 'consumer capitalism' ethos has permeated the society and many ordinary people see Indian trade unions as representing declining sectional interests. As **Bhaduri and Nayyar (1996: 139)** argue in their text on Indian economic liberalization that 'the government also needs to protect consumers against sectional interests of many unrepresentative trade unions'. More recently, there have been intense debates among the Communist parties and their unions on whether the growing IT workforce should be unionised, with major national and foreign employers fearing that unionisation would thwart expansion and employment growth. Some surveys conducted by the print media overwhelmingly found that the largely young employees in these sectors do not want to be part of any union. Interestingly, the reason most cited is that they highly value their potential for job mobility and feel a unionised environment would severely curtail this. Young employees in this new formal economy do not identify themselves with traditional unionised workers, and these issues of identity have become very important now. To reform the highly complex Indian IR system, especially its plethora of labour legislation, the government appointed the Second National Labour Commission (SNLC) in late 1999. Its mandate was 'to

suggest rationalization of existing laws relating to labour in the organized sector and secondly, to suggest an "umbrella" legislation for ensuring minimum labour standards for workers in the unorganized sector'. For example, in spite of the Contract Labour Act that attempts to regulate the employment of contract labour in enterprises that employ at least 20 workers, the 'contractualisation' of work continues unabated as there is no alternative to bring flexibility to an organization that aims to accelerate productivity in the present competitive dynamics. The overprotective labour - affecting the productivity. But you can't deploy contract labour perennially in any job since contract labour as per the Act must be deployed for the seasonal nature of work and if deployed for more than 240 days at a stretch, will have to be regularized. Nothing wrong with regularising them but in our socio-economic condition, once anyone gets a permanent job, he gets top job security, he becomes a trade union member with protective clauses of Trade Union Act, Industrial Disputes Act, etc, his service gets almost immune to any disciplinary action which makes him bolder not to be very dutiful in the job, means laxity in cleaning and dust accumulation stops the machine intermittently. So the author and his team did a bit of research and found out two ways. First, to appoint officers to do a cleaning job and since being officers they can't join trade unions, we can make them amenable to discipline and flexibility. Second, set up a co-operative society of individuals to do a maintenance job. Give cleaning job to the Society with a "JOB-CONTRACT", not "work contract". This means, the Currency company is giving job contract to clean say 10,000 Sq Feet area and the rate of payment fixed per "Sq Ft wise" and not "worker wise" as earlier. How the Cooperative will clean, either with man or machine, it is their headache. Still, the member individuals of Co-Operative went to Labour Court for regularization after 240 days but the author

the member individuals of Co-Operative went to Labour Court for regularization after 240 days but the author himself argued before the court that Contract Labour Act which gives right for regularization of workers is not applicable here as because being members of Co-Operative Society, they are OWNERS and not WORKERS, so Act not applicable. Next, it is a JOB-CONTRACT and the contract does not talk of workers at all, but only Sq Feet areas to be cleaned and could be done with machines. The case was won by us and many industry bodies while felicitating the author, has since been following this approach. So when smart managers can still win with their innovative leadership skills, there was an urgent need to reform this series of counter-productive Labour Laws to convert IR to be Productivity centric. Thankfully, the Govt of India has recently passed 4 Labour Codes by simplifying and merging the plethora of suicidal labour laws. A brief of them is as under:

Recently, the Lok Sabha passed three labour code bills - the Industrial Relations Code, 2020; the Occupational Safety, Health, and Working Conditions Code, 2020; and the Code on Social Security, 2020. This merged the 24 remaining central labour laws, giving the country four labour codes altogether. This comes a year after the Parliament passed the first labour code in 2019 - The Wage Code.

In fact, as early as in 2002, the Second National Commission of Labour suggested consolidating and streamlining the labour laws to bring in uniformity. The government now proposes that the four codes together will increase the scope of social security and allow flexibility for employers to hire-and-fire workers without the government's permission.

#### **Key Proposals:**

The Industrial Relations Code, 2020 puts forth more

conditions that limit the rights of workers to strike - they have to now give a 14-day notice if they wish to go on a strike. Presently, a notice is required for assistance; and old age homes". The government can tap Corporate Social Responsibility(CSR) funds (within the meaning of the Companies Act, 2013) or any other such source as may be specified in the scheme.

The impact on women workers:

For most women workers in India, working is but a matter of survival. A large number of women are employed in the agricultural field for farm labour. They also work in non-agricultural services like construction, where they receive low wages and have no health protection whatsoever. But while they earlier had restrictions, the new codes bring in gender equality. For the first time, the codes also recognise the rights of transgender persons. It makes it mandatory for industrial establishments to provide washrooms, bathing places, and locker rooms for male, female, and transgender employees.

The Occupational Safety, Health, and Working Conditions Code, 2020 allows them to do all kinds of work even before 6:00 am and beyond 7:00 pm, with consent. That means - women workers can now take up any job and work for however long. Where the work is potentially hazardous, the government is to direct the employers to provide women workers with safeguards. However, the code does not specify any guidelines or mention what these safeguards are. It also mandates that no establishment can knowingly hire a woman worker during the six weeks following a miscarriage, delivery, miscarriage, or medical termination of pregnancy.

While the new codes have been applauded for their positives, critics still have a few concerns. The IR Code now proposes that employees, irrespective of the industrial establishment, cannot go on strike unless they

give a notice of fourteen days. This limits their right to voice concerns as employees. To top that, analysts say that this will not bode well for workers in smaller establishments with less than 300 workers.

“The increase in the threshold for Standing Orders from the existing 100 to 300 shows the government is very keen to give tremendous amounts of flexibility to the employers in terms of hiring and firing...dismissal for alleged misconduct and retrenchment for economic reasons will be completely possible for all the industrial establishments employing less than 300 workers,” as observed by the XLRI professor and labor economist, KR Shyam Sundar.

While women do get more opportunities, the lack of safeguards and the implementation of the notion where they work ‘with their consent’ falls flat in a situation where economic pressure is the driving force for their choice of work. The codes will come into effect in December 2020 especially at a time when the Pandemic effect on our economy has been disastrous, pushing back the entire population of people who over the last decade through pro-active Govt efforts and their own hard labour had come above the poverty-line. Let’s hope that on the strength of these pro-productivity labour codes, we can turn around our economy much faster on the path of high growth and development.



## **Prof. Rakhi Raturi**

An English Literature graduate from Delhi University and MBA in Marketing. Prof. Raturi is presently pursuing her PhD in Media and Advertising. She started her career with ABN AMRO Bank, New Delhi in the corporate branch as a member of the Investment banking Relationship Management Team for HNI Customers. She has also worked with ICICI Bank in Retail Banking Division, New Delhi. Prof. Raturi, since 2009, has been working as a Marketing faculty in various Management Colleges in Mumbai. She is also an enthusiastic poet, a bookworm, and likes to be surrounded by young & enthusiastic minds.

# Defying logic, embracing emotions: India's Consumers Story

by Prof. Rakhi Raturi , Marketing , NMIMS

"Consumers of today are like a rainbow; from discount seekers to the millennials who want engagement with the brand..."-Prakash Wakankar, CEO, Mahindra Two Wheelers Pvt. Ltd

The Indian consumer is an oxymoron. You can find him queued up patiently for the brand launch, and you can also find the same person negotiating over price with a roadside vendor. Nonetheless, this country is an attractive market of the young, tech-enabled, educated population still connected to festivals' vibes and the love for movies. It is a nation of 1.2 billion with diversity in beliefs, lifestyles and preferences. Here, a small-town shopkeeper treats the customer like a God and treats each one with a unique style. The multinational brand may still not understand the privilege given to the customer here: he is just a number and not a person with a name and an identity.

In the backdrop of changing times, the International luxury brands are foraying into the country. On the other side, homegrown brands are getting popular; it is essential to pause, take a step back and demystify the Indian "grahak".

## INDIA THEN: THE LIBERALISATION WAVE

"Their fathers worked at government jobs, on relatively low salaries, leading frugal lives, glorifying Gandhian simplicity.

They had the best Indian education at IITs and IIMs...They joined the corporate world, rising the ranks..." -(Chadha & Husband, 2010)

In 1991, the Indian Government, under the Indian Congress Party opened its markets for multinationals. There were shopping centres and large format

departmental stores opening in big cities. It turned out that consumers were difficult to be convinced of an expensive purchase. There were factors of constraints: incomes were still not that high, the mentality to spend was conservative, and they were still loyal to the 'mom & pop' retail. Although the consumers' attitudes remain elusive, the consumption has substantially increased now. Young India was now earning more and shifted to the double-income family, which has fuelled up the aspirations for the material hoarding. There was an interesting survey done by the Gallup Organisation (Gopal & Srinivasan, 2016); it examined the hopes and habits of the consumers and mentioned some unique traits for the period 1996 to 2006:

### Rise of materialism

With our deep roots in spirituality and philosophy, the materialistic thoughts are usually rejected. However, this phase reflected the emerging psyche of young consumers who wanted to buy more because they worked hard for it in their professions.

### Way to entertainment and leisure activities

Indians started to save money not only for the rainy day but also for recreation. The philosophy of enjoying life's good things gained momentum, and it saw a surge in demand for electronics and appliances.

### Ethnocentric Tendencies

Indians trusted foreign products, especially related to technology. However, the need for ethnic never slowed down, and India took great pride in things from their own nation. In 1996, only 34% of those expressed confidence in Indian brand; but in 2006, the percentage rose to 56%. MNC has indigenized in a certain way.

Brands like Philips and Hero Honda have customized themselves to have an Indian appeal, although still under an international name's flagship.

## **INDIA NOW: THE GENERATION OF DIGITAL NATIVES WHO ALSO LOVE IN-STORE EXPERIENCE**

This decade is ruled by technology and connections through social media. The use of Fitbits, iPads, smartphones is normal and online chats over WhatsApp, Instagram, and Twitter are daily rituals. People are also exploring the online shopping experience. As per Indian Ecommerce Industry Report (September 2020); for the year 2018, there were 120 million online shoppers, and the number is expected to be 220 million by 2025. 69% of Indian consumers begin their purchase journey with search engines to gather knowledge about the products. More than half (55%) of the consumers refer to the product review and price comparison sites (51%). The consumer is still attached to the brick and mortar shops to love human interaction and the trust for "touch and feels" concept for a few product categories like apparels and jewellery. According to Goldman SACH's report, 2016, the Indian consumption is definitely dependent on the Millennials and Generation Z with their better job prospects and desire to grow.

### **The seven areas where Indian consumers are spending in this era:**

Eating out, exotic Food deliveries & love for organic.

The home delivery concept is becoming a regular habit for Indians on the weekend and special occasions. The online food ordering sector has now grown to 4 lakh average daily orders (Source: Google Internal Search Data, 2019). Indians still buy fresh produce of fruits, vegetables and dairy products in a frequency which either weekly or after every three days. This is the same

reason why Kirana stores are still popular and acceptable in nearby neighbourhood streets. They definitely have an advantage of acquaintance, easy credit and fast and free home deliveries of stock. There are over 15 million traditional "Kirana" stores in India, which comprise 88% of the total retail market. Brands like Amazon Easy, Grofers, Swiggy are connecting traditional stores to the e-commerce sector. Kirana shops can act as delivery points or help customers place orders.

The natural, organic, herbal, Ayurveda and other traditional products continued to be liked by consumers. The basis is the cultural learnings on home remedies and trusts that such products have no side effects than Western medicines. This doesn't mean that people are not following the global fads: According to Google trends-2019, Ketogenic diet and Gluten-free are the top searched words in India.

### **Fitness and Well-being**

India's heritage sources mention yoga, meditation, and Ayurveda practices for mental, physical and spiritual growth. The modern generation gradually realises its relevance, but only after it became popular in the international circuits. While the gym culture is certainly booming, other health-related activities are not behind. A fitness enthusiast can choose anything from Zumba, MMA, kickboxing, aerobics, power yoga and even a customised plan designed only for him. Apart from this, even rejuvenation centres like spas and salons have been flocked by the city dwellers. There are dieticians and weight loss trainers who are giving consultations to people regarding their dietary intake and exercise schedule. Consumers are exploring a fusion of traditional yoga practices and exercising on modern equipment to achieve health-related goals. Indians' love for good health and fitness is accentuated by the ample information on wellness available in magazines,

magazines, television and the internet. There is also demand for home gym equipment and fitness-related mobile apps.

What we eat is now becoming more relevant and a point of discussion. There are superfoods, health supplements, Ayurvedic ingredients and other products in the market, promising to boost immunity and elevate health standards. Brands like Yogi sattva, Patanjali, Monsoon Harvest are producing healing teas, protein bars, 'farm to fork' delivery kitchen, plant-based treats and much more to satiate the cravings of a health-obsessed soul.

### **I want to look my best!**

India is the land of music, art and movies. The way Bollywood influences society is indeed intriguing. Most of the famous actors are also the fashion icons of many. Styles and fads created by these celebrities are often the best-selling products in the market. For global styles, internet and the lifestyle media provide ample information to feed a fashionista. Fashion bloggers and Influencers are gaining popularity in India as they understand fashion for every body type and skin tone and advise its followers on how to look trendy for any occasion. These factors revolutionise the Indian wardrobe, and every Indian youngster would have more western accessories than the ethnic ones.

Apart from clothes, India is a huge market for hair products, skin creams, deodorants and cosmetics. According to a research note by a consulting firm RedSeer, by 2025 this demand would triple from \$6.5billion to \$20billion. It's not only females conscious about the skin regime; Indian males are also not behind. There was a time when male grooming was restricted to a dab of cream and aftershave lotions, and culturally it was a taboo to use something else. Now males are also keeping up with the trends in fashion. It could be keeping a 'goatee' beard or joining in to "No shave

November" fad. Nykaa, India's online beauty brand launched a website devoted entirely to male grooming offering more than 5000 products. Then there are people becoming a fashion rebel: Ranveer Singh donning a kohl-lined eye for a movie promotion; following the trail was Arjun Kapoor and Shahid Kapoor sporting makeup in a fashion event.

### **Dream of a beautiful home**

There is no place like home, and Indians believe earnestly in this statement. Buying a house in our country is synonymous with success and an indication of prosperity. Land ownership and the property is an issue of tussle from the times of the ancient civilisation. It gives an Indian a sense of security if he can buy his own house. It's convenient for a family to stay in the same locality as one can have a long-lasting social relationship both for adults and for the children. The Aspiration Index survey by BankBazaar in 12 metros and non-metro cities in 2018 found that Millennials still consider buying a house as their biggest aspiration like it was the case with their parents. A similar Aspiration Index by Financial Express in 2019 categorised three age cohorts:

"Early Jobbers" in the age group of 22 to 27

"Moneymooners" in the age group of 28 to 34

"Wealth Warriors" in the age group of 35-45

These three categories' responses indicated that aspiration for home becomes stronger with an increase in the age that actually contradicts the natural tendency that dreams are more with the younger minds. However, the highest aspiration percentage was for the Females in the age group of 35 and above. Again it's a positive sign which can be contributed to the fact that women have become independent and more ambitious than the previous generation. With easy home financing and

## **NDIA in FUTURE: TIME, MONEY & QUICK DECISIONS**

A survey by Boston Consulting Group's Center for Customer Insight (CCI) named as "A Survey Designed to Uncover Future Consumer Trends" reflected on the following trends:

**Demand for Time-Saving Products & Services.** The emergence of nuclear families and dual-earner set up have intensified the need to save time on things which can be easily outsourced. The modern age couple seeks ease and convenience for household cleaning, repairing and maintenance tasks and Brands like Urban Company and Handyman become their saviours. Precut and frozen vegetables, voice-enabled gadgets, online payments, mobile payments, app-enabled coffee maker, air fryers are all going to be in greater demand in future.

**Customization of Products.** Imagine a guest in a restaurant who wants less spicy food, without olives and to be served hot! This kind of requests would not be uncommon for other industries too in future. The new-age customer expects their brands to customize everything to fit his preferences and taste. The tradition of mass-produced products may be over because now the customer is even willing to pay extra for his purchase order. The online retailers are more prompt in product customization and personalization .

### **The Rise of the Female Decision Maker.**

The females are educated and empowered and yearning for a better status in a male-dominated society. Many are making a strong impact on the corporate front. Overall, her status in the family is also considered to be respected. The housewives initially burdened with work are now taking house help for the home-related chores. They are giving time to their health and happiness. Obviously, they are important as consumer groups for

household items and expensive purchases in Real Estate, Automobile, and financial portfolios investment.

**Renting over Buying & Sharing over owning.** The city people are renting appliances, furniture and even clothes. We are now sharing product and services with friends and strangers through social media groups and apps. The ownership of assets may not be crucial in future, and we may finally break the taboo, which relates to second-hand things. For our work-related and personal travel, we are booking sharing cabs through an app. We book our holidays using shared platforms and are happy to share homes owned by others for vacations. We share workspaces, and there are initial signs that we are willing to rent out shared clothing. Uber and Ola, Oyo and Airbnb are here to stay strong. A lifestyle with minimum resources may become a trend sooner.

**Nation's Pride and Responsible marketing India** is surely riding on patriotic sentiments and getting attracted to ethnic and homegrown products. Two brands that were noticed because on nationalism were Amul and Patanjali. The demand for 'made in India' has increased after the PM's clarion call for 'vocal for local'. Apart from that, customers are seeking products based on their origin and heritage. Many differentiated labels are emerging not only in apparels but also in food, footwear, stationery and even liquor. The homegrown liquor brand Bira 91 is popular in the Indian urban crowd and foreign markets.

**Marketers wooing the Lonely** A very unfortunate trend is evident in the urban population, which is loneliness. This mental health issue is not only inflicting youth but also single parents, children and elderly. Although beneficial for commerce, the digital wave is contributing to a lack of real physical connections. How does it relate to being a consumer? Well, it is being said that consumers dealing with loneliness may enjoy the

.and affordable housing projects, the dreams may continue to flourish and be fulfilled.

### **Mobility and Connectivity**

The vacation is incomplete if it is not updated in your personal status! Indian are connected and on the internet like never before: booking a hotel in Trivago, ordering food from Swiggy, taking services from Urban Company, or buying stuff from Amazon. The digital mediascape is buzzing with activities. From virtual demonstrations to inquiries through chatbots, there is a drastic change in consumer behaviour and their interactions with the brands. In terms of number, there were around 719 million subscribers in India in 2019. Internet accessibility has indeed boosted social media engagement and online transactions for consumers.

The internet has thus enabled better marketing of goods and services, given more entertainment platforms, it is a place to review and give feedback on brands and much more. Although the technology ecosystem is growing, it is still restricted to bigger cities, and there is ample scope for the rural market to be tapped. As discussed before, the consumer expectation from the businesses is an Omnichannel experience. This means that customer wants to be connected both offline and online, which makes it important for companies to invest both in online retail and offline experience.

### **The growing interest in fun, travel and entertainment**

Spending free time is now not restricted to weekends because technology has changed when and where we have fun. Online activities liked by Indians are gaming, social media, video streaming, and even trying dating apps. Netflix has able to gather maximum viewership in terms of OTT preference. The fresh and diverse content on these platforms is gaining popularity among viewers of all age groups.

There is definitely an increase in screen time, but outdoor recreation is still strong and popular. Eating out and local travel is a way to escape from the normal routine. Surprisingly, it's young and the age group of 35 to 55 years who like to indulge in these outdoor trips. The most favourite activities for any educated, middle-class family in a metropolitan city are:

- Going out for the latest blockbuster movie in a multiplex cinema
- Shopping mall visit for fashion purchase or just window shopping
- Visiting fine dine restaurant and bars either with friends or family
- Attending a house party or a club party

On longer weekends, families may plan a short trip to a nearby resort, and for longer vacations, it can be a more exotic location in the country or abroad. These trips are considered a social status thing, and people are quick to update it on their social media accounts. One more interesting trend is combining business travel with leisure which is called as "Bleisure". Here travel enthusiasts may travel solo or with their family and enjoy their free time while also managing the work commitments. For the rich and the affluent groups, food and travel is a way to experience transformed into an experience 'unique ambience, storytelling and delicious displays'. The brands like Emirates Airlines, Starbucks and PVR Luxe Cinemas strive hard to display and offer luxury to their elite customers, combining opulence and innovation.

shopping experience. A salesperson with his easy conversation may, in fact, could be a mood lifter for the lonely person. Research is done worldwide to investigate how loneliness may be reduced with an in-store experience and social interaction with the retail staff.

This can come as a boost to offline retailing because, in an online marketplace, an AI assistant or chatbots can merely respond to a set of pre-feed queries and not form a conversation per se.

## CONCLUSION

The patterns of consumer behaviour discussed above were about when there were just momentary financial and political upheavals but nothing beyond that. But the present pandemic situation has changed the dynamics of industry faster than what any economist or a marketer could have ever imagined. Almost within a day, the mall retailers and shopkeepers had to shut their shops without any clue of reopening. Indians who were not quite confident of online shopping were buying everything from Amazon. The marketers were asking questions: Is this shift permanent? Will the consumer ever revisit the malls? If it does how would they cope with social distancing and safety norms?

There are two schools of thought: One that believes that consumers are now evolved and more responsible for their consumption. That they would restrict the shopping spree, which is unnecessary or not sustainable. Yet another school claims that it's too early to predict and that people would gradually come back to their old habits. As it is with India, we can already see that consumers are shopping for festivals and wedding season (which runs from October to December) and going in public spaces despite the government's health warnings. In fact, Consumers' intent to engage with out-of-home activities and take a short vacation has also started in a few country sections.

As Rama Bijapurkar in her book on Indian consumers says that the DNA of Indian society is such that a consumer in India adopts a 'this as well as that approach'; the future of India must be thought of in terms of coexistence, fusion, loosening of rigid structures and new ways of doing old things. Consumers are right now gravitated towards online shopping for essentials and going out for recreation, and it is still too early to predict where they would finally stop.

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## **Prof. Shreya Madali**

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# Transposition of Related Party Transactions in the decade gone by

by Prof. Shreya Madali

The legislation of Companies in India went through a major resurrection in the decade between 2010 & 2020. The landmark of such events being the introduction of the Companies Act 2013 which paved the way for an advanced and reconditioned enactment. Since the 1956 act, there were ample changes in the dynamic business segment and a total shift in the Indian corporate scenario. With the introduction of newer forms of business enterprises followed by enhanced participation in the field, to watching the rise of technology and its amalgamation with business precisely companies and its various forms, it was imperative that a more evolved and inclusive legislation was important.

The concept of related party transactions was known since the Companies Act, 1956. It was addressed emphatically in the act of 2013. However, it gained wide popularity, and the concept was thoroughly mannered only after the massive scams such as Satyam Scam from 2009, Kingfisher scam earlier this decade, the Jet Airways crisis etc. The one common thing was the violation of related party transactions to a great extent. In fact, the infamous Enron Scam of the United States took global corporations and companies' focus on related party transactions and its correlation to companies and associated compliance. The Enron scam was an eye-opener regarding the necessity of reframing laws of related party transactions and its importance. Certain questions were raised internationally about it, and its efficacy and India was not left far behind. Around the same time, it was also noted that related party transactions were used to diversify funds by companies to their subsidiaries, associate companies, projects etc. which ultimately resulted in losses borne by shareholders, creditors etc.

Sections 297, Companies Act 1956 describes transactions of persons related to officials of a company as Related Party Transactions. This section broadly covered transactions relating to the sale, supply or purchase of any goods, materials and services or for underwriting subscription of any shares in or debentures of the company. It was focused on approvals from the Central Government and subsequently also laid down exemptions for approvals if sale/purchase was for cash, as per the then prevailing market prices, transactions less than Rs. 5000 & ordinary transactions are done by banking and insurance companies. There was ample emphasis on approvals and the need to ensure that the central government was kept abreast of transactions revolving around related parties. The one big drawback was the absence of insistence on company's divulgence involved in these related party transactions.

Considered as one of the most crucial sections of the legislation on Companies, related party transactions are a core aspect of Corporate Governance. Related Party Transactions are done to evade the law or favour a company give rise to a conflict of interest unacceptable in law. The entire objective of related party transactions dealt with in updated legislation is focused at making transactions between related parties transparent and entirely compliant as though they were unrelated parties and no unnecessary favours are to be granted and that there is no scope for favouritism, evasion of law which is focused in the new companies act 2013 in its sections pertaining to related party transactions and the several amendments that followed.

This was brought to light after multiple scams in the area as well as various instances wherein the sections of the 1956 legislation lacked. This was witnessed predominantly in the decade of 2010-2020 & the latter part of the last decade.

The Companies Act, 2013 focused more on disclosures rather than approvals in case of related party transactions. That way, companies were bestowed with wider responsibilities of ensuring that they are compliant, transactions are done legitimately and are well warranted by law. Of course, there still is the aspect of approval, but its ambit is broadened. The expansion of this aspect led to developed participation from the company, which aimed to bring together collective consciousness in the decision-making process of related party transactions. It was catered to under Sections, 2(76), 188 of the Companies Act 2013. Additionally, Regulation 23 of SEBI's LODR & Rule 15 Companies (Meetings of Board and its Powers) Rules, 2014 & its amendment of 2019 also address the topic of related party transactions. Post the 2013 act, there was a shift in how this was looked at from the point of view of corporate governance and gained popularity as transactions executed between related parties at an arm's length basis. An example of this can be where a parent company provides loan at the same rate of interest to its subsidiary just as it may do to an external company. This will mean that there is no differentiation and that transactions between them are crystal clear despite it being a parent company of the same subsidiary that borrowed money on common terms. Another example of authorities setting the seal on effectively related party transactions in the recent days can be witnessed by the case of Jet Airways and its subsidiary JP Miles which was suo moto filed by MCA and examined by SFIO where fund diversion was witnessed by an SBI commissioned audit which revealed misappropriation of funds relating

to provisions of the loan and fraudulent billing for JP Miles, a subsidiary of Jet Airways. Unverified invoices were raised, leading to excess billing & exaggeration of expenses shown on their books around mid-2015. Multiple discrepancies were noted in fuel expenses, miles travelled by aircrafts reported by the company. So finally when SFIO took over, their investigation indicated that the company as prima facie involved in malpractices, mismanagement and that certain transactions were suspicious in nature.

So while there's a lot of talk about the compliance of related party transactions, the following are the changes that have occurred or the developments witnessed in the decade 2010-2020. Related parties are persons/parties directly related to the directors, key managerial personnel, managers holding strategic positions, holding, subsidiary or associate company, etc. as per section 2(76) of Companies Act, 2013. This term was defined for the first time in the 2013 Act and ever since after, there are changes witnessed in the amendments that followed. With a view to expanding its scope, the Act of 2013 in Section 2(76)(viii) as enacted in that year covered holding, subsidiary and associate companies but the inclusion was limited to Indian Companies only. The international subsidiaries were not taken into account which gave levy to companies to interpret the law in the exact wording and still continue unaccounted transactions with their subsidiaries abroad. In the amended version from 2017, legislators have added International holding, subsidiary, associate companies, entities having a significant influence on companies, as well as investor companies within the broadened definition.

The notable section 188 of the Companies Act 2013 is the essence of related party transactions which was earlier spread across sections 297 & 314 of the Act of 1956.

-While the 1956 act limited the ambit of the Board's approval only to Sale, purchase or supply of any goods, materials or services, underwriting the subscription of any shares in, or debentures of, the company; The 2013 Act widened the scope to sale/purchase/supply of any goods & materials, buying/selling/disposing/leasing company property, the appointment of external parties as agents for goods/materials/services/property, the appointment of related parties for activities of subsidiaries/holding/associate companies & underwriting the subscription of any securities or derivatives thereof, of the company. The amendment of 2019 further added that nothing contained in Section 188 should apply to a company in which 90 % or more members, in number, are relatives of promoters or are related parties. This symbolised the effort of the lawmakers to compel maximum disclosure by expansive enlisting.

-The stature of the Board of Directors is also redefined and given importance in related party contracts when comparing to the scenario before 2013 and after. There is accountability at every level in a company, especially when transactions revolve around related parties. Rule 15 of the Companies (Meetings of Board and its Powers) Rules, 2014 along with Section 188 of the 2013 pin spotlight on transactions other than of the ordinary course which is at an arm's length basis requiring the approval of the Board of directors through a resolution. This speaks volumes of encompassing accountability and compliance. While this practice was not reckoned prior to the 2013 act, its inclusion sure has been a boon for creditors and shareholders investing money as masses in larger companies specifically, that the Board which acts

as Trustees will make informed and justifiable decisions in transactions precisely involving finances of the Company. The amendment of 2019 did elucidate the exemptions of such approval to - transactions of the ordinary course, and on arm's length basis, Resolution not required for transactions between a holding company and its subsidiary whose records are united with such holding organisation and put before the investors & shareholders at the general meeting for endorsement and If there should be an occurrence of a transaction with a wholly-owned subsidiary, the resolution passed by the holding organisation will be adequate to go into the exchange between the wholly-owned subsidiary and the holding organisation. This recent amendment is a respite to companies wholly owning their subsidiaries not only to establish uninterrupted control but also to maintain the autonomy of free flow in sanctioned decorum.

-As mentioned earlier, the upgraded legislation on related party transactions now focuses on disclosures; Section 188 of the 2013 act mandated uncovering of all contracts coming under this sphere & providing justification in the report of the Board. The absence of this from the earlier enactments gave scope for evasion from being noticed by the creditors, investors and shareholders of the company. The loophole was counterbalanced graciously.

-While the updated law warrants maximum compliance, there is no denying that companies comprise of individuals of different temperaments and intentions. There can be pseudo activities carried on when it comes to related party transactions by certain officials of the company. While the Companies Act, 1956 did not really speak of an effective way to deal with it; the 2013 act surely did corroborate companies to proceed against such individuals in the capacity of directors etc. who had authorised contracts in connect to related parties in violation of the law & to acquire recovery of any losses sustained thereby. The 2019 amendment further goes on to persuade that such unconsented contracts can be ratified by the Board with 3 months from the date of the contract and the ratifying directors shall indemnify the company against any loss incurred by it precisely if the contract or arrangement is with a related party to any director.

-Penalties for violations in related party transactions were not deciphered in the Companies Act 1956 but surely did make way in the 2013 act. When multiple financial and corporate scams were notified and publicly discussed, there was a pressing need to penalise the malefactor. This decade, in particular, witnessed calling out of such individuals and companies largely. While the consequences of non-compliance were accentuated influencing the need to not only be compliant but also that regardless of the eminence of such companies or their promoters/officials/directors etc., nobody went unnoticed or got away ingeniously.

Prior to when the companies whose paid-up capital was Rs. 10 crores or more, they needed shareholder's approval. However, presently as per the restructured rules changed threshold limits have been presented. These altered arrangements are more advantageous for those ventures having modest net worth as they can profit the advantages effectively by these corrected arrangements but organisations having higher net worth will confront trouble in getting the approval of

shareholders. The previously mentioned money related limits are certainly a decent advance, yet bigger companies may confront issue since this threshold limit is exceptionally low. These limits may make some devastation for the enormous corporate undertakings too. There remains a grey area which does not talk about the transaction which takes place between two wholly-owned subsidiaries. To conclude this review comprising of how the decade witnessed a shift in the outlook towards related party transactions, it is also important to look at what the law previously was and the missing angles which laid the substructure for the facets of such transactions and its implications on the company, its creditors, investors and shareholders. The mentions in the updated legislation and its various amendments throughout the last couple of years have to go hand in hand with other important indications of the Act.

#### **Endnotes:**

[1] Companies Act, 1956

[1] <https://economictimes.indiatimes.com/industry/transportation/airlines/-aviation/mca-orders-probe-into-jet-airways-over-alleged-mismanagement-including-siphoning-of-funds/articleshow/70077599.cms?from=mdr>



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## G.I. Tags for India

by Prof. Megha Ojha

Diversity in languages, food, art and craft enriches India, and historically, many of India's traditional products are recognised with their place of origin. Banarasi Saree, Patan Patola, Surat Zari Craft, Blue Pottery of Jaipur, Bagru Hand Block Print, Pochhampally Saree are just some illustrations. GI Tag's worth is well understood because GI Tag gives an idea about those goods/products which are flag bearers of culture and heritage of India. GI identifies a good as originating in a region where a given quality, reputation, or other good characteristics is essentially attributable to its geographical origin.

The manifest MADE ONLY IN INDIA stimulates an impression that can be used for specific goods/products those belong to India only. Generally, for GI registration product's name linked with its place name, GI name indicates the origin of the GI product/good.

GI concept recovering thoughtfulness among all of us why GI tag has considerable significance in highlighting our origin-specific quality products. In India, mostly the GI products possess peculiar quality and uniqueness because of the knowledge and skills that have been preserved by various traditional communities of India over generations. Therefore, registration and protection of GI products have crucial importance for India.

Due to globalisation and liberalisation, India's origin-specific quality products disappeared from production scenario because producers of these products could not compete for big corporates without recognition and support from the Indian government.

Indian Parliament through the enactment of the Geographical Indications of Goods (Registration and Protection) Act 1999 has created a scope for identification, registration and protection of the GI

products/goods. The GI Act came into force on 15 September 2003. Till December 2020 a total of 370 GI products have been registered in the GI Registry of India. In the last one-decade (April 2010 to December 2020), 250 GI products have been registered in India's GI Registry.

As per data available on 'ipindia.nic.in' website, till December 2020 out of total 370 registered GI products, total 214 GI products belong only to handicrafts category followed by agricultural products (112), manufactured products (24) foodstuff (18) and natural goods (2). Among these registered GI products in India's GI Registry, handicrafts products constitute the highest contribution total of 57.8 per cent.

To be protected under the GI Act, a good must fulfil certain conditions. Firstly, it must be good as per the definition of 'goods', provided in Section 2(1)(f) of the GI Act. Secondly, the name of good should be geographical; however, in some cases, it may also include any traditional non-geographical names, which have required connection with a particular geographical area or location. Thirdly, the good must possess special characteristics and uniqueness, which essentially attributable to its geographical origin. Various research studies suggest that intensity, growth, and development of the registered GI products depend on several factors viz. level of awareness among customers and producers, active participation of authorised users of the registered GI products/goods, the cooperation of registered proprietors, monitoring, quality control and preference of the customers.

At present, the government of India is promoting Indian products through MAKE IN INDIA initiative. In this context, it is also imperative for India to ensure the registered GI products' success. Thus, the Indian government must make some efforts towards GI products to promote them worldwide. Promotion of Indian GI products would encourage GI producers to continue with their production. Through GI Tag, employment-related opportunities can also increase in India's various rural areas because most of the GI products are originating from various rural areas of India.