

Farm Bills 2020: Impact on the future of farming: A Review

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Abstract: The three new Farm bills 2020 in India passed by the Parliament of India. Which are aiming to introduce reforms in the agricultural sector are: 1) Farmers Produce Trade and Commerce (Promotion and Facilitation) Bill, 2020. 2) Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Bill, 2020. 3) Essential Commodities (Amendment) Bill, 2020. In addition to that, the new amendment says the government shall impose a stock limit i.e. it cannot stop a supermarket chain or any other retailer from hoarding unless there is a 100% increase in price of perishable goods, or 50% increase in price of non-perishable goods. Opposition is therefore of the view that this Amendment will only lead to increased hoarding, and an artificial price rise of things of everyday use

Keywords: Farm bills, middleman, private sector, farmers protest.

1) Introduction:

The Indian parliament recently launched the famous Farm Bill 2020, consisting of three bills aiming at introducing reforms in the agricultural sector. The reforms in any country are implemented with the intention of bringing positive changes or improvements to its people concerned. However, the above three bills have not only faced extreme objection by the opposition in both the houses, but have also led to intensifying protests by farmers in states like Punjab, Haryana, and Madhya Pradesh despite prevailing situation of COVID-19.

The agricultural marketing reforms brought about by the government through two new laws and an amendment to the existing Essential Commodities Act is in the right direction. These are overdue and should have come 20 years back. When Late Prime Minister Shri PV Narasimha Rao, assisted by his Finance Minister Dr Manmohan Singh, brought about path breaking reforms in Indian economy in 1991, those reforms did not touch the agriculture sector. Farmer continued to be shackled through mandated selling of his produce through the APMC mandis which made his price discovery poor and his profits low.

The effect of COVID-19 has significantly affected every citizen of every country across the globe in one way or the other. India is a country where the main population depends on agriculture sector. India might face a complicated situation because along with other sectors like tourism, education, hospitality, etc, even this sector will be affected. India announced Lockdown -Phase1 in the month of March 2020 where certain limitations were levied by the government. In addition to this in the same period three farmer bills'2020 were introduced which led to further aggravation of crisis situation. There are both pros and cons of all things. Similarly, the farms bills introduced might not really work well in future. In case if pandemic situation arises in future also then there will not be any stock yields left with government in their mandi boards and the private sectors will play its own selfish role leading to high prices of the produces leading to increase in demand and less supply. This study aims to study the necessity for making arrangements for drafting of strategies and policies for the food safety during post-COVID-19 pandemic such offering grants and aids for agriculturalist and supervisory the rise of arrest of food and other essential commodities. Also, a long-term plan like strengthening of the food supply chain is also the need of the hour. Every citizen should contribute his bit by joining hands together to make policy execution and every relief program across the country a success in times of need.

2) **What are the three farm bills passed by the Government?**

The three bills passed by the Indian Parliament aiming at introducing reforms in the agricultural sector in Farm Bill 2020 are:

- Farmers Produce Trade and Commerce (Promotion and Facilitation) Bill, 2020
- Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Bill, 2020
- Essential Commodities (Amendment) Bill, 2020

The laws are said to connect farmers closer with the market in terms of where and whom to sell their produce, the ability to store produce, and whether they can enter into contracts with big agri-business-based firms etc.

contracts which will protect them if the buyer tries to cheat them, and they will have the option to sell future produce today.

2.1.1 Criticism:

Resenting the above bill, the opposition says that if farmers sell their produce outside registered APMC markets, States will lose revenue as they won't be able to collect 'mandi fees'. The bill also raises concern for the poor 'commission agents' in states as they will lose upon their income if entire farm trade moves out of mandis. It may even put an end to the age-old MSP-based procurement system which was formulated for the benefit of the farmers to save them at the hands of corrupt buyers. Also, electronic trading like in e-NAM that uses physical 'mandi' structure will be destroyed if the trading is discontinued there causes a loss to many.

Critics point out that the bill does not mentions any mechanism of fixing a price of the produce, they raise questions like, what will happen if the buyer says the contract cannot be fulfilled because the quality of crop is not what was agreed? What protection will the farmer have in that case? Experts say that most of farmers in India are small, uneducated and marginal that are not likely to engage a lawyer or go to the court against massive supermarket chains and therefore, it is apprehended that the farmers could be exploited at the free-hand given to private corporate houses.

2. The Farmer (Empowerment and Protection) Agreement of Price Assurance and Farm Services Bill, 2020

According to the Marketplace law, the State governments can set up Agriculture Produce Market Committee (APMC), which in turn sets up markets or mandis, in several places in the state. It is at this place where farmers bring their produce, and wholesale and retail traders come to buy the produce through auctions. The APMC's across the country make sure that farmer gets a fair price for their produce, and aren't forced to make a distress sale. The buyers and commission agents are also regulated by the APMCs by providing those licensees, levying market fees.

Now, the new Food Bill says that farmers can sell their produce anywhere and not just in the APMC approved marketplace. They can either sell inter-state or intra-state or even online. Following are its key provisions:

- Farmers can now enter into a contract with agribusiness firms, processors, wholesalers, exporters or large retailers for sale of future farming produce at a pre-agreed price.
- The Marginal and small farmers that account for 86% of total farmers in India, having less than five hectares land, will gain via the aggregation and contract facility.
- The bill further enables farmers to transfer the risk of market unpredictability to sponsors.

- In addition to that, it will help farmers to get access to modern tech and better inputs used by the big firms
- Farmers can engage in direct marketing by eliminating intermediaries for full price realisation which shall in return help reduce cost of marketing and boost farmer's income.
- The bill is also aimed at providing effective dispute resolution mechanism with redressal timelines.

According to the government, the law will give Freedom of Choice to farmers. They will have a variety of marketplaces to sell their produce as per their own needs and requirements.

2.1.2 Criticism:

The opposition views that agriculture marketing is a State subject under Schedule 7 of the Constitution and thus, the Centre has no business making this law. Moreover, APMC markets currently ensure that farmers get the Minimum Support Price for their produce, which is a small amount. Activists and farmers worry that if they have to conduct trade outside of the APMC marketplace, they won't even make this much. Also, setting the MSP in the law is seen as problematic by some because it will have to change frequently, and changing the law again and again is a difficult. Others point out that the law can at least say that the trade will have to be above MSP. Experts opine that freedom of choice would not be of any value if they are unable to protect their interests.

3. The Essential Commodities (Amendment) Bill, 2020

The Essential Commodities Act was first introduced several decades back, in 1955. The Act basically regulates the production, supply and distribution of certain commodities that are considered 'essential'. So, if an item falls under this Act, for instance a food item, or an important drug, then companies and supermarkets etc cannot hoard these items or artificially increase the price during the time of shortage.

The essential provisions of the bill are:

- It will remove commodities like cereals, pulses, oilseeds, onion and potatoes from the list of essential commodities.
- It will forbid the imposition of stockholding limits on such items except under "extraordinary circumstances" like war, famine etc.
- The provision aims to attract private sector/FDI into farm sector as it will result in lesser fears of private investors of excessive regulatory interference in business operations.
- It seeks to bring investment for farm infrastructure like cold storages, and modernizing food supply chain

- The bill is said help both farmers and consumers by bringing in price stability as well as help them in creating a competitive market environment.

Criticism:

Critics state that the list of Essential Commodities as per the original Act, includes: Drugs (medicines), fertilizer, whether inorganic, organic or mixed; foodstuffs, including edible oilseeds and oils; yarn made wholly from cotton; petroleum and petroleum products; raw jute textiles; seeds of food-crops and seeds of fruits and vegetables; seeds of cattle fodder and jute seeds. However, the new Essential Commodities Amendment removes foodstuff such as cereals, pulses, potato, onions, edible oilseeds and oils, from the list of essential commodities – unless there are dire circumstances, like a war or famine, or an “extraordinary” price rise.

3) Role of MSP in Rice and Wheat crops in Punjab & Haryana

Crops like Rice, Wheat, Cotton and some of the oilseeds are global crops and their prices are influenced by global demand/supply situations. Others are all local crops whose prices are determined by domestic demand and supply situation.

Out of the 23 crops covered by MSP it is only in Rice and Wheat that the government buys at MSP. Every year the government procures about 70 million tons of food grains (essentially Rice and Wheat) to take care of public distribution system and various welfare programmes. Punjab and Haryana contribute to about 52% of the total wheat procurement and about 30% of the rice procurement by the government. Almost 90% of the rice and wheat produced in these states is procured by the government through the Mandis at MSP. In a way this has been an assured outlet of rice and wheat for the farmers of Punjab and Haryana which has not only made those farmers prosperous but also dependent on this system. This has actually led to over production of rice and wheat, thereby depleting water resources and reducing the fertility of soils due to over use of fertilizers. Crop diversification has been advocated in these two states for last 30 years but no great progress is made due to the assured returns on rice and wheat. The commission agents, called Adtiyas, provide credit to the farmers, supply them inputs on credit and also buy their produce back. They certainly do not like the idea of any reforms to the current arrangement.

What we are witnessing is resistance to change and reluctance to move from their comfort zones. Change management is a science by itself and the leadership has not carried out enough education and communication before bringing about the far reaching structural changes. This is being exploited by other political parties.

Out of the 14 crore farmers in India the majority (more than 90%) are outside Punjab and Haryana. Farm distress is high in many of those states, especially in the rainfed areas. Reforms that benefit a large section of farmers across the country should be seen in that context.

4) Farm Reforms explained and concerns addressed.

The new reforms are needed and are in the right direction. In simple language what they are trying to do are:

1. Remove restrictions on the stock holding levels of agricultural commodities with farmers, processors, exports and traders. The Essential Commodities Act is from the times of food shortages and it needed to be dumped long back. Because of this Act the private sector never invested in building storage and transportation infrastructure including the cold chains. The result is that every year we lose about 30% of our agricultural production in post harvest losses in storage and transportation. This amendment will bring private sector investments into creating modern storage systems and will reduce these losses. This will be a huge gain for farmers who can get credit against the stored produce through the warehouse receipt systems which are nowadays getting onto digital platforms.

2. The One lakh crore rupees infrastructure fund will help farmers, FPOs, rural entrepreneurs and other private players to set up farm gate infrastructure like drying yards, private mandis, storage systems, primary processing facilities in villages and similar value adding services. Such infrastructure will help the farmers in improving the efficiency of post harvest management of their produce, improve the quality of their produce, add value to their produce and discover better prices for their produce. The FPOs can gain maximum benefits by utilizing this fund.

3. **The Farm Produce Trade & Commerce (Promotion & Facilitation) Act 2020** makes the farmer free to sell his produce anywhere in the country. Private industry is allowed to set up private mandis in villages. The Act also provides for an electronic trading platform which can be used by the farmers to sell to customers who are in other states and markets. ENAM platform which government has set up and other private electronic platforms will help the farmers with this. Quality assessment of the produce will also be digitized so that the farmer gets a fair assessment of the quality. Farmer can sell at his farm gate and save on transportation costs. This will bring down the links in the supply chain from the current 8-9 down to about 2-3 so that the share of the farmer in the consumer price will improve to 50-60%. Then what is the problem?

We have to basically understand that this Act only facilitates setting up an additional market mechanism in addition to the APMC mandi system. It is not replacing the mandi system. It is similar to the situation when government allowed private airlines to come into operation in addition to Indian Airlines. Same way when private insurance companies were allowed to operate in the country in addition to LIC. These measures benefited the consumers.

In order to address the fear of the farmers in Punjab and Haryana that their established Rice/Wheat cropping system will get disturbed it is necessary to encourage Punjab & Haryana farmers to diversify their cropping pattern. This Act may help in that process. But the governments may have to create some positive incentives for crop diversification and reducing the dependence on government procurement.

Some concerns are expressed by the farmers of Punjab and Haryana. The apprehensions and the answers to them are given below.

Concern No.1: MSP system will be abolished

How it is addressed: Government has announced that MSP system will continue. There is no harm in the government giving this assurance in writing as this system has to continue as a safety net for the farmers in distress situations.

Concern No.2: Procurement by government will stop

How it is addressed: Not possible. Govt has to procure 70 m tons of food grains every year through Mandis for PDS & welfare programmes.

Concern No.3: Mandis will collapse since no farmer will sell in Mandis

How it is addressed: Mandis may lose some revenue. But they should reinvent themselves, become more efficient, tech savvy with modern infrastructure and get rid of the cartels. This will make them competitive and modern. Procurement & MSP operations will still happen through Mandis. Farmers will still use the Mandis when they want to sell food grains under the government procurement programs. Governments have to invest in upgrading Mandis.

Concern No.4: Private buyers outside Mandi will not be paying Mandi tax – loss of revenue for states.

How it is addressed: Yes. This can happen. The central government has to find a mechanism of compensating the states for this loss.

Concern No.5: Private buyers outside the Mandi will exploit by forcing farmers to sell at lower prices – farmers will not have capacity to negotiate – MSP should be made mandatory for those transactions.

How it is addressed: There will be many private players. Competition among private players which will give better prices to farmers. There is no opportunity for Oligopoly. Making MSP mandatory will defeat the purpose of the reform and will lead to highly inefficient production of crops which are not demanded by consumers. It will keep private industry away from this system. A regulatory body may be set up with adequate powers to keep an eye on oligopoly practices in these markets, especially among the big players. Even now a lot of trade takes place below MSP in mandis and outside mandis.

Concern No. 6: Fly by night operators will enter and exploit farmers, will not pay him and run away.

How it is addressed: Some kind of registration of private buyers will be necessary – Section 17(1) of the Act provides for such a system. This has to be set up by States.

Concern No. 7: No information about prices prevailing in private mandis outside the APMC Mandis. Information asymmetry will happen.

How it is addressed: Private digital e commerce platforms will have to be used with ENAM to capture all transactions. Section 5 (2) of the Act provides for this. A new system of logging price information from Mandis & Private players on digital platforms is to be developed.

4. Farmers (Empowerment & Protection) Agreement of Price Assurance & Farm Services Act 2020 makes it possible for the farmer to enter into forward contracts for his produce. This will facilitate contract farming.

This Act empowers farmers to engage with processors, wholesalers, aggregators, large retailers, exporters etc., on a level playing field. Price assurance given to farmers through the contract even before sowing of crops. In case of higher market price, farmers will be entitled to this price over and above the minimum price. These are covered under Section 5 of the Act.

Transfers the risk of market unpredictability from the farmer to the sponsor (contractor). Due to prior price determination, farmers will be shielded from the rise and fall of market prices. Reduces cost of marketing for farmers and improves his income since the Sponsor is supposed to pick up the product from the farm gate as per Section 6(1) of the Act. The payment terms are specified under Section 6(3) of the Act.

The contracts can be linked to the flow of insurance and credit facilities for the farmer from financial institutions as per Section 9 of the Act. This will be a big benefit for the farmers.

The contracts have to be registered with a designated registration authority as per section 12 of the Act. This makes sure that all the sponsors (contractors) are held responsible for the contracts they are entering into and the farmers are protected.

The quality specifications of the inputs to be used and the output to be produced would be described in the contract as per Section 4(2) of the Act.

We have to understand that production of any value added products like organic foods, nutrition fortified crops based foods, immunity boosting crops, etc have to be cultivated under contracts so that the identity preserved supply chain system can operate from farm to fork. Production of such crops under contracts will give higher incomes to the farmers.

Promotion of contract farming will increase private investments in infrastructure, local processing facilities and generate rural employment. Large corporates will depend on many small scale local players to bridge the last mile and provide services to the farmers and help the corporates in achieving the volumes they need. This will help in generating rural entrepreneurship and economic activity. Many models will develop over a period of time

which will bring the full benefits of this Act. A new equilibrium will come into play that will balance the interests of several stakeholders.

Some concerns are expressed by the farmers of Punjab and Haryana. The apprehensions and the answers to them are given below.

Concern No.1: The contractors may not pay MSP for the produce

How it is addressed: Mandating MSP will kill this initiative and will keep the private sector away. Sufficient price protection is provided under section 5 of the Act which prescribes that the guaranteed price has to be mentioned in the agreement and it should be benchmarked against the prevailing prices in the APMC Mandi.

Concern No. 2: Corporates will form price cartels and exploit the farmers

How it is addressed: Private industry players have to compete with each other. Some of the crops can be grown only in some specific areas due to agro-climatic reasons. Farmers and FPOs will have sufficient bargaining power with different private players. Section 5 provides protection to the farmers.

Concern No. 3: Farmers are not equipped to deal with large private corporates

How it is addressed: Farmer Producer Organizations will have adequate strength to negotiate contracts. It is for the State governments to set up a business advisory structure in each district/Taluk to help the farmers in negotiating contracts. Capacity building among farmers and FPOs is to be done through a large scale training effort in contract making, digital proficiency, etc. This gives an opportunity to rural youth to set up such support systems for farmers and FPOs.

Concern No. 4: Share croppers are not protected

How it is addressed: Share croppers are protected under Section 3(2) of the Act

Concern No. 5: Corporates will take away farmers land

How it is addressed: Section 8 of the Act specifically prohibits any transfer including sale, lease or mortgage of farmers land or premises under the contract.

Concern No. 6: Dispute Settlement mechanism is inadequate

How it is addressed: An elaborate dispute settlement mechanism is described under Sections 13, 14 and 15 in Chapter III. SDM & Appellate Authority (District Magistrate) is empowered to resolve disputes – no need to travel to courts and spend money.

5) Other factors

As an economy we have been moving towards reduced role for government in businesses. The reforms are a step in that direction. Basically government's interventions in agricultural markets make the markets inefficient. If government loses money by buying at MSP while the market prices are low it is the tax payer who is paying for these losses. Such interventions will promote cultivation of unnecessary crops which are not demanded by the consumers. The government will not have enough money to buy all the 23 crops, covered under MSP, produced in the country.

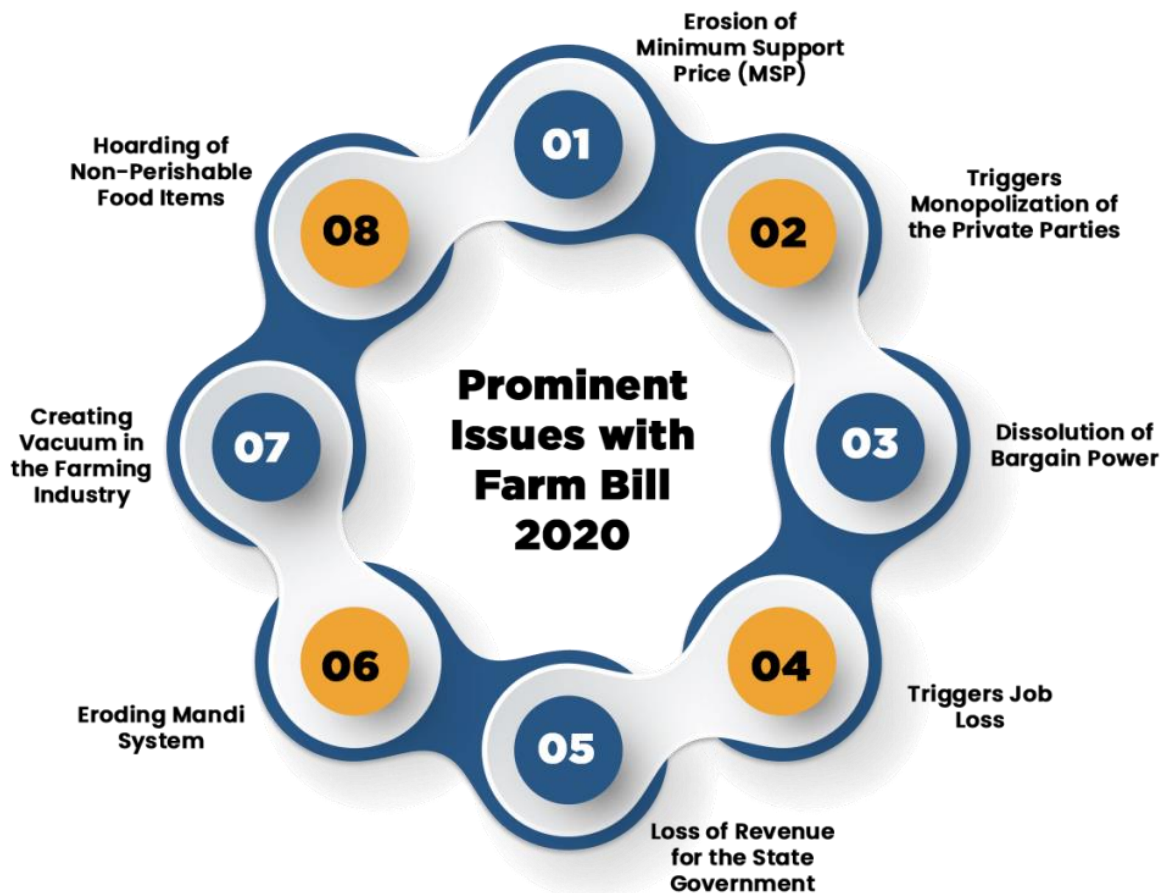
Some of the activists who are helping the farmers of Punjab and Haryana are believers in increased government role in all businesses at the exclusion of private sector. So, there is an ideological divide here. These are the same activists who oppose introduction of modern technologies to help farmers to reduce costs, improve yields and increase their profits.

6) The reasons for widespread protests- Demands of the Farmers

Farmers in Punjab and Haryana have lately been protesting against three farm reform bills. Union Minister Harsimrat Kaur Badal, an MP of the Shiromani Akali Dal (SAD), one of the BJP's oldest allies, also resigned from PM Modi's Cabinet, in protest against the bills. The farmers demand revocation of all three ordinances turned bills and most of the pleas at the farmers' protest revolve around the need to protect MSP's, which they feel are threatened by the new law. However, none of the bills were revoked and the Lok Sabha passed the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Bill, 2020 & The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Bill, 2020 amidst the protests.

They further demanded that the mandi system should remain intact and their loans be cleared. Moreover, as per the 2006 Swaminathan report by '**The National Commission on Farmers**' a law must be promulgated for MSP to be at least 50% more than the weighted average cost of production and if the MSP is not paid, it must be penalized. Also, legislation should be drafted that guarantees payments from the buyers through middlemen as they also money by selling the product for more than its purchase price.

Fig: 2



7) The Story behind the Farmer's Fear of Losing MSP under New Farm Laws in India

According to the farm bills the farmers have the freedom to sell their products wherever, and to whomever, they interested; which ultimately help them to rectify the restrictive trade and marketing policies followed so far. All producers work on the signals that prices convey and, to the extent the ECA (Essential Commodities Act) interferes with price-signaling, it hurts investment decisions. The passing of farm bills in both the houses of Parliament has led to a major controversy in the country. The government claims that it is a historic step taken in the interest of farmers, giving them freedom to sell their produce anywhere and to whomsoever they want in the country. But the opposition parties say it is a 'black day' as it will destroy the existing system of minimum support price (MSP) and APMC (Agricultural Produce Market Committee) markets, and leave the farmers at the mercy of big corporations.



Fig: 3&4

8) Conclusions

The Farm Reforms are a step in the right direction. Through discussions with multiple stakeholders the government may have to clarify several provisions in the Acts and remove obstacles in their implementation without sacrificing the spirit of the reforms. Simultaneously the Centre and States must carry out some of the enabling actions listed below to make the reforms successful.

1. A digital registration system for all private buyers of agricultural produce. Current provision that anyone with a PAN number can buy from farmers has to be replaced with a digital registration system. This national register should be set up by the central government.
2. Mandatory registration of all contracts with private buyers with a designated authority in each district by designating the registration authority in each district – this is to be done by the state governments.
3. Capacity building for farmers and FPOs – in conducting commercial operations, making contracts, digital proficiency, hand holding to help them use infrastructure fund and set up farm gate infrastructure. This is to be taken up by the state governments and private enterprises.
4. Creation of a national grid of private digital platforms for selling output with ENAM and making it available to farmers to conduct interstate trade. This technological innovation has to be set up by the central government.
5. Integration of digital quality assessment technologies into the digital trading platforms. This is to be done by the central government
6. A young, qualified, experienced Business Manager in each DM office to help farmers and FPOs in the district with making contracts with private parties. This support mechanism is to be set up by the state governments.
7. Promote crop diversification in Punjab and Haryana through positive incentive programmes. Oilseeds, Maize, Vegetables and other crops to be promoted.

8. Invest in APMC Mandis to upgrade their infrastructure, modernize processes, introduce modern digital tools, dismantle the nexus of traders and make it farmer friendly. Suitable storage facilities to be created around Mandis so that farmers can store their produce and get credit through the warehouse receipt system. This will give them flexibility to sell when they get a good price. There is a lot to be done on this front since Mandis will remain very relevant and will establish a new equilibrium with the private Mandis that will come up.

As economist Joseph Schumpeter said 90 years back, every disruptive technology, innovation, product or business model will result in a creative destruction of the old systems/products/technologies and create a completely new normal which will bring greater efficiencies for the benefit of all stakeholders and the society in general.

Let us hope all the stakeholders will work together and make these path breaking reforms succeed and create a new normal in the agricultural markets for the benefit of our farmers, our consumers and our economy.

In addition to that, the new amendment says the government shall impose a stock limit i.e. it cannot stop a supermarket chain or any other retailer from hoarding unless there is a 100% increase in price of perishable goods, or 50% increase in price of non-perishable goods. Opposition is therefore of the view that this Amendment will only lead to increased hoarding, and an artificial price rise of things of everyday use.

One of the main reasons of uproar throughout the country is due to the unconstitutional manner in which the laws were passed as it is the state governments' duty to regulate such aspects. The government should consider the views of opposition and also take into account the voice of farmers in order to fix the lacunae in the bills. This would not only create a channelized systematic approach towards privatizing the agriculture sector but would also avoid its exploitation.

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