



# Farmers Act 2020 Myth vs Reality

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**Abstract:** *The present Farms Act 2020 gave rise to big unrest among the States, farmers and various other stakeholders. The various Socio economic, legal and political issues are involved with these Acts. Agriculture is a state matter. Parliament has encroached the powers of the state legislative by enacting these farm Acts, which is unethical and dangerous for the federal system.*

## 1. INTRODUCTION

The farmers Act was passed by the Parliament on 20th September 2020 but the farmers are protesting against these acts described these as anti-farmer laws.

There is a wide confusion among the people or the stakeholders. The various opinions are-

Government is unnecessarily harassing the farmers. Whether the protesters are farmers or not it is one of the question? When the act is passed for whole of the country why only Punjab and Haryana are protesting against these laws. Some critics also pointing out that these Acts are unconstitutional. Another aspect is that Government will treat farmers Act as they have made the industrial policy in 199. Now the matter also become political and it is very difficult to understand the politics which party is in favour and who is in opposition one cannot find out. Supreme court has suspended the bills for 18 months. Efforts are made to find the truth and myth regarding the farms Act.

## 2. BACKGROUND OF THE ACTS

Actually in 2016 in a speech at Raibareilly our Prime Minister has said that by the year 2022 Govt. will double the income of farmers but how it will be done was a question? There must be certain points in the mind of prime minister at that time. One point may be to link production of agriculture to the open market. He wants that farmers should come out of the traditional methods of agriculture or farming and adopt the open market system so that their income can be increased if anybody likes to work in a professional world or in capitalism world or in the competition world he has an option either way.

The farmers Act 2020 passed by the parliament on 20th September 2020

The present farmers act farmers act 2020 is mainly consist of three Acts.

1. The Farmers Produce Trade and Commerce (Promotion and Facilitation) Act 2020
2. The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act 2020
3. Essential Commodities (Amendment) Act 2020

## 3. OBJECTIVES OF THE STUDY

This paper will discuss all the aspects of the farmers Act with reference to

1. Constitutionality of these Acts.
2. Main provisions of each Act
3. Reality Vs myth associated to Act.

### Constitutionality

Constitutionality of any act can be challenged on the following grounds:

1. content constitutionality and Procedural constitutionality

### Content constitutionality

Any act passed by the Parliament will become unconstitutional only if:

1. When it is against the fundamental rights or it is in violation of the article 13 of the Constitution.
2. When it is against the Basic structure of constitution.
3. Whether Parliament is competent to enact the law.

### Whether Acts violates the provisions of Article 13?

Fundamental rights are mentioned in the article 13 of the Constitution which says any law which is inconsistent with the fundamental rights before or after the commencement of the Constitution shall be void to the extent of its contravention. As far as the farmers act is concerned they these are not against the fundamental rights in any respect. The present farmer's law

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are not violating the provisions of Fundamental rights in any manner.

### ***Against the basic structure of the Constitution***

In the light of the judgement of Kesavananda Bharati 1973 case where Supreme Court of India ruled that if any amendment made by the Parliament and which is against the basic structure of the Constitution then it will not be called as the amendment but rewriting of the Constitution. What is basic structure of constitution? The basic structure of constitution means the cooperative federalism. Whether the Parliament has worked against cooperative federalism?

Under the seventh schedule of the Constitution there are three lists namely Union list, State list and Concurrent list. Article 246 of the Constitution defines subject matter of laws made by Parliament and the states. Union list under seventh schedule does not provide any power to Parliament to legislate on agriculture items even though in special circumstances. Parliament has misused the article 249 to bring extraordinary ordinance in normal circumstances. The nature of article 249 is of temporary nature where any ordinance will remain enforceable only for a limited period of six months.

If we look into the State list at entry number 14, 26 and 27 combined together then we can conclude that to form any Act in respect of agriculture and areas related to agricultural activities, and according to Doctrine of Ancillary powers given by Supreme Court rests with state. It means Parliament has no power to enact agriculture reforms. But this will be a very weak defense. Original version of Constitution had these powers along with article 369 of the Constitution. Centre has misuse the entry number 33 of Concurrent list which deals with trade and commerce of foodstuffs. Parliament can legislate on the matters like levy of taxes etc. This is against the good spirit of cooperative federalism. Now the question of contradiction arises whose law will prevail?

When inconsistency between law made by Parliament and the law made by the legislative of state then the law made by Parliament shall prevail according to Article 254 of the Constitution

### ***Constitutionality in reference to procedure***

Whether the bill was passed according to the procedure established by law? If any procedural manipulation is found then act will become void automatically.

On 5th June 2020 when country was under lockdown due to Covid-19, Government of India promulgate the ordinance about Farms Law. Parliament was not in session and even there was no emergency, using the provisions of article 123 of the Constitution. Under article 123 President has power to

promulgate ordinance during the recess of Parliament. The ordinance shall have the same force and effect as an act but shall be laid before the Parliament within six months.

To get the ordinance pass by Parliament, government need majority votes which the government has in Lok Sabha. Rajya Sabha was managed by ruling party and pass the bill by voice vote. . The voting on the bill could not be possible because members were following the covid protocol and maintaining social distance were not in seated on allotted seat. The opposition parties demand that Bill should be referred to a select committee but demand was turned down by chairman of the house. Opposition parties wants to challenge the proceedings of Rajya Sabha in the Supreme Court but according to article 122 the Constitution court cannot enquire into Proceedings of Parliament on the ground of irregularity of procedure. Concluding that these Acts are constitutionally valid. Yes on ethical grounds one can say not.

## **4. THE FARMERS' PRODUCE TRADE AND COMMERCE (PROMOTION AND FACILITATION) ACT, 2020**

If we look into the name of the act then we will find the three basic words first farmers produce second trade and commerce third promotion and facilitation.

Farmers produce means whatever a farmer will grow in his field including wheat cereals pulses flowers fruits dairy products fisheries animal husbandry etc. it includes all produces of farmers.

Trade and commerce means activities related to sale purchase transportation packing etc are in the ambit of trade.

Promotion and facilitation Means helping the farmers in providing such a platform where farmers can sell their produce and get best price outside the notified APMC trade areas. .

## **5. APMC ACT**

### ***Background***

What is APMC Act? What are their benefit ,problems and reforms?

Agricultural Produce Market Committees (APMC) are marketing boards established by state governments to combat farmer exploitation by middlemen, where farmers were forced to sell their produce at excessively cheap prices. The state is divided geographically by these market places, each mandi has its jurisdiction. Traders are granted licences to operate within a market. Mall owners, wholesalers, and retail merchants are not permitted to purchase vegetables directly from the farmers. All crops must be brought to mandi, and sales are conducted through a recorded auction. APMC is nothing but KrishiSamiti, Bazar Samiti, Mandi in common language.

**Benefits of APMC**

Farmer can sell its produce through APMC only. Nobody can purchase his produce directly from the farmers. it will be a criminal offence. it is mandatory for the farmers to come to the APMC to sell his produce.

In APMC farmers produce are sold on notified price known as MSP. MSP is declared or notified by government for certain produces at present for 23 crops.

APMC has an established system. it has registered commission agents(ADTIYA), auction halls where bids are given and to avoid malpractice all bids are recorded.

Commission agents are registered licensee and he belongs to the same area in which APMC is situated and known to the farmer. Farmers trust on them and agent also help farmers in their difficult times so the chances of malpractice is negligible.

**Drawbacks of APMC act****Monopoly**

Healthy competition makes the things better but APMC has a monopoly that farmer are left with no option except to sell his product through APMC only.

**Cartelization**

Formation of cartels. Cartelization is the big problem of APMC they exploits the farmers by fixing the very low rate of commodities.

**Cascading effect**

From producer to the ultimate consumer the product goes through multiple stages and attracts various kinds of expenses, commissions, profits margin of middleman resulting the increase in prices. In Punjab farmer has to pay market fees @3%, rural development fee @3%, agent commission @2.5% beside the other expenses after that the wholesaler has his own profit margin then retailer and then it will reach to the consumer.

**Politics**

Generally in the Market Board the members are near and dear of politicians they want that their monopoly will remain.

**Reforms**

The reforms in APMC act started in 2003 when central government asked the state governments to work on APMC model Act and provide certain reliefs to the farmers like they can sell their produce outside the notified APMC trade areas and to the other states. They have also exempted certain commodities like fruits vegetables flowers from APMC Act.

Almost all states have mentally prepared and convinced to these new APMC model 2003 by the year 2015. There are some interesting experiments of Bihar and Maharashtra State

To dismantle the monopoly of APMC Maharashtra government issued licences to 18 Private markets and 1100 Direct Market License. The interested parties can apply for the permission after fulfilling the terms and conditions like minimum 5 acre of land etc to establish his own market. There are certain buyers whose requirement is very large e.g. Reliance fresh, Big Basket, Big Apple etc. they want to purchase directly from the farmers. DML is issued to them. These DML licensees opens their collection centres near the farmhouses where the farmers can sell their produce and payments are made at the spot.

When the system was implemented then there was a huge cry that APMC will be abolished but if we look into the previous year business transactions at APMC centres was Rs. 48,000/- crores and of Private Market and DML combined together make the business of Rs.11,000/- crores only. Which is only 22% of the total transactions.

Maharashtra experiment proves that if an open competition comes in a regulated manner then there should not be hesitation in welcoming.

Bihar experiment Bihar shows a different picture on APMC. APMC is not successful in Bihar state. Majority of farmers are small or marginal land holders they cannot afford to sell their produce in APMC trade areas because of transportation cost become significant when quantity is small. Secondly farmer has to make arrangement for transport after that he to bear the APMC fees, commissions, taxes and then waiting period of 3-4 months for realization of payment. On paper it is said that payment is made immediately but in actual practice it is not, to avoid these hurdles he sell his crops below MSP price to the nearby agent who will make the payment at the spot and takes away the produce from his farm. So we can conclude that there is no APMC in Bihar even then the work is going on and there is a parallel market in Maharashtra even then revenue collection is more of APMC.

**6. MERITS OF THE ACT****Possibility of higher price realization.**

Farmer can sell his produce in other states. Under one India one agriculture market will reduce the regional disparities in demand and supply of agriculture products.

There will be scope of innovation oriented for young ones.

The healthy competition among the private players will increase the profit margin and cost cutting of farmer

### **Demerits of the Act**

#### ***Fear of abandonment of APMC***

The main source of APMC income is licence fees commission charged from the farmers produce. When the other trading areas are exempted from this kind of licence fee and taxes they can compete more easily with APMC and can offer more over the MSP to the farmers. slowly the farmers will switch over to other trading area resulting the slow death of APMC. When APMC will not be there the facilities associated with the APMC also will not available. It is a matter of concern for the farmers .there are so many persons and employees who are working in APMC their survival is a question. There must be some provisions for rehabilitation of these associated persons.

### **7. THE FARMERS (EMPOWERMENT AND PROTECTION) AGREEMENT ON PRICE ASSURANCE AND FARM SERVICES ACT, 2020**

In common Man language this act is known as contract farming act. The objective of this act is to protect and empower the farmers in respect to the sale and purchase of farm produce. Farmers can have a written agreement with the companies/buyers for sale purchase and services related to farmers produce. . Now the provisions of APMC will not be applicable.

#### ***Main provisions are:***

**Farming agreement:** Now farmers can enter into agreement with sponsors for mutually agreed terms and conditions for farm produce its quality standard, price, delivery mode and related to services. There will be two parties in the contract Farmer and other is Sponsor. Sponsor can be individual/private firm /company or limited liability firm etc. The sponsor means with whom the farmer will enter into a contract. The subject of agreement will be farms produce and services. Farmers produce means whatever farmer will grow in his field and service means services hired by the farmer in bringing out their produce. There are certain agencies/persons or companies which provide certain kinds of services either free of cost or chargeable. These services can be agriculture education, bio-pesticides, utilisation of fertilizers/pesticides, seed supply or soil testing etc. Please note that this is happening first time in India

**Period of agreement:** Parties can enter into agreement for a minimum period from one crop season to maximum of five years and in case of animal husbandry/ livestock it will be from one production cycle or breeding cycle to maximum five years

**Price fixation mechanism:** Farmer can sell his product on mutually agreed price in case of farmers feels that price will vary then the agreement must include minimum guaranteed

price plus some flexible price in the form of bonus or premium The method of determining the guaranteed price and additional price will be mentioned in the agreement.

**Delivery and payment mechanism:** It is mandatory to mention the mode and time of delivery, the time of quality check, mode of payment in the agreement. Payment will be made on the day of delivery. If some procedural problem arises then three days grace period is provided.

**Regarding the ownership of farmers Land:** Farmers land cannot be a part of agreement in any form like lease, mortgage, sale or for recovery of dues. If in any case as the need of the business the sponsor erects some kind of permanent structure at the farmers land the same can be done with due consent of the farmer up to the period of agreement. The day on which the agreement obligation is over or seized then it is the responsibility of the sponsor to remove such kind of structure at his own cost, non-removal of that structure will be treated as the property of farmer.

**Exemptions from existing laws:** Farmers produced under this act will be exempted from all state acts like APMC Act, Essentially Commodities Act.

**Dispute settlement mechanism:** Act provides three tier system: Conciliation Board, SDM and Collectors. Time limit is 30 days at each tier. Civil court has no power under this act.

**Penalties:** 1.5 Times the defaulted amount on sponsors. There will be no penalty on farmer. Farmer has to compensate only that much amount which the sponsor spent.

### **8. THE ESSENTIAL COMMODITIES (AMENDMENT) ACT, 2020**

The principal Essential Commodities Act 1955 was also enacted through entry number 33 of concurrent list to regulate or prohibited the production, supply and distribution, trade and commerce of essential commodities. It was the demand of the nation at that time. India was not self-sufficient in food grains to avoid black marketing and profiteering Essential Commodities Act was enacted in 1955. Now India is self-sufficient in food grains or even we are net exporter of food grains. The Essential Commodities (amendment) Act 2020 will regulate the supply of food stuffs only in the following two situations:

1. In extraordinary circumstances like war, famine and natural calamities.
2. If retail price rises more than hundred percent in comparisons of previous year for perishable goods like vegetables, flowers and fruits and 50% rise for non-perishable goods like cereals and oilseeds.

**Exceptions:1.** Food processing units can procure the produces to their installed capacity of the plant.

2. Export oriented companies can procure to the extent of their export order only

### *Critical analysis*

#### *Constitutionality of the acts*

Agriculture is a state subject and state has the powers to make laws regarding the agriculture produce their sales and distribution but entry 42 of the Concurrent list the Centre regulates the interstate trade and commerce whereas intrastate commerce is listed under entry 26 of the state list. The government has infringed the rights of states by using the provisions of entry 33 of the concurrent list. Under this entry Centre has power to make laws on the state matters and central law will prevail. The way government has passed these bills without consulting this concerned stakeholders was not appreciated. Every government has misused the entry 33 of the Constitution so the present government also.

Need to remove misconceptions regarding the MSP and contract farming regarding the minimum support price the government should come forward with an open heart and give guarantee to the farmers that MSP regime will prevail.

Regarding the APMC future government should either remove the tax of APMC or impose taxes in the new farms law. The platform should be equal for competition.

Regarding the contract farming the government shall provide the model contracts perform'a's. Only the name, value and name of crop is to be filled by the parties.

Regarding the regulation for the buyers, the buyers must be registered at certain kind of security must be deposited in the government treasury so that chances of fraud can be avoided.

Regarding the dispute settlement mechanism the government has not provided the adequate platform SDM and Collectors are the employees of the government. They cannot take independent decisions and can be easily influenced by the government. Government should set up a tribunal which is headed by a judge.

#### *Way forward*

The crux of the discussion is miss conception. The way Government come with the ordinance without taking into confidence the concerned stakeholders and the way the bill was passed and the way the government treats the protesting farmers at different borders shows the bad intention of the

government. If government removes certain doubts, discuss the matter with concerns then farmers. Will accept the farms Act 2020

In the present global scenario the agriculture reforms are equally important as it was industrial reforms in 1991. The government should control its speed and the way.

Farmers must make up their mind for the reforms. Reforms are necessary in agriculture sector today not by tomorrow keeping in view the international scenario. The distributive justice within the farmers should apply. Distributive justice is necessary and it is also necessary within the farmers. It is necessary to understand that in farmers community the high medium and low income farmers exist so high and middle income farmers should not have the sole right.

Problems with subsidies to be resolved judiciously if government gives merit subsidies which have the long-term effect the farmers should accept. The long-term effect subsidies in fertilizers, in research and development, in seed development, agriculture education etc. Farmers should not run after the temporary nature subsidies. Government must come up with certain proposals with the clean intentions of agriculture reforms because it is the demand of the time but they should not exploit the situation like pandemic. The Punjab and Haryana farmers protest is genuine as their economy is based on MSP. If government discontinues MSP their economy will be vanished in one shot. So government should think judiciously before taking any decision regarding the MSP. I personally feel that the problem will be solved amicably as according to Lord Buddha Madhya Marg is always better.

### **BLIOGRAPHY/REFERENCES**

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2. THE FARMERS (EMPOWERMENT AND PROTECTION) AGREEMENT ON PRICE ASSURANCE AND FARM SERVICES ACT, 2020 NO.

- 20 OF 2020 [24th September, 2020.] An Act to provide for a national framework on farming agreements that protects and empowers farmers to engage with agribusiness firms, processors, wholesalers, exporters or large retailers for farm services and sale of future farming produce at a mutually agreed remunerative price framework in a fair and transparent manner and for matters connected therewith or incidental thereto. <http://egazette.nic.in/WriteReadData/2020/222040.pdf>
3. THE ESSENTIAL COMMODITIES (AMENDMENT) ORDINANCE, 2020 NO. 8 OF 2020 An Act further to amend the Essential Commodities Act, 1955. BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:— 1. (1) This Act may be called the Essential Commodities (Amendment) Act, 2020. (2) It shall be deemed to have come into force on the 5th day of June, 2020. 2. In section 3 of the Essential Commodities Act, 1955, after sub-section (1), the following sub-section shall be inserted, namely:— ‘(1A) Notwithstanding anything contained in sub-section (1),— (a) the supply of such foodstuffs, including cereals, pulses, potato, onions, edible oilseeds and oils, as the Central Government may, by notification in the Official Gazette, specify, may be regulated only under extraordinary circumstances which may include war, famine, extraordinary price rise and natural calamity of grave nature; <http://egazette.nic.in/WriteReadData/2020/222039.pdf>
4. PART XI RELATIONS BETWEEN THE UNION AND THE STATES CHAPTER I.—LEGISLATIVE RELATIONS Distribution of Legislative Powers 1. Extent of laws made by Parliament and by the Legislatures of States. —(1) Subject to the provisions of this Constitution, Parliament may make laws for the whole or any part of the territory of India, and the Legislature of a State may make laws for the whole or any part of the State. (2) No law made by Parliament shall be deemed to be invalid on the ground that it would have extraterritorial operation. <http://legislative.gov.in/sites/default/files/COI-updated.pdf>
5. 246. Subject-matter of laws made by Parliament and by the Legislatures of States.—(1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the “Union List”). (2) Notwithstanding anything in clause (3), Parliament, and, subject to clause (1), the Legislature of any State 1\*\*\* also, have power to make laws with respect to any of the matters enumerated in List III in the Seventh Schedule (in this Constitution referred to as the “Concurrent List”).
- (3) Subject to clauses (1) and (2), the Legislature of any State has exclusive power to make laws for such State or any part thereof with respect to any of the matters enumerated in List II in the Seventh Schedule (in this Constitution referred to as the “State List”). (4) Parliament has power to make laws with respect to any matter for any part of the territory of India not included 2 [in a State] notwithstanding that such matter is a matter enumerated in the State List. <http://legislative.gov.in/sites/default/files/COI-updated.pdf>
6. Article 254 in The Constitution Of India 1949
254. Inconsistency between laws made by Parliament and laws made by the Legislatures of States
1. If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause ( 2 ), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void
2. Where a law made by the Legislature of a State with respect to one of the matters enumerated in the concurrent List contains any provision repugnant to the provisions of an earlier law made by Parliament or an existing law with respect to that matter, then, the law so made by the Legislature of such State shall, if it has been reserved for the consideration of the President and has received his assent, prevail in that State: Provided that nothing in this clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislature of the State. <https://indiankanoon.org/doc/1930681/>
7. Article 123 in The Constitution Of India 1949
123. Power of President to promulgate Ordinances during recess of Parliament
1. If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may

promulgate such Ordinance as the circumstances appear to him to require

2. An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance

(a) shall be laid before both House of Parliament and shall cease to operate at the expiration of six weeks from the reassemble of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the President  
 Explanation Where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause

3. If and so far as an Ordinance under this article makes any provision which Parliament would not under this Constitution be competent to enact, it shall be void  
 CHAPTER IV THE UNION JUDICIARY  
<https://indiankanoon.org/doc/1090693/>

8. Article 122 in The Constitution Of India 1949

122. Courts not to inquire into proceedings of Parliament

1. The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure
2. No officer or member of Parliament in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in Parliament shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers  
 CHAPTER III LEGISLATIVE POWERS OF THE PRESIDENT  
<https://indiankanoon.org/doc/1283667/>

9. Entry List II—State List No. 14. Agriculture, including agricultural education and research, protection against pests and prevention of Plant diseases. 15. Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice. 16. Pounds and the prevention of cattle trespass. 17. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I. 18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the

collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization. 21. Fisheries. 26. Trade and commerce within the State subject to the provisions of entry 33 of List III. 27. Production, supply and distribution of goods subject to the provisions of entry 33 of List III. 28. Markets and fairs. 30. Money-lending and money-lenders; relief of agricultural indebtedness. 32. Incorporation, regulation and winding up of corporations other than those specified in List I, and universities; unincorporated trading literary, scientific, religious and other societies and associations; co-operative societies. 45. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenues. 46. Taxes on agricultural income. 47. Duties in respect of succession to agricultural land. 48. Estate Duty in respect of agricultural land. 50. Taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development. 52. Taxes on the entry of goods into a local area for consumption, use or sale therein. 53. Taxes on the consumption or sale of electricity. 54. Taxes on the sale or purchase of goods other than newspapers, subject to the provisions of Entry 92A of List I. 58. Taxes on animals and boats. 59. Tolls. 60. Taxes on professions, trades, callings and employments. 63. Rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty  
<http://interstatecouncil.nic.in/wp-content/uploads/2015/06/CHAPTERXIV.pdf>

10. Entry List I—Union List No. 28. Port quarantine, including hospitals connected therewith; seamen's and marine hospitals. 42. Inter-State trade and commerce. 43. Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies. 44. Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including universities. 45. Banking. 47. Insurance. 51. Establishment of standards of quality for goods to be exported out of India or transported from one State to another. 52. Industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest. 56. Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest. 57. Fishing and fisheries beyond territorial waters. 59. Cultivation, manufacture, and sale for export, of opium. 63. The institutions known at the commencement of this Constitution as the Banaras Hindu University, the Aligarh Muslim University and the Delhi University; the

University established in pursuance of article 371E; any other institution declared by Parliament by law to be an institution of national importance. 64. Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance. 65. Union agencies and institutions for— (a) professional, vocational or technical training, including the training of police officers; or (b) the promotion of special studies or research; or (c) scientific or technical assistance in the investigation or detection of crime. 66. Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions. 69. Census. 81. Inter State migration; inter State quarantine. 82. Taxes on income than agricultural income. 97. Any other matter not enumerated in List II or List III including any tax not mentioned in either of those lists. <http://interstatecouncil.nic.in/wp-content/uploads/2015/06/CHAPTERXIV.pdf>

11. 246. Subject-matter of laws made by Parliament and by the Legislatures of States.—(1) Notwithstanding anything in clauses (2) and (3), Parliament has exclusive power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule (in this Constitution referred to as the “Union List”).
12. 249. Power of Parliament to legislate with respect to a matter in the State List in the national interest.—(1) Notwithstanding anything in the foregoing provisions of this Chapter, if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to 5 [goods and services tax provided under article 246A or] any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force.

13.

List III—Concurrent List 9. Bankruptcy and insolvency. 17. Prevention of cruelty to animals. 17A. Forests. 17B. Protection of Wild animals and other birds. 18. Adulteration of foodstuffs and other goods. 20. Economic and social planning. 23. Social security and social insurance; employment and unemployment. 25. Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 of List I; vocational and technical training of labour. 29. Prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants. 30. Vital statistics including registration of births and deaths. 33. Trade and commerce in, and the production, supply and distribution of,— (a) the products of any industry where the control of such industry by the union is declared by Parliament by law to be expedient in the public interest, and imported goods of the same kind as such products; (b) foodstuffs, including edible oilseeds and oils; (c) cattle fodder, including oilcakes and other concentrates; (d) raw cotton, whether ginned or unginned, and cotton seed; and (e) raw jute. 34. Price control. 38. Electricity. 45. Inquiries and statistics for the purposes of any of the matters specified in List II or List III. <http://interstatecouncil.nic.in/wp-content/uploads/2015/06/CHAPTERXIV.pdf> 21 Entry [33. Trade and commerce in, and the production, supply and distribution of,— (a) the products of any industry where the control of such industry by the Union is declared by Parliament by law to be expedient in the public interest, and imported goods of the same kind as such products; (b) foodstuffs, including edible oilseeds and oils; 1. Ins. by the Constitution (Forty-second Amendment) Act, 1976, s. 57 (w.e.f. 3-1-1977). 2. Subs. by *ibid.*, for entry 25. 3. Subs. by the Constitution (Third Amendment) Act, 1954, s. 2 (w.e.f. 22-2-1955). 220 (c) cattle fodder, including oilcakes and other concentrates; (d) raw cotton, whether ginned or unginned, and cotton seed; and (e) raw jute.