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LEI IPSUM



AN OFFICIAL PUBLICATION
OF MBA (LAW)

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ABOUT LEI IPSUM

The students of MBA (Law) feel privileged to be a functional group of the Student Council at NMIMS. It is our privilege and honor to introduce our first-ever magazine. As a committee, our mission is to promote MBA (Law) as a forthcoming field in the industry. We work with a clear vision of encouraging and promoting the course by portraying our students' talent.

Lei Ipsum Functional Cell under the Student Council functions through four departments:

- a) **Magazine Committee:** The committee intends to publish The Lei Ipsum Newsletter and Lei Ipsum Magazine on a biannual and bimestrial span, respectively. And to make and use it to keep the student in touch with news and developments relating to law management and exciting developments in the local and global sphere.
- b) **Corporate Engagements:** This department will talk to eminent personalities by inviting them to discuss their life experiences. The main objective of this committee is to let students explore horizons away from private jobs. People looking for entrepreneurship/start-ups will be benefited from this committee.
- c) **The Literary and Debating Society:** This committee intends to conduct various debate competitions, essay competitions, quizzes, and calls for papers.
- d) **Social Media Engagements:** Promotion and Engagement of the MBA (Law) programme on various social media platforms viz LinkedIn, Facebook, Twitter, and Instagram

FROM THE CHAIRPERSON'S DESK

Dr. Paritosh Basu



An emerging business ecosystem demands any professional be complete, aptly equipped with business insight and management skills for competitive differentiations while applying core functional skills. He/she would ruthlessly be challenged to achieve success in sustainable value creations and minimize value destructions.

Organizations would require business managers who understand the dynamics of business risks and the ever-changing dimensions of VUCAFU. Leaders of the future must foresee, appreciate, and pre-empt adverse implications of the new world order's legal and regulatory provisions. All these are the outset of the MBA (Law) programme.

This first-of-its-kind corporate trailblazing management education programme in India has come a long way since its inception five years ago. One critical imperative for such a programme is an ever-agile functional cell of students. Its objectives would be to actively spread awareness about the programme across the business arena and its stakeholders for all benefits, thus enabling the programme to achieve its full potentials and objectives.

With guidance and active support of the University leadership team and students' enthusiasm, we have laid the foundation of the committee for the *Lei Ipsum* functional group. This group is moving ahead with the mission of working to promote an MBA (Law) as an emerging professional field in industry and encouraging and promoting students' multi-dimensional talents.

Lei Ipsum, which started just as an in-house legal bulletin, has now become a full-fledged arm of the SBM Student Council. It is engaging itself in various activities, inter alia publishing newsletters and magazines for promotion of knowledge, organizing various national level competitions and moot events, conducting interactive meetings with industry leaders, promoting talents of students, and so on.

Lei Ipsum Group is publishing its first-ever annual Magazine. I commend their efforts, congratulate and wish them the very bests for all their future endeavours. I am sure this enthusiastic group will achieve great success in every step they take in years to come.

Warm regards

Dr. Paritosh Basu

EDITOR'S NOTE

Ashray Bhasin, Editor-in-chief

To say that I am excited to be writing to you for the first time would be an understatement of great proportions. The publication of 1st Annual Magazine ignites pleasure and satisfaction in witnessing the monumental strides gained by Lei Ipsum. But the inaugural editor's notes are always treacherous to write. How do you encompass all the hopes and plans you have for your new publication? And how do you express your sincere desire to uphold the traditions and nuances that make the publication unique? I think I know how to do it, and it only requires the following lines—

“Brace for the MBA tides

The pre-reads and the presentation slides

For deadlines are knocking on the door

The eyes already look a little sore

Sessions to attend

And names to append

Suits to wear

And pillows to stare...”

The life of an MBA student is no less than a rollercoaster ride. We start this journey either not knowing about ourselves or listening to an awful inner critic about ourselves, giving us all the wrong ideas about ourselves. One tends to discover themselves. You have in your hand Lei Ipsum's first-ever annual magazine. It captures the momentous moments of the journey of Lei Ipsum. We have tried our best to make sure this memoir helps you recapitulate your eventful SBM journey, NMIMS. This magazine compilation of immense effort put forth by the invincible students of MBA (Law) and also a specimen of their creativity. It tries to bind together each aspect of our own NMIMS family. This issue might be termed as the reminiscence of our Alma Mater's glory. This was another splendid year, with our students bringing laurels to NMIMS in all possible spheres. Their achievements were so vivid that all our effort to include their accomplishments in one issue went in vain. Isn't it rightly said, “A flower makes no garland.” Thus, this magazine is not the outcome of the effort put in by an individual but is the immense effort put forward by, first and foremost, the dear students of MBA (Law) and then the Editorial Board. This is just a small tribute to the NMIMS family. We apologize for any shortcomings and hope you cherish our efforts. Happy New Year and ‘au revoir’ NMIMS.



Articles



EXPORT CREDIT INSURANCE AND ITS EMERGING ROLE IN EXPANSION OF INTERNATIONAL TRADE

Anurag Nagar, MBA (Law) - 2nd Year

The world economy has a backing of international trade, whereby the demand and supply are chiefly affected by global events. International trade is of utmost importance for the world economy. Export credit insurance is thus, a quintessential tool which manages these type of credit risks. In case these credit risks are better shielded, the firms should be able to expand their sales. Export credit insurance helps to lessen the risk of payment related to foreign trade. It assures the payment on commodities exported to another country and therefore protects the exporter against non-payment.¹ Expansion of the market was enhanced due to production by the commerce industry. The trade barriers declined, which contributed significantly due to the broad advancement of globalization since the 1970s. The UK Export Finance (UKEF)² is a governmental department and the UK's export credit agency. The primary role is to support the UK exporters. It is done by aiding risk protection insurance, facilitating funds for the exporters, and providing loans to overseas buyers.

The export credit insurance in the United States is written down through a consortium of insurance companies organized by the Foreign Credit Insurance Association (FCIA). The Foreign Credit Insurance Association (FCIA)³ is nothing but an association of insurance companies that protects U.S exporters by offering insurance against the non-payment by foreign customers due to commercial and political risks.

The most conceivable measure accepted in the market perhaps is the export credit insurance which is the percentage of average credit export sales, and in various countries, it is covered by insurance. United Kingdom seems to have supreme acceptance of export credit insurance,

¹ Small Business Export Credit Insurance, Export-Import Insurance of the United States, available at <https://www.exim.gov/what-we-do/export-credit-insurance>, last seen on 23/03/2020.

² Export Credits Guarantee Department 1978 Onwards, The National Archives, available at <https://www.nationalarchives.gov.uk/documents/information-management/OSP49.pdf>, last seen on 24/03/2020.

³ David G. Wilson, The American Export Credit Insurance System: An Institutional Analysis, 8 Harvard International Law Journal, 1, 19 (1967).

where around 23 percent of the entire nation's exports were ensured by the contracts issued by the ECGD in 1962-63.⁴ In the post-World War II period, the proportion covered in the United Kingdom has been increasing progressively.

The export credit insurance ensures protection to the exporter of products and services against the foreign buyer in case of risks of non-payment. It is offered on a single-buyer basis or on a portfolio multi-buyer basis for a short-term repayment basis (which is up to one year) or medium-term (i.e., one to five years).⁵ In India, the export credit insurance is offered by the ECGC Ltd. (Formerly Export Credit Guarantee Corporation Limited of India), which was set up in 1957 by the Government of India⁶ to promote trade in India by providing credit risk insurance and services related to exports. ECGC⁷ is essentially an export promotion institution that comes under the Ministry of Commerce and Industry's patronage. The board's composition includes the members of RBI, experts from the banking, export, and insurance sectors, and the government. ECGC ensures to keep the rate of premium at an optimum level.

Shipments policy issued to cover risks associated with the export of goods on a short-term basis (not exceeding 180 days) covers up to 90% of the risks for the exporters whose turnover is more than 50 lakhs. It covers commercial as well as political risks. Commercial risks cover the buyer's insolvency, and Political risks cover restrictions by the government on the transfer of payment, cancellation of import license, diversion/interruption of the voyage, civil disturbance, etc. Policy for small exporters those with annual export turnover up to Rs. 50 lakhs. This policy covers 95% of the commercial risks and 100% of the political risks. The specific policy is for medium and long - term credits and covers 4 different types of covers, which are specific shipments comprehensive risk policy, specific shipments special risk policy, specific contracts comprehensive risk policy, specific contracts political risk policy.

Guarantees are issued to banks that provide credit facilities, guarantees, and other export-related finance to exporters. ECGC provides various guarantees to banks, namely "Packing Credit Guarantee, Export Production Finance Guarantee, Post-Shipment Credit Guarantee,

⁴ Koen J. M. van der Veer, Loss Shocks in Export Credit Insurance: Evidence from a Global Insurance Group, 86 The Journal of Risk and Insurance, 73, 74 (2019)

⁵ Raghav Khajuria, ECGC's Export Credit Insurance | Importance & Offerings to Indian Exporters, available at <https://www.dripcapital.com/en-in/resources/blog/export-credit-insurance-ecgc>, last seen on 25/02/2020.

⁶ Export Credit Guarantee Corporation of India Limited, Ministry of Commerce and Industry, available at <https://commerce.gov.in/InnerContent.aspx?Id=228>, last seen on 26/02/2020.

⁷ Auroshree, Cabinet approves capital infusion in ECGC to enhance insurance coverage to MSME exports, available at <https://www.scconline.com/blog/post/tag/export-credit-insurance-services>, last seen on 26/03/2020.

Export Finance Guarantee, Export Performance Guarantee, Export Finance (Overseas Lending) Guarantee”.

Pre-shipment credit⁸ can be termed as an advance or a loan, which is received by an exporter by a bank to finance the purchase, processing, or manufacturing of goods right before shipping a consignment. This credit is being provided to an exporter based on the Letter of Credit issued in the exporter’s name or a person related to the exporter’s business.

Recently, IRDAI decided to review its three-year-old guidelines on trade credit insurance in line with the market’s changing requirements. It mentioned that it had set up a nine-member working group headed by New India Assurance CMD Atul Sahai to review March 2016 guidelines.⁹The panel was asked to submit its report in three months, which would study the need and scope for changes in the current guidelines, keeping with the times and requirements of various segments of the market. As per the terms of reference given to the panel, it would examine the current guidelines on Trade Credit Insurance and products available for catering to the needs of the credit insurance market in India. IRDAI thus decided to revisit the guidelines once it received representations from various stakeholders. Given this, it is suggested to bring the uniformity in rates of interest in all the banks, increase the flow of credit to the export sector, lowering the interest rate as the amount taken as a loan by the exporters is usually a considerable amount and the high-interest rate makes the price of the product uncompetitive in the international market which further leads to the problem of loss in the business or makes the exporters incapable in settling the loans and spoil his image in front of the moneylender or some cases even the whole idea of exporting and the cost of finance has a strong effect on the price, it can make a product very uncompetitive in the international market.

It is also suggested to start a single-window concept for exporters, which will help them to understand the intricacies of the export business, increase the awareness among exporters about the changing compliance requirements affecting the cost of finance, and to educate them about the parameters required to be adopted by them for maintaining the healthy portfolio for availing the financing facility. If these issues are adequately addressed, India’s exports can grow in the right direction.

⁸ Forex Investments – Should you take PCFC or EPC? CapitalVia, available at <https://www.capitalvia.com/post/should-you-take-pcfc-or-epc>, last seen on 27/03/2020.

⁹ Ir dai sets up panel to revisit 3-yr old trade credit insurance guidelines, Business Standard, (03/09/2019), available https://www.business-standard.com/article/pti-stories/irdai-sets-up-panel-to-revisit-3-yr-old-trade-credit-insurance-guidelines-119090300832_1.html, last seen on 27/03/2020.

ADAPT YOUR BUSINESS TO THE CONTAGION

Bipasha Nayak, MBA (Law) – 1st Year

The History of pandemic outbreaks has been long and dreadful. Covid-19 is just a reminder that catastrophes like this are a part of the ecosystem and are bound to occur irrespective of how many precautions are taken. The effect of the outbreak has been massive all over the world. The present condition has already brought a “Pandemic Fatigue” among the businesses. The huge loss of human life is alarming and harrowing. While the scientists are bracing themselves for the fervent process of preventing the spread in the immediate future, the businesses should also do the same for the economy’s growth. While the world is slowly emerging from the complete lockdown imposed to prevent the spread of the pandemic, the firms are still struggling with the after-effects and are trying to recover. The complete lockdown led to the disruption of the working of the businesses, and many were even forced to shut down.

The pandemic has eventually led to people giving up their old habits and adapting to the new ones. A study on habit formation suggests that it takes approximately 66 days, with a minimum of 21 days, for forming a habit. As a result, businesses need to adapt and shift to remote working and digital operations. ¹⁰Businesses will have to make rapid movements from the offline mode of operations online.

The focus should be on turning massive challenges into significant change. Businesses should now assess and navigate the challenges according to their people, customers, suppliers, etc. Many firms have already taken up the challenge and are taking “no regret” actions to grow stronger. The following parameters should be taken into consideration the organizations:

¹⁰ <https://www.sciencedirect.com/science/article/abs/pii/S0148296320303830>.

- a) **Strategies:** In these times of uncertainty, the steps to reopen and reinvent remain important, but the businesses should now consider how the progress of the pandemic and its strength in different countries is impacting their recovery strategies. Businesses must outshine uncertainty by course-correcting again and again as the circumstances change. This would require them to reassess assumptions, re-evaluate scenarios, and strengthen their ability to sense and respond. There has been a complete shift in the Business model, and the organizations are eventually leading towards a digital environment.

In order to utilize this opportunity to digitize themselves, businesses need to be proactive and enhance their capabilities which will help them survive the changes that the environment imposes on them. Such dynamics include specific strategic and organizational processes like redeveloping the product, recognizing and working with new partners in an ecosystem, and taking decisions strategically to create value within the present environment by effectively using the available sources into new value-creating strategies.

- b) **Customer:** The pandemic has had an underlying impact on the contact centres for the customers, the importance of customer experience has been rising, the firms need to reevaluate as to how its employees can deliver relevant customer experiences, and how remote working with digital channels can be used to support business continuity. Covid-19 has forever changed our experiences—as customers, employees, citizens, humans—and our attitudes and behaviours are changing as a result.

The pandemic changes what and how the consumers buy and brings structural changes in the consumer sector. Once the pandemic comes to an end, the companies would still need to change their way of designing, communicating, and building the experience. With these emerging new behaviours, organizations have an opportunity to drive the pivot to digital commerce by expanding the present offerings and originating new lines of service, like the retailers rallying to provide “contactless” delivery and curbside pick-up services for consumers. This gaining momentum will force organizations to re-think their digital strategies to capture new marketplace opportunities and digital customer segments.

- c) **Workforce:** The firms are experiencing an unprecedented disruption in the workforce. All of them are still contemplating how they will function in the short and long term, as workforces and communities try to perform, struggling to cope with what is going on in their daily lives. The Chief Human Resource is taking up the challenge, aiding people and

¹¹ <https://www.accenture.com/in-en/about/company/coronavirus-business-economic-impact>.

firms to navigate their organization and their massive workforce shifts, such as the dire need to shift for remote working for the betterment and empowerment of the employees, serve the clients, and to keep the business ongoing.

The experts are helping develop agile workforce strategies that are critical for making the global economy viable and helping the people and families survive financially in the present and future.

- d) ¹²**Technology:** It is well known how much the pandemic has necessitated the need for social distancing and remote working; the firms are facing unprecedented challenges in IT. The need to make quick and effective decisions on a real-time basis and management of both internal and external operations online is pressuring the C-suit employees mostly. In the face of pandemics, the firms need to act quickly in order to optimize their company's pliability- rebalancing for risk and liquidity while continuously assessing the opportunities for bringing growth out of the situation. In many cases, this calls for a complete overhaul of the IT infrastructure.

The interventions to adapt to the change might require huge financial backing for on boarding key technologies, processes, and people.

Steps taken today will have an immediate impact on the continuity of the firm in the future, as to how readily it rebounds back from this global downturn.

The need for digital transformation is not just an outcome of COVID-19. **Mckinsey Global Institute** predicted in 2017 that up to 375 million workers would need to update their skills by 2030 to adapt to the new wave of automation and artificial intelligence.¹³

A perfect example for the present firms would include the educational institutions. They have adapted themselves to the virtual environment and designed their products that combine asynchronous instructional pedagogies with synchronous classes.

¹⁴Once we reach the other side of this present situation, it will be vital to establish long-term strategies for greater resilience and apply all the lessons learned from the experience to create a robust system and a roadmap that prepares the firms for the future. More than ever now is the time for adjustment to the rapid changes and the dire need to remove the rigid structure and shift towards a data-driven and technology-powered enterprise consist of great team members.

¹² <https://yourstory.com/2020/07/covid-19-business-impact-transition-strategy>.

¹³ Covid-19 Implications for Businesses; <https://www.mckinsey.com/business-functions/risk/our-insights/covid-19-implications-for-business#>.

¹⁴ <https://hbr.org/2020/09/adapt-your-business-to-the-new-reality>.

In the Crisis, it's easy for organizations to stick to their old habits, but these are the times where innovations are most valued. As the firms adapt to the new normal, they cannot be limiting themselves to the traditional sources of information, business models, and capital allocation behaviours. Instead, highlight the incongruity and challenge mental models, revamp the traditional model, invest in the technological aspects only, and survive the contagion.

THE PANDEMIC BRINGS UNORGANIZED SECTOR TO A CRITICAL JUNCTURE

Jenil Shah, MBA (Law) – 1st Year

The unorganized sector or the informal sector holds irreplaceable value in the Indian economy. It has been the largest employer for the semi-skilled, unskilled and skilled workers throughout the nation. This sort of parallel economy accommodates around 85% of the overall workforce while contributing 40% to the GDP. Attempts to assert the¹⁵ expense and boundaries of the informal sector have been tricky. The 15th International Conference of Labour Statisticians in 1993 provided an efficient demarcation based on some common characteristics. They are as follows:

1. So far as the legal status is concerned, the informal sector incorporates unincorporated enterprises belonging to the household institutional sector. It does not include non-profit institutions.
2. All economic units in the informal sector are unregistered units (though the criterion of non-registration is not compulsory).
3. Permanent employees are also unregistered.
4. The size of the economic unit should be defined in terms of the number of paid employees.
5. Finally, at least some production has to be marketed.

The sharpest distinctions between the organized and unorganised sectors become apparent when we understand the latter isn't incorporated with the government. Thus, no rules are required to be followed. While the organized sector is regulated along various lines by the Factories Act, Bonus Act, Provident Fund Act, Minimum Wages Act, and so on, the informal is free of these shackles. Employment is also relatively secure in the organized sector than in the unorganized sector.¹⁶

¹⁵ <https://geographyandyou.com/the-unorganised-work-force-of-india>.

¹⁶ <https://keydifferences.com/difference-between-organised-and-unorganised-sector>.

Some noteworthy data regarding the informal sector is given below:

As per the National Sample Survey Organisation (NSSO), in 2009-10, out of India's total employed people, 43.7 crore workers were from the unorganized sector. Out of this, 43.7 crores, 24.6 crores were employed in the agriculture sector, about 4.4 Crore in the construction sector, and the rest in manufacturing and service.

Compilation of data from CMIE in the labour force, employment, and unemployment demonstrates that around 285 million people worked out of 1.003 billion in the first week of the lockdown. Before lockdown, this number was 404 million, which meant the remaining 119 million lost their job in the starting week of the first lockdown. The employment rate had stooped down to 29.9% in March 2020 from near the 40% mark in February 2020, further declining in April 2020 to 27%.¹⁷

As it has come to light that the informal sector's bedrock is a cash-based ecosystem, maintenance of a regular circulation of cash is essential for its survival.

This system took a huge blow when the world found itself trapped in the COVID-19 pandemic, which propagated from the district of Wuhan, China. The looming threat of transmission prompted India's prime minister to impose an emergency lockdown throughout the country, which instantly paralyzed the economy. It became an urgent responsibility to maintain social distance, be hygienic, and take several other precautions to check the spread. This ceased business operations and most other activities in the country overnight. Any analyst could not foretell a circumstance that was arguably out of the predictable domain, thus halting everyone's work and invariably affecting one of the largest contributors to India's GDP, i.e., the informal sector, where nearly the entirety has remained eternally unfamiliar to these norms. So, gig workers and the migrants who lived in cities in myriad numbers were forced to detach from their routines wherein day to day wages met their food & shelter needs. The only way to survive was a move away from this to their hometown/villages, which in the absence of government arrangements or transport in the initial months, was undertaken on foot for thousands of kilometres. Pranjul Bhandari, the chief India economist at HSBC Holdings PLC in Mumbai, said, "Informal firms have insufficient access to formal finance and can go to distress quickly when cash flow becomes irregular".

¹⁷ <http://sri.nic.in/unorganised-sector>.

The aforementioned strict hygiene restrictions, which would seem feasible to enforce in a formal environment, was a great task to conquer in an informal environment. The data from SEWA reports showed a huge concern for many, highlighting the issues that were and are being faced by plenty of professionals, which include domestic workers, street vendors, agriculture workers, artisans, construction workers, home-based workers, etc.

Despite a bunch having fairly upper-class employers, domestic workers are still not getting paid leave and cannot leave as they still want to keep their job even after the pandemic is over. Street vendors have been severely hit across states. Restriction on the gathering of people and the closure of markets implies their income is close to zero, and they have to operate as mobile vendors, trying to move from one place to another as they try to evade the police. Construction work has also stopped, and there was no sign of relief by the government. Additionally, the agricultural workers in Bihar are being forced to sell their harvest/crops at lower prices as they are limited to local markets, and the big vendors/wholesalers aren't coming in to buy their vegetables for the bigger markets and in bulk. The misinformation about vegetable vendors and markets being coronavirus-infected has led to a reduction in sales, ultimately resulting in much of the produce being discarded as waste.¹⁸ There was also a huge debate on the education of the children of such workers in the informal sector. As education moved online, it further strained them to procure requisite devices to help their children stay abreast with the curriculum, while some parents are also unable to keep up with home-schooling demands due to their limited educational background.

Doubts remain on how the government steps in to solve this crisis, as it is common knowledge that the informal sector is a huge part of our GDP. Some experts believe that though this is a dire situation for those working in this sector, this might be the perfect moment, if executed thoroughly, to reset this parallel economy and bring it into the formal sector's purview. Liquidity is the lifeline of this sector, and the only way to access it would be to avail of the various stimulus packages announced by the government. However, to access these, enterprises should register themselves. There was a period where the registration process before the pandemic was long, tedious, and expensive. But henceforth, the benefits and the schemes drastically outweigh the cost and the hassle of registration. Thus, the pandemic will pull more of the unorganized sector towards the formal fold, which would also come as a welcome benefit for the government to increase the collection of taxes through indirect means in the long run. Moreover, this also comes as a bonus to workers as there now would be an accurate database

¹⁸<https://vikaspedia.in/social-welfare/unorganised-sector-1/categories-of-unorganised-labour-force>.

that would help them get the necessary benefits and give them access to the government welfare schemes over time. During the recent migrant labour crisis, the government came into much criticism about their incapability to present data in relation to these aspects, but with the formalization of this sector, this kind of data would now be available readily & in more detail.

¹⁹

The government's role in this sector's formalisation would be a game-changing one, and it should be done carefully. Two of the effects of formalization could be that it would inadvertently lead to the economy's shrinking. Thus, a slow growth would show badly; the informal sector employs 80% of the non-agriculture workforce; this formalization could manifest in large scale unemployment.

Some methods to mitigate these risks could be equipping workers with technical, business, training, finance skills to elevate them to compete with already established enterprises. Especially in the aftermath of the pandemic, alongside the necessity to maintain a healthy cash flow in this sector, there is also a need to update the mechanisms for the use of UIDAI's Aadhar and PAN Card to enhance recognition and provision with all the welfare benefits announced by the government intended towards SMEs registered in the formal sector.

Considering the whole scenario, it seems like an unprecedented task. When it comes to huge structural changes in the economy, the track record of the current government hasn't looked promising with GST and Demonetization, as they have not been encouraging for the informal sector. Formalizing the sector, no doubt, would lead to a larger tax base for the government and enhance productivity, but it will also extract cost from the most vulnerable of informal firms. It may end up with workers being cynical of similar effects as demonetization, where there was hyperbolically expressed optimism initially, even though the black money situation did come back. We wouldn't want the same while formalizing the informal sector.²⁰

¹⁹<https://theprint.in/economy/why-fixing-unorganised-sector-can-be-modis-biggest-covid-19-economic-challenge>.

²⁰<https://www.orfonline.org/expert-speak/covid19-opportunity-redesign-india-formal-informal-economy-dynamics>.

POST PANDEMIC EVOLVING NOTIONS OF ORGANIZATIONAL LEADERSHIP

Vidit Divya Kumat, MBA (Law) - 2nd Year

We live in a VUCA world, continuously changing and evolving to the extent that a worldwide pandemic, which many scholars consider a ‘global society shock’, has to a large extent influenced several leaders and organizations to adapt and respond to this pandemic to ensure continuity and sustainability of business operations during these changing business times. In these times, one cannot help but notice how, with the pandemic mounting's impact, leaders across industries are focusing their energy and efforts on protecting employees and building resilience in these times of uncertainty.²¹ This portrays a shift in how business leadership²² prioritises the need for immediate action while also embracing a new agenda. A human crisis as unforeseen as this ensures that several organizations have to focus all their efforts on ensuring continuity of their operations in all areas, albeit virtually.²³ More than ever, a leader and even governments have to play a crucial role in bolstering the economy, developing both practical solutions and game-changing innovations while ensuring that the health of the people is protected at all times. There is a new focus on challenges arising out of supply chain management with the already pre-existing challenges related to supply of capital²⁴; in the last few months across the world, the pandemic has influenced the shutting down of several major industries, and for Indian organizations now, it’s a challenge as of now to keep their workforce employed engaged and contributing to the success of the organization.²⁵

²¹COVID-19: Change Management and Leadership during Times of Uncertainty, <https://www.huronconsultinggroup.com/insights/covid-19-change-management-leadership> accessed on 3/10/2020.

²² 6 Tips for Adapting Your Leadership Style in the Post-COVID World by Nicloe Fallon; accessed on 3/10/2020.

²³ Ibid

²⁴ A lot will change, so must leadership Diana Dosik Vikram Bhalla and Allison Bailey <https://www.bcg.com/en-in/publications/2020/importance-of-transformative-leadership-post-coronavirus> accessed on 2/10/2020.

²⁵ Combating COVID-19 with an agile change management approach A guide for organizations to prioritize people's needs while maintaining business continuity during uncertain times, <https://www2.deloitte.com/content/dam/Deloitte/in/Documents/human-capital/in-hc-consulting-deloitte-change-management-pov-on-covid-noexp.pdf> accessed on 3/10/2020.

At a recent event organized by the Supreme Court to commemorate Constitution Day, *CJI Bobde*, in his speech, highlighted how with the advent of the COVID-19 pandemic, there now exists a need for integrating AI²⁶ in the business models and then the reliance which we have on technology has led to a new idea of inequality in the heart and mind of many individual citizens and even business houses. In times like these, business leaders have to come out as transparent and supportive of empowering the teams to carry out their work autonomously while being aware of the challenge at hand. What cannot be ignored is the fact that several organizations across India at this very point of time are exposed to and are dealing with the outbreak in several different ways. Therefore the impacts may vary by sector and geography but to what extent the impact can be subdued due to our reliance on technology is a question that remains unanswered?

The idea of communication and how the same is carried out within an organization has gone through an unpredictable and unprecedented change. It is during times like these that communication must include understanding and transfer of meaning. Now it has to consider that the importance of having a dialogue within and with the hierarchy of an organization is more than merely imparting meaning; the meaning must also be understood and be in consensus with the situation at hand facing the organization. At a national level, this pandemic has been a learning experience for us when it considers how elongated periods of crisis impact the employee experience at an organization and what innovative and ground-breaking changes that organizations themselves are adopting to understand and ensure survival throughout this pandemic.²⁷ What has also to be taken into consideration is the impact of this shift in the overall “culture” of work which has gone through several changes so as to adapt to the situations of the crisis created by this pandemic.

To a large extent, in times like these organizations, which have focused on auditing their project commitments and work responsibilities have become more focused on time management from the point of view of employee training and engagement, many organization have also portrayed a tendency of divulging their financial resources in technological advancements which are shaping the industry at large. What has to be appreciated to an extent is the fact that this shift

²⁶ ‘AI can improve judicial system's efficiency’ — the full text of CJI Bobde’s Constitution Day speech, On the occasion of Constitution Day, CJI Bobde spoke about SUVAS, an AI software designed to translate English judicial documents into 9 vernacular languages. <https://theprint.in/judiciary/ai-can-improve-judicial-systems-efficiency-full-text-of-cji-bobdes-constitution-day-speech/326893/> accessed on 3/10/2020/

²⁷ The Next Normal; How companies and leaders can reset for growth beyond coronavirus, <https://www.mckinsey.com/featured-insights/coronavirus-leading-through-the-crisis> accessed on 4/10/2020.

to a 'Work from Home' space, despite its all of the inherent challenges and hindrances, presents an opportunity for organizations to reflect on achieving efficiency and focus on their business priorities and to a new schedule to accomplish the same.

Another major aspect that no organization can choose to ignore is the advancement in technology and the impact of the same on various individual industries. Therefore, it will then make sense for organizations to invest in training the staff and employees for a smoother transition towards such change to more effectively conduct and operate their business. Productivity benefits are something that organizations cannot choose and ignore in the garb of protecting their traditional way of operating their business. What cannot be overlooked is the fact that how much ever we yearn for normalcy, there are certain aspects of the business which will change forever and therefore it is only relevant for businesses to start working on and adopting and understanding what constitutes "**the new normal**" in a post-COVID-19 world.

One lesson from the findings portrayed by this research is that many leaders throughout the world have adopted for their organization cannot be temporary. It is essential for leaders to have a continuous feedback loop and clear communication. During a crisis such as this, another practice adopted by leadership in various organizations which have come to light relates to people leaders within organizations aligning, sharing and setting goals and achieve the same the newly distributed and remote work teams may require new funds or tools to communicate and collaborate effectively within the organization. Collaboration such as this can be successful only when there is a clear alignment of team goals with that of the organization, thus ensuring effective and harmonious coordination of efforts. Changes such as this that portray how organizations are finding innovative ways to collaborate should be considered the enduring legacy of this crisis.

With a focus on organizational leadership on reopening their work spaces in a safe but expedient manner, what cannot be ignored and has to be taken into consideration is the voice of the employees and that the same is heard and given heed. Organizations that tend to provide or provide for team members' individual needs are the once portraying the most productivity in terms of their operations and supply chain management.

To a large extent, the management's decisions and the effective approaches adopted by the leadership are highlighted in times such as this and will also be responsible for determining how organizations perform in the near future. Organizational leadership cannot ignore the point of effective workforce engagement and communication because, with disruption everywhere,

the workforce finds it difficult to adjust, adapt, and move on from their old lives. That is where leaders make a mark for themselves and with an emphasis on effective and important communication, the issues which arise due to the pandemic can be addressed.

MSME: THE GROWTH ENGINES OF THE ECONOMY

Kshitij Chauhan, MBA (Law) - 2nd Year

“Growth is never by mere chance, it is the result of combined forces working together.” -James Cash Penney

The MSME sector has been a crucial sector for the economy, and the journey of this particular sector has been similar to that of a roller coaster ride with unexpected twists and turns. The MSME sector is considered one of the important sectors because it supports both upper and lower-scale industries of India. During the wake of the pandemic, all the sectors of the economy faced hard times, including the MSME sector. The Government of India soon realized that to revive the economy, they need to pass certain policies that will benefit the medium and small enterprises to enhance the productivity of these sectors because it would help counter the problems of the upper-scale industries as well.

According to the research conducted by the Ministry of Micro, Small and Medium Enterprises it was being found that MSMEs are an important part of the supply chain in terms of exports and account for about 40 percent of total exports. MSMEs also play an important role in generating jobs, employing approximately 110 million people across the world.

The above research indicates that this particular sector is the growth accelerator of the economy. It also contributes significantly to the Gross Domestic Product of the economy, the total contribution of this sector to our nation's GDP by 30 percent²⁸. In the wake of the COVID 19 pandemic, the government came up with Atmanirbhar Bharat's concept that is Self-Dependent India, and has come up with various schemes to ensure that the MSME sector continues to contribute significantly to the economy.

²⁸ Government Committed to helping MSME Sector (<https://economictimes.indiatimes.com/small-biz/sme-sector/government-committed-to-help-the-msme-sector-flourish-pratap-chandra-saranghi/articleshow/79796787.cms>) Last Access: 19:23 18/12/2020

The Key Changes which were considered to be necessary for the development of this sector were-:²⁹

Re-inventing the MSME Sector by laying down new threshold limits

According to the new policies, the factors such as investment in plant and machinery and turnover will now be considered to determine whether the particular enterprise falls within the micro, medium, or small enterprise category. The earlier classification of the MSME enterprise, on the other hand, was based solely on its investment in plants and equipment, and also on whether the business was in the manufacturing sector or the service sector.

Classification of MSME as per the new definition

- Micro Enterprises: Investment should be less than 1 Crore Rupees, and turnover should be less than 5 Crore Rupees.
- Small Enterprises: Investment should be less than 10 Crore Rupees, and turnover should be less than 50 Crore Rupees.
- Medium Enterprises: Investment should be less than 50 Crore Rupees, and turnover should be less than 250 Crore Rupees.

Investment in plant and machinery will be computed as per the provisions of the Income Tax Act, 1961, and on the other hand, turnover will be computed as per the entity's GST returns. Focusing on the ease of doing business, the government has decided to exclude turnover generated from exports will not be considered for the above-mentioned turnover limits for classifying a particular enterprise under the MSME category. As a result of which most enterprises falling under this category can reap the benefits of the government's new policies for the growth of this sector.

1. Udyam Registration Scheme³⁰

From July 1, 2020, it has been recommended for all the existing and new MSMEs to register themselves under the Udyam Registration scheme of the government, which can be done simply through an online portal. In order to get registered on this platform, the Aadhar number of the proprietor is required; in the case of a Hindu Undivided Family (HUF), the Aadhar Card number of the Karta would be required, and when it

²⁹ Key Reforms in MSME (<https://www.lexology.com/library/detail.aspx?g=3efa3a7f-b5c9-49b1-999a-3afe31ed9732>) Last Access: 19:25 18/12/2020

³⁰ Udyam Registration Portal (<https://udyamregistration.gov.in/Government-India/Ministry-MSME-registration.htm>) Last Access: 19:26 18/12/2020

comes to the partnership firms, the Aadhar Card number of the managing partners will be required for registration. For a company, cooperative society, trust, and a limited liability partnership, the authorised signatory's Aadhar card number would suffice the purpose. This registration process is not mandatory, but it is being recommended to get a registration because it makes the registered MSME eligible for various benefits provided by the government.

2. Benefits of getting MSME Udyam Registration:

One of the major benefits that MSMEs receive after getting themselves registered in Micro and Small is the payment of invoices is being done within the period of 45 days. In case there is a delay in the payment, the buyer will be liable to pay compound interest with monthly instalments to that particular MSME. The buyer is liable to pay compound interest on the invoice sum to the MSME three times the bank rate notified by the Reserve Bank of India monthly.

As per the new government policies, it is mandatory for all the government departments and public sector companies to procure 25 percent of their resource requirement from the MSMEs and the registered MSMEs will be given preference because it would be easy for the PSUs and other government bodies to trace them down and the PSUs can avail the services of these enterprises according to their requirement. Other benefits that are being provided to the registered MSMEs are collateral schemes and guarantee free loan schemes, interest subsidy schemes, market support and export promotion mechanisms, concessions in electricity bills, and other basic amenities which will help in reducing the cost of production and also helps in enhancing the production of goods and services. The cost of obtaining ISO certification is also being reimbursed to the MSMEs. In the current scenario, the government has provided certain financial benefits to the MSME enterprises, such as-:

- (a) **Access to Credit:** Credit access for the MSMEs has been one of the government's primary concerns because of the liquidity crunch in the economy. Hence, the government came up with emergency credit line schemes for the survival of these enterprises. As a result of which the financial institutions have agreed to sanction loans up to 3 Trillion Rupees. As per this particular scheme, 20 percent of the said loans will be guaranteed by the government, and the banks will be lending without any additional guarantee.
- (b) **Subordinate Debt Schemes:** By offering a debt facility of up to 15 percent of the promoter contribution or ₹75 lakh, whichever is lower, the subordinate debt scheme

aims to provide support to the promoters. As per this scheme, the banks will provide funding to the promoter's contribution, and the funding gets guaranteed by the government. In this manner, the government provides equity support to the MSME sector, and banks are not taking any additional risk. The promoter will pump in money in the MSME unit as equity which will help in upgrading the liquidity and maintain an idle debt-equity ratio.

- (c) **Funds of Fund:** The government has announced this particular debt financing model for this sector with a corpus fund of 10000 Crore Rupees in order to provide financial relief and funds to the enterprise with future growth prospects.
- (d) **Champions Portal³¹:** The above-mentioned portal is completely dedicated to the MSME Sector. The objective of designing a separate portal is to provide support in terms of financial, raw materials, Labours, etc. The portal also aims to help MSMEs explore new opportunities, including the development of medical products and accessories combined with a long-term perspective, to identify MSMEs with potential growth potential.
- (e) **Faster clearance of payments by PSU:** In order to improve the financial viability of the MSMEs the government has taken the initiative and directed the PSUs and other government bodies to make the payment to the MSMEs within the time span of 45 days.
- (f) **No global tenders up to 200 Crores³²:** In order to provide more opportunities to the domestic players, the government has decided to bar foreign players from bidding for tenders up to 200 Crores. The main agenda behind this decision of the government was to promote the growth of local industries. The World Bank has also allocated funds amounting to 750 Million Dollars, which would help the government meet the MSME sector's funding requirement. The NBFCs and small finance banks will play a pivotal role in channelizing these funds to the MSMEs.

Hence, the entire model for financing the MSME sector will be crucial to reviving our nation's economic crises. The government is also trying to spread awareness among the people to promote local industries by its slogan, "Local ke Liye Vocal".

³¹ Objectives of Portal (<https://champions.gov.in/Government-India/Ministry-MSME-Portal-handholding/msme-problem-complaint-welcome.htm>) Last Access: 19:29 18/12/2020

³² Global tenders up to Rs 200 crore not to be allowed in government procurement (<http://ddnews.gov.in/business/global-tenders-rs-200-crore-not-be-allowed-government-procurement-fm>) Last Access: 19:31 18/12/2020

But the government has to follow a proper governance mechanism in order to ensure that the benefits reach the local business developers; as a matter of fact, E-Governance is going to play a pivotal role in this development.

MISLEADING ADVERTISEMENTS

Tanvi Mehta, MBA (Law) - 2nd Year

False and misleading advertisements in India have various statutory regulations, the objective of which is to safeguard the interest of the consumers. False or misleading advertisements, or advertisements that create false associations, are prohibited by law in India, namely the ASCI Code. The extent of liability of a company in cases of misleading advertisements is also known. But the extent of liability of celebrities endorsing such brands remains unaddressed. Through this article, an attempt has been made to understand the meaning of misleading advertisements, the extent of liability of the actors in consonance with the spirit of the public and in view of recent controversies involving brands that some of the top celebrities endorse, the laws regarding misleading advertisement in different countries and the new provisions of the consumer protection Act which holds the celebrities liable.

Misleading advertisements and celebrity endorsements:

Advertisements and customer culture have become a section and bundle of our lives today. In the present globalized time, publicizing assumes a significant part in building up a company's solid brand name or items. By and large, promoting is utilized to educate, convince, and remind purchasers about the items or administrations. In the present 20th century, the way of approaching advertisement builds a brand image. The new approach used by most of the brands is to go to celebrities as they have the most impact on the consumers, and endorsements by celebrities help the brand to increase their revenue. There has been a continuous increase year by year in celebrity endorsements. According to Duff and Phelps Celebrity Brand Valuation Report, 2019 India, Virat Kohli retains the top position for the third consecutive year. His brand value rose by 39% to USD 237.5 million in 2019³³ Thus, given the impact a celebrity has, some ads are misleading in nature. The consumers might suffer by buying a product, and hence the

³³ Varun Gupta & Aviral Jain, Duff & Phelps Celebrity Brand Valuation Report 2019 | India Duff & Phelps (2020), <https://www.duffandphelps.com/insights/publications/valuation/celebrity-brand-valuation-report-2019>

company is to be held liable for the same. However, the question arises as to whether a celebrity who endorsed the product and boosted consumer confidence in the purchaser can be held liable for the damage suffered by the consumer? There was no regulatory framework in India, making the celebrity liable before the amendment of the Consumer Protection Act.

The connection between these big endorsers and the makers/makers of such products is administered by the underwriting contract executed between the two parties, by which advertisers reimburse the famous people of any risk acquired regarding such ads/commercials. Subsequently, these endorsers, being conspicuous figures in their enterprises/fields, are regularly observed advancing, burning-through, and suggesting a differed range of items, including cheap food things and different consumables guaranteeing high supplement esteem, medical advantages, and other qualities. The veracity or honesty of such cases is by and largely irrelevant, and the endorsers are allowed to make any guarantee or articulation about the item as proposed by the makers despite the way that the endorsers might not have utilized the item as asserted in the promotion³⁴. However, now this is not the case in India after the recent development in 2019.

Consumer Protection Act, 2019:

The most recent development in Indian law with regard to the liability of the celebrities is the introduction of the amendments to the old Consumer Protection Act, 1986, which were introduced in August 2019. Hence, the Consumer Protection Act, 2019 now holds celebrities liable for misleading advertisements. Under this new act, besides certain different changes, the Act likewise focuses on celebrities' liability for misleading advertisement that also incorporates online media influencers. In the event that an influencer has not educated that it is a paid advancement and deliberately lying about the item that it is a good product when it isn't, adherents can sue the influencer for misdirecting the consumers for up to INR 10 lakh and recurrent wrongdoers can be fined up to INR 50 lakh. This is the first enactment that accentuates focused publicizing, market crusades through influencers. The central government can now direct the misleading advertisements to be taken down.³⁵ The Central Consumer Protection Authority has been given the power to prevent an endorser who is a part of an advertisement found to be false or misleading from being a part of any endorsement for such

³⁴ Rahul Berur & Jyotsana Sinha, Inhousecommunity.com (2020), <https://www.inhousecommunity.com/wp-content/uploads/2016/10/0b49a56aba9fa3278bf52da247e040ae.pdf>

³⁵ Section 21 of the consumer protection Act, 2019

period, which is up to one year. In case of any other violation thereafter, prohibition can be such as extending up to three years³⁶. However, this is not the case if the endorser shows that he exercised due- diligence. Hence, this will change the way in which the contracts are now entered into between the celebrities and the company that is producing the product it is endorsing. This, in turn, will protect the consumers.

Global Perspective:

The global perspective of law with regard to celebrity liability for misleading advertisements is very different, and various countries have laid down direct and specific laws to penalize celebrities. In the USA, the Federal Trade Commission regulates advertisements featuring endorsers through advisories and guidelines.³⁷

In one case the USA court laid down certain criteria to be met to hold a celebrity liable for a misleading advertisement as a direct participant. The court held that the “individual either (1) had actual knowledge of material misrepresentation; or (2) was recklessly indifferent to the veracity of the representation. However, the celebrity is not required to conduct statistical or clinical investigations in order to satisfy the criteria of substantiation. It is sufficient if (a) the representation reflects his honest opinion, findings or beliefs, and (b) he has a good reason to believe that the representation is true on the basis of a perusal of the government accreditations and certifications of the product.”³⁸

In Japan, the celebrities have to apologize publicly as this would lead to more damage to their reputation than being questioned in a case regarding false endorsements. This serves as a deterrent as the celebrities would be scared about employment opportunity loss and prevent endorsing false products.

On the other hand, China makes the endorser jointly liable with the company whose product it is endorsing.

³⁶ Bar Bench, Law governing Endorsements: The Global Perspective and its emergence in India Bar and Bench - Indian Legal news (2020), <https://www.barandbench.com/columns/law-governing-endorsements-the-global-perspective-and-its-emergence-in-india> (last visited Oct 29, 2020).

³⁷ Bar Bench, Law governing Endorsements: The Global Perspective and its emergence in India Bar and Bench - Indian Legal news (2020), <https://www.barandbench.com/columns/law-governing-endorsements-the-global-perspective-and-its-emergence-in-india>.

³⁸ FTC v. Publishing Clearing, House United States Court of Appeals, 1997

Korea has an advertising self-regulation institution that lays down the guidelines to be followed in various cases.

Countries such as the UK, Ireland, and Belgium have specifically banned celebrity endorsement of unhealthy foods. The impact of such restrictions has been reported to be significant. In the UK, restrictions on TV advertising of food and drinks were implemented in 2006. Research shows that by 2009, children in the UK were exposed to 37 percent fewer advertisements that promoted foods high in fat, sugar, or salt as compared to 2005.

Understanding Disparagement and the Rights of Competitors:

This aspect of misleading advertisements can be understood through a famous case and the Delhi High Court's references while deciding upon this particular case judgment made in the case.

Horlicks Limited v. Zydus Wellness Products Limited ³⁹

Horlicks Limited (“Horlicks”) approached the Delhi High Court, seeking a permanent injunction restraining Zydus Wellness Products (“Zydus”) from telecasting its advertisement, which showed that one glass of Complian (a Zydus Product) is equivalent to two glasses of Horlicks. The advertisement in contention was being telecast on multiple channels in English, Bengali, and Tamil. Aggrieved by the advertisement, Horlicks approached the High Court because the advertisement was misleading and amounted to disparagement.

Zydus, on the other hand, contended that the advertisement was not misleading as the information provided was accurate and was subject to the recommended serving size of both drinks. Horlicks filed a suit on similar grounds for an advertisement published by Zydus in print media. The High Court had granted an interim injunction, restraining Zydus from publishing the advertisement; however, the injunction was vacated when Zydus voluntarily modified the advertisement, by including the disclaimer about the serving size and undertook to only publish the modified advertisement.

While arriving at a decision on the interim relief, the High Court analysed and relied upon the plethora of judgments on misleading advertisements, disparagement, and the law governing the publication of advertisements on television, including:

(i) *Reckitt & Colman of India Ltd. v. M.P. Ramachandran* wherein the Calcutta High Court held that a seller is allowed to declare that his goods are the best or better than that of his competitor's, despite the said declaration being false. While making such a declaration, he may also compare the advantages and disadvantages of his products and that of the competitors; however, the seller is not permitted to defame the goods of his competitors, and if there is no defamation, the competitor will have no cause of action to file a case of misleading advertisement and disparagement.

(ii) The High Court, while dealing with the principles on the law of disparagement laid down in *Pepsi Co. Inc. v. Hindustan Coca Cola Ltd*, held that:

“(1) The intent of the advertisement – this can be understood from its storyline, and the message sought to be conveyed. (2) The overall effect of the advertisement – does it promote the advertiser's product, or does it disparage or denigrate a rival product? In this context, it must be kept in mind that while promoting its product, the advertiser may, while comparing it with a rival or a competing product, make an unfavourable comparison, but that might not necessarily affect the storyline and message of the advertised product or have that as its overall effect. (3) The manner of advertising – is the comparison by and large truthful, or does it falsely denigrate or disparage a rival product? While truthful disparagement is permissible, untruthful disparagement is not permissible.”

(iii) In *Havells India Ltd. v. Amritanshu Khaitan*, the Delhi High Court clarified the difference between comparative advertising and misleading advertising and disparagement. It observed that comparative advertising is healthy and encouraged in the spirit of competition; however, disparagement is not; and a cause of action shall arise in case of a misleading advertisement.

The High Court, while relying on the above-mentioned cases, held that the impugned advertisement was misleading and disparaging; even though the disclaimer was provided in the advertisement, the same was not clear, and the advertisement created an impression that one cup of Complian was equal to two cups of Horlicks, without considering the serving size. The High Court, based on the above observation, held that the balance of convenience was in favour of Horlicks, who would suffer an irreparable injury if telecast of the impugned advertisement was not restrained and hence, granted the relief of interim injunction.

MILES TO GO BEFORE THE NATION CAN SLEEP

Vineet S, MBA (Core) – 1st Year

Without a severe law, commercialization has redesigned the privileges of the purchasers. The celebrities could defend the contracts' ignorance or protection since there was no direct liability imposed on them by the law. However, with the advent of the new Consumer Protection Act, 2019, celebrities will have to incur liability and cannot escape the hands of justice. The message is clear – The innocent consumer cannot be fooled, and companies and endorsers cannot get away with the fault in their starry ads. ⁴⁰

A recently published World Bank report puts India at 63 among 190 countries based on the Ease of Doing Business Index. It has been claimed that the Make in India initiative kick started in 2014 has paved for the nation to take a leap of 79 positions from 142 to 63. The ranking uses the cumulative scores of parameters such as starting a business, dealing with permits, getting electricity, taxes, and other vital activities; always, looking at numbers provides some cheer and paints a wonderful picture. But ascending an international ranking system does not ensure accomplishment. It is interesting to note that all the media houses have just provided coverage of the rank and not the repercussions or benefits the country will have owing to the same (*Ease of doing business*, n.d.).

63 was celebrated widely by the government until the cat was out of the bag a few months ago. The World Bank came out openly stating that their calculations were flawed and is suspending all operations related to it for some time. That was a gut punch for the government as their source of celebrations had been jeopardized. But barring the promotional advantage, things remain status quo as the index rank rarely determines anything. However, it has brought to light a few truths.

⁴⁰ <https://www.scconline.com/blog/post/2020/07/30/advertisement-to-misleading-advertisement-horlicks-ltd-v-zydus-wellness-products/>

First and foremost, reality has not been touched. A lot of work is needed to smoothen the process, and secondly, the methodology used for the rankings is nothing to live by. (*World Bank Clarifies*, n.d.)⁴¹

After Narendra Modi became Prime Minister in 2014, there have been many reforms to improve the country's business atmosphere. Opening of bank accounts was made hassle-free, paperwork for traders was reduced, and online payment gateways were opened. Despite the effort, the situation remains the same. 'Tourism, not Terrorism' was floated around a lot; still, the country possesses a mediocre tourist infrastructure. Instead of shining the rankings, if we had taken a look at some specimen countries, maybe we would have fared better. Case in point, Singapore requires 4 licenses for a restaurant, further west just 2 in Turkey, and back home in India it is 15, which exposes the fact that the country is not walking the talk. (*Licenses to open a restaurant*, n.d.)⁴²

Beyond these regulations, the central government's role is limited, and the onus is upon the state government to ensure that business is thriving. Although India is known for its well-planned and developed cities such as Mumbai, Delhi, and Bengaluru, the overall infrastructure is poor. Consider Kerala, for instance. One of the finest governed states in the country that were appreciated for the way it has tackled disasters like flood and Nipah in addition to being ranked at the top in Human Development Index, life expectancy at birth, and literacy rate. Yet it has failed to produce enough jobs for its residents due to the difficulties faced while starting a venture in the state. Apart from the Information Technology industry, there is a dearth of significant industries. Thus, it will be expected that the environment will be welcoming to new initiatives. Sadly, the business climate in the state is one of the worst in the country. Red tape and excess power that lies within trade unions have proven fatal in the past years. There have been multiple instances of suicides by aspiring businessmen after they failed to obtain the go-ahead for their businesses. Such systemic issues can be fixed only by the state governments.⁴³

⁴¹<https://economictimes.indiatimes.com/news/economy/indicators/india-jumps-to-63rd-position-in-world-banks-doing-business-2020-report/articleshow/71731589.cms?from=mdr>. (n.d.).

⁴² <https://www.posist.com/restaurant-times/resources/licenses-required-to-open-a-restaurant.htm>

⁴³ <https://www.hindustantimes.com/india-news/world-bank-pauses-ease-of-doing-business-rankings/story>

Today the state of affairs has been blamed upon the ‘Act of God’ that is the prevalent virus attack. Meanwhile, it is worth noting that even before the Covid scare, Fitch has cut down the growth forecast for India to 4.6% in the financial year 2019-2020 as against 4.9% by Moody’s and 5.1 % by the Asian Development Bank. The talks of doubling farmers’ income and the 5 trillion economies all feel like a pipe dream.

Still, there is a huge room for improvement provided drastic changes are made. The most ailing ones of the lot; Micro, Small and Medium enterprises, should be given special attention and approvals related to the same should be relaxed unless they reach stability. Infrastructure about transport is at its worst. Railways and waterways should be developed to facilitate the first mile and last-mile connectivity. State governments will have to prevent interference from external forces to improve the overall atmosphere. Last but not least, unnecessary approvals that are windows for corruption by middlemen should be abolished for smooth entry of new players in the market. Like Mahatma Gandhi said, “The Future depends on what we do in the present”.

LABOUR LAWS IN OUR MOTHERLAND ARE CHANGING

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“Obedience to the law of bread labour will bring about a silent revolution in the structure of society”⁴⁴ - By M.K. Gandhi.

The Constitution of India confers innumerable rights for protecting and safeguarding the interests of labour under Part III as well as Part IV pertaining to Fundamental Rights and Directive Principles of State Policy (DPSP), respectively.⁴⁵

The central government placed a nationwide lockdown on March 24, 2020, in order to control the spread of COVID-19 in India. Under the lockdown, most economical operations were suspended, other than those listed as critical activities. States also found that this lack of economic activity for many individuals and companies has resulted in a loss of income. Some States have relieved institutions of their current labour laws in order to allow some economic activities to begin.

A strong restriction has been imposed on individuals as well as the economy in the aftermath of the global pandemic and the nationwide lockdown.

Many changes, advisories, and announcements have been implemented to reduce the pandemic's effect on the general public and business institutions and ensure minimal disruption in the supply chain, which will hopefully survive during the containment phase may have long-term repercussions. For the smooth operation of businesses, knowing the ramifications of these innovations is important.

One such amendment was the State of Uttar Pradesh's suspension, which authorized the Uttar Pradesh Temporary Exemption from Some Labour Laws Ordinance, 2020, of 35 of the 38

⁴⁴ Quote by M.K Gandhi

⁴⁵ Part III-IV of Constitution of India.

labour laws for three years. The reason given for this is to kick-start the economy and counter the adverse effect of the latest pandemic of coronavirus. For this time, legislation relating to job security, labour disputes, health hazards & working conditions, trade unions, contract labour, and migrant workers would all be practically non-existent. As collective bargaining opportunities have been removed, this would allow employers a free hand in the care of workers. This move would raise the potential for exploitation, as has occurred when the global pandemic has left a large number of people unemployed and penniless. Moreover, the timing of the states in bringing about these reforms that would otherwise have met with intense opposition from trade and labour unions should not be ignored. Understandably, the global pandemic has caused an atmosphere that is not conducive to large-scale protests by a class of individuals who are well aware that their state is ill-equipped to defend them from contamination.

Although to a lesser extent, this move was followed by other states, such as Madhya Pradesh, Gujarat, and Odisha, among others. The reforms made by the government of Madhya Pradesh place the rights and recognition of labour unions in a precarious position. Among those who have been made defunct by the Madhya Pradesh government for new institutions for 1000 days are the Trade Unions Act, 1926, covering the legislative provisions concerning trade unions in India, and the Industrial Disputes Act, 1947, concerning the same for resolution of disputes between trade unions and employers.

Reports indicate that the aforementioned decree has suspended all other labour-related laws with the exceptions of the Workmen Compensation Act, 1923, the Bonded Labour System (Abolition) Act, 1976, and the Building and Other Construction Workers Act, 1996. Section 5 of the Payment of Wages Act, which involves the prompt payment of wages, will, however, continue to be in effect as well.

If factories deal with an extraordinary amount of work, the Factories Act, 1948 allows state governments to exclude factories for three months from work hours requirements. Additionally, state governments can exempt factories from all provisions of the Act in the case of public emergencies. Notifications have been released by the governments of Gujarat, Himachal Pradesh, Rajasthan, Haryana, Uttar Pradesh, Goa, Assam, and Uttarakhand to increase the overall weekly working hours from 48 hours to 72 hours and daily working hours from 9 hours to 12 hours for some factories using this provision.

In addition, Madhya Pradesh has exempted all factories from the rules regulating working hours of the Factories Act, 1948. These state governments have noted that an increase in working hours would help resolve the shortage of jobs created by the lockdown and that longer shifts would ensure fewer employees in factories that would allow social distance to be preserved by notification dated 17 April 2020, the State of Gujarat has exempted all factories registered under the Factories Act of 1948 from different requirements relating to weekly hours, regular hours, rest periods, etc., with effect from 20 April 2020, subject to the following conditions until 19 July 2020:

1. No adult worker is approved or allowed to work more than twelve (12) hours a day and seventy-two (72) hours a week in a factory.
2. No worker shall work more than six (6) hours prior to getting a rest period of at least half an hour per day.
3. No female worker is approved or required to work from 7:00 PM to 6:00 AM in a factory.
4. The salaries are in proportion to the current salaries. (For example, if eight (8) hours of salary is Rs. 80, then Rs. 120 would be the proportionate salary for twelve (12) hours).

In an announcement made on May 08, 2020, the Chief Minister of Gujarat has stated that labour law relaxations shall be made applicable to new projects in the State on the condition that they operate for at least twelve hundred (1200) days and for those already operational in that period. It was clarified that a new ordinance would be brought in to bring this into effect.⁴⁶

In an announcement made on May 08, 2020, the Chief Minister of Gujarat issued a declaration stating that the relaxation of labour law is to be extended to new projects in the State, given that they are operational for at least twelve hundred (1200) days and for those already operational during that time. It was explained that to put this into effect; a new order must be introduced.

Not only has this pandemic shaken the economy, but it has also made us understand the precocity and insecurity faced by a vast number of migrant working populations. None of us are strangers to the tremendous plight that migrant workers are going through in many nations. So much so, that the fundamental issue of survival is at a crossroads. On the basis of lack of money, the state hosting migrant labour population encourages exodus. Also evident are the fears of the home states regarding receiving migrant workers. Against this backdrop, it is

⁴⁶ Government of Gujarat, May 08, 2020

unfortunate to see that states are rigorously pushing the agenda of labour flexibility, ease of hire, and fire by dismantling protective labour legislations.

Agriculture is a topic of the state and agri-market control is very much within the jurisdiction of the states. However, on changes in agricultural laws that aim to override the authority of states in establishing new contracts between farmers and businesses, states have not been consulted. Some states are considering legally challenging the new reforms made in the name of giving farmers more options to sell their goods beyond the country's 7,000 odd designated mandis. For farmers' potential incomes and organized industrial labour, both the current farm laws and labour laws have significant consequences. The modifications to industrial laws aim to grant factories of up to 300 employees' complete freedom to recruit and fire workers without needing any legislative approval.

Ten central trade unions went on a nationwide strike against these planned amendments on May 22, 2020. In addition to the rolling back of proposed reforms, the prime minister's petitions included demands for relief for the scores of migrant workers stranded across the country. In terms of figures counting up to two lakhs, Kerala, Tamil Nadu, and other states saw participation. Though central and state administrations offer us little reason to rejoice in the face of this pandemic, one can only look at such displays of resistance in the hope that the populace will not take up this wholesale stripping of rights.

There can be no doubt that it is important to look at the labour law system in India in order to change it. The government is positive about the goal of increasing investment and employment by relaxing labour laws. India had already undergone an economic downturn that was simply a matter of economic demand. The relaxation of labour laws is a supply-enhancing change that will exacerbate demand due to the lack of disposable income among a large class of citizens, i.e., the labour force.

The Central Government agrees that due to numerous legislation dealing with various aspects of labour law, significant changes in the field of labour laws are needed. The Central Government sought to consolidate the current legislation into labour codes, which could be said to be a step in the right direction in order to encourage compliance with the legislation. From a constitutional viewpoint, the full suspension of laws to encourage investment and reduce the enforcement burden is patently unconstitutional.

The intentional negligence of the labour force does not explain even the circumstance of a global pandemic due to COVID-19. It is particularly in these times that the State has to take measures to safeguard its interests. Paradoxically, in the era of crisis, the reaction of other countries such as the UK, Canada, etc., was optimistic about helping workers and employers. This suspension could lead to employers' wanton "hire and fire" policy.

LITIGATION AND VIRTUAL COURTS: PROSPECTS AND CHALLENGES

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“We are stuck with technology when what we really want is just stuff that works.” Douglas Adams (English Author and Essayist)

The global pandemic of Covid-19 has created multifarious hindrances for the judicial system and has posed several hindrances to the legal professionals, in-house counsels, judges, small-sized law firms, and many more related jobs. The situation has been complex, intricate and has compelled us to ponder our personal and professional lives. The pandemic has led the entire legal fraternity to shift itself from the in-person mode to the virtual mode by the usage of video conference apps and tele justice facilities. The time has come for the judiciary to transgress itself towards the technological advancements, both to suit itself to the rough times and reduce the backlog of cases. The article has been jotted down to put forward the answers to some questions on the challenges and prospects of the trend of shifting towards e- courts and the steps that will help bring out the desired outcome.

Virtual Courts in the present plight:

In India, the Apex Court, through its notification⁴⁷ on 13th March 2020, stated that to ensure the safety of the litigators, court staff, and visitors, the courts will be hearing only urgent matters to avoid the mass congregation of people in the courts. After this, many High courts of the country came up with the circular, which eventually paved the way for hearing matters virtually. The courts' sudden turn from physical mode to virtual avatar came as a shock because of the anxiety among the lawyers of not being savvy with the technology. There have been

⁴⁷ NOTIFICATION, SUPREME COURT OF INDIA, Mar. 13, 2020, available at <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiDpqSkzbPrAhWBUn0KHYPrc3cQFjAAegQIBRAB&url=https%3A%2F%2Fmain.sci.gov.in%2Fpdf%2FNotification%2F13032020120544.pdf&usg=AOvVaw2JOZVj6e7xaw3Ywfh8SKQ8> (Last visited on Oct. 17, 2020)

multiple stances on the introduction of e-courts in the country. Justice Madan Lokur⁴⁸, in an online discussion hosted by think tank Agami, said that the 14th Finance Commission granted a sum of 700 crore rupees for the sake of developing software for the court management, which a single high court did not welcome. The Delhi District Court⁴⁹ even launched a virtual court in 2019 to cater to the traffic challans via the e-challan application. In this process, the digital challenge generated through the e-challan application would be sent in digital form to the court, which would issue a summon via email to the violator and contain a link to redirect the violator to make the payment at the portal or contest it. The twin approach is adopted in Indianapolis, and Los Angeles, which shows how the courtroom has been foot stepped by technology⁵⁰. On 26 November 2019, the President of India launched the “Supreme Court Vidhik Anwaad Software”, an application that can translate judgments into vernacular languages. It was the first step⁵¹ to pave the way for Artificial Intelligence in the legal sector. CJI SA Bobde⁵² even emphasized the vision for developing it as the usage of machine learning can accentuate the process of decision making by reading the millions of characters within a second; extracting the opposite facts, and aiding in a myriad number of ways which can result in effective and fast⁵³ justice delivery system. It has always been used in the ad-hoc⁵⁴ form, but the current situation has made us analyze the challenges and benefits to build high technology and integrated courtrooms.

Challenges Ahead:

1. Obliterating the Principle of Open Courts- The present circumstances have barred the open court proceedings, which is the strong pillar of public faith in the judiciary, by enabling it to attend the hearings, be it in the form of a spectator or a reporter. The

⁴⁸ Meera Emmanuel, ‘We need leadership to bring about this change, Madan Lokur J in a virtual discussion hosted by Agami on how to move towards online courts’, Bar and Bench, April 8, 2020, available at <https://www.barandbench.com/news/madan-lokur-j-in-virtual-discussion-hosted-by-agami-on-how-to-move-towards-online-courts> (Last visited on Oct.17, 2020)

⁴⁹ Aditi Singh, ‘Virtual Court launched in Delhi for online payment of traffic challan’, Bar and Bench, July 27, 2019, available at <https://www.barandbench.com/news/virtual-court-launched-in-delhi-for-online-payment-of-traffic-challan> (Last visited on Oct.17, 2020)

⁵⁰ Fredric I Lederer, ‘The Road to the Virtual Courtroom? A Consideration of Today’s and Tomorrow’s High Technology Courtrooms’, 50 Faculty Publications, 801 (1999)

⁵¹ Aditya Sethi & VS Pravalika, ‘Virtual Courts: Is it Time to Embrace the Much-Required Change in India’, RMLNLU Law Review Blog, May 24, 2020, available at <https://rmlnlulawreview.com/2020/05/24/virtual-courts-is-it-time-to-embrace-the-much-required-change-in-india/> (Last visited on Oct.17, 2020)

⁵² ‘CJI mulls over the use of an AI System to avoid undue delay in Justice Delivery, Calls it the need of the hour’, LAW STREET JOURNAL, Jan. 17, 2020, available at <https://lawstreet.co/judiciary/cji-ai-system-sabobde/> (Last visited on Oct.18, 2020)

⁵³ Sethi & Pravalika, supra note 5

⁵⁴ Lederer, supra note 4

philosophy of Open Court finds its origin from the Magna Carta of 1215⁵⁵, which King John accepted to win back the people's loyalty. Clause 40⁵⁶ of the Magna Carta says that “to no one will we sell, to no one will we refuse or delay, right or justice....” The statement envisages that not only the litigants have the right to get their case resolved by the courts, but the common public also has the right to attend the proceedings. The document has been a source of precedent for many constitutional foundations and is endured till today. Bentham⁵⁷ has emphasized this notion by saying that publicity is a check on injustice and guard against chicanery. In England, this concept was affirmed on the same lines by Lord Atkinson in *Scott v Scott*⁵⁸, where it was mentioned that the hearing of a case in public might be humiliating and agonizing for the parties, but it is the best security for fostering the public confidence⁵⁹. In the Indian Constitution, Article 145(4) talks about open courts. The Apex Court has accentuated its importance by echoing it in *Naresh Shridhar Mirajkar and Ors. v State of Maharashtra and Ors.*⁶⁰ saying that the judiciary's foremost task is to do justice between the parties, to which the public trial is corollary and universal. The provision of open courts is also traced from Section 153-B of the Civil Procedure Code (C.P.C.) and Section 327 of the Criminal procedure Code (Cr. P.C.).

2. Digital Divide and Technologically Handicapped- Many people would presume that the virtual courts are capable enough to grant access to justice, but the reach of the internet in a vast like ours is problematic and intricate. According to the statistics collected in 2017⁶¹, only 28% of the country has access to the internet, which reveals reality. Digging the hole deeper, we find that the internet connections are distributed in a disproportionate manner because the Telecom Regulatory Authority of India (TRAI) states that urban India has 61.9 internet subscriptions⁶² per 100 people, and in rural India, it just amounts to 13.7. The city of Mumbai alone amounts to 3 crore internet connections, whereas the entire northeast sums up to just 4.3 lakh connections, which shows the disparities in

⁵⁵ Steven D. Schwinn, 'Faces of Open Courts and the Civil right to Counsel', 37(1), University of Baltimore Law Review, 30 (2007)

⁵⁶ William A. Stuart, 'The Constitutional Clauses of Magna Carta', 2(8), Virginia Law Review, 572 (1915)

⁵⁷ Dr. Lalit Dadwal, 'Open Justice and Rule of Law: Indian scenario', 6(1), Int. Journal of Research and Analytical reviews, 902 (2018)

⁵⁸ [1913] AC 417 463

⁵⁹ Ibid

⁶⁰ AIR 1967 SC 1

⁶¹ Aarati Krishnan, 'How many Indians have Internet', T. HINDU, Mar. 27, 2017, available at <https://www.thehindu.com/business/how-many-indians-have-internet/article17668272.ece> (Last visited on Oct. 20, 2020)

⁶² Ibid

our country when it comes to going digital. Due to the sudden shift, it has proved difficult for the advocates, judicial officers, and other staff to get themselves comfortable with the new medium. The technical arrangement required for the virtual hearings is extremely poor as the lawyers are even confronted with the situation when they do not get the links for joining the virtual hearing at the given time. Many a time, the voice is not audible, which leads to the questions being unanswered by the advocates. Sometimes, in a division bench, judges need to discuss the matter, due to which the screens are set blank and lawyers have to wait in the lounge. Many litigators are not adept at sharing documents on the screen, often juggling between the screens. In apropos of all these problems, the biggest question in front of the courts is that almost 50-60% of the advocates are technologically challenged as they are not aware of the usage and handling of computers and laptops.

3. False Evidence and Outward Behaviour of Witnesses- There is a huge difference in the evidence recorded by way of video conferencing as compared to the one done in the physical presence of the witness. There are chances of distorting the non-verbal cues such as facial expressions, gestures, postures, which are extremely important in uncovering the truth and veracity of the case. In cross-examination⁶³ in the physical presence, the instinctive reactions could be seen very well because of the atmosphere present in the courtroom. The physical presence furnishes the jury to drive out the credibility and the accuracy of the testimony given. It has often been connoted as the *“greatest legal engine ever invented for the discovery of truth.”* The assertions behind this greatest legal engine are difficult to contest.
4. Increase in Disguised Identity and Confidentiality Concerns- A crucial concern from day-one has been regarding confidentiality because the documents and information are at stake, especially when third-party software is used. The information can be collected for personal gains. This is why the litigants are reluctant to divulge the information on the platform with low reliability. As against this, the in-person hearing before a judge offers no opportunity for anyone to steal an individual's identity. There is a need for developing software entirely dedicated to courtroom work to protect the litigants, lawyers, and judges from any wrongful acts committed through the use of third-party software.
5. No Code of conduct- The lawyers have turned very casual in the virtual system. The

⁶³ John G. Douglas, 'Real Confrontation, Virtual Cross-Examination and the Right to Confront Hearsay, Vol.67, The George Washington Law Review, 192 (1999)

minimum court etiquette has been lost as lawyers do not appear in an appropriate mode and often show images that are not right. Justice Dennis Bailey⁶⁴ of the 17th Judicial Circuit Court of Florida wrote a letter to the lawyers expressing his concerns over the lax behaviour. Describing his experiences in the letter, he wrote that *“one male lawyer appeared shirtless and one female attorney appeared still in bed, still under the covers. And putting on a beach cover-up won't cover up you are poolside in a bathing suit.”* In Rajasthan High Court⁶⁵, a similar incident happened when Justice Sanjeev Prakash Sharma saw the learned counsel appearing in the baniyan for hearing. Similarly, in one of the proceedings, the SC found that an advocate was having puffs of hookah⁶⁶. This shows the lawyers' casual approach, which shows how the decorum of court is violated in a virtual courtroom.

Trump Card- Discussing the Advantages:

1. Significant Reduction in the Pending Cases- The first and major impact that the online court can make is on the pendency of cases as our country grapples with the vast number of cases. In our country, the judiciary's major cause failing to deliver justice is the backlog of cases. According to data collected by the National Judicial Data Grid (NJDG), there are 37.7 million cases pending before High Courts, District Courts, and talukas across India. Out of these cases. Around 10% of the cases, i.e. 3.7 million,⁶⁷ have remained pending for more than one decade.
2. Convenience in Appearing at Different Forums within a day- There are times when the lawyers have to fly from one court to another as the hearings are on the close timings. The lawyers have to travel a lot within the city in order to appear on time before the court.

⁶⁴ ‘Virtual View- During the COVID-19 PANDEMIC’, WESTON BAR ASSOCIATION, available at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwj5auW6bPrAhXu8HMBHVrFAmIQFjACegQIAhAB&url=https%3A%2F%2Fcdn.ymaws.com%2Fwww.jocobar.org%2Fresource%2Fcollection%2FDAD9A238-DD79-4889-8DCFECE8F75382C9%2FIII1-COVID-19_AnnouncementVirtual_View_From_.pdf&usg=AOvVaw2RsGwCv_a38tuU1WobW1Sp (Last visited on Oct. 20, 2020)

⁶⁵ ‘Lawyer attends video conferencing wearing baniyan, Rajasthan HC adjourns bail plea’, NATIONAL HERALD, April 25, 2020, available at <https://www.nationalheraldindia.com/india/lawyer-attends-video-conferencing-wearing-baniyan-rajasthan-hc-adjourns-bail-plea> (Last visited on Oct. 20, 2020)

⁶⁶ Debayan Roy, ‘Courtroom decorum gone up in smoke? Supreme Court chews out counsel for consuming gutka as lawyers take to vices on video’, ‘Bar and Bench’, Aug. 13, 2020, available at <https://www.barandbench.com/news/litigation/courtroom-decorum-up-in-smoke-supreme-court-counsel-gutka-la-wyers-vices-on-video> (Last visited on Aug. 25, 2020)

⁶⁷ Murali Krishnan, ‘3.7 million cases pending in courts for over 10 years’, HINDUSTAN TIMES, June 29, 2020, available at <https://www.hindustantimes.com/india-news/3-7-million-cases-pending-in-courts-for-over-10-years-data/story-ytI7P0rm5Plwe5r8ubNVyJ.html> (Last visited on Oct., 2020)

The unnecessary need for travelling the distant courts can be avoided by virtual courts, which can give the lawyers a chance to appear at several forums within a day, which can also result in taking more matters than ever before. It simply means that you can enter several forums with just a click.

3. Cost Saving- The virtual courts are cost-saving as the costs of litigants are reduced and the costs incurred on the infrastructure, maintaining court staff, and transportation. The paperwork which is immensely done in the legal system will be reduced as Indian courts use 11 billion sheets⁶⁸ in a year, which is procured after cutting 1.3 million trees and using 109 billion litres of water. Our courts excessively use the paper, which is discarded after one-time use.

The pandemic has made us believe that it is the right time to move online and realize the idea of virtual justice. Most of the countries have traversed their courts to the online mode. What is required at this level is the transformation and some reforms that can make our courts' modus operandi effective. In this regard, a high-powered committee⁶⁹ needs to be set up to be headed by the present or former Chairperson of the e-courts project to ensure that the professionals get up-to-date with the virtual system. Technological skills are must to be imparted. The categorization of cases should also be done on the basis of their nature. For example, the motor vehicle and e-commerce claims are being virtually adjudicated by the Supreme Court of Singapore²⁴ through video conferencing. The last and the most important is the mindset among the litigators and the judges to appreciate the transition. The long term advantage needs to be kept in mind as it would be beneficial for the system as a whole and would augment the access to justice in remote areas.

⁶⁸ Isha drita Lahiri, 'Indian Courts uses a lot of paper: 11 billion a year, To be Precise', The Quint, Oct. 31, 2019, available at <https://www.thequint.com/news/india/indian-judiciary-uses-eleven-billion-papers-in-a-year-a-million-tress-and-hundred-and-nine-billion-litres-of-water> (Last visited on Oct.20, 2020)

⁶⁹ Sethi & Pravalika, supra note 5

COMMUNICATING THROUGH COVID19 AND BEYOND

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The Coronavirus pandemic has negatively impacted almost every sector. Unemployment is at the peak, whereas the GDP growth rate is a matter of substantial uncertainty. Companies are turning insolvent while the factories are suspending their productions. Even the service sectors, especially the IT sector, have turned to work from home, causing management and efficiency crises. This new paradigm birthed due to pandemic has revived the Darwinian reign of survival of the fittest,⁷⁰ where only introducing and accepting rapid changes in business models can open the door for wider opportunities. There is a need for a new ‘out of the box’ framework to be carved out within the traditional business models across many sectors that have been severely disrupted so that they can get a push to bring their business vehicles back on track.

Certainly, the legal industry has been one of the most affected sectors during Covid-19 as this industry has now been forced to be work remotely⁷¹. Although the sudden shift from offices to home was a barrel of imminent disruption, however with the time being, it came out to be a fertile ground for grabbing opportunities. Undeniably, necessity is the mother of the invention⁷², therefore, Coronavirus has compelled businesses to ponder the idea of re-looking the current problems as a scope to convert them into new opportunities. Thus, to reduce the present business model's inconsistencies, different approaches have to be adopted to find new opportunities in a newer paradigm. In this article, different and wider opportunities for the legal consultancy and advisory sector have been discussed that these firms can adopt, which

⁷⁰ Survival of the fittest- Covid-19 calls on businesses to evolve, ECONOMIC TIMES (23rd Jul, 2020) <https://cio.economictimes.indiatimes.com/news/strategy-and-management/survival-of-the-fittest-covid-19-calls-on-businesses-to-evolve/77119511>.

⁷¹ Stuart Fuller, Implication of Covid-19 on the legal sector, KPMG (17th Mar, 2020) <https://home.kpmg/xx/en/blogs/home/posts/2020/03/implications-of-covid-19-on-the-legal-sector.html>.

⁷² Sugan Palanee, How to leverage technology transformation opportunities post-Covid-19, EY (11th May, 2020) https://www.ey.com/en_in/consulting/how-to-leverage-technology-transformation-opportunities-post-covid-19.

may help them reconstruct the traditional business model's damaged pillars in this new paradigm.

Technology transformation in Legal consultation and advisory methodology:

Precisely, technology transformation in the legal sector means adopting an electronic mode of technology for every aspect of the legal process, including service delivery, workflow, client counselling, grievance redressal, and team collaboration⁷³. Currently, in this new paradigm, the wave of techno-transformation has been able to sow its seeds in the legal sector. This wave has even reached the traditional courtrooms turning them digitalized. Nowadays, the regular functioning in Courts is taking place through video-telephony, teleconferencing, etc.⁷⁴ As per the statistics released by the Supreme Court of India, it has stated that the Court has held 15,596 hearings in the past 100 days through videoconferencing through constituting 1021 benches. Moreover, the key point is that more than 50,000 advocates represented these 15,000 cases.⁷⁵ Therefore, a hypothesis can be drawn that the wave of digitalization long due in the legal industry has now seen its initial footsteps.

This cultural transformation in this field can grab the legal consultants and advisors' opportunity to provide their services while maintaining social distancing norms and travel restrictions during the Covid-19 paradigm⁷⁶. Through virtual meets via different end-to-end encrypted applications, the attorney-client discussions can take place safely and are not postponed indefinitely. This will help the consultancy firms to adapt to the new remote work option availability that it can also pursue even post-pandemic due to the attached benefits of reaching long-distance clients with technological ease. Moreover, these video conferences are catalysts in reducing travel expenses and are time saviors as they could connect anyone anywhere within minutes, enjoying the option of flexible arrangements like work from home.

Further, these legal consultancies and advisory firms can go a step further to adapt Artificial

⁷³ How Digital transformation Impacts the Legal Industry, PARK IP TRANSLATIONS (3rd Jan, 2020) <https://www.parkip.com/legal-digital-transformation/#:~:text=Digital%20transformation%20refers%20to%20the,team%20collaboration%2C%20and%20client%20engagement>.

⁷⁴ Justice goes online: Coronavirus lockdown shows why the court must go digital to resolve issues, Financial Express (2nd June, 2020) <https://www.financialexpress.com/industry/justice-goes-online-coronavirus-lockdown-shows-why-courts-must-go-digital-to-resolve-issues/1978347/>.

⁷⁵ Suchitra Karthikeyan, Supreme Court Held 15,596 Hearings in 100 days via video-conferencing amid COVID lockdown, REPUBLIC WORLD (21st Aug, 2020) <https://www.republicworld.com/india-news/law-and-order/supreme-court-held-15596-hearings-in-100-days-via-video-conferencing.html>.

⁷⁶ India- Digital transformation in Law: People, Process and technology, CONVENTUS LAW (22nd Apr, 2020) <http://www.conventuslaw.com/report/india-digital-transformation-in-law-people-process/>.

intelligence technologies in their functions and can have the benefit of introducing Virtual legal assistants or AI-enabled chatbots⁷⁷ that can save the time of lawyers and can help the clients with their small queries by giving them a feature of 24*7 legal assistance. Timely adaptation. The digital world can give an edge to these consultancy firms in a competitive legal landscape and can create an interactive digital model of legal assistance available for their clients, who are the critical asset for a legal consultancy and advisory firm.

Potential demand implications across selected practice areas:

In such a throbbing affliction, lawyers and law firms should digitize themselves and follow the virtual era's drive and adapt the e-court system. There is an array of options that can be explored to create opportunities during and post-COVID era. With the digital era's onset, organizations are left with no choice but to adopt digital transformation and upgrade their technical tools for their internal functions⁷⁸. This further creates a ground for necessary compliance of data regulations and intensifies the ground for cybersecurity attacks and data breaches. Such cases are monetarily beneficial and build brand reputation, goodwill and provide a broader client base.⁷⁹

Pervasive amendments in corporate and insolvency laws by subsidiary legislation, a notable pattern of public interest litigation ("PIL") aimed at assisting political and ideological goals and policy, the tendency of the judiciary to get into the administrative arena, and several other deference's, have simultaneously emerged as contributing factors for the lawyers.⁸⁰ The concept of virtual alternative dispute resolution has created incentives, and it will certainly be occupying the driving seat for the benefit of Clients to secure intervention by alternative dispute resolution mechanism to settle and not escalate the crisis.

Due to delayed debt repayment, State authorities, banking, and insurance firms have triggered

⁷⁷ Digital transformation in the legal industry- improving legal operations, LEEWAY HERTZ <https://www.leewayhertz.com/digital-transformation-in-legal/#:~:text=in%20legal%20industry%3F,What%20is%20Legal%20Digital%20Transformation%3F,team%20collaboration%20and%20client%20engagement>.

⁷⁸ Tamal Nandi, Cybersecurity startups strengthening advanced tech to deal with cyberattacks, LIVE MINT (24th Jul, 2020) <https://www.livemint.com/companies/start-ups/cyber-security-startups-strengthening-advanced-tech-to-deal-with-cyberattacks-11595556749130.html>.

⁷⁹ Abhijit Ahaskar, After shifting to work from home, 66% Indian cos faced at least one data breach, LIVE MINT (20th Aug, 2020) <https://www.livemint.com/technology/tech-news/after-shifting-to-work-from-home-66-Indian-cos-faced-at-least-one-data-breach-11597919275869.html>.

⁸⁰ Sakshi Saraogi, Reimagining The Lawyer's Right To Advertise In A COVID-19 World: The New Normal, MONDAQ (24th Jul, 2020) <https://www.mondaq.com/india/advertising-marketing-branding/969156/reimagining-the-lawyer39s-right-to-advertise-in-a-covid-19-world-the-new-normal>.

recovery mechanisms through administrative proceedings and the adjudicator system, strengthening lawyers' prospects.⁸¹ The numerous States have allowed e-assessment and identification of immovable property by paying the stamp duties online, thereby promoting online legal transactions.⁸² Despite the shareholders relaxing the rules on participation at general assemblies by video or other audio-video modes, the ordinary folk can be in a dilemma about the way forward. In the modern world of possibilities, lawyers will take on roles to advise and help clients stand up for their rights in the cycle of corporate governance and decision-making.⁸³ With the growing conflict between employers and workers, during and post-COVID scenario, lawyers will have multiple opportunities to advise both sides on a peaceful settlement and successful enforcement management process under the current labour law system.⁸⁴ During the lockdown, a lot of couples have faced conjugal issues; therefore options arise for litigation on personal issues; lawyers can also assume the role of intermediaries and counsellors in helping to reclaim and save the marriage. The attorneys' specific profit points during and after COVID-19 are conducting webinars, delivering e-lectures, engaging in digital court matters, and updating their legal knowledge.

Reaching Rural area through the process of reverse migration:

The concept of migration is familiar when it comes to the generation of employment. As per statistics limited to India, more than 120 million people are estimated to migrate from rural areas to urban areas to earn wages⁸⁵. Migration is an essential process for the workforce in rural areas to ensure a life of security and subsistence. The reason for such migration is the lack of economic growth and significant importance given to the resources available in these regions.

⁸¹ Sara Lord, ANALYSIS: What the Covid-19 Downturn Means for Lawyer Careers, BLOOMBERGLAW (18th May, 2020) <https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-what-the-covid-19-downturn-means-for-lawyer-careers>.

⁸² Nandita Mathur, E-health platforms see big growth amid covid pandemic, LIVE MINT (2nd Aug 2020) <https://www.livemint.com/companies/start-ups/e-health-platforms-see-big-growth-amid-covid-pandemic-11596367913671.html>.

⁸³ Akram Akhtar Chouhan, COVID-19 Series: The impact of the crisis on lawyers in India, LAWYERS FOR LAWYERS (15th Jul, 2020) <https://lawyersforlawyers.org/covid-19-series-the-impact-of-the-crisis-on-lawyers-in-India-2/>.

⁸⁴ Sanjay Gupta, Employer-Employee Relations: Challenges during and post Covid-19, ECONOMIC TIMES (8th Jul, 2020) <https://hr.economictimes.indiatimes.com/news/workplace-4-0/employer-employee-relations-challenges-during-and-post-covid-19/76858266>.

⁸⁵ Labour and Migration in India, AAJEEVIKA BUREAU <http://www.aajeevika.org/labour-and-migration.php#:~:text=Seasonal%20migration%20for%20work%20is,labour%20markets%2C%20industries%20and%20farms.&text=Migrants%20can%20also%20become%20easy%20victims%20of%20identity%20politics%20and%20parochialism>.

However, in the new Covid-19 paradigm, which caused an unprecedented economic disruption, the workforce has observed a shift from migration to the process of reverse-migration⁸⁶. The reason cited for this movement is the sudden closure of factories and industries and the rise of unlawful termination, and employers' withholding of wages. While these workers are forced to go back to their homes due to a shortage of survival necessities, they cannot be denied that they have been the victims of Labour aristocracy.⁸⁷

Nonetheless, the whole incident has opened the doors for legal advisors and consultants to mitigate the rural-urban divide and to reach the last corners of the rural areas to find the potential clients who want legal advice in particular subject-matter. Earlier, it was difficult for the members of rural society to reach the law firms due to distance barriers and lack of knowledge about their legal rights, but now as the whole world is trying to adopt the virtual culture and is turning digital, the fortune of enjoying the consultancy and advisory rights are available through phone calls in this new paradigm. Even the daily vernacular newspapers have also appraised the labors regarding their legal rights. Therefore, the legal consultants should maximize the efforts to reach the rural regions through proper channels of communications and should potentially amplify the probability of using the process of reverse migration as an opportunity to knock on the doors of rural strata.

Cost-restructuring and managerial opportunities:

With the onset of the COVID crisis, four “Cs” have played a pivotal role. In support of the same, Client, Court, Counsel, and Cost are the key factor in determining the major direction of action in all domains. Considering that in-house finances are limited and the need for billable in private practice has increased, conflict and friction have arisen during and after the pandemic, especially in human resources. Naturally, budgetary constraints are inevitable, and the need for legal guidance and HR consultants has exponentially augmented. However, it is expected to be both reliable and affordable as it has never been more prevalent before the economic slowdown in 2020.⁸⁸

Clients seek sound information, statistical evidence, and impartial advice. They have a

⁸⁶ Reverse Migration: An Opportunity for the Government, OBSERVER RESEARCH FOUNDATION (4th Apr, 2020) <https://www.orfonline.org/expert-speak/reverse-migration-opportunity-government-64123/>.

⁸⁷ J.M. Barbalet, The “Labor Aristocracy” in Context, SCIENCE & SOCIETY 51, 2 (1987).

⁸⁸ Jonathan Walfisz, Cost-cutting: how client relationships can survive the covid-19 crunch, WORLD TRADEMARK REVIEW (21st May, 2020) <https://www.worldtrademarkreview.com/brand-management/cost-cutting-how-client-relationships-can-survive-the-covid-19-crunch>.

superfluous pool of knowledge. Therefore, to serve them right, law firms' appropriate agenda is to develop distinguishing and proficient competence.⁸⁹ Further, to develop or maintain a clientele in discipline development, majorly letting go of the pricing slip is convenient. During this economic slowdown, law firms have continued to increase their regular prices and partly offset those acts by raising client, matter, and one-time discounts; strategic investments; and write-offs that are work-in-progress and account-receivable.⁹⁰ When performed in a strategic and managed manner, these activities can be efficient ways to meet consumer demands while improving the product offering and role of a law firm so that there is a constant clientele for future times. However, it is important to note that law firms have to be innovative in delivering legal relief from costs or volumes.⁹¹

Instead of instinctually binding themselves into long-term, highly discounted agreements, there is a need to discover new ways of offering substantial investments, adaptable and amendable terms of payment, credits for additional benefits and better prospects, and a wider range of adequate solutions and fee arrangements.⁹² Strategically demonstrate flexibility by expanding the firm's balance sheet to customers rather than losing ground slowly due to a lack of consistency in price.⁹³ Moreover, there is a need for law firms, especially the HR Consultants, to establish an inner sanctum to organize the operation of law firms on all the aforementioned fronts, and much more and create a communication bridge. It is necessary to transform beyond the basics to broad and varied communication best practices, weekly war-room updates, impact monitoring programmes, and restructuring for short-term planning and goals as required. To law firms, near-term payment processing problems are obviously of

⁸⁹ Riya Mishra, Law Firm Marketing – How to Beat the Impact of Covid-19, TIMES OF INDIA (13th May, 2020) <https://timesofindia.indiatimes.com/readersblog/riyable/law-firm-marketing-how-to-beat-the-impact-of-covid-19-19452/>.

⁹⁰ Todd Babbitz, Albert Bollard, et al., COVID-19: Implications for law firms, MCKINSEY & COMPANY (4th May, 2020) <https://www.mckinsey.com/industries/financial-services/our-insights/covid-19-implications-for-law-firms>.

⁹¹ Max Ng & Lee Hong Zhi, Cost-Cutting Measures in light of COVID-19, LEXOLOGY <https://www.lexology.com/library/detail.aspx?g=34ce0de3-37b1-4d1f-81fc-d7436c7445b0>.

⁹² Caroline Spiezio, Coronavirus crisis: Cost-cutting and other law firm responses to the pandemic, THOMSON REUTERS (21st Apr, 2020) <https://in.reuters.com/article/lawyer-law-firm-pay-cuts/coronavirus-crisis-cost-cutting-and-other-law-firm-responses-to-the-pandemicidUSL1N2C82L8>.

⁹³ Four Survival Strategies for Law Firms During COVID-19, ARMANINO (7th Apr, 2020) <https://www.armaninollp.com/articles/four-survival-strategies-law-firms-covid-19/>.

critical importance to the capital adequacy ratio.⁹⁴

The professional industry is getting spiralled with numerous problems, but there is a silver lining in these dark times for lawyers and legal consultants. The central approach to render the lawyers self-dependent is to encourage them to make a reputation and mark themselves as service providers. It is an era of transformation for our system, and there is a dire need to open the floodgates to legal professionals to realize their optimal capability genuinely.

In the contemporary COVID world, where work from home and zoom meetings are the “*new standard*”, lawyers and corporate leaders around the globe are executing both free and paid webinars on different social media websites and discussing different aspects and prospects of law. It is time to accept and move forward with ‘*new normal*’ as they come ahead of us, with a positive outlook to expand the legal industry's horizons and beyond.

⁹⁴ Casey Sullivan, The coronavirus is hitting the legal industry hard. Here's everything we know about pay cuts, layoffs, and how summer associate classes are shaping up, BUSINESS INSIDER (14th Apr, 2020) <https://www.businessinsider.in/careers/news/the-coronavirus-is-hitting-the-legal-industry-hard-heres->



**Miles to Alumni's
Corner**

AMRITA MICHAEL

Compliance and Legal Counsel at Orion Principal Limited (Batch of 2016-18)



The NMIMS MBA programme was something I had been considering long before I applied for the MBA (Law) programme. Doing the cost-benefit analysis of an LLM in India or abroad and an MBA in India, I felt that MBA was the best option for me and NMIMS School of Business Management was one of my top choices. So, when I did come across the new programme in 2016, I was initially apprehensive as it was a new programme, but the fact that part of the faculty would be from SBM was a major factor motivating me to take up this course. While at law schools in India, we do have a case study method as well, but the Harvard case study method implemented at NMIMS is a step ahead as it is a 360-degree review while legal case studies tend to be focussed around the ratio decidendi. While both have their merits, I believe that those who can build their forte to incorporate both would stand apart for future employers. The course also allowed me to interact with professors with a great passion for their subject domain and teaching. Dr. Basu, the Chairperson for the programme, had the difficult task of pioneering this project. Any conversation about this programme cannot overlook his unwavering commitment to the programme and the students. Although I didn't sit for final placements, I was placed with Marsh Insurance Brokers for the summer placement, which was a gainful experience that helped me in my current role. The experience underlined the importance of the interdepartmental approach in regulatory compliance. Currently, I lead the Compliance and Legal vertical in my role at a financial services entity in the UAE. The role requires liaising and negotiating with several cross-jurisdictional stakeholders and counterparties and leading internal audits. The course has helped me with the knowledge and confidence to deal with regulators across the globe and be an active influence on company management.

MALIKA BAJPAI

Management Trainee, Marsh (Batch of 2018-20)



Being a student of MBA (Law), NMIMS has been one of the most enthralling, enriching, and wonderful experiences of my life. With best-in-class faculty, who make every lecture an invaluable learning opportunity, it was a steep learning curve for me. Even after graduating, one undergoes training, workshops, online courses, etc.; it becomes even more obvious that the quality of education experienced at NMIMS was unparalleled.

From getting the Dean's List Award to a PPO at one of the best places to work, there is a lot for me to be thankful for, mostly though, I am grateful for this course because it not only prepared me to be a corporate citizen but also to be an emotionally intelligent human. Graduates of this course excel at their respective roles and give me immense pride to be a part of this legacy.

This culture of excellence and passion for knowledge and insight is what sets it apart. It brings out professionals who are a great value addition and an asset to whichever organization they are a part of. I am extremely honoured and excited to be a part of the Alumni family of this great Institution and wish to contribute to this growing community.

HARSHIT SAINI

Management Trainee, Marsh (Batch of 2018-20)



Being a part of the MBA (Law) programme at NMIMS has been one of the most enriching and delightful experiences for me. The invaluable lessons and insights that I gained from this programme shall remain with me throughout my life.

From Day 1 of entering the campus and starting the “MBA-life”, it is a non-stop exhilarating ride, wherein you spend each day giving it your all, and then some more. Interactions with the faculty and learnings in the classroom are invaluable and unforgettable. I walked in as a legal graduate and walked out as a manager, who is much better equipped to face challenges of the corporate world. It is wonderful to see my seniors and batchmates doing so well in their careers.

I am forever grateful to my teachers, seniors, and peers to make these two years so amazing for me. I am thrilled to be a part of the MBA (Law) and NMIMS legacy and alumni network. I would like to congratulate the Lei Ipsum team for taking this initiative and wish them all the very best.



**A Talk with
Our Sponsor**



Telebu is a communication leveraging tech-based company in India that makes your everyday life and communication easy as a breeze. This month, the Lei Ipsum had conducted a National level Quiz Competition on the premise of Business, Economics, and Law. Telebu has been the title sponsor for this event, supporting the event with their well promised seamless communication platform – Telebu!

With the event's success and curiosity in their organization's member Nisha Parikh, Vice President- HR & Marketing, Telebu; we are well opportune to get an interview from her.

Nisha Parikh has a unique profile that reflects her designation and would interest our readers a lot. Her experience in handling both required management fields will be quite a birds-eye look for us and a lesson from the prominent mentor personality that Nisha Parikh is. Let's feast for our soul!

Interviewer: The digital world has given us an even smaller world and a few strangers. Your multifarious contribution to the business industry makes us astonish about your head and handling both Marketing and HR. How and what inspired you to execute the idea of Psychology in two of the main branches of management and make the best out of it?

Ms. Parikh: Earlier, I have always believed that it's good to multitask and its bonus. As of late, I don't consider it to be a bonus, and it's not right. I don't suggest people multitask. I believe that to commit to one thing and give your 100% shot, rather than be involved in multiple specialties.

Having said that, I am handling both the roles and quite enjoy them. Both roles that I get to play are very psychological-driven. I am lucky in that way. Like in marketing, the study of psychology helps me in understanding user behavior. E.g. why a person needs our help, how they can double or grow their business, or how we can help them with their communication and collaboration.

Whereas when I handle HR roles, I get to understand the human element of an organization that is very important and critical for us. In an organization such as ours, we consider human resources as an asset and treat our colleagues as our family members, and we value them a lot. So, we take a lot of care and are very selective in selecting our employees; they are our most significant assets. We consider our employees more like our family members because we spend

more time with them than our own family. You work together with them, you spend more time with them and even dream together with them.

For me, though, it was challenging in the beginning as managing both is very demanding. Still, now it has become more comfortable with the fantastic team that I have and the people who help me achieve our goals successfully. Presently, I am not someone who can say that I am doing much, as it's the team that does most of the work collectively. I am there to guide and help them if they are stuck. My job has become quite a metaphorical plumber. I only go there if there is something that isn't working, and I help them. On a day-to-day basis, they work like a well-oiled machine, and the pressure on me is hence less, unlike the start.

Honestly, my journey with Telebu has been very long since 2007. I joined as fresher at that time, and I was open to learning anything and everything under the sun. For me, it didn't matter which role I was given. I never stuck with one set of the role, and given that it was a startup, I was given a lot of opportunities to make a decision and many roles in committing for the organization. I worked on different- different departments and tried learning everything I could. Therefore in the starting, if I needed to understand HTML, I will learn HTML.

When I started my career as a content creator, and I was also quite intrigued by sales. I always wanted to do more in sales. I loved meeting people, see the spark in their eyes when they see a particular product. I enjoyed helping and speaking to other people a lot. I gradually entered the sales force and later opened global offices, recruited people. I naturally knew HR, sales and marketing. The startup team is relatively small, and you need to pick up a lot of work together. All departments you need to be in. It became natural for me to be part of all these things and take up more responsibility.

When I co-founded Ubergrad, at that time, I was managing everything. Building the team, getting the right people, helping and getting the product out was quite a struggle. Especially when you need to juggle between study and jobs. Thus, when I started heading both HR and marketing in Telebu and as of now, however difficult it be, we have grown from 100-300 people to now a team of 500-600 people. It might have been overwhelming, but nothing like I didn't know. I knew where to aim and make the team see the bigger picture. Hence, it was natural that I could handle my responsibility. It wasn't an overnight thing. I was groomed by time for my position.

Interviewer: How did you prime herself from her early Content Creator Career to being a person who understands and executes decisions in her deserving position in Telebu?

Ms. Parikh: One thing that has helped is not having a fixed plan. I never make planned-out plans. I am open to new things, open to trying and experimenting. For me to come out of college and join a start-up while holding an offer letter from Google and rejecting that said offer and joining a start-up where there is no certainty; starting as a content writer to not planning on what I want to do and go with Telebu. I have lucked out well, but it is the part that is open to experience and new things, even given the risk, is what made me what I am. I have never said a NO not to do this, even it is not up to my alley. I take life as it comes, the day. There are certain principles that I won't budge from, but overall I have been taking life one day at a time and learning everything as they come my way to learn from. If given what I would do five years down the life, sorry, I have no such plans fixed. I welcome the day as it comes. I have only one objective of making Telebu a billion-dollar company, but beyond that, I have no such plans as of now.

I plan to give back to society, especially towards helping children and building a resilient India. These are all essential things that I am doing right now as I train to be resilient to my failures. The no-plan plan worked out for me, but I am unsure if it works out for others. My no-plan is to have stronger roots and branch out to wherever the sun can shine the brightest.

Interviewer: Could you enlighten our readers on getting connected with Telebu as prospect users as well as interested career opportunists? What sort of solution did Telebu want to solve for the unknown needs of people?

Ms. Parikh: I don't believe that people are unaware of their needs of our help to them; our core philosophy is communication; to help people communicate. Right from the beginning, communication has been an innate part of human society, and we always had some form of them to assist us. From messengers, pigeon messengers, letter, telegram, phones with wires (landlines) to the present whole new generation of wireless communication; we all had them to our needs and want. The mode might have changed, but the core has remained the same, i.e. communication.

We are only helping people, organizations, and institutes communicate better with newer and convenient ways and forms through our software. We have telebu pings, telebu join, Group talk, which helps improve your communication strategies, which increases and empowers your

business. It strengthens bonds within the organization and bonds of interest in the actual outside market. We help our clients build trust with their customers because trusts and relationships cannot be made without communication. Communication is there to stay and also grow more and more. It might be of different channels and platforms. We are moving throughout the globe; we are distancing our physical co-ordinates from our nest; we need to communicate to be near each other and be aware of the world around us. It is what makes the world look the largest and smallest at the same time. When it comes to joining Telebu, we are a flat organization in its truest sense. We have open communication with no hierarchy of such, no titles or formalities, no walls or doors, which could depict a bit of hindrance in our communication.

The whole office is also made in such a way that it is just a big hall without separate cabins irrespective of the positions. As an employee, you would be free to talk to anyone, guide or ask for assistance; like I earlier mentioned, we are more than a family where you can fall to back to progress further as an individual and as a team together.

Interviewer: What is your marketing strategy that makes Telebu stand apart from its competitors? How has your APIs influenced other businesses to integrate features like SMS, Voice, and Video and Chats solutions into their business activities, and how has it, in turn, contributed to the expansion of Telebu across 200+ countries across the globe?

Ms. Parikh: Our marketing strategy is straightforward. We don't harp on what our products do. Though we do feature-based marketing, it more about our employees, more about our culture, and how humane we are. If you look into it, people are not just buying products (as they could buy the same from anybody), but our customers love us because of the kind of people we are. They enjoy the experience they get at Telebu here. They value the relationships that we build with them. That, in my opinion, is what keeps us apart from others. It might not even be marketing, but just us. Any marketing amount won't work if you are not people-friendly if you are not humane in your approach. At the end of the day, if you are coming in contact with our employees and they are arrogant, would you like to buy any services from us? No, you won't because everyone is entitled to respect and kindness in any relation irrespective of their social standings. Thus, it is the humane element that sets us apart, which is our organisation's core.

How do our API products help them, you ask? APIs help them connect to our technology to use our platform to integrate their communication on the panel side. We were open about using our platform and using our services; as per their feedback and continued relationship with us

has been an excellent experience for them because of our services and technology. They thrive because of our technologies; our products are made such that to go out and help more organization. Hence, when it comes to contributing, we always look into how we are helping our clients grow their businesses. And even if their requirements are not a part of our product list, and multiple customers require it, we got out of our way to build it. It has never been about making a quick buck for us, and this is one of the many principles we stand by and believe in as a member of Telebu. We might not be doing this business in the traditional means of making money but helping more people in their business dealings with communication and building lasting trust-worthy relationships with them.

It's the law of nature. You help somebody, and you will grow. In line with this philosophy, there have been many instances where we have provided our services for free to support a new business that can't afford us and help society at large. We are counting on our blessings with the good deeds we do for others. We are confident that we are going to be taken care of in return for this.

Interviewer: How is it working for Telebu (SMSCountry Networks) for more than a decade dictates your Professional satisfaction? What are the work culture and ethical practices in Telebu that inspire its employees to give their best and help in the company's progression?

Ms. Parikh: Today, as a person in the profession, I have grown a lot, all thanks to the various exposure I got to be a part of. When I talk to a lot of people of my age group, I realize that I have evolved differently from them, and it is all because of those varied experiences I got as a part of being in Telebu in its start as a start-up. I have travelled to unknown countries at the young age of 18 and done legal work to get an office, a signed document which could attest that "hey, I am legally authorized to start an organization." even get standing to recruit people to double my age and be able to manage that company; says a lot about my experience and professional satisfaction with Telebu. It has been great, and I can confidently say that these kinds of experiences wouldn't have come my way had it not been for Telebu.

We have 45% of our employees who have stayed with us since the founding years. Our employees stay with us because of the freedom they get here. The opportunity to fail and then succeed by the guidance and support of other mates and the opportunities to experience what makes a true entrepreneur; is their reason for loyalty to Telebu. These things are not attainable with the sole purpose of individual growth but with strong team support to a collective goal to

succeed and prosper. Hence, this is the platform we provide. We are conscientious in selecting a member of our own who is open to experienced, skillful, and with the right attitude. Attitude to learn, fail and succeed with perseverance in a respected skill that we look forward to in our recruitment.

We encourage our employees to fail to succeed in taking the right decision with the right attitude and experience and not getting entirely dependent on someone else's experience, and avoiding failures of their own to learn from. This particular culture is our strength, and people love us because of it. They don't even look forward to the corporate perks but to the humane and peoples' community, they can get in our organization.

Interviewer: What are the 2021 New Year's resolution plans for Telebu given that we are the crux of total dependence on technology and a new era of work and personal communication culture?

Ms. Parikh: 2020 put us under a lot of pressure. We have always believed that our products are essential. When we saw the demand for our products to rise so much, we noticed that it gives us a more significant opportunity and bigger responsibilities to build robust products. This is going to be a new way of life. If a child is going to use our product for school and other academics purpose, it better be as simple for a child to use it and not complicate the medium of studies for him. This would help the country's young future focus more and better on their classes rather than be more affected by the already lifestyle-altering pandemic. Telebu believes in making communication simple; it might even be an inspiration by Apple; to make products so simple that each crowd could use, connect and communicate better. To be as bullish to give the best class products.

So in 2021, we are even more bullish about dreams, goals. We already are intending to make Telebu a billion-dollar organization. We are already in competition with companies like zoom and others, who were in the market for their products for 8 years and we are also in the near same standards to them in mere 6 months of our product release. That's the kind of Indian brains and brawns of hard work that creates magic in India. We are going to take on the world and win this competition. This is our plan, and 2021 is the start of going full throttle in the race.

Interviewer: What will be your "Guru-Bani" or the Words of Wise to our students who similar to your experience, want to contribute their best to the collated nexus of legal and management in Business Industry?

Ms. Parikh: The core is helping Human Beings, Legal or Management; it's all about each other grow. I see people in my personal life who are in the legal fraternity talk about cases; I realize that it's a lot about human emotions and managing them. And management is about managing those humans as well. So, my word of wisdom to all the upcoming masses would be for empathy and humility to be there in them always. Be it Law, Management, or any other field, if you could manage this (Humility and Empathy) and become a good human being. There is nothing in your life that could stop you from succeeding. There will be no reason to fail when you succeed as a human being.

In life, we come across many people, be it directly or indirectly, who have committed crimes of different nature. We must understand that their situation is mostly because of the situational surrounding they had to be around. The crux would be that there has been a reason for them getting instigated to do this. By default, people aren't bad, but the situation makes them take certain decisions, choices, and actions that amount to a crime. It is for us to be empathetic and fair to people, help them, and create less of a world where people become criminal due to certain situations. Be humane as much as you can. The better human we are, the better our world and we win anyway.

MAGAZINE COMMITTEE TEAM



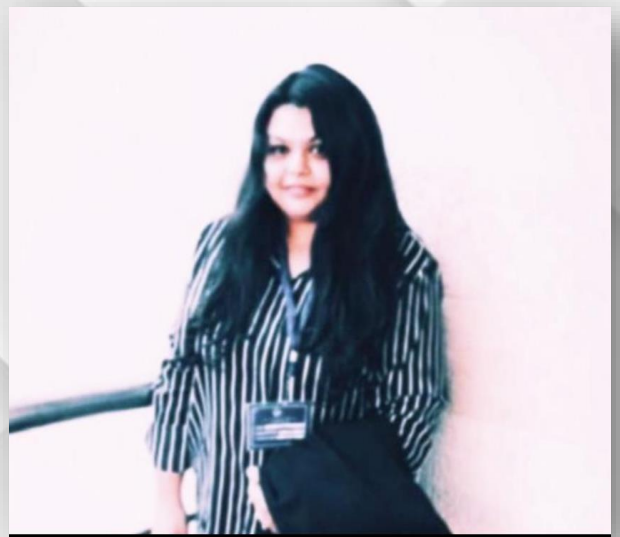
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