

DEMAND FOR ABOLITION OF NEW FARM LAWS: JUSTIFIED OR POLITICAL?

Written by Neeta Beri

*Principal cum Professor, Center for Legal Studies, Gitarattan International Business School,
Delhi, India*

ABSTRACT

The 2020 Indian farmers' protest is an ongoing protest against the three farm acts which were passed by the Parliament of India in September 2020. The acts have been described as "anti-farmer laws" by many farmer unions,ⁱ and farmer unions and politicians from the opposition also say it would leave farmers at the "mercy of corporates".ⁱⁱ The government, however, maintains that they will make it effortless for farmers to sell their produce directly to big buyers, and stated protests are based on misinformation.ⁱⁱⁱ

Soon after the acts were introduced, unions began holding local protests, mostly in Punjab. After two months of protests, farmers - notably from Punjab, Rajasthan and Haryana - began a movement named 'Dilli Chalo' in which thousands of farmers marched towards the nation's capital. Police and law enforcement used water cannons and tear gas to prevent the farmers from entering into Haryana first and then Delhi. On 26 November, a nationwide general strike that, according to unions, involved approximately 250 million people took place in support of the farmers.^{iv}

Over 50 farmer unions have been protesting, whereas government claims some farm unions have come out in support of the farm laws.^v Transport unions representing over 14 million trucker drivers have come out in support of the farmers, threatening to halt movement of supplies in certain states.^{vi} After the government did not accept the farmers' demands during talks on 4 December, 2020, the farmers planned to escalate the action to another India-wide strike on 8 December 2020. The government offered some amendments in laws, but unions are asking to repeal the laws. From 12 December, farmers took over highway toll plazas

in Haryana and allowed free movement of vehicles. By mid-December, the Supreme Court of India had received a batch of petitions related to removing blockades created by protestors around Delhi. The court also intends to take forward the negotiations with the various bodies of protesting farmers. Also, the court asked the government to put laws on hold, which they refused.^{vii}

BACKGROUND

In 2017, the central government released the Model Farming Acts. However, after a certain period of time, it was found that a number of the reforms suggested in the acts had not been implemented by the states. A committee consisting of seven Chief Ministers was set up in July 2019 to discuss the implementation. Accordingly, the central Government of India promulgated three ordinances (or temporary laws) in the first week of June 2020, which dealt with agricultural produce, their sale, hoarding, agricultural marketing and contract farming reforms among other things. These ordinances were introduced as bills and passed by the Lok Sabha on 15 and 18 September 2020.^{viii} Later, on 20th and 22nd of September, the three bills were passed by the Rajya Sabha, where the government is in a minority, via a voice vote - ignoring the requests of the opposition for a full vote. The President of India gave his assent by signing the bills on 28 September, thus converting them into acts.

These acts areas are:

1. Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act : expands the scope of trade areas of farmers produce from select areas to "any place of production, collection, and aggregation." Allows electronic trading and e-commerce of scheduled farmers' produce. Prohibits state governments from levying any market fee, cess or levy on farmers, traders, and electronic trading platforms for a trade of farmers' produce conducted in an 'outside trade area'.
2. Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act : creates a framework for contract farming through an agreement between a farmer and a buyer before the production or rearing of any farm produces. It provides for a three-level dispute settlement mechanism: the conciliation board, Sub-Divisional Magistrate, and Appellate Authority.

3. Essential Commodities (Amendment) Act : allows for the center to regulate certain food items in the course of extraordinary situations like war or famine. Requires that imposition of any stock limit on agricultural produce be based on price rise.

FARMERS' DEMANDS

The farm unions believe that the laws will open the sale and marketing of agricultural products outside the notified Agricultural Produce Market Committee (APMC) mandis for farmers. Further, the laws will allow inter-state trade and encourage voluntary electronic trading of agricultural produce. The new laws prevent the state governments from collecting a market fee, cess or levy for trade outside the APMC markets; this has led the farmers to believe the laws will "gradually end the mandi system" and "leave farmers at the mercy of corporates". Further, the farmers believe that the laws will end their existing relationship with artisans (commission agents who act as middlemen by providing financial loans, ensuring timely procurement, and promising adequate prices for their crop).^{ix}

The key demand is the withdrawal of the three laws which deregulate the sale of their crops. The farmer unions could also settle for a legal assurance that the MSP system will continue, ideally through an amendment to the laws. Additionally, protesting farmers believe dismantling the APMC mandis will encourage abolishing the purchase of their crops at the minimum support price. They are therefore demanding the minimum support prices to be guaranteed by the government.

Among the demands is the removal of punishments and fines for stubble burning as well as the release of farmers arrested for burning paddy stubble in Punjab

As of 24 December 2020, the farmers' demands include:

1. Convene a special Parliament session to repeal the farm laws.^x
2. Make minimum support price (MSP) and state procurement of crops a legal right.^{xi}
3. Assurances that conventional procurement system will remain.
4. Implement Swaminathan Panel Report and peg MSP at least 50% more than weighted average cost of production.^{xii}
5. Cut diesel prices for agricultural use by 50%

6. Repeal of Commission on Air Quality Management in NCR and the adjoining Ordinance 2020 and removal of punishment and fine for stubble burning
7. Release of farmers arrested for burning paddy stubble in Punjab
8. Abolishing the Electricity Ordinance 2020
9. Centre should not interfere in state subjects, decentralization in practice
10. Withdrawal of all cases against and release of farmer leaders

FARMERS' SUICIDE

According to The Economic Times, farmers have long felt targeted and exploited in India. It has been noted that in 2019, 10,281 people who work in the farming sector have committed suicide. This is largely due to rising debt levels and low income. The states of Punjab, Haryana, Bihar, Karnataka, Uttar Pradesh and Andhra Pradesh have the highest farmer suicide rates in the country. These suicide numbers seem to be rising annually: NCRB data shows 42,563 farmers and daily wagers died by suicide in 2019 alone.^{xiii}

PROTESTS

March to Delhi, 27 November

In Punjab, small-scale protests had started in August 2020 when the farm bills were made public. It was only after the passage of the acts that more farmers and farm unions across India joined the protests against the reforms. On 25 September 2020 farm unions all over India called for a Bharat Bandh to protest against these farm laws. The most widespread protests took place in Punjab, Haryana and Western Uttar Pradesh but demonstrations were also reported in Uttar Pradesh, Karnataka, Tamil Nadu, Odisha, Kerala and other states. Railway services have remained suspended in Punjab for more than two months due to the protests, starting from October. Following this, farmers from different states then marched to Delhi to protest against the laws. Farmers also criticized the national media for misrepresenting the protest. Farmers' groups said that in the first 22 days of protests, more than 20 farmers had died protesting; some due to hypothermia caused by cold weather.

Rail Roko:

On 24 September 2020, farmers started a "Rail Roko" campaign, following which train services to and from Punjab were affected. Farmers extended the campaign into October. On 23 October, some farmer unions decided to call off the campaign, as supplies of fertilizer and other goods in the state were starting to run short.^{xiv}

Dilli Chalo:

After failing to get the support of their respective state governments, the farmers decided to pressure the Central Government by marching to Delhi. On 25 November 2020, protestors from the Dilli Chalo campaign were met by police at the borders of the city. The police employed the use of tear gas and water cannons, dug up roads, and used layers of barricades and sand barriers to stop the protestors, leading to at least three farmer casualties. Amidst the clashes, on 27 November, media highlighted the actions of a youth who jumped onto a police water cannon targeting protesting farmers and turned it off. He was later charged with attempted murder. The march on Delhi was accompanied by a 24-hour strike of 250 million people across India on 26 November 2020 in opposition to both the farm law reform and proposed changes to labour law. Between 28 November and 3 December, the number of farmers blocking Delhi in the Delhi Chalo was estimated at 150 to 300 thousand.^{xv}

The Central Government of India announced they would for discussing the future of the new farm laws on 3 December 2020, despite the protesters' demands that the talks took place immediately. It was decided that the government would only talk to a select group of farmer unions. The Prime Minister would be absent in this meeting. The KSMC, a leading kisan jatha refused to join this meeting for these reasons. While the Center wanted the farmers to move away from Delhi to a protest site in Burari the farmers preferred to stay at the borders and instead put forward a proposal of protesting at Jantar Mantar in central Delhi.

The farmers' unions announced that on 4 December they would burn effigies of PM Modi and leaders of corporations. Farmers planned to return their awards and medals on 7 December and to organize a Bharat Bandh (national strike) on 8 December. After talks with the central government failed to find a solution on 5 December, farmers confirmed their plans for a national strike on 8 December. Further talks were planned for 9 December.

On 9 December 2020, the farmers' unions rejected the government's proposals for changes in laws, even as the Centre in a written proposal assured the minimum support price for crops. The farmers also said they will block the Delhi-Jaipur highway on 12 December and nationwide dharnas will be called on 14 December. On 13 December, Rewari police barricaded Rajasthan-Haryana border to stop farmers from marching to Delhi, and the farmers responded by sitting on the road and blocking the Delhi-Jaipur highway in protest.

Blocked border and roads:

A number of borders, including the Dhansa border, Jharoda Kalan border, Tikri border, Singhu border, Kalindi Kunj border, Chilla border, Bahadurgarh border and Faridabad border, were blocked by protestors during the protests. On 29 November, the protestors announced that they would block five further points of entry into Delhi, namely Ghaziabad-Hapur, Rohtak, Sonipat, Jaipur and Mathura.^{xvi}

Sant Baba Ram Singh, a Sikh priest, shot himself on 16 December at the Sindhu border in protest against the farm laws. Two days later, police on Friday recovered a pistol, pen and diary, and identified the car in which, he had been found with a bullet injury on Wednesday evening. Sonipat superintendent of police Jashandeep Randhawa said that pistol used by Sant Baba Ram Singh belongs to one of his associates. This means that the suicide weapon was not registered in his name. Police said that they intend to interrogate the pistol holder as to why he had given his weapon to him?^{xvii}

RESPONSE & REACTION

On 17 September, the Food Processing Industries Union Minister, Harsimrat Kaur Badal of Shiromani Akali Dal, resigned from her post in protest against the bills. On 26 September, Shiromani Akali Dal left the National Democratic Alliance. On 30 November, Prime Minister Narendra Modi raised concerns over the issue of misled and radicalized farmers. He stated that "the farmers are being deceived on these historic agriculture reform laws by the same people who have misled them for decades" citing numerous times opposition members were convicted of spreading lies. Modi added that the old system was not being

replaced, but instead that new options were being put forward for the farmers. Several Union Ministers also made statements to this effect.^{xviii}

On 1 December, Independent MLA Somveer Sangwan withdrew support from the Bharatiya Janata Party government in the Haryana Assembly. The BJP's ally, the Jannayak Janta Party (JJP) also asked the central government to consider giving a "written assurance of the continuation of Minimum Support Price (MSP) for crops." On 17 December, the Minister of Agriculture & Farmers Welfare wrote an open letter to farmers over the new laws.

All-India Bandh:

On 4 December, the farmers protesting on the outskirts of Delhi against the center's new agricultural laws called a nationwide strike on December 8, saying they will block all roads to the capital, amid a stand-off with the government. A day before the strike, the farmer's union announced that it would hold the strike between 11 A.M and 3 P.M alone to avoid inconveniencing the public.

Allegations of conspiracies:

Several BJP leaders have claimed that the protests are the result of a conspiracy, launched by what they have described as "anti-national" persons. The Union Minister for Food, Railway and Consumer Affairs, Piyush Goyal has described the protesting farmers as "Leftist and Maoist" and being "hijacked" by unknown conspirators. Former Rajya Sabha MP and vice-president of BJP in Himachal Pradesh, Kripal Parmar stated, "The protest is driven by vested interest of few anti-national elements." Union Minister and Bharatiya Janata Party politician Raosaheb Danve has alleged an international conspiracy, claiming that China and Pakistan are behind the ongoing protests by farmers.^{xix} BJP MLA Surendra Singh said, "....this is a sponsored agitation by anti-national forces and has foreign funding." BJP Uttarakhand chief Dushyant Kumar Gautam stated that the protests had been 'hijacked' by "terrorists" and "anti-national" forces. Several BJP leaders have blamed what they have called the 'Tukde Tukde Gang' - an undefined term - as instigating the protests, and linked them to previous protests in relation to India's citizenship laws. Delhi BJP MP Manoj Tiwari has accused such unnamed conspirators of instigating the protests, as has Union Minister Ravi Shankar Prasad.

Opposition to the claims of conspiracy has been voiced from within the BJP and outside it. BJP leader Surjit Singh Jyani, who was part of a committee that negotiated with several farmers

unions, vocally opposed the claims, stating, "This type of language should be avoided. We know there are many farmers groups that are Left-leaning but branding them tukde tukde gang and anti-national will not end the deadlock." Maharashtra Chief Minister and Shiv Sena leader, Uddhav Thackeray has voiced opposition to the labelling of protestors as "anti-national", pointing to some confusion amongst BJP leaders about the source of the allegations of conspiracy. He stated, "BJP leaders should decide who farmers are – are they Leftist, Pakistani, or they have come from China." The conspiracy claims have also been opposed by Rajasthan Chief Minister and Congress politician, Ashok Gehlot, who urged the government to come to an "amicable solution" with protesting farmers "...instead of blaming gangs, anti-national elements for these protests."^{xx}

SUPREME COURT OF INDIA INVOLVED

The Supreme Court of India has received numerous petitions seeking direction to remove protesting farmers from blocking access routes to the capital. The Supreme Court has also conveyed to the central government that it intends to set up a body for taking forward the negotiations. On 17 December, the Supreme Court acknowledged the right to peaceful protest but added, "you (farmers) have a purpose also and that purpose is served only if you talk, discuss and reach a conclusion".^{xxi} The central government opposed the courts recommendation of putting on hold the implementation of the farm laws.

CONCLUSION

The biggest fear for farmers is that the MSP-Minimum Support Price is going to end. Through this bill, the government has opened the way for agricultural business outside the market, namely the Agricultural Produce Market Committee. The trade area has been declared outside the market too. The licensed traders take their produce from the farmer to the MSP inside the mandi, but the MSP has not been made a benchmark for those doing business outside. Therefore, there is no guarantee of getting MSP out of the market.

The government has not written anywhere in the bill to eliminate mandis, but its impact can destroy mandis. The farmer is scared after guessing it. That is why the aristocrats are also being

scared. On this issue, the farmer and the agent are together. They believe that the mandis will be saved only then the farmer will be able to sell his produce on MSP therein.

This bill has been seen to create 'One Country two Market'. Because tax will be paid inside the mandis and there will be no tax outside the mandis. Now the government has arranged outside the market in the agricultural trade that no tax will have to be paid to the businessman. Whereas, on an average, Mandi tax is levied within the market up to 6-7 per cent. It is being argued on behalf of the farmers that the agent or businessman will buy out of the mandi without loss of his 6-7 per cent tax. Where he does not have to pay any tax. Mandi system will be discouraged by this decision. If the mandi committee is weak then the farmer will slowly go to the market. Where its yield can be found more than the government fixed rate and less also.

Amidst this concern of farmers, the state governments - especially Punjab and Haryana - are fearing that if private buyers buy grain directly from the farmers, they will lose the tax they get in the mandis. Both states get a hefty tax from the mandis, which they use in development work.

A bill is related to contract farming. In this, the right of the farmers to go to court has been taken away. The SDM will decide in case of a dispute between the companies and the farmers. His appeal will be to the DM and not to the court. The farmers do not believe in DM, SDM because they feel that the people sitting in both these positions are like puppets of the government. They never talk about the interest of farmers.

What the Central Government is not writing in the Act is making out its promise. This is why confusion is spreading among farmers. The government, in its official statement, is promising to continue the MSP and mandis should not be closed, the party is saying the same on the forum, but is not writing the same thing in the Act. Hence there is doubt and confusion. Farmers feel that no statement of the government can equal the guarantee of MSP in the Agriculture Act. Because on the promise of the act, the government can be raised in court, while the party forum and statements have no legal basis. However, the government is dismissing these fears of farmers from scratch.

ENDNOTES

- ⁱ Palnitkar, Vaibhav (21 September 2020). "Here's Why Farmers Are Protesting the 3 New Agriculture Ordinances". The Quint.
- ⁱⁱ Kulkarni, Sagar (22 September 2020). "Now, farmers will be back to serfdom, at the mercy of big corporates: Manish Tewari". Deccan Herald.
- ⁱⁱⁱ Singh, Prashasti, ed. (28 September 2020). "Farmers across India protest against farm bills. In photos". Hindustan Times.
- ^{iv} Joy, Shemin (26 November 2020). "At least 25 crore workers participated in general strike; some states saw complete shutdown: Trade unions". Deccan Herald.
- ^v "I come from farming family,' Tomar writes open letter to farmers; PM Modi urges to read". Hindustan Times. 17 December 2020.
- ^{vi} "Farmers' protest: Transporters threaten to halt operations in North India from Dec. 8". Tribuneindia News Service. 2 December 2020
- ^{vii} Dec 18, Dhananjay Mahapatra / TNN / Updated; 2020; Ist, 08:50. "Delhi farmers protest news: Consider putting on hold new farm laws, says Supreme Court to govt | India News - Times of India". *The Times of India*.
- ^{viii} Lok Sabha passes farm bills amid opposition protest. 18 September 2020, *Times of India*.
- ^{ix} Bhatia, Varinder (1 December 2020). "Explained: Who are the farmers protesting in Delhi, and why?". *The Indian Express*.
- ^x Hebbar, Nistula; Jebaraj, Priscilla (2 December 2020). "Dilli Chalo | Farmers demand special Parliament session to repeal farm laws". *The Hindu*. ISSN 0971-751X
- ^{xi} "Farmers' apprehensions about role of mandis, terms of procurement under new laws need to be addressed". *The Indian Express*. 3 December 2020.
- ^{xii} "Swaminathan Report: National Commission on Farmers". *PRSIndia*. 7 March 2017.
- ^{xiii} "Over 10000 persons in farming sector, 32,563 daily wagers died by suicide in 2019: NCRB". *The New Indian Express*.
- ^{xiv} Sethi, Chitleen K. (9 November 2020). "BJP sets up talks between farmers, Rajnath & Goyal to end deadlock over Punjab train services". *ThePrint*.
- ^{xv} "Farmers protest: Two lakh more set to reach Delhi in 40km-long cavalcade". *Business Standard*. 28 November 2020.
- ^{xvi} "Farmers' Protest HIGHLIGHTS: Protesting farmers refuse to budge, say 'demands are non-negotiable'". *The Indian Express*. 1 December 2020.
- ^{xvii} "Police recovers pistol with which Baba Ram Singh 'shot self'". *Hindustan Times*. 19 December 2020
- ^{xviii} "Govt invites farmers for talks today; PM says they are being misinformed". *Business Standard India*. *PTI*. 1 December 2020.
- ^{xix} "Conspiracy of China, Pakistan behind farmer's protests: Union minister". *NDTV*.
- ^{xx} "Statements by BJP leaders on farmers' protest 'most unfortunate', says Ashok Gehlot". *Hindustan Times*. 14 December 2020.
- ^{xxi} "Familiar with plight': SC allows farmers to protest". *Hindustan Times (Print)*. 18 December 2020.