

DE JURE NEXUS LAW JOURNAL

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THE FARM BILLS, PROTESTS AND PROBABILITIES

“The farmer is the only man in our economy who buys everything at retail, sells everything at wholesale, and pays the freight both ways.” – John F. Kennedy.

Cultivation is the antiquated, fundamental and the first significant occupation on the planet. Man started deliberate developing of plants and harvests millennia prior and created nourishment for the extremely essential need of life. To address the issues of everybody, he should receive different techniques for development, store grains and the produces, and improve the methods of burning-through the produces. He needed to battle with the nature, the essential danger the rural homesteads face each day that incorporates daylight, heat, precipitation, soil and other climatic conditions. As the strategies for development advance, the dangers likewise create for the cultivators to get the powerful yields true to form. Agriculture was once popularly hailed as “God’s profession”. Today’s farming is not that divine. It exerts pressure, greediness, economic rivalry, and even slavery.

The present dangers are not the same as what the farmers managed in the bygone eras. A large portion of the dangers are misleadingly made, and some are politically spurred. The public authority and the politicians have been assuming a double role of educating the farmers on proper methods of cultivation on one hand and refuting the rights of the farmers in employing those methods on the other. Farmer's calling has been exceptionally politicized with regards to gathering credits, loans, assets and ultimately in selling the produces as well. These leaders are forgetting the fact observed by Masanobu Fukuoka, *“The ultimate goal of farming is not the growing of crops, but the cultivation and perfection of human beings.”*

India the land of solidarity in variability, the best illustration of this is reflected in the trademark given by our previous Prime Minister, Mr. Lal Bahadur Shastri ji which is 'Jai Jawan, Jai Kisan', unfortunately arrives at its most elevated pinnacle of thriving if the farmers and the soldiers stand confronting each other due to some recent developments like the current farm laws enacted by the Government.

“We have the power to suspend the legislation. But the suspension of legislation must not be for an empty purpose. We will form a Committee which will submit a report to us...Every person who is genuinely interested in solving the problem is expected to go before the Committee. The Committee will not punish you or pass any orders. It will submit a report to us”,¹ was the joint remark of a three-judge bench headed by Chief Justice of India S. A. Bobde, A S Bopanna and V Ramasubramanian putting the implementation of farm laws in abeyance. Protesting farmers said that they won't accept resolution by the Committee set up by the Supreme. Farmer leaders have said that they would not call off their protest until the legislations are repealed. The Sankyukt Kisan Morcha, an umbrella body of around forty protesting farmer unions, has called a meeting later on the same day to decide the next course of action. The farmer leaders said they are not willing to participate in any proceedings before a committee appointed by the Supreme Court, but a formal decision on this will be taken by the Morcha². The Sankyukt Kisan Morcha declared their programme of a tractor rally on Republic Day. With the chaos during farmers' tractor rally erupting in the capital and the incident of flags being hoisted at the Red Fort, unfortunately the two months peaceful protest on the borders of national capital turned violent. The Sankyukt Kisan Morcha leaders, however, distanced themselves from "violence" in the agitation saying the violence was done by some miscreants and farmers. This being the state of affairs the fate of farmers is left undecided in the absence of trust between Government and agitating farmers. The deliberations and dialogues between them are at stand still.

This being the situation it is high time to probe into the farm laws to note their merits and demerits.

¹ <https://indianexpress.com/article/india/supreme-court-stays-implementation-of-farm-laws-farmers-protest-7143262/>

² <https://www.financialexpress.com/india-news/farmers-protests-live-news-supreme-court-order-pleas-challenging-farm-acts-protests-today/2169159/>

In September 2020, with the assent of the President the three 'Agricultural Bills' that were earlier passed by the Indian Parliament were enacted. These Farm Acts are as follows:

- 1- Farmers Produce Trade and Commerce (Promotion and Facilitation) Act,2020
- 2- Farms (empowerment and Protection) Agreement on Price Assurance and Farm Services Act,2020
- 3- Essential Commodities (Amendment) Act,2020

I ... **Farmers (empowerment and protection) Agreement on Price Assurance and Farm Services Act, 2020³**

Citation: Act No. 20 of 2020

Territorial: India

Lok Sabha: The Bill was introduced in Lok Sabha on 14th September 2020, passed in Lok Sabha on 17th September 2020.

Rajya Sabha: It was passed in Rajya Sabha on 20th September 2020

Presidential Assent: The Bill received Presidential Assent 24th September 2020

Introduced by: Minister of Agricultural and Farmers Welfare, Narendar Singh Tomar

1-Background: On 5 June 2020, The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Ordinance, 2020 was promulgated by the Union Cabinet.

2-Act: It creates a national framework for contract farming through an agreement between a farmer and a buyer before the production or rearing of any farm produces.

3-Provisions:

- (a) Farming Agreement: The Act provides for a farming agreement between a farmer and a buyer prior to the production or rearing of any farm produce.
- (b) Minimum Period of Farming Agreement: The minimum period of the farming agreement shall be for one crop season or on 5 June 2020, Farmers (Empowerment

³ <https://pib.gov.in/PressReleasePage.aspx?PRID=1656929>

- and Protection) Agreement on Price Assurance and Farm Services Ordinance, 2020 was promulgated by the Union Cabinet one production cycle of livestock.
- (c) **Maximum Period of Farming Agreement:** The maximum period of farming agreement shall be five years. It also states that if the production cycle of any farming produce is longer and may go beyond five years, the maximum period of farming agreement may be mutually decided by the farmer and the buyer and explicitly mentioned in the farming agreement.
 - (d) **Pricing of Farming Produce:** The pricing of farming produce and the process of price determination should be mentioned in the agreement. For prices subjected to variation, a guaranteed price must be specified in the agreement.
 - (e) **Settlement of dispute:** The Act provides for a three-level dispute settlement mechanism-Conciliation Board, Sub-Divisional Magistrate and Appellate Authority.

II **Farmer's Produce Trade and Commerce (promotion and facilitation) Act, 2020**

Citation: Act No. 21 of 2020⁴

Territorial: India

Lok Sabha: The Bill was introduced in Lok Sabha on 14th September 2020, passed in Lok Sabha on 17th September 2020.

Rajya Sabha: It was passed in Rajya Sabha on 20th September 2020

Presidential Assent: The Bill received Presidential Assent 24th September 2020

Introduced by: Minister of Agricultural and Farmers Welfare, Narendar Singh Tomar

- 1- **Background:** On 5 June 2020, Farmer's Produce Trade and Commerce (Promotion and Facilitation) Ordinance, 2020 was promulgated by the Union Cabinet.
- 2- **Act:** It permits intra and inter-state trade of farmers' produce beyond the physical premises of Agricultural Produce Market Committee (APMC) markets and other markets notified under the state APMC Acts.

⁴ Supra³

3- Provisions:

- (a) Trade of Farmer's Produce: The Act allows the farmers to trade in outside trade area such as farm gates, factory premises, cold storage, and so on. Previously, it could only be done in the APMC yards or Mandis.
- (b) Alternative Trading Channels: It facilitates lucrative prices for the farmers via alternative trading channels to promote barrier-free intra-state and inter-state trade of agricultural produce.
- (c) Electronic Trading: Additionally, it allows the electronic trading of scheduled farmers' produce (agricultural produce regulated under any state APMC Act) in the specified trade area. It will also facilitate direct and online buying and selling of the agricultural produce via electronic devices and the internet.
- (d) Market fee Abolished: As per the Act, the State Government are prohibited from levying any market fee or cess on farmers, traders and electronic trading platforms for trading farmers' produce in an 'outside trade area'.

III **Agricultural Produce Market Committee (APMC): All you need to know Essential Commodities (Amendment) Act, 2020⁵**

Citation: Act no.10 of 1995

Territorial extent: India

Status: Amended

Lok Sabha: The Bill was introduced in Lok Sabha on 14th September 2020, passed in Lok Sabha on 15th September 2020.

Rajya Sabha: It was passed in Rajya Sabha on 22nd September 2020

Presidential Assent: The amendment received Presidential Assent on 26th September, 2020.

- 1- Background: On 5 June 2020, the Essential Commodities (Amendment) Ordinance, 2020 was promulgated by the Union Cabinet.
- 2- Act: It is an Act of the Indian Parliament which was enacted in 1995 to ensure the delivery of certain commodities or products, the supply of which if obstructed owing to

⁵ Supra ⁴

hoarding or black-marketing would affect the normal life of the people. This includes foodstuff, drugs, fuel (petroleum products) etc.

3- Power of Central Government:

(a) The Government of India regulates the production, supply, and distribution of a whole host of commodities it declares 'essential' in order to make them available to consumers at fair prices.

(b) The Government can also fix the MRP of any packaged product that it declares an 'essential commodity'.

(c) The Centre can add commodities in this list when the need arises and can take them off the list once the situation improves.

(d) If a certain commodity is in short supply and its price is spiking, the Government can notify stock-holding limits on it for a specified period.

4- Powers of State Government: The respective State Governments can choose not to impose any restrictions as notified by the Centre. However, if the restrictions are imposed, traders have to immediately sell any stock held beyond the mandated quantity into the market. This is done to improve supplies and brings down prices.

5- Amendment: With the amendment in the Act, the Government of India will list certain commodities as essential to regulate their supply and prices only in cases of war, famine, extraordinary prices rises, or natural calamities. The commodities that have been deregulated are food items, including cereals, pulses, potato, onion, edible oilseeds, and oils.

6- Stock Limit: As per the amendment, the imposition of any stock limit on agricultural produce will be based on price rises and can only be imposed if there's—a 100% increase in the retail price of horizontal produce and 50% increase in the retail price of non-perishable agricultural food items.

7- Calculation: the increase will be calculated over the price prevailing immediately preceding twelve months, or the average retail price of the last twelve years, whichever is lower.

It is to be noted that these restrictions will not be applied to stocks of food held for public distribution in India.

Indian agriculture acts of 2020, often referred to as the Farm Bills are three acts initiated by the Parliament of India in September 2020. The protests against the new acts gained momentum in Sep, 2020. On Sep, 2020 our Prime Minister referred to the bills as a watershed moment in the history of Indian agriculture. In the Prime Minister's "Mann Ki Baat" radio address on Nov, 2020 had now these promises had been fulfilled.

The acts have faced protests from farmers in various parts of India claiming that it will hurt their earnings. The main reasons for the opposition are the uncertainty regarding the implementation of the reforms, myths about minimum support prices (MSP) and low bargaining power of the farmers are some of the fears that have led to the opposition to the bills.

Lack of Statutory support in the bills for the MSP is a major point of concern, especially for farmers from Punjab and Haryana, where 65% of wheat (2019) is procured at MSP by the Food Corporation of India and state agencies.⁶

The main objection to the farmer's Produce Trade and Commerce Act is that it is pro-corporate. It allows farmers to sell outside of the APMC. But it abolishes the mandi system that operate under the APMC system, meaning farmers would now have to sell to corporates, meaning there will be no purchase of crop at MSP.

Besides these, farmers fear losing their land and becoming "Slaves" to the corporates as far as The Farmers Agreement of Price Assurance and Farm Services Act, 2020 is concerned.

The Government has on the other hand said that the agricultural The Farmers 1 laws will help the farmers by enabling them to sell their produce within the state or anywhere else in the country and there will be no restrictions on this type of trade. This will benefit the farmers that they will be able to sell their produce to the merchant wherever they get a higher price.

Most ranchers would concur that the working of the mandis is wasteful, dark, politicized and regularly constrained via cartels. The endeavor to change the working of the mandis isn't new and has been in cycle throughout the previous twenty years.

So, for what reason are the ranchers fighting as opposed to inviting the independence from mandis?

⁶Supra note5.

The indignation is additionally over the way in which the bills were pushed onto the cultivating local area. Have the ranchers' association as well as even state governments and partners not been counseled.

The current changes totally by-pass the state governments and debilitate their capacity to manage farming business sectors despite the fact that it is a state subject.

Dissimilar to prior changes where the attention was on fortifying the working of the APMC Mandis while taking into consideration more prominent private market access and cooperation the current bill by-passes the APMC all-together, making a different design of exchanging.

Most farmers realize that the reform is not delivering on the promise of freedom to farmers but freedom to private capital to purchase agricultural produce at cheaper prices and without any regulation or oversight by the government.

Thus, the sequence of events and the subsequent deadlock between the farmers and governments raises many qualms, apprehensions and worries. These are like, If the bill was really meant for the benefit of the Farmers, then why today they are on the roads to oppose the bill? Why today Government and the Farmers are standing opposite to each other? The agitation which was running peacefully from the day one has suddenly taken a violent shape. Why? Why Government today is calling the Farmers as radicals? If the Farmers were really the fanatics then why they were not vehement from the commencement of their agitation? Why is that the Government and the Farmers are not co-operating with each other? In spite of the Government thinking the farm laws to be profitable for both the Farmers and the Economy, but still not being able to show its benefits to the Farmers. Why is it so? What is wrong if this issue being discussed on international platform? Why are Farmers worried about the MSP? Why can't government enacting cent percent guarantee of the implementation of MSP? As government stating, are the middle man really exploiting Farmers? If so why farmers are relying more on them than the corporates and government who are promising them more profit?

Question after question but no real answer can be found. Ultimately, it's the farmer who is starving, on the streets, it's the annadata on the roads. The poem below is a small tribute to all those farmers who are struggling on the borders, who are being shunned, who are being doused

with freezing water in a sub human atmosphere, who are being barricaded and stopped from marching to Delhi,

From the day break till the nightfall,
In the summers and the winters,
In the spring and the pre-winter,
Unconscious of the warmth of the Sun,
Or then again, the downpour or wind or tempest,
They buckle down, tirelessly.
The sky, and the seasons,
The soil and the seeds,
The irrigation and the cattle,
The bazaars and the books,
To develop nourishment for everybody.
With the hair tousled,
Furthermore, the hands and garments,
Covered with sweat and soil dust,
They buckle down, enthusiastic and caring,
To develop food, and improve the yields,
God's own men—We call them Farmers.

To conclude, Cultivators of the earth are the most important residents. They are the most incredible, the most autonomous, the most idealistic, and they are attached to their country and married to its freedom and interests by the most enduring bonds. But as Grant McConnell, in his *Decline of Agrarian Democracy* says, “*Farmers had freed themselves in part from the blind natural forces of storm and insects only to become increasingly the victims of the equally blind forces of market fluctuations*”.

VOLUME 1 ISSUE 3

2021

ISSN: 2582-7782



De Jure Nexus

LAW JOURNAL