

FARM LAWS FARMERS PROTEST INDIA



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**FEB 2021
FINAL REPORT**

Image: Nandhu Kumar

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INTRODUCTION

Farming is one of the oldest occupations in the world. Nearly a billion people around the world are engaged in farming. Nearly 80% of this is small farming, with farms ranging from an acre to 10 acres. At such small scales, farming is not a profitable business. Without subsidies, there would only be industrial-scale farming, with little variety in foods and considerably more damage to the environment.

More than half of India's population depends for their livelihoods on farming. So far the Indian State has subsidised agriculture in different ways, particularly in states in which farming is the mainstay of the economy.

In November 2020, the BJP Government led by Prime Minister Narendra Modi, decided to dramatically reform the way farming is done in India. The Government argues that it has brought in long-needed reforms. The reforms were brought without consulting farmers in the regions that produce most of the produce for India.

The farmers do not like the reforms. They think the reforms are a backdoor approach to end small scale farms and encourage large corporate sectors to enter into profitable farming. The farmers are protesting against these laws. They have been engaged in one of the biggest peaceful protests in history. They want the laws repealed.

This report looks at what exists, what new laws and policies are being introduced, what their impacts could be on farmers, on poverty and unemployment levels in India and what impact the new laws would have on the world in general. It also looks at whether the laws are consistent with the spirit of the Indian constitution and whether they breach international treaties. It further looks at the response of the Indian Government to the peaceful protests.

The report has been written after extensive research, discussions with farmers and those who support the new laws.

The report has been commissioned by Sri Guru Singh Sabha Southall. The Gurdwara asked for an objective and wide-ranging report. The authors will welcome any comments.

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EXECUTIVE SUMMARY

Over half a billion people in India depend on farming directly or indirectly (that is nearly 50% of the total population). Farmers in India, as in most of the world, engage in small scale farming. Farmers usually have between 1 and 5 acres of land. The new Farm laws brought in by the BJP Government are perceived by farmers to be a threat to their survival and a policy paving the entry of corporate sector takeover of farming in India.

The Government says that it is deregulating farming sector to stop middlemen eating into the farmers' earnings and making it easy for farmers to sell directly to the large buyers. The farmers want the laws to be repealed and want the Government to engage in proper consultations with them before any new policies or laws are introduced.

This report examines the issues, from the current state of affairs, the new laws, how they were passed and the implications of these laws and policies on farmers in India and elsewhere as well as on the environment in general.

Current system of policy, laws and farming in India

Currently farming in India is a state matter. States in India are like provinces. There are 29 states. India has a quasi-federal structure. Powers are distributed in three lists. The Central Government has exclusive powers to legislate and make policies in some sectors, while the states have powers to legislate in some areas in their list. Some areas are in a concurrent list in which both the central Government and state Governments can legislate. The central Government or national Parliament has precedence in the concurrent list.

Different states have different policies on farming. Many have a system that protects some 23 essential commodities, such as wheat, rice etc. Farmers are given a fixed price that is 1.5 times the cost of farming that they produce. This is called Minimum Support Price (MSP). The state also invests in small markets, called mandis, that are local to the farmers. Farmers sell their produce to traders in these markets who have to buy at the state declared price. The traders then sell onwards.

There is an array of issues with the current agricultural sector in India. For instance, many farmers are choosing to overproduce crops that may not necessarily be required in order to obtain a higher Minimum Support Price from the Government. However, it is important to remember that the primary reason for this, in SHRG's opinion, is solely for the farmers to be able to obtain a reasonable income or a reasonable standard of living for them and their families. Furthermore, under the current system, India's small farmers are not being given any money (subsidy) from the Government to put aside land for rotation or other environmental protection and restoration purposes. There are other methods of subsidy in other parts of the world that guarantee both a fair living income and environmental protection. Farmers in India want reforms but the ones that the government has introduced are both detrimental to their livelihoods and were done without consultation with farmers.

One state, Bihar, has already had a version of the reforms that the Government wants to institute. Farmers in Bihar have become quite poor, usually selling their crop at a loss and

often having to work as farm workers in other states to make ends meet. Farmers in the states that have MSP and mandis fear that their future under the new laws will be like the farmers in Bihar.

The passing of the Three Farm Laws

The new laws, termed the three Farm Laws, were brought in without consultation with farmers. They

- remove the minimum support price (MSP)
- introduce private enterprise competition against the state supported market (mandi) system and
- deny farmers the right to go to court in case of any disputes with big agrobusiness contractors. These disputes will be handled by local government officers.

The farmers have rejected the new laws stating that they are detrimental to their livelihoods, removing protections. They fear they will be pushed into insolvencies and forced to sell their lands to large corporations.

There has been widespread concern from the farmers and the international community regarding the unconstitutional enactment of the Three Farm Laws. For instance, not only was the legislation pushed through the two legislating houses without a select committee oversight but there was also no public debate or public scrutiny of the Bills. The BJP Government enjoys a large majority in both houses. The Bill was 'passed' by a voice vote in the Upper House (Rajya Sabha) despite calls for a formal vote by some members. The Constitution requires the vote to be formally recorded and house rules require that if a member asks, then the vote has to be formally recorded. There are some members of Upper House who insist that the laws were not enacted constitutionally and according to procedure.

Furthermore, there seems to be no appropriate judicial body to adjudicate on the matter. The farmers do not trust the Supreme court of India. These issues are elaborated in the report in sections on how the laws were enacted, whether the laws benefit farmers and what is wrong with the laws.

International Treaties, Conventions, Declarations and Regulations

The United Nations enacted a UN Declaration on Rights of Peasants (UNDROP) in 2018 after seventeen years of lobbying by various parties. The UNDROP protects small farming as a way of life and insists on States:

1. That any policies and laws enacted for farming sector that would affect farmers be done with consultation with farmers and their leaders.
2. To ensure that there is an independent evaluation of fair price for farm products taking into account inputs, including labour of the farmer.
3. To ensure that there are local markets so that farmers do not have to go to great distances to deliver their products, which would incur extra costs.

4. That any disputes between farmers and contractors are resolved in independent courts.

Ironically all these protections had been in place for decades in the three main states whose economies are agriculture based, namely Punjab, Haryana and Uttar Pradesh. The Indian Government signed up to the UNDROP in 2018. Now it wants to dismantle the laws and policies that were consistent with UNDROP.

The WTO (World Trade Organisation) and the ILO (International Labour Organisation) have also made statements and policy positions in support of small farmers around the world. The WTO has specifically made reference to Indian small farms and cautioned that any attempts to remove the protections could lead to widespread protests.

In SHRG's opinion the Indian Government has acted in contravention of various instruments of international law. For instance, not only did the Government fail to consult or negotiate with the farmers prior to enacting the Three Farms laws but they have also failed to enact domestic legislation that will ensure that the farmers can earn a reasonable standard of living for them and their families, as is so required by the ***UN Declaration on the Rights of Peasants and Other People Working in Rural Areas 2018 73/165 (UNDROP)***. Furthermore, under the Three Farm Laws the Government has legislated that if a contractual dispute arises between a farmer and a large national trader of produce the farmer is now prohibited from seeking redress in an ordinary domestic court but must instead refer the matter to arbitration by a local Government appointed official. This removes independent adjudication and places decision making of a dispute in the hands of the executive which could be influenced by many factors other than the facts.

These are explained in the section 'What do International Treaties say and why are the new laws breaching international law' in the main report.

International Response- Countries and Public Figures

The farmers of Punjab were the first to raise alarm about impact of the new laws. They started protesting. The protests have spread to many states. Farmers collectively from several states have camped outside Delhi to put pressure on the central government to repeal the laws. They have held peaceful protests. The response of the Government has often been heavy handed, provoking response from the international community.

The news is slowly reaching the international media. Government leaders around the world are starting to comment on the ill-treatment of the farmers. The comments made by world leaders are somewhat short of expectation by civil society but have helped put pressure on the Indian Government to alleviate some of their human rights violations against the protestors. The news started to snowball when A-list celebrities and public figures started to speak out on Twitter. While the Indian government shutdown the internet, public figures like Greta Thunberg and Rhianna, with their hundreds-of-millions of followers, gauge attention of the internet and international media outlets. Moreover, the statements by the UN Secretary General and the UN High Commissioner on Human Rights have also added pressure on the Indian government to observe human rights while dealing with an otherwise peaceful protest.

These are detailed in chapters, Timeline of Actions, Police brutality during protests and international community's response.

Wider International Implications to the New Farm Laws

Not only are these new reforms detrimental to the Indian farmers, but there are also wider implications beyond India's borders that the world needs to be aware of. There is the fear that India is being used as a laboratory for big corporate sectors to enter the agri-business and displace small scale farming. There is the worry that other countries will soon follow in India's footsteps. Some government leaders find that the potential money to be earned from large scale farming is too tempting to ignore, even if it means leaving their own farmers jobless and in poverty. This document explores some of the wider impacts the reforms could bring to the rest of the world, through the environmental damage, the sociological implications and knock-on effect to small farms elsewhere in the globe such as Europe, that are already facing extinction. The chapters raise warning that India would appear to be the beginning of a new neoliberal agenda entering farming.

Environment

There are already a number of case studies worldwide that show the negative impact 'Big Money Farming' has on the environment. When agricultural operations are sustainably managed, they can preserve and restore critical habitats, help protect watersheds, and improve soil health and water quality. But unsustainable practices have serious impacts on people and the environment. The worry the new reforms in India raises, is the unsustainable practices that will come from industrialised farming. The Indian landscape is right for small scale farming it is currently practicing. However, large scale farming undertaken by big companies completely destroys the land and henceforth makes it unfertile after a few years. Though they may be able to produce more in a shorter period of time, the lasting impacts are detrimental. These are explained in the last three chapters of the report.

Risk to Small Farms Internationally

Large scale farming in India will create more competitions for the small farmers around the world and the big companies will be able to offer cheaper prices and larger volumes that small farms cannot compete with. This will lead to increased poverty not only in India, but around the world.

Made in India vs Make in India

Made in India involves domestic factors of production i.e., land, labour, capital, entrepreneurship and technology and using domestic resources with Indian management and creativity to compete in the world. On the other hand, the BJP government's trademark policy 'Make in India', especially in the farming sector is an invitation to the foreign factors of production in form of capital, technology and investment to employ Indian labour and use the land and natural resources in India. It is a policy designed to encourage Foreign Direct Investment in the Agri-business and Multinational Corporates to replace small farmers in India.

The report looks at all these factors in detail. It concentrates on the laws and policies and only makes some reference to the government's handling of the crises from a human rights perspective.

February 2021

SIKH HUMAN RIGHTS GROUP (SHRG)

NGO with special Consultative Status at the United Nations ECOSOC

CURRENT SYSTEM OF POLICY, LAWS AND FARMING IN INDIA



There are over 125 million small farmers in India. However about 58% of India's 1-3 Billion population is dependent for livelihood on the agriculture sector. Around 86% of farming in India is small farming, ranging from 1 hectare to 3 hectares.

It forms about a sixth of India's economy. India is the world's second largest producer of wheat and rice. India is also among the leading exporters of grain. This is likely to grow further. Under the Indian Constitution the Union (Central) government has some exclusive powers. This is called the Union List. In some countries this can be called Federal powers. The states (or provinces) have some exclusive powers under the state list. The Constitution has another list of powers called concurrent list in which both the Union (Central) Government and states share responsibility or powers. But the Union government has precedence in case of any dispute.

Agriculture is in the state list. India has twenty-nine (29) states. The policies on agriculture subsidies and market provisions are not uniform as states have different preferences. Three states, namely Punjab, Haryana and Uttar Pradesh, have a well-established farming sector with minimum price for some 22 crops, a good network of local markets easily accessible to the farmers and an extensive system of state support in areas such as education in farming techniques, yields etc and an infrastructure for farmers to move their produce and store it as well.

Two states, Punjab and Haryana spearheaded the famous green revolution in India which made India self-sufficient in food. This happened in the 1960s when large number of Indians suffered from hunger and India was importing wheat, rice and other essential grains to feed its population. The green revolution made farming the most important sector in these two states.

Even now, the two states produce 45% of India's central pool of wheat and rice. This is distributed to other states that fall short of their requirement. Uttar Pradesh, the third state with a good agriculture support system, has a similar network of markets and state established pricing systems, but mostly in the western regions of the state.

Currently the system is that farmers benefit from a minimum support price for their produce. This is fixed by the Commission for Agriculture Costs and Prices, a statutory body. The Commission recommends prices for 23 crops, comprising seven cereals (paddy, wheat, sorghum, pearl millet, barley and ragi), five pulses (gram, tur, moong, urad, lentil), seven oilseeds (groundnut, rapeseed-mustard, soyabean, sesamum, sunflower, safflower, Niger seed) and four commercial crops (copra, sugarcane, cotton and raw jute). This is then finally decided by the Government. It is called Minimum Support Price. It taken into account inputs, such as seed, fertilisers, other costs of production and provides a profit.

MSP is supposed to be based on 3 components but is in fact calculated on two. They are A2, which are costs directly incurred by farmers, in cash and in kind, such as on seeds, fertilisers, pesticides, hired labour, leased in land, fuel, irrigation etc. To this is added FI, an estimate of unpaid family labour time. C2 is meant to be more comprehensive costs such as rentals and interest forgone on owned land and fixed capital. In theory the MSP is meant to be calculated at 1.5 percent of $A2 + FI$ and C2. This was promised by the current Modi Government in its manifesto in 2014.

However, the government only calculates it on A2 and FI. The final price is determined by the Government, Ministry of Agriculture. This pricing makes farming worth it for the hundreds of small farms in the states that follow ensure MSP is instituted. Most of the crop is bought by the Government. Some is bought by private enterprises. The government then sells it to the public at a subsidised price that it feels people can reasonably buy it at.

These states also provide wholesale procurement markets called mandis. They are instituted under Agriculture Market Produce Committees. A mandi is supposed to serve around 80 sq. km of area so a farmer can get there within an hour. However, there is still a shortage of mandis. Punjab and Haryana states have the greatest number of mandis as the two states have invested a great deal in providing them for farmers. Uttar Pradesh (UP) has quite a few in west UP while very few in East UP. Most other states have very few mandis. The mandis also have storage silos, so farmers do not have to worry about the crop losing its freshness. There are currently around 7000 mandis in India. The Indian Commission for Costs and Prices has recommended around 40000 at least.

In the mandi system there are middlemen who buy the produce from farmers and sell it to the government or other big traders. The Food Corporation of India buys from them and pays them the commission. All the selling is recorded, both by farmers to middlemen and by traders to others. The price paid is also recorded.

There is a simple taxation and commission system. In Punjab, there is a market fee of 3%, a rural development fee of 3%, the middleman commission of 2.5%. Haryana has a slight lower fee of 2%, 2% and 2.5%. This generates a revenue of some 350 million Rupees which is around £40 million, for the state exchequer. The state in turn invests this in developing roads to villages, maintaining good mandis, godowns and silos for storage etc. Farmers in Punjab make a reasonable income compared to the average Indian. As a result, they are highly driven to work hard.

CROP PRICES WITHOUT MANDI SYSTEM

Bihar, one of the biggest states in India, removed the Agriculture Market Produce Committees (AMPC) and hence the regulated state managed wholesale market system in 2006. It introduced a system similar to what the current Central Government wishes to introduce. The farmers have to sell directly to the private traders without any government intervention and without any Minimum Support Price guarantee. Over the years, the farmers in Bihar have become very poor. Whereas a Farmer in Punjab can sell rice to the mandi for 1750 rupees (approx. £18) per 100 kg (1 quintal), the farmer in Bihar is lucky to get 800-900 (£9) rupees for the same amount in the open market. Most farmers in Bihar exist hand to mouth. There are many suicides.

ARE THERE ISSUES WITH CURRENT SYSTEM?

Farmers and many Agriculturists agree that the current system needs reforms. There are a number of issues with it. The system encourages farmers growing crops that may not be required but attract a greater Minimum Support Price (MSP). Most farmers in Punjab and Haryana do this to make a reasonable living for their families, to educate them and to be able to have a roof over their head.

Farmers also over produce, thus pushing the earth to its maximum capacity. The more they produce, the more they can get from the government. Consequently, they use a great quantity of fertilisers and pesticides. They have 2-3 harvests a year for different crops on the same piece of land without giving it much rest. Traditionally farmers used to leave parts of the land to recover.

Punjab is a state with rivers and canals. It is a state that is very fertile for wheat. However, it is not a state with great capacity for rice despite the rivers. Farmers dig deep into the ground to get water with motorised 'tube wells' to flood the farm for rice to grow. The result is that land in Punjab is fertiliser concentrated, has a lot of pesticide and the water table continues to go lower and lower. The water too is contaminated with fertilisers and pesticides.

Farmers don't get any money for putting aside land for rotation. If they don't grow a food crop, they simply do not earn anything. In Europe, farmers are given money per acre of land and the contract. In Europe, the government gives a fixed money per acre of land. Contract with government is dependent on farmers setting aside some land for not growing any crops. Farmers are also told at the beginning how much the State will buy and what the State will buy. The Government sets a 'reasonable price' for the produce dependent on inputs and a small profit. Farmers sell in the open market, but if they get a price less than the reasonable price set by Government, they are compensated by the Government. Consequently, farming is much better regulated and environmentally friendly.

Farmers in India also want some similar form of reforms, so they are not driven to pushing the land to maximum yield, with several crops in a year. They want the subsidies to be reasonable and environmentally friendly. If the state procurement system is removed and they have to sell to private traders directly, they will have to exploit the land even more, with more fertilisers and pesticides, in order to make any living off the land.

CONSTITUTIONAL ISSUES AND CURRENT APPLICABLE LAWS



The Indian Constitution is the lengthiest in the world. It has 395 articles, 22 parts and 8 schedules. The VIIth schedule has the division of legislative powers between the Union (or Federal Parliament) and the states (29 currently) The third list is called concurrent list that has legislative powers which either can legislate on. Precedence goes to the Union (central) Parliament.

Agriculture is in the state list of the VIIth schedule. Every state can have its own policies and laws in managing its agriculture. This is understandable. Different states in India have different natural resources and economic strengths. Some are rich in minerals, others have had head start in manufacturing industries and some states have traditionally invested a great deal in farming due to fertile land, rivers and canals.

The role of the central Government is to coordinate agricultural practices and support the states in their agricultural policies.

The Punjab and Haryana states have elaborated local legislation and policies ensuring agriculture thrives and contributes to the state exchequer.

Under schedule VII, sections 14 and 28 empower the states to have complete management of agriculture sector.

List II, State List.

- Section 14. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.
- Section 28. Markets and fairs.

Thus, the central Government has no remit under the constitution to be passing laws on Agriculture sector or enact policies in this field without consent of the states concerned.

The farmers leaders and states are saying that the Modi government has passed laws on Agriculture reform without having the power to do so.

The central Government also does not have any power to legislate on taxes accruing from the Agriculture sector. The following sections under VIIIth schedule of the constitution, under Union list makes that very clear in powers of taxation of the Union (National Parliament).

List 1 Union List

- 82. Taxes on income other than agricultural income.
- 86. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies.
- 87. Estate duty in respect of property other than agricultural land.
- 88. Duties in respect of succession to property other than agricultural land.

The Modi Government however has used a controversial loophole or lack of clarity in the constitution under a different provision to introduce these new laws. These are sections 42 and 51 of the Union List and section 33 of the Concurrent list.

List I Union List

- 42. Inter-State trade and commerce.
- 51. Establishment of standards of quality for goods to be exported out of India or transported from one State to another.

It is not difficult to see why the Central Government has these powers. As the central government it needs to coordinate trade between states, otherwise the states would be acting like different countries.

List 3 Concurrent List

33. Trade and commerce in, and the production, supply and distribution of, —
- the products of any industry where the control of such industry by the Union is declared by Parliament by law to be expedient in the public interest and imported goods of the same kind as such products.
 - foodstuffs, including edible oilseeds and oils.
 - cattle fodder, including oilcakes and other concentrates.
 - raw cotton, whether ginned or unginned, and cotton seed; and
 - raw jute.]
 - 2[33A. Weights and measures except establishment of standards.]

Both the farmers and states disagree with the assumption of the Central Government that it has power under section 33 of Concurrent List to interfere in Agriculture as it has done. They say that the government is acting against the spirit of the constitution separation of powers. They accuse the Modi Government of deviousness and playing with the constitution. The Government has used interstate trade powers to legislate on Agriculture. Agriculture is not mentioned in any of these sections. Most constitutional lawyers in India agree with the farmers and say that the Government is distorting the constitution.

HOW WERE THE NEW LAWS PASSED?

There is also general disquiet in the way the new Farm laws were passed. They were pushed through parliament without a select committee having oversight. The current BJP Government enjoys a big majority. It did not bother with debate or scrutiny of the Bills.

The way the laws were passed in the Upper House have led to considerable concerns. It is a requirement under constitution article 100 that all laws in either lower or upper house be determined by a majority of votes of the members present and 'voting'.

The Government did not go through recorded voting but a 'voice vote'. This is highly unusual. Quite a few members of the Upper House demanded a proper registered vote. Voice votes are permitted where the government has a large majority, and the opposition is certain that the Bill will be passed or feels there is no need for a debate. The rules of the Upper House are that if a member demands a recorded vote, then the speaker must go through that process, however large the majority for the governing part. Despite several members of the Upper House demanding a recorded vote, the Deputy speaker did not permit it. Quite a few constitutional lawyers hold that the vote is unconstitutional since it did not go through the proper process.

Even though the law was passed by the lower house, it can be contested that it has not been passed by the Upper House. Although the constitution protects laws passed by Parliament from judicial review of proceedings, in a previous judgement, the Supreme Court had resolved that a law can be challenged on substantive grounds.

Article 107 requires that a law be passed by both houses of Parliament. Constitutional lawyers say that as the law has not really been passed by the Upper House, article 107 has not been fulfilled, therefore the laws are void.

so why not go to India's Supreme Court?

Currently in India there is an equally big crises in confidence in the independence of the Supreme Court of India. It is generally held in India that the judges are either frightened of Modi or have been promoted through the ranks for their affiliations with BJP or await rewards after retirement into lucrative position. The Ex Chief Justice of India was put into the Rajya Sabha (Upper House). There is no election to the Upper House. States can nominate an individual or there are some seats in the gift of the Government. Unlike Supreme court judges in many democracies, the Judges of India's Supreme Court have to retire at age 65.

The farmers leaders are refusing to go to the Supreme Court, as they don't feel the Supreme Court will deliver an impartial decision. They say they don't have confidence in the independence of the Supreme Court to adjudicate on this constitutional conflict.

They also say they have been proven right in this current dispute when the Supreme court gave two decisions following a Public Interest Litigation brought privately by some people.

The Supreme Court suspended the implementation of the new laws. No legal explanation has been given for the suspension except to say that this gives time to the Government and farmers to engage in further negotiations. Critics say that this is the function of the President of India. There is nothing in the Constitution that gives power to the Supreme Court to enter into the domain of politics or the role of the President. The Supreme Court could have commented on the legality for the laws and suspended them to give Government time to reflect. But it didn't do that.

Secondly, the Supreme Court set up a commission to 'understand the issue from different sides. All the members of the commission are individuals who have been vocal supporters of the new laws. The farmers point this out. They question the motive of the Supreme Court. The farmers contend that any commission should have been formed from completely independent experts who have made no statement on farm laws or should have been from both sides. The criticism was picked by the press and one of the experts on the commission refused to accept the position. The Court then tried to set up a commission with an expert from the farmers' side. The farmers' leaders say that the Supreme Court is not acting independently but under pressure. They question the competence of the Supreme Court in making such colossal mistakes and accuse it of acting under instructions from the Government. Whether that is the case or not, the farmers have lost faith in the one institution that could have been considered to be independent and above Government.

DO THE NEW LAWS BENEFIT FARMERS?



The new laws do not encourage reforms that enhance the living standards of farmers or encourage sustainable farming to improve the environment. They remove the Minimum Support Price, introduce the private sector into the mandis and permit private traders to enter into unwritten contracts. They further deny the farmers the right to go to court, stating that they must instead refer the matter to arbitration by a Government official.

18 of the 29 states already have these sorts of policies in place. Farmers are 'free' to sell to private contractors or traders. They can send their produce anywhere in India and not be bound by the local mandis.

These states didn't have a well-established mandi (local wholesale market) system anyway. Rather than invest in new Mandis, these states absolved themselves of responsibility in the Agriculture sector and brought in the private sector.

The consequences are that farmers in these states:

1. Often sell their crop at a loss, usually at half the price that farmers in Punjab and Haryana sell at.
2. Farmers are not innovative.
3. Farmers do not have storage facilities, so want to get rid of their produce at the earliest at any price.
4. Competition between farmers is intense to sell as soon as possible.
5. Most farms are subsistence farms, hardly able to spare much for the national pool or for selling.
6. Since there is no incentive in selling, there isn't an entrepreneurial approach to farming.
7. The national food pool is heavily dependent on the three states that have well-established farming policies and protections.

BIHAR

The Bihar state removed the Agriculture Market Produce Committees in 2004. The consequences of that have been considerable on small farmers in Bihar. They have become much poorer. They often end up wasting their crop or selling at huge loss. Many are in debt. Most Bihar farmers go to work in farms in Punjab and Haryana as day labourers in the informal labour sector to augment their earnings. Hence farming no longer pays in Bihar. It has been said that Bihar farmers have become the labour force of North India since MSP was removed.

Most of the few mandis that remained have closed as they are not backed by state finances. There is a provision in the local panchayats (local bodies) to buy the produce in the Primary Agriculture Credit Societies provision. They usually enter the market when farmers have sold most of their produce elsewhere because there is no shortage. The Panchayats are either not quick off the mark or are accused of working with traders to ensure this delay so farmers panic as the produce rots. Even when they buy, they are very slow to make payments. Sometimes months on end. The poor farmers, already living mouth to hand, find that extremely difficult, as they have their own debts to pay. They sell to the private traders at any price. The farmers don't have the means to take the produce to towns and markets at a distance. They usually end up selling the produce to a local trader at even lower price than what they would get at a market further away.

The farmers in Punjab and Haryana have pointed to the failure of policies that are similar to the new farm laws. They point out to the fact that farmers are having to go to work far away from their homes to other states. These are some of the infamous day labourers in the informal employment sector of India now. Bihar has infamously become the 'labour basket' of India.

Poverty among farmers is so intense, that since 1990s some 350000 farmers have committed suicides. Farmers say that the farm laws will increase poverty, suicides and dependency.

WHAT IS WRONG WITH THE CURRENT LAWS?

The **National Food Security Act 2013 (NFSA 2013)** specifically obliges the Indian central Government to enact legislation that will advance India's food security by introducing specific provisions on protecting the rights of small farmers, bringing in land reforms, developing irrigation systems and providing remunerative prices, power and crop insurance.

The **NFSA 2013** also helps to promote decentralised procurement by bringing in storage, movement and procurement interventions. In the form of subregional markets.

As previously mentioned, the Government also ensures that traders don't hoard the produce to extract a high retail price from the consumers. However, unlike the EU Common Agricultural Policy (CAP) the Government does not offer any form of subsidy or incentive to the farmers to put aside land for environmental protection purposes.

The farmers have previously urged the Government to implement the far reaching 2006 Swaminathan report in order to bolster India's overall food security and reduce the alarming number of rural suicides. For instance, the Swaminathan Report made several recommendations including but not limited to the proposal that MSP should be at least 50% more than the weighted average costs of production. However, no positive action was ever taken by the Government of India.

International Perspective

In order to put not only this section but also all of the abovementioned and forthcoming matters into context it is extremely important that we look at the international perspective. Almost all farming around the world is subsidised in one form or another. For instance, 70% of farms in the EU are small farms; 90% of farms in the USA are categorised as small farms; 90% of farms in China are categorised as small farms; and 80% of farms in Africa are categorised as small subsistence farms. Therefore, the EU, the USA, Canada and China all have protections in place for small farming.

WHAT ARE THE NEW LAWS?



The issue at stake is the enactment of laws introducing free market forces into the small farming sector. Which and as previously mentioned is a protected sector almost everywhere in the world. These are:

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

These laws, which hereafter will be collectively be referred to as the Three Farm Laws, will erode the fragile protection afforded to India's small farmers. The laws were brought in without consultations or negotiations with the farmers. This contravenes the ***UN Declaration on the Rights of Peasants and Other People Working in Rural Areas 73/165 (UNDROP)*** adopted in 2018. As previously mentioned, the current Government enjoys a large majority in Parliament. However, it refused to go through the normal stages of legislation, such as setting up a parliamentary working group, or permitting a proper debate in Parliament.

Nonetheless, the **Three Farm Laws have removed MSP without replacing it with any financial support to ensure that small farming as an occupation or a way of life continues in India.** The Government contends that the Three Farms will result in the small farmers being enabled to sell their crops on the open market at any price. However, what PM Modi and his majority Government has failed to realise it that this will push prices down as large trading houses take over from the small traders. Therefore, the farmers fear that they will go bankrupt and consequently will be forced to sell their land to the large trading houses.

Secondly the laws will remove commitment and support for the subregional markets. Which in turn will make it extremely difficult for the farmers to move their produce without fear of it rotting. Therefore, both of these issues contravene the protections and facilities that the ***UN Declaration on the Rights of Peasants... 2018*** seeks to protect in order to ensure that small farming as a way of life continues.

The third violation of international human rights norms is that the Three Farm Laws have introduced the denial of access to legal recourse in the event of a dispute arising between a small farmer and a large mega trader. In other words, under the Three Farm Laws the Government has legislated that the farmers can no longer go to court (for instance, over a contractual dispute with a large mega trader) but must instead refer the matter to arbitration by a designated Governmental Official. Which removes any independence in the process of dispute resolution.

Moreover, corruption is widespread in India. 89% of Indians think corruption is rife. Therefore, by removing access to an independent judicial system, the small farmers fear that they will be at the mercy of corrupt Government officers. The farmers also feel that they will be driven out of farming as an occupation and thrown to the unregulated employment sector. Only 10% of Indians currently work in the regulated employment sector.



WHAT DO INTERNATIONAL TREATIES SAY ON THE MATTER AND WHY ARE THE NEW LAWS BREACHING INTERNATIONAL LAW?

In the opinion of Sikh Human Rights Group (SHRG) Prime Minister Narendra Modi and the Indian Government's recent attempt to implement the Three Farm Laws into India's domestic law has breached many international human rights norms as well as many international human rights law provisions.

The key primary instruments of international law that are of concern are:

- *The Universal Declaration on Human Rights 1948;*
- *The United Nations Declaration on Rights of Peasants and Other People Working in Rural Areas 2018 73/165;*
- *The International Covenant on Civil and Political Rights;*
- *The United Nations Declaration on the Right to Development;* and the
- *UN Human Rights Council Resolution A/HRC/RES/24/5.*

We are also going to focus on the following domestic laws of India:

- *The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Bill 2020;*
- *Essential Commodities (Amendment) Bill 2020;*
- *The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Bill 2020;* Which are collectively known as the '**Three Farm Laws**';
- *The National Food Security Act 2013;* and
- *The Indian Constitution.*

The term 'Rural Workers' is defined by the Rural Workers Organisations Convention 1975 as follows:

Full Text:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C141

Article 2

(1) [...] The term rural workers mean any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner or, subject to the provisions of paragraph 2 of this Article, as a self-employed person such as a tenant, sharecropper or **small owner-occupier**.

(2) This Convention applies only to those tenants, sharecroppers or small owner-occupiers who derive their main income from agriculture, who work the land themselves, with the help only of their family or with the help of occasional outside labour and who do not--

- (a) permanently employ workers; or
- (b) employ a substantial number of seasonal workers; or
- (c) have any land cultivated by sharecroppers or tenants.

DENIAL OF ACCESS TO JUSTICE



Under the Three Farm Laws India's small farmers will no longer be able to take a contractual dispute with a large national trader of produce to an 'ordinary' independent domestic court but must instead refer the matter to arbitration by a local Government official. This means that no longer will a small farmer be able to rely on well-established principles of justice, such as the right to an independent appeal if any of the parties are found to be breaching the contract but must instead depend on a Government appointed official who by no means can be considered to be independent.

This breaches some of the most fundamental rights guaranteed in the following international treaties:

The Universal Declaration of Human Rights 1948 (UDHR):

Full Text: https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

State Governments are bound to ensure that everyone 'is equal before the law and [that everyone is] entitled without any discrimination to [the] equal protection of the law'.

The International Covenant on Civil and Political Rights (ICCPR):

Full Text: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

PART II

Article 2

(1) Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, **property**, birth or other status.

(2) Each State Party to the present Covenant undertakes:

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Access to Justice is also guaranteed in the *United Nations Declaration on Rights of Peasants and Other People Working in Rural Areas 2018 73/165*:

Full Text: <http://undocs.org/en/A/RES/73/165>

Article 12

(1) Peasants and other people working in rural areas have the right to effective and non-discriminatory access to justice, including access to fair procedures for the resolution of disputes and to effective remedies for all infringements of their human rights. Such decisions shall give due consideration to their customs, traditions, rules and legal systems in conformity with relevant obligations under international human rights law.

(2) States shall provide for non-discriminatory access, through impartial and competent judicial and administrative bodies, to timely, affordable and effective means of resolving disputes in the language of the persons concerned, and shall provide effective and prompt remedies, which may include a right of appeal, restitution, indemnity, compensation and reparation.

REMOVAL OF INDEPENDENT EVALUATION OF FAIR PRICE FOR FARMERS



The Three Farm Laws also remove any independent evaluation of the farmers produce. In other words, the Three Farm Laws will allow the market to establish the valuation of any produce. Farming, particularly small farms are protected around the world from the unpredictability of the market by ensuring a reasonable price as a base line to be paid to farmers. This is ensured in:

The UN Declaration on the Rights of Peasants and Other People Working in Rural Areas 73/165 (UNDROP):

Full Text: <http://undocs.org/en/A/RES/73/165>

Article 11

(3) States shall take appropriate measures to promote the access of peasants and other people working in rural areas to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, national and international levels, and to promote their participation in its formulation.

Article 16

(2) States shall take appropriate measures to favour the access of peasants and other people working in rural areas to the means of transportation, and processing, drying and storage facilities necessary for selling their products on local, national and regional markets at prices that guarantee them a decent income and livelihood.

(3) States shall take appropriate measures to strengthen and support local, national and regional markets in ways that facilitate, and ensure that peasants and other people working in rural areas have, full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living.

Article 9

(3) States shall take appropriate measures to encourage the establishment of organizations of peasants and other people working in rural areas, including unions, cooperatives or other organizations, particularly with a view to eliminating obstacles to their establishment, growth and pursuit of lawful activities, including any legislative or administrative discrimination against such organizations and their members, and provide them with support to strengthen their position when negotiating contractual arrangements in order to ensure that conditions and prices are fair and stable and do not violate their rights to dignity and to a decent life.

INTERNATIONAL PERSPECTIVE

In 2018 the World Bank Group recognised on pages 35 – 36 of its report entitled India: SYSTEMATIC COUNTRY DIAGNOSTIC (Realizing the promise of prosperity):

*That whilst ‘most input subsidies are a blunt instrument for supporting redistribution or providing safety nets to vulnerable farmers, since the benefits linked to input usage, accrue to the biggest users, who are likely to be the largest and wealthiest farmers. **It could be argued [and sustained] that MSP provides a safety net to farmers’.***

Full Text:

<http://documents1.worldbank.org/curated/en/629571528745663168/pdf/Volumes-1-AND-2-India-SCD-Realising-the-promise-of-prosperity-31MAY-06062018.pdf>

The International Labour Organisation (ILO) also supports a reasonable price for produce or fair-trade in produce and has made the following observations in their report entitled ‘Agricultural Workers and Their Contribution to Sustainable Agriculture and Rural Development’:

Fair-trade is a trading partnership, based on dialogue, transparency and respect... It contributes to sustainable development by offering better trading conditions, such as securing the rights of, marginalised producers and workers... ‘Fair-trade’ is therefore a recognized term for agreements between producers in developing countries and commercial buyers who wish to purchase and market products based on stable and ‘just’ or ‘fair’ prices and production criteria which respect labour and environmental standards. Fair trade aims to increase producers' access to markets, improve their incomes, and ensure that their production is based on sustainable development principles.

Full Text:

https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---actrav/documents/publication/wcms_113732.pdf

FAILURE TO CONSULT BEFORE ENACTING LAWS



Prior to the week commencing 01 December 2020 no formal channels of communication or negotiation had been established, by PM Modi or his Governmental Ministers, with any of India's state Governments or farmers associations before enacting the Three Farm Laws. Which deprived the Farmers of their to participate in Governmental decision-making processes regarding the enactment of legislation or policies that may affect their lives, lands and livelihoods. Which is a protected right under the following legal instruments:

The UN Declaration on the Rights of Peasants and Other People Working in Rural Areas 2018 73/165 (UNDROP):

Full Text: <http://undocs.org/en/A/RES/73/165>

Article 10

(1) Peasants and other people working in rural areas have the right to active and free participation, directly and/or through their representative organizations, in the preparation and implementation of policies, programmes and projects that may affect their lives, land and livelihoods

(2) [...] this includes respecting the establishment and growth of strong and independent organizations of peasants and other people working in rural areas and promoting their participation in the preparation and implementation of food safety, labour and environmental standards that may affect them.

Article 15

(4) Peasants and other people working in rural areas have the right to determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty. This includes the right to participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods that respect their cultures.

Article 2

(3) Without disregarding specific legislation on indigenous peoples, before adopting and implementing legislation and policies, international agreements and other decision-making processes that may affect the rights of peasants and other people working in rural areas, States shall consult and cooperate in good faith with peasants and other people working in rural areas through their own representative institutions, engaging with and seeking the support of peasants and other people working in rural areas who could be affected by decisions before those decisions are made, and responding to their contributions, taking into consideration existing power imbalances between different parties and ensuring active, free, effective, meaningful and informed participation of individuals and groups in associated decision-making processes.

Article 11

(3) States shall take appropriate measures to promote the access of peasants and other people working in rural areas to a fair, impartial and appropriate system of evaluation and certification of the quality of their products at the local, national and international levels, and **to promote their participation in its formulation.**

The farmers right to participate in Governmental decision making processes is also enshrined within the *Rural Workers' Organisations Convention 1975 (No. 141)*:

Full Text:

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C141

Article 4

It shall be an objective of national policy concerning rural development to facilitate the establishment and growth, on a voluntary basis, of strong and independent organisations of rural workers as an effective means of ensuring the participation of rural workers, without discrimination as defined in the Discrimination (Employment and Occupation) Convention, 1958, in economic and social development and in the benefits resulting therefrom.

Article 6

Steps shall be taken to promote the widest possible understanding of the need to further the development of rural workers' organisations and of the contribution they can make to improving employment opportunities and general conditions of work and life in rural areas as well as to increasing the national income and achieving a better distribution thereof.

INTERNATIONAL PERSPECTIVE

In 2018 the World Bank Group recognised on page 36 of its report entitled **India: SYSTEMATIC COUNTRY DIAGNOSTIC (Realizing the promise of prosperity)** the need for negotiations between Govt and farmers.

*The Government [of India] is well aware of the problem of misdirected and unsustainable subsidies, but reforming subsidies, especially those in agriculture, is politically sensitive. Even when farmers understand the benefit of moving to a more sustainable and non-discriminatory system based on agricultural technology and infrastructure investments instead of subsidies, none of them—rich, middle-income, or poor farmers—are confident of the transition. The strategy for rationalizing the present [MSP] system **will have to be negotiated.***

Full Text:

<http://documents1.worldbank.org/curated/en/629571528745663168/pdf/Volumes-1-AND-2-India-SCD-Realising-the-promise-of-prosperity-31MAY-06062018.pdf>

The ILO also encourages State Governments in its Rural Policy Brief entitled ‘Addressing Informality for Rural Development’ to:

Foster recognition of rural workers’ and employers’ organizations by authorities, to guarantee rural voices and representation in public policy debates and their participation in designing and implementing rural development and poverty alleviation programmes, so as to ensure their needs, interests and priorities are addressed; and to

Support rural cooperatives, to improve the efficiency, competitiveness and capitalization of rural producers, while ensuring legal empowerment and participation.

Full Text:

https://www.ilo.org/wcmsp5/groups/public/---ed_emp/documents/publication/wcms_182737.pdf

The SME Unit of the ILO also recently found in its Issue Brief No.1 2017 (Matt Ripley - Senior Advisor) that:

*Interventions have the potential to maximise small farmers chances of economic and social success. However, in order for them to benefit small farmers the interventions must ensure that contract farming does not overload support to small holders in the early stages of the scheme; there are constant information flows between buyers and suppliers **in order to encourage the transparent setting of price ceiling and floors; and the policy maker must be open to adapting and changing the scheme over time in collaboration with the small farmer in order to arrive at a commercially viable model.***

Full Text:

https://www.ilo.org/wcmsp5/groups/public/---ed_emp/-emp_ent/documents/publication/wcms_547157.pdf

THE FARMERS RIGHT TO PROTEST



Nearly 250,000 and possibly more small farmer protestors have been at the receiving end of obstructions, heavy handedness and the threat of violent suppression by India's Government, police and national army. The protests began as PM Modi refused to engage in a dialogue with the small farmers. The first protests started in Punjab (India). The protestors have now moved to Delhi, the capital city where the Government sits. Furthermore, many of the protestors who managed to overcome the water cannon and tear gas attacks are now being held in custody by the police on fraudulent charges such as attempted murder and with their whereabouts unknown. However, under:

The Universal Declaration of Human Rights 1948 (UDHR):

Full Text: https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf

Article 20

Everyone has the right to freedom of peaceful assembly and association

Article 19

Everyone has the right to freedom of opinion and expression. Which includes the freedom to hold opinions without undue interference and to seek, receive and impart information and ideas through any media and regardless of frontiers

The farmers right to peaceful assembly or peaceful protest is also protected under the *UN Declaration on the Rights of Peasants and Other People Working in Rural Areas 2018 73/165 (UNDROP)*:

Full Text: <http://undocs.org/en/A/RES/73/165>

Article 8

(1) Peasants and other people working in rural areas have the right to freedom of thought, belief, conscience, religion, opinion, expression and peaceful assembly. They have the right to express their opinion, either orally, in writing or in print, in the form of art, or through any other media of their choice, at the local, regional, national and international levels.

(2) Peasants and other people working in rural areas have the right, individually and/or collectively, in association with others or as a community, to participate in peaceful activities against violations of human rights and fundamental freedoms.

(4) States shall take all necessary measures to ensure protection by the competent authorities of everyone, individually and in association with others, against any violence, threat, retaliation, de jure or de facto discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise and defence of the rights described in the present Declaration.

The farmers right to peaceful assembly and right not be subjected to arbitrary arrest or detention is protected under the *International Covenant on Civil and Political Rights (ICCPR)*:

Full Text: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

Article 21

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

Article 9

(1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

Further, support can be found in the *UN Human Rights Council Resolution A/HRC/RES/24/5*:

Full Text:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=dtYoAzPhJ4NMy4Lu1TOebIM8c1X4GZjGEGHV9SBM9XQqV7F5z%2BPq5GImI5ITjdvdVU0tGVMSyUViLAYIYQwI2IDE8JUwqK%2F20i0Zmegp1WZS1z2fjpK5mEtIYLwTOXF5>

Article 2

Reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.

Article 5

Stresses that respect for the rights to freedom of peaceful assembly and of association, in relation to civil society, contributes to addressing and resolving challenges and issues that are important to society, such as the environment, sustainable development, crime prevention, human trafficking, empowering women, social justice, consumer protection and the realization of all human rights.

TORTURE AND OTHER CRUEL, INHUMANE OR DEGRADING TREATMENT OR PUNISHMENT

On the 4th of February 2021 the Sikh Human Rights Group (SHRG) received highly credible evidence from Dr Darshanpal Singh, located on the Singhu boarder, that him and thousands of other farmer protestors situated in and around Delhi (India) had been surrounded by the Indian authorities (army and police) and had subsequently had their water supplies, toilet facilities, phone and internet facilities blocked off. Which is wholly unacceptable in light of international humanitarian law and well-established human rights norms but also owing to the fact that there are 500+ children and elderly people currently situated amongst the protestors.

Dr Darshanpal Singh is a leader of the Krantikari Kisan Union who has been on the forefront of the struggle against the farm laws. The 70-year-old Dr Darshanpal, a doctor by profession, has worked consistently to organize the farmers and therefore has always been a consistent and reliable source of information.

Therefore, the Indian authorities' actions clearly fall within the definition of torture as defined by **Article 1** of the ***Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984***:

ARTICLE 1

The term torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as... punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity...

ARTICLE 2

(2) No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

(3) An order from a superior officer or a public authority may not be invoked as a justification for torture.

Therefore, as it can clearly be said with an exceptionally high degree of certainty that the Indian authorities are attempting to:

Inflict physical and mental suffering upon the protestors in order to punish them for their involvement in the nationwide protests, held on 26 January 2021, against PM Narendra Modi and his majority governments enactment of the Three Farm Laws in September 2020.

It is respectfully submitted that the authorities are acting in contravention of the ***Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984*** and the ***Universal Declaration of Human Rights 1948***. Which provides that:

ARTICLE 9

No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment. For instance, such as having their most basic human right to water and clean sanitation purposefully curtailed by their national authorities.

Furthermore, as any form of torture is not permitted even during war time it is of particular concern that the Indian authorities are inflicting physical and psychological torture upon a civilian population engaged in protest. In other words, it is wholly unacceptable that the authorities are depriving the civilian protestors of water and toilet facilities when they are not permitted under international law to deprive prisoners of war of such basic human necessities.

Therefore, the Sikh Human Rights Group sent a letter to the United Nations Special Rapporteur on Torture and other Cruel, Inhumane or Degrading Treatment or Punishment on the 4th of February 2021 and the United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and Association (Mr Clément Nyaletsossi Voule) on the 5th of February 2021 via the United Nations Urgent Appeals procedure. Requesting that they immediately contact the Indian Minister for External Affairs requesting that PM Modi and his majority Governments ensures that the protestors rights under the following provisions of the **Universal Declaration of Human Rights 1948** are upheld and protected:

- **Article 19:** The protestors right to freedom of opinion and expression. Which includes the freedom to hold opinions without interference [by the police, army or otherwise] and to impart information and ideas....
- **Article 20(1):** The protestors right to actively participate in peaceful assemblies and/or associations; and
- **Article 21(1):** The protestors right to participate in the governance of the State (India).

As well as the protestors rights under the following provisions of the **International Covenant on Civil and Political Rights** (of which India is signatory):

- **Article 19(1):** The right to hold opinions without interference;
- **Article 19(2):** The right to freedom of expression;
- **Article 21:** The right to actively participate in peaceful assemblies;
- **Article 22:** The right to freedom of association with others. Which includes the right to form and join trade unions for the protection of their collective interests;
- **Article 25(a):** The right of every citizen to take part in the conduct of public affairs [without unreasonable restrictions being placed upon him by the police, army or otherwise];
- **Article 26:** The right to the equal protection of the law. Specifically, the right not to be discriminated against [by the police, army or otherwise] on grounds of political or other opinion.

ARBITRARY ARRESTS AND DETENTIONS

The **Universal Declaration of Human Rights 1948** provides that:

ARTICLE 9

No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

ARTICLE 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Furthermore, the **International Covenant on Civil and Political Rights** provides that:

Article 9

- (1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.*
- (2) Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.*
- (3) Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.*
- (4) Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.*
- (5) Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.*

ARTICLE 14

(1) *All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial... but any judgement rendered in a criminal case or in a suit at law shall be made public...*

(2) *Everyone charged with a criminal offence shall have the right to be **presumed innocent until proved guilty** according to law.*

(3) *In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:*

*(a) **To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;***

*(b) **To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;***

*(c) **To be tried without undue delay;***

*(d) **To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;***

*(e) **To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;***

*(f) **To have the free assistance of an interpreter if he cannot understand or speak the language used in court;***

*(g) **Not to be compelled to testify against himself or to confess guilt.***

(5) *Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.*

(6) *When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.*

However, despite these binding provisions of international humanitarian law the Sikh Human Rights Group has received highly credible evidence that 263+ individuals who were involved in the nationwide protests, held on the 26 January 2021, against the PM Modi's and his majority Government's enactment of the Three Farm Laws have been arbitrarily arrested and are continuing to be held in arbitrary detention by the Indian authorities to date (08 February 2021).

Further or alternatively, the international norms relating to the right to a fair trial under **Articles 11(1) and (2) of the UDHR** and **Articles 14(2), 3(b), (c), (d) and (e) of the ICCPR** have been wholly ignored by the relevant authorities. This submission is made primarily in regards to the fact that the Defendants legal counsel was not able to obtain access to his/her clients for a number of days and have still not been able to for a number of detainees. It is not known when and/or if this will occur for all. Therefore, it is for but not limited to this reason that it is respectfully submitted that this amounts to a clear breach of the aforementioned provisions of international humanitarian law and well-established human rights norms.

Further or alternatively, it is submitted that that from the abovementioned facts it is clear that the subject of this submission is arbitrarily being deprived of his liberty by the relevant authorities by reason of discrimination and/or on the basis of his political opinion and/or current economic position. Which are both protected characteristics under the **UDHR** and the **ICCPR**.

Nevertheless, from the information currently available to SHRG it is clear that the Indian authorities are holding the protestors under but not limited to the following charges and/or provisions of India's domestic law. However, to date (08 February 2021) no evidence to substantiate these charges has been provided by the Indian authorities to either the Sikh Human Rights Group and/or the protestors legal counsel:

Details of Cases Registered in Kissan Agitation

| Sr. No. | DISTRICT | PS | FIR_NUM | REG_DT | ACT | SECTIONS |
|---------|------------|--------------------|-----------|---------------------|---|--|
| 1 | CENTRAL | I.P.ESTATE | 0019/2021 | 2021-01-27 03:07:00 | IPC 1860/PREV. OF DAMAGE TO PUBLIC PROPERTY ACT, 1984 | 188/ 201/ 353/ 4/ 148/ 186/ 279/ 332/ 3/ 147/ 152/ 269/ 323/ 307/ 149 |
| 2 | DWARKA | BABA HARIDAS NAGAR | 0050/2021 | 2021-01-27 02:03:00 | IPC 1860/PREV. OF DAMAGE TO PUBLIC PROPERTY ACT, 1984/DISASTER MANAGEMENT ACT, 2005 | 147/ 186/ 188/ 3/ 149/ 332/ 34/ 148/ 353/ 269/ 51 |
| 3 | DWARKA | NAJAF GARH | 0044/2021 | 2021-01-26 23:36:00 | IPC 1860/PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT, 1984 | 149/ 332/ 307/ 148/ 353/ 269/ 3/ 147/ 186/ 188/ 34 |
| 4 | DWARKA | UTTAM NAGAR | 0048/2021 | 2021-01-27 00:26:00 | IPC 1860/EPIDEMIC DISEASES ACT, 1897/PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT, 1984 | 353/ 148/ 3/ 186/ 147/ 427/ 332/ 149 |
| 5 | EAST | GHAZIPUR | 0029/2021 | 2021-01-27 00:32:00 | IPC 1860/PREV. OF DAMAGE TO PUBLIC PROPERTY ACT, 1984/DISASTER MANAGEMENT ACT, 2005/EPIDEMIC DISEASES ACT, 1897 | 186/ 270/ 332/ 5/ 58(1)/ 147/ 307/ 269/ 353/ 3/ 51/ 144/ 149/ 188/ 271/ 120B/ 148 |
| 6 | EAST | GHAZIPUR | 0030/2021 | 2021-01-27 03:52:00 | IPC 1860/EPIDEMIC DISEASES ACT, 1897/PREV. OF DAMAGE TO PUBLIC PROPERTY ACT, 1984/DISASTER MANAGEMENT ACT, 2005/EPIDEMIC DISEASES ACT, 1897 | 188/ 271/ 120B/ 3/ 148/ 186/ 270/ 332/ 5/ 58(1)/ 147/ 307/ 269/ 353/ 51/ 144/ 149 |
| 7 | EAST | GHAZIPUR | 0031/2021 | 2021-01-27 05:49:00 | IPC 1860/PREV. OF DAMAGE TO PUBLIC PROPERTY ACT, 1984/DISASTER MANAGEMENT ACT, 2005/EPIDEMIC DISEASES ACT, 1897 | 307/ 269/ 353/ 3/ 51/ 144/ 149/ 188/ 271/ 120B/ 148/ 186/ 270/ 332/ 5/ 58(1)/ 147 |
| 8 | EAST | PANDAV NAGAR | 0066/2021 | 2021-01-27 00:09:00 | IPC 1860/DISASTER MANAGEMENT ACT, 2005/EPIDEMIC DISEASES ACT, 1897 | 149/ 353/ 397/ 271/ 51/ 148/ 188/ 186/ 395/ 279/ 3/ 147/ 307/ 332/ 269/ 120B/ 58(1)/ 144 |
| 9 | NORTH | BURARI | 0064/2021 | 2021-01-26 22:55:00 | IPC 1860/DELHI PREVENTION OF DEFAACEMENT OF PUBLIC PROPERTY ACT, 2007 | 186/ 147/ 34/ 332/ 149/ 4/ 353/ 148/ 3 |
| 10 | NORTH | KOTWALI | 0096/2021 | 2021-01-27 05:40:00 | IPC 1860/ARMS ACT, 1959/THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS ACT,1958/PREVENTION OF DAMAGE TO PUBLIC PROPERTY ACT, 1984 | 186/ 395/ 188/ 25/ 59/ 147/ 353/ 152/ 308/ 279/ 427/ 34/ 54/ 30/ 149/ 307/ 269/ 397/ 120B/ 27/ 3/ 148/ 332 |
| 11 | NORTH EAST | JYOTI NAGAR | 0038/2021 | 2021-01-26 13:09:00 | IPC 1860 | 353/ 34/ 186/ 323/ 427 |
| 12 | NORTH WEST | ADARSH NAGAR | 0054/2021 | 2021-01-27 00:59:00 | IPC 1860 | 149/ 148/ 332/ 353/ 147/ 186/ 188 |
| 13 | NORTH WEST | MODEL TOWN | 0035/2021 | 2021-01-27 00:10:00 | IPC 1860 | 332/ 148/ 353/ 147/ 186/ 188/ 149 |

| Sr. No. | DISTRICT | PS | FIR NUM | REG DT | ACT | SECTIONS |
|---------|-------------|----------------|-----------|---------------------|--|---|
| 14 | OUTER NORTH | ALIPUR | 0043/2021 | 2021-01-26 21:40:00 | EPIDEMIC DISEASES ACT, 1897/ IPC 1860/PREV. OF DAMAGE TO PUBLIC PROPERTY ACT, 1984/DISASTER MANAGEMENT ACT, 2005 | 3/ 34/ 269/ 51/ 188 |
| 15 | OUTER NORTH | BHALSWA DAIRY | 0042/2021 | 2021-01-26 18:09:00 | IPC 1860/DISASTER MANAGEMENT ACT, 2005/EPIDEMIC DISEASES ACT, 1897 | 270/ 51/ 269/ 3/ 188/ 427 |
| 16 | OUTER NORTH | SAMAIPUR BADLI | 0039/2021 | 2021-01-26 23:52:00 | IPC 1860/PREV. OF DAMAGE TO PUBLIC PROPERTY ACT, 1984 | 147/ 152/ 269/ 307/ 1208/ 149/ 188/ 332/ 397/ 3/ 148/ 186/ 353/ 395/ 34 |
| 17 | OUTER NORTH | SWAROOP NAGAR | 0034/2021 | 2021-01-26 18:06:00 | IPC 1860 | 270/ 269/ 188 |
| 18 | SHAHDARA | SEEMAPURI | 0041/2021 | 2021-01-26 23:59:00 | IPC 1860/EPIDEMIC DISEASES ACT, 1897/DISASTER MANAGEMENT ACT, 2005/PREV. OF DAMAGE TO PUBLIC PROPERTY ACT 1984 | 147/ 186/ 188/ 270/ 3/ 307/ 149/ 353/ 269/ 51(b)/ 148/ 332/ 427 |
| 19 | WEST | KIRTI NAGAR | 0040/2021 | 2021-01-26 23:34:00 | EPIDEMIC DISEASES ACT, 1897/ IPC 1860 | 3/ 279/ 353/ 188/ 186 |
| 20 | WEST | PUNJABI BAGH | 0084/2021 | 2021-01-26 23:42:00 | IPC 1860/DISASTER MANAGEMENT ACT, 2005/EPIDEMIC DISEASES ACT, 1897 | 427/ 34/ 58/ 186/ 279/ 270/ 269/ 51(b)/ 332/ 188/ 3/ 353 |
| 21 | WEST | PUNJABI BAGH | 0085/2021 | 2021-01-26 23:48:00 | IPC 1860/DISASTER MANAGEMENT ACT, 2005/EPIDEMIC DISEASES ACT, 1897 | 332/ 188/ 34/ 58/ 353/ 427/ 270/ 51(b)/ 186/ 279/ 269/ 3 |

Please note that the above is merely an example of the 263+ cases that the Sikh Human Rights Group has received to date (08 February 2021).

Therefore, in order to uphold the rights of those who have been arbitrarily arrested and detained the Sikh Human Rights Group has, in addition to the writing to the aforementioned UN Special Rapporteurs, submitted the details of a 163 protestors current held in arbitrary detention to the United Nations Working Group on Arbitrary Detention on 02 February 2021 via the United Nations Urgent Appeal procedure and is continuing to do so to date (08 February 2021).

FURTHER GUIDING PRINCIPLES, PROVISIONS AND BREACHES OF INTEREST

ENVIRONMENTAL CONSIDERATIONS



The farmers have a right under the following provisions to utilise the natural resources found within their communities and a right to participate in the formulation and implementation of environmental policies: For instance, under:

The *UN Declaration on the Rights of Peasants and Other People Working in Rural Areas 2018 73/165*:

Full Text: <http://undocs.org/en/A/RES/73/165>

Article 5

(1) Peasants and other people working in rural areas have the right to have access to and to use in a sustainable manner the natural resources present in their communities that are required to enjoy adequate living conditions, in accordance with article 28 of the present Declaration. They also have the right to participate in the management of these resources.

(2) States shall take measures to ensure that any exploitation affecting the natural resources that peasants and other people working in rural areas traditionally hold or use is permitted based on, but not limited to:

(a) A duly conducted social and environmental impact assessment;

(b) Consultations in good faith, in accordance with article 2.3 of the present Declaration:

(c) Modalities for the fair and equitable sharing of the benefits of such exploitation that have been established on mutually agreed terms between those exploiting the natural resources and the peasants and other people working in rural areas.

Article 10

(2) States shall promote the participation, directly and/or through their representative organizations, of peasants and other people working in rural areas in decision-making processes that may affect their lives, land and livelihoods; this includes respecting the establishment and growth of strong and independent organizations of peasants and other people working in rural areas and promoting their participation in the preparation and implementation of food safety, labour and environmental standards that may affect them.

Article 14

(4)(d) States shall take all measures necessary to ensure: That there is a suitable system for the safe collection, recycling and disposal of chemical waste, obsolete chemicals and empty containers of chemicals so as to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment.

Article 16

(4) States shall take all appropriate measures to ensure that their rural development, agricultural, environmental, trade and investment policies and programmes contribute effectively to protecting and strengthening local livelihood options and to the transition to sustainable modes of agricultural production. States shall stimulate sustainable production, including agroecological and organic production, whenever possible, and facilitate direct farmer-to-consumer sales.

INDIA'S CONSTITUTION RE: THE THREE FARM LAWS

DENIAL OF ACCESS TO JUSTICE

The denial of access to independent judicial process in resolution of a contractual dispute is also contrary to the Constitution of India.

Full Text:

<https://www.india.gov.in/my-government/constitution-india/constitution-india-full-text>

It is contrary to the human rights guarantees under India's Constitution Part III Fundamental Rights

Part III 14. Equality before law - The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India. Further the Constitution also insists that no law may derogate from this.

13. Laws inconsistent with or in derogation of the fundamental rights

(2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.

Equal access to justice is also emphasized in the Directive Principles of the Constitution.

Article 39A Equal Justice and Free Aid. The State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall in particular, provide free... For securing justice are not denied to any citizen by reason of economic or other disabilities.

INDEPENDENT EVALUATION OF PRICING

The system of an independent evaluation of fair prices for farmers is also guaranteed in the *National Food Security Act 2013*:

Full Text: http://www.egazette.nic.in/WriteReadData/2013/E_29_2013_429.pdf

SCHEDULE III PROVISIONS FOR ADVANCING FOOD SECURITY

(1)(c) Revitalisation of Agriculture includes - ensuring livelihood security to farmers by way of remunerative prices, access to inputs, credit, irrigation, power, crop insurance, etc...

GENERAL PROVISIONS

Article 39

Certain principles of policy to be followed by the State - The State shall, in particular, direct its policy towards securing—

- (a) that the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; and
- (d) that there is equal pay for equal work for both men and women.

REFERENCE TO INTERNATIONAL AGREEMENTS, TREATY, CONVENTION

Constitution Article 253

Legislation for giving effect to international agreements

Notwithstanding anything in the foregoing provisions of this Chapter, Parliament has power to make any law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body.

THE SIKH HUMAN RIGHTS GROUPS PRELIMINARY CONCLUSIONS

For but not limited to the following reasons the Sikh Human Rights Group respectfully submits that that Indian Government has acted in contravention of the ***UN Declaration on the Rights of Peasants and Other People Working in Rural Areas 73/165 (UNDROP)***:

Prior to the week commencing 01 December 2020 no formal channels of communication or negotiation had been established by the Central Government with any of India's State Governments or farmers associations before enacting the Three Farm Laws. Which is contrary to **Articles 2(3) and 10(2)** of the **UNDROP** and **India's Constitution**.

Agriculture with all its associated, ancillary and subsidiary enterprises – including education and research, livestock, fisheries, irrigation etc.... is classified as a State rather than a Union subject. '*Markets and fairs*' are also a State subject (Entry 28 of the State list). Even trade and commerce within a State is also a State Subject (Entry 27). However, this is subject to Entry 33 of the concurrent list which has been put to use by PM Modi and his majority Government to enact the Three Farm Laws by contending that the aforementioned legislation '*is expedient in the public interest*' and therefore a Union matter.

Further or alternatively, by removing any reference to MSP in the Three Farm Laws and by simply telling the protestors to trust the Governments word that MSP will remain the Government is not providing an '*appropriate system of evaluation and certification of the quality of their products at the local, national and international levels*': As required by **Article 11(3)** of the **UNDROP**.

By legislating that a contractual dispute between a small farmer and a large national trader of produce cannot be taken to an 'ordinary' domestic court but must instead be arbitrated by a local Government official. PM Modi and his government has taken away the farmers fundamental right to have access to an effective remedy via a competent domestic court. Contrary to **Articles 6 and 7** of the **UDHR** and **Article 12** of the **UNDROP**.

Furthermore, under **Article 26** of the **ICCPR** '*all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, a States domestic law shall prohibit any discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*'.

The farmers fear that they will at the mercy of corrupt Government officers and thus forced to sell their lands to large national traders. Therefore, SHRG believes that removing access to courts in cases of contractual disputes between small farmers and large national traders of produce is a denial of this most fundamental right.

Small farmers in India have a right to '*determine their own food and agriculture systems, recognized by many States and regions as the right to food sovereignty... [and a right to] participate in decision-making processes on food and agriculture policy and the right to healthy and adequate food produced through ecologically sound and sustainable methods...*'; **Article 15(4)** of the **UNDROP**.

However, India's small farmers have not been consulted and the Three Farm Laws have removed MSP without replacing it with any financial support to ensure that small farming as an occupation carries on. Which will have far reaching implications for India's overall food security.

By removing MSP and undermining the Mandis India's Government is not taking *'appropriate measures to strengthen and support local, national and regional markets in ways that facilitate and ensure that peasants and other people working in rural areas have full and equitable access and participation in these markets to sell their products at prices that allow them and their families to attain an adequate standard of living'*; **Article 16(3)** of the **UNDROP**

The Government's contention is that the small farmers can now sell their crops on the open market at any price. However, what PM Modi and his majority Government has failed to consider is that this will push prices down as large trading houses take over from the small farmers. Therefore, the farmers fear that they will go bankrupt as a result of this price volatility and will consequently be forced to sell their lands to the large trading houses.

Further or alternatively, the Government of India is also acting in contravention of the **Rural Workers Organisations Convention 1975 (No. 141)**. Specifically, **Article 4** which states that:

'It shall be an objective of national policy concerning rural development to facilitate the establishment and growth... of strong and independent organisations of rural workers as an effective means of ensuring the participation of rural workers, without discrimination... in economic and social development and in the benefits resulting therefrom'

This provision of international law is extremely important as not only have the small farmers not been consulted by the Government before enacting the Three Farm Laws but the Three Farm Laws also have far reaching implications for the small farmers economic and social development as well as India's overall food security.

The United Nations Human Rights Council has previously stated in **UN HRC Resolution A/HRC/RES/24/5**, that civil society organizations, such as the India's small farmers associations, are an essential component for the promotion of human rights, democracy and the rule of law. Therefore, States should maintain a safe and enabling environment in which civil society organizations can operate free from hinderance and insecurity.

The farmers have not been consulted nor is their democratic right to protest being respected.

Further or alternatively, the Indian authorities (Government, police and Army) are also acting in contravention of **Article 9** of the **ICCPR**. Which provides that:

'Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except in such grounds and in accordance with such procedures as are established by law.'

However, 263+ of the protestors who were involved in the nationwide protests, held on 26 January 2021, have been arbitrarily arrested and are now being held in arbitrary detention by the Indian authorities, unable to obtain legal counsel and/or to contact their families to inform them of their whereabouts.

INTERNATIONAL ORGANISATIONS

The International Labour Organisation

The International Labour Organisations (ILOs) 2020 policy guidance notes on Decent and productive Work in Agriculture specifically states that in the ILOs opinion:

The agricultural workforce includes waged agricultural workers, self-employed farmers and self-employed workers... Although waged agricultural workers are seen as a group distinct from small farmers, there is often overlap with self-employed small farmers, who often depend on seasonal or casual wage work on other farms or plantations to supplement their low incomes. ILO actions for working women and men in agriculture are many and diverse

Therefore, Sikh Human Rights Group respectfully submits that the ILO may have a mandate to protect small farmers in accordance with the above definition. The Three Farm Laws clearly have far reaching negative implications for all of the aforementioned groups therefore by association the ILOs remit or jurisdiction should be extended to protect all of India's agricultural workforce and all of those who are either directly or indirectly affected by the new legislation. Particularly, in light of the ILOs commitment to ensuring that implementation of the United Nations Sustainable Development Goals in rural areas around the globe.

Furthermore, the SME Unit of the ILO recently found, in its **Issue Brief No.1 2017 (Matt Ripley – Senior Advisor – The Lab)**, that:

*Interventions [such as the Three Farm Laws] can maximize small farmers chances of economic and social success. However, in order for it to benefit small farmers the intervention must ensure that: contract farming does not overload support to small holders in the early stages of the scheme; it must ensure constant information flows between buyers and suppliers in order to encourage the transparent setting of price ceiling and floors; and **crucially the policy maker must be open to adapting and changing the scheme over time in order to arrive at a commercially viable model.***

The Sikh Human Rights Group has been in contact with Ms. Alette van Leur (Director of the ILOs Sectoral Policies Department) and she has assured us the ILO is following the developments closely and is in contact with its local constituents in order to provide guidance and technical assistance on the formulation and implementation of policies and strategies to address decent work deficits in India's rural economy as well as promoting the ratification and implementation of relevant international labour standards. However, despite this response the ILOs position on the abovementioned matters remains somewhat unclear. Therefore, further specifications have been requested and will be available on the SHRG website in due course.

The World Bank Group

In 2020 the World Bank committed \$5.8 million USD to supporting agriculture and small farmers around the world. The World Bank also helped to provide 7.2 million small farmers with agricultural assets and services and has improved the irrigation and drainage systems on 986,000 hectares of agricultural land utilised by small farmers.

Furthermore, in its **Report No: 126284-IN entitled India: Systematic Country Diagnostic – Realizing the Promise of Prosperity**, the World Bank recognises at pages 35 – 26 that:

*Whilst, ‘most input subsidies are blunt instruments for supporting redistribution or providing safety nets to vulnerable farmers, since the benefits linked to input usage, accrue to the biggest users, who are likely to be the largest and wealthiest farmers. **It could be argued that MSP provides a safety net to farmers...**’*

*Furthermore, ‘the government [of India] is well aware of the problem of misdirected and unsustainable subsidies, but reforming subsidies, especially those in agriculture, is politically sensitive. Even when farmers understand the benefit of moving to a more sustainable and nondiscriminatory system based on agricultural technology and infrastructure investments instead of subsidies, **none of them—rich, middle-income, or poor farmers—are confident of the transition. The strategy for rationalizing the present system will have to be negotiated.**’*

WHAT DO THE FARMERS WANTS

The farmer protestors and their numerous supporters are asking PM Modi and his majority Government to:

- (1) Repeal the Three Farm Laws;
- (2) Codify the independent evaluation of their produce (or the current system) into India's primary domestic legislation; and
- (3) Ensure that the small farmers, like the majority of everyone else around the globe, have the right to go to court over contractual disputes.

The Right Honorable Dominic Raab currently serving as the UK's Secretary of State for Foreign Affairs, recently labelled the unconstitutional enactment of the Three Farm Laws and the ongoing farmer's protest in New Delhi (India) as '*internal matters of India*'. However, Dominic Raab is both wrong and abrogating from the UK's responsibility to raise the issue with Prime Minister Narendra Modi and his majority Government on international human rights ground.

However, and as can clearly be seen from the sections above, human rights are not internal matters of States, as Dominic Raab unsustainably contends, but are of concern to the whole world. For example, if the UK can take up the issues of the protestors in Hong Kong, it can take up the issues of the farmers in India. Specifically, the clear violations of the provisions of the *UN Declaration on the Rights of Peasants... 2018* and various other primary instruments of international law.

WHAT ACTIONS HAVE THE FARMERS TAKEN THROUGHOUT THE PROTESTS?

August 2020: India enters a recession

Economists announced that India had entered its biggest recession in recent history. Much of the blame was placed on the COVID-19 pandemic. The Farmers who couldn't sell crops at the mandi's, that were shut down by the government, felt especially panicked. They felt their current jobs were at risk and that they had no alternative in the emerging crises in a shrinking economy.

August 2020: Protests begin in several states

Protests against new agriculture laws proposed by Prime Minister Modi began in several states including Punjab and Haryana. These protests were organised with assistance from the [All India Kisan Sangharsh coordination committee](#), the body that is also responsible for the current Delhi protest.

September 2020: The Farmers' Produce Trade and Commission Act passes

When Prime Minister Modi passed the new [Farmers' Produce Trade and Commission Act](#) in late September, which grants farmers more freedoms by dismantling the APMC and allowing them to sell their crops to anyone for any price. The country's farmers disagreed, arguing that it actually leaves them more vulnerable than ever before, as it allows major corporations to drive down the cost of certain crops. It's important to note that the act was crafted and proposed without any input from India's farming community.

Early November 2020: Farmers begin burning fields

Before any official marches began moving toward Delhi, farmers around the country demonstrated their anger with the new laws by burning their fields. Usually, the farmers would hand-clear any leftover crop residue, but in early November, in response to the Farmer's Produce Trade and Commission Act, as well as another government ordinance that would prosecute farmers for any pollution they caused, the workers chose (en masse) to burn the residue instead.

Nov. 23, 2020: Protesters march towards Delhi

During the week of Nov. 23, 2020, protesters from around India began marching towards Delhi, the country's capital. When they began arriving at the edge of the city on 26th November, the protesters were met by large groups of police who used brutality in the way of tear gas, water cannons, and physical force to keep them from entering.

Nov. 26, 2020: The world's biggest strike

By the 26th November, 250 million workers in a range of industries from banking, to transportation, to telecommunication services, to oil and natural gas production, went on strike in what is believed to be the **world's largest coordinated strike** effort of all time. The millions of people were standing in solidarity with farmers, as well as in protest of several other proposed labour laws, including the dismantling of protective labour laws and a lack of increase in the minimum wage.

Nov. 27, 2020: Protestors granted entrance

The following day, after news and images of clashes reached international media, the **government announced** that **protesters** would be **granted peaceful access to Delhi**. Initially confined to an approved protest site that would be monitored by police, protestors quickly spread out, taking over streets and highways with their presence.

Dec. 1, 2020: Bilkis Dadi is arrested

The protests made international headlines again on Dec. 1, when police [arrested Bilkis Dadi](#), an **82-year-old woman** who'd risen to fame for her devoted protests against the controversial Citizenship Amendment Act. Bilkis Dadi had been marching in solidarity with the farmers when police stopped her at a border point between states and returned her to her home.

Dec. 1, 2020: Government officials meet with protest leaders

Also on the 1st December, nearly four months after the protesting against the proposed new laws began, [government officials met with protest leaders](#) for the first time. Although **no conclusion was reached**, both sides agreed that the talks had been "good." The two sides met again on the 3rd and 5th December, though, to date, no official conclusions have been reached.

Dec. 5, 2020: International Solidarity

Support for the farmer's protest has extended across the world. In the **USA** there was support from protestors who started to march from Oakland to San Francisco and back in an effort to show solidarity with their Indian family members and colleagues. The following day, on Dec. 6, [thousands of protesters descended](#) on the Indian High Commission in **London** in a coordinated effort to protest the law change.

Dec. 8, 2020: The strike shuts down parts of the country

[Thousands of protesters shut down](#) public transportation, shops, and markets around the country. The **450 farmers unions** and **organisations** that support the strike say that the move is not meant to upend the life of ordinary citizens, but to put pressure on a government that is slow to respond.

Dec. 8, 2020: The government detains opposition leaders

On the same day, government officials acting under direct orders from Prime Minister Modi reportedly [detained leaders of the opposition](#). Several of these leaders, including Arvind Kejriwal, the chief minister of Delhi, opposes the new act. Other union leaders have told international media outlets how they have been stopped by the police from joining the growing protests.

Jan. 24, 2021: Here to stay

The protestors have told international media they have no plans to cease the protests anytime soon, saying they'll stick out the long winter and increased COVID-19 risk as this is a "[matter of life and death](#)." Despite renewed conversations between the **Indian Supreme Court and union leaders**, the Modi Administration has refused to walk back on the three agricultural laws farmers have been protesting for months.

Jan. 26, 2021: Republic Day- Tractor Rally

Tens of thousands of the farmers protesting drove a convoy of tractor in the tractor rally to New Delhi. The farmers drove on in long lines of tractors, riding horses or marching on foot, however. The march was peaceful and can be said to be one of the largest mostly successfully peaceful rally and march. There were some incidents between a very small section of the tractor rally as they clashed with the police who had allegedly provoked them. Yet this was the most international coverage the farmers protest received, the international outlets covered the story as if the protests had all been violent and failed to talk about the months of peaceful protests that had happened. Knowingly, one protesting farmer **died** after allegedly being **shot by Delhi police**—[a claim police denies](#) according to the Times of India.

Jan. 30, 2021: Internet Shutdown in Delhi

The Indian government suspended internet services in parts of New Delhi in response to the ongoing protests of thousands of farmers in the city. Officials have maintained that the decision was made to "[maintain public safety](#)," while union members have said the internet shutdown has merely incited panic.

The shutdown continued. On February 2, [Rihanna tweeted](#) about the news and garnered attention from global, A-list celebrities. People like climate activist Greta Thunberg and Vice President Harris's niece Meena Harris have echoed support of the farmers.

Feb. 4, 2021 Evidence of Torture

Sikh Human Rights Group received highly credible evidence from Dr Darshanpal Singh, who is located on the Singhu boarder, that himself and thousands of other farmer protestors situated around India were surrounded by Indian Authorities, and subsequently had their supplies, toilet facilities, phone and internet facilities blocked off.

The actions taken fell under the definition of torture as defined by [Article 1 of the Convention against Torture and Other Cruel, Inhuman or degrading Treatment Punishment 1984](#)

After our letter to the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment the [UN Human Rights Office called on India](#) to exercise restraint against the protesting farmers

26th OF JANUARY 2021 EXPLAINED

26th January is symbolic for Indians, as it is the day on which in 1950 the Indian constitution came into force, officially proclaiming India as a republic, however, it now holds ever more significance. This year the world watched the beginning of a revolution that is happening. It was not an act of terrorism but rather a display of significant consequence for India's future if they do not reform and consult with Indian farmers over these new laws.

It was supposed to be a massive but peaceful rally, as hundreds of thousands of farmers drove their tractors in convoy into the Indian capital as part of ongoing, nationwide protests against three farm laws that protesters say put their livelihoods at risk.



Many of the farmers, who had adorned their tractors with colourful flags, including the flag of India and various farmers unions, had been camping out in protest on the outskirts of the capital for more than two months. Others, including young farmers from the northern states of Haryana, Uttar Pradesh, Punjab and Rajasthan, had gathered on the border over the past few days in time for the planned march on India's Republic Day.

The Indian Government has been quick to draw similarities between the events that occurred on the 6th January 2021 in the Capitol Hill in Washington, to “the incidents of violence and vandalism at the historic Red Fort.” The Remarks from the Indian Foreign Minister’s Spokesman came soon after the US Embassy in New Delhi on the 4th February urging the Indian government to resume “dialogue” with the farmers.

Important points to note when reviewing the turn of events from the 26th January 2021:

1. The Red Fort is leased to Dalmia’s, thus not federal property.
2. Red Fort was empty so no intention of violence or harm.
3. Historically on Republic Day, Delhi is on high alert. Questions have been raised how was it that there were no police barricading the Red Fort?
4. Police shot at protestors inside the Red Fort.

POLICE BRUTALITY IN INDIA DURING THE PROTESTS

9 Human Right Violations by India after 26th January

- The **State Police** investigated violence chaos by **attacking peaceful protestors**.
- Protestors were met with barricades, batons, water cannons, tear gas and even **bullets**.
- **Badgeless Police** Officers were deployed to **brutalise** and **abduct protestors**.
- Indian Police **cut the Internet** and **blocked Journalists at protest sites**. Stopping communications between protestors in India and the rest of the world.
- State-owned media and news outlets created **false propaganda** to instil hatred in Delhi residents for farmers.
- Angry, **right-wing Hindutva mobs** were escorted into protest sites by police and allowed to **attacked innocent protestors**.
- 4th February- Police **stopped food** and fresh **water** supply chains in an attempt to **starve the protestors**.
- Protestors and Journalists are being **abducted** by the **Police**. Reports on **torture** and **sexual assault** are coming out of the prisons.
- On-field journalists report that **thousands** of **protestors** have been **injured** by **Police**, specifically targeting doctors who are serving the protestor's injuries.

LIST OF ARRESTED PERSONS IN CONNECTION WITH ONGOING KISAN ANDOLON AS ON 01.02.2021

Total arrest persons – 120

Mukherjee Nagar FIR No. 31/21 GD No 20 29/01/2021 Total Arrested - 9

1. Parkat Singh S/o Arbel Singh R/o Village Sayapari, Distt- Firozpur, Punjab, Age-46 years,
2. Sawran Singh S/o Santop Singh R/o Village Khedi Maniya, Distt Patiala, Punjab, Age-31 years,
3. Joginder Singh S/o Niranjn Singh R/o Village –Boha, Distt- Mansa, Punjab, Age- 63 Years
4. Balbinder Singh S/o Amrik Singh R/o village- Budi Pind, Distt- Hosiarpur, Punjab, Age- 28 Years,
5. Gurdayal Singh S/o Tara Singh R/o Vill Husain Pur, Lalawal, Distt- Hosiarpur, Punjab, Age- 44 Years.
6. Paramjeet Singh S/o Keshar Singh R/o Vill- Pilkhan wala, Distt- Yamuna Nagar, Haryana Age-42 Years.
7. Jeet Singh S/o Banta Singh R/o Vill-Khanouri Kalan Distt- Sangroor, Punjab Age-70 Years,
8. Gurmukh Singh S/o Bhan Singh R/o Vill-Shanashapuri, Tehsil -Khamanano, Distt- Fatehgarh Punjab Age-80 Years
9. Kulwinder Singh @ Khalistani S/o Pyara Singh R/o Vill- Katu, Tehsil- Dhaula, Distt-Barnala, Punjab, Age-30 Years.

Nangloi 45/2021 GD 3 28/01/2021 Total Arrested - 7

1. Deepak S/o Prem Singh Dagar R/o VPO Malikpur, Delhi Age 30 Yrs,
2. Parvesh S/o Dharambir R/o VPO Matan, Tehsil Bahadurgarh, Distt. Jhajjar Haryana Age:- 22 Yrs,
3. Ravi S/o Shri Bhagwan R/o VPO Lova Khurd, Tehsil Bahadurgarh, Distt. Jhajjar Haryana Age:- 30 Yrs,
4. Ashish S/o Hardeep R/o VPO Nuran Khera, Gohana, Sonipat, Haryana Age:- 25 Yrs,
5. Alamer S/o Ramphal R/o Ward No. 08, VPO Sampla, Behind Police Chowki, Distt. Rohtak Haryana Age:- 25 Yrs,
6. Naveen S/o Sh. Krishan R/o R/o Ward No. 08, VPO Sampla, Behind Police Chowki, Distt. Rohtak Haryana Age:- 18 Yrs
7. Dinesh S/o Late Sunder Lal R/o R/o Ward No. 08, VPO Sampla, Behind Police Chowki, Distt. Rohtak Haryana Age:- 24 Yrs

It is predicted that at least 21 protesting farmers have gone missing since the tractor rally on 26th January. At least 263 protesters have been arrested in police stations across the capital since then, charged with rioting, assault, attempt to murder and several other crimes. While farmer unions have put together a large team of lawyers to help them get bail and fight their cases, they are struggling to locate the whereabouts of those who have gone missing without a trace.

On February 4, ten days after their disappearance, Delhi Chief Minister [Arvind Kejriwal](#) assured farmer unions that his government would help to find the missing farmers. But with the days ticking by, families of the missing persons are growing increasingly distraught and desperate.

Report on the police brutality inflicted on the protestors who have been arrested

Mandeep Punia was arrested from the Singhu Border while reporting on the farmers' protests on the 30th January 2021. He described his treatment and interactions with several jailed farmers in Tihar jail in an [interview](#).

He made these key statements:

1. His lawyers were not allowed to meet him or to represent him or to represent him, the police kept giving the lawyers the wrong time.
2. He was about to be framed and they had to tell the truth because his video went viral.
3. The fact that some of those arrested are not even protestors, some are Sikh civilians from Delhi.
4. Although treatment in Tihar jail is fine, majority had been beaten while getting arrested and had bruises to show.
5. 70-year-old Sikh priest who was serving food at Burari ground is one of them - also has bruises.

Punia was arrested on charges of causing assault, injury and obstruction to security forces. Punia said, "I was reporting on how policemen were abusing and stopping some of the migrant workers who wanted to enter Delhi. There was another reporter by the name of Dharmender who was also shooting the same video. The police took him aside when I intervened. When the police saw me, one of them shouted, "[Yeh raha Mandeep Punia, isko pakdo.](#)" He added that after police took him to one of the tents at the protest, they thrashed him for "straight 10 minutes" and he had bruises on his legs. "They were taking my name when they beat me up."

THE INTERNATIONAL COMMUNITY'S RESPONSE TO THE PROTESTS



While the international media has been very fixated on the news of a Covid-19 vaccine and the distribution of it internationally, the protests in India have finally made the headlines.

Initially they made the headlines on 26th January, as the international media outlets labelled the protestors as violent and saw it as only a protest occurring in Delhi. Support from public figures with a following of over one million have helped encourage discussions about the protests and the human rights abuses by the Indian Government.

USA

The **Biden administration** has called for a "dialogue" with Indian farmers and asked the Indian government to recognise "peaceful protests" and restore Internet access to the farmers

UK

Tanmanjeet Singh Dhesi - Labour MP- Labour MP from Slough and Shadow Rail Minister Tanmanjeet Singh Dhesi tweeted: "It takes a special kind of people to feed those ordered to beat and suppress them. I stand with farmers of the #Punjab and other parts of #India, including our family and friends, who are peacefully protesting against the encroaching privatisation of #FarmersBill2020."

John McDonnell - Labour MP- Quote tweeting Dhesi, another Labour MP, John McDonnell from Hayes and Harlington, wrote "I agree with @TanDhesi. This sort of oppressive behaviour against peaceful protesters is unacceptable and tarnishes the reputation of India".

Preet Kaur Gill - Labour MP- Labour MP from Birmingham Edgbaston and Shadow Secretary for International Development Preet Kaur Gill tweeted, "Shocking scenes from Delhi. Farmers are peacefully protesting over controversial bills that will impact their livelihoods. Water cannons, and tear gas, are being used to silence them."

Canada

In Canada, the support has come mainly from the New Democratic Party led by Jagmeet Singh. **Jagmeet Singh - Leader, New Democratic Party**- Singh tweeted: "The violence perpetrated by the Indian govt against farmers peacefully protesting is appalling. I stand in solidarity w/ the farmers from Punjab and across India - and, I call on the Indian govt to engage in peaceful dialogue rather than violence."

Australia

In Australia, it was **Rob Mitchell, Labour MP** from McEwen in Victoria, who spoke in the country's Parliament in support of Punjabi farmers. He said: "I join many in our community who are disturbed at the treatment of Punjabi farmers in India and those who fear for their safety while peacefully protesting. I urge the Indian government to show restraint while dealing with protesters."

Public Figures

Where the international response has been at its strongest is down to the A-list celebrities/public figures who took to social media to show their support and raise the burning question 'Why are we not talking about this?!' the world largest strike.

[Rihanna](#)

[Greta Thunberg](#)

[Meena Harris](#)- US Vice President, Kamala Harris's niece

Indian Government's Response to the international attention

Within India, the protests enjoy considerable public support because approximately half of Indians are employed within agriculture and so Rihanna's tweet was met positively.

The response of global leaders to the protests has been muted. Some observers say governments are reluctant to criticise India, a global power and regional stalwart in curtailing the rise of China.

To the surprise of many, the Indian Government published a statement on Wednesday 3rd February in response to tweets from Rihanna and other public figures- "Before rushing to comment on such matters, we would urge that the facts be ascertained, and a proper understanding of the issues at hand be undertaken," it said. "The temptation of social media hashtags and comments, especially when resorted to by celebrities and others, is neither accurate nor responsible."

The Ministry of External Affairs in India also took it upon themselves to issue a press release denouncing the "sensationalist comments" about the ongoing farmers' protests in India made by foreign "celebrities and others" — referring, it seems, largely to Rihanna.

Modi's administration denounced the protesters as "anti-national" and accused them of being "infiltrated" by outside groups (either far left or religious extremist). This time around, the BJP latched on to the fact that many protesters are Sikh and attempted to paint the protest as driven by "Khalistanis" or those supporting a separate Sikh state.

These celebrities are right, why are we not talking about the world largest ever strike, why is it not getting the international support it deserves and why are we letting a government get away with the extensive human right abuses it has been conducting on its people?!

WIDER INTERNATIONAL IMPLICATIONS TO THE NEW FRAM LAWS



What is the issue?

Besides the question as to whether the farm laws are even [legal](#), farmers are concerned that the new reforms will eventually put an end to wholesale markets in India, and assured prices. This would leave them with no back-up option if they are not satisfied with the price the private buyer has to offer; they cannot return it to the mandi or use it as a bargaining chip during negotiations.

Despite the government claiming the mandi system will continue, and they will not withdraw the Minimum Support Price (MSP) the farmers have their doubts. Due to how the powers in the Indian Constitution are established in [Article 13.4](#) and [Article 368](#), it means that the fundamental rights the Indian citizens have can be revoked by parliament, meaning the Indian government could go back on their claim to continue the mandi system and the promise to not withdraw the MSP. Farmers are angry over the laws not assuring them the MSP and they claim that the new laws would leave them at the mercy of the private corporate companies, who could replace the government agencies in procuring their agricultural produce.

Not only are these new reforms detrimental to the Indian farmers, but there are also wider implications to be aware of. There is the fear that India is being used as a laboratory for big money/ large scale farming and worry that other countries will soon follow in India's footsteps. Some government leaders find that the potential money to be earned from large scale farming is too tempting to ignore, even if it means leaving their own farmers jobless and in poverty. There are wider impacts this reform could bring to the rest of the world that need attention such as through environmental damage, the sociological implications and knock-on effect to small farms elsewhere in the globe such as Europe, who are already facing extinctions.

Environmental Impact

There are already a number of case studies worldwide that show the negative impact 'Big Money Farming' or corporate owned industrial farming has on the environment. When agricultural operations are sustainably managed, they can preserve and restore critical habitats, help protect watersheds, and improve soil health and water quality. But unsustainable practices have serious impacts on people and the environment. The worry the new reforms in India brings, is the unsustainable practices that will come from industrialised farming. The Indian landscape is in great condition for the small scale farming it is currently practicing, however, large scale farming done by big companies completely destroys the land and henceforth makes it unfertile after a few years. Though they may be able to produce more in a shorter period of time, the lasting impacts are detrimental.

Pollution

When countries move from small farming to industrial scale farming, there is a mass increase in the use of Pesticides, fertilizers and other toxic farm chemicals that can poison fresh water, marine ecosystems, air and soil. These can remain in the environment for generations. Many pesticides are suspected of disrupting the hormonal systems of people and wildlife. Fertilizer run-off impacts waterways and coral reefs.

Land Conversion

Agricultural expansion is a major driver of deforestation and other ecological destruction, decimating habitats and biodiversity. Oil palm displaces lowland forests in Indonesia while soy production damages the Cerrado and Atlantic Forests of Brazil and Paraguay. Loss of forests and unsustainable farming practices lead to extreme erosion. During the past 150 years, half of all agricultural topsoil has been lost.

Climate Change

Many farming practices—such as burning fields and using gasoline-powered machinery—are significant contributors to the build-up of greenhouse gases in the atmosphere. The Food and Agriculture Organization of the United Nations (FAO) contends that the livestock sector alone is responsible for 18% of all greenhouse gas production. Additionally, clearing land for agricultural production is a major contributor to climate change, as the carbon stored in intact forests is released when they are cut or burned.



Large-scale, industrialised farming focuses on intensive single crop production, mechanisation, and depends on fossil fuels, pesticides, antibiotics, and synthetic fertilisers. While this system yields high production levels, it also contributes to climate change, pollutes air and water, and depletes soil fertility. Agriculture is a significant source of air pollution, which contributes to a range of respiratory and cardiovascular conditions. The industrial-scale, conventional system endangers farm workers and owners, who regularly face serious occupational hazards and limited access to health care.

Risk to Small Farms Internationally

Large scale farming in India will create more competitions for the small farmers around the world and the big companies will be able to offer cheaper prices and larger volumes that small farms cannot compete with.

Priced Out of the Market

In 2011, the United Nations Food and Agriculture Organization (UNFAO) stated that food prices had been driven upwards in recent years, due to 'longer-term economic growth in several large developing countries. These countries put upward pressure on prices for petroleum and fertiliser because of the resource-intensive nature of their economic growth and led to increased demand for meat, and hence animal feed, as diets diversified.' The issue with this is, as the prices of fertilizer and other resources required for farming increase, the small farms cannot afford to buy them by comparison to the large-scale industry farming companies. This therefore means small farms have to charge more as they have paid more for farming essentials and the large-scale farming industries are able to change less by comparison to the small farms.

Europe

Across Europe small farms are disappearing. They struggle to compete with large multinational agro-businesses, they are under pressure from land grabbing, and they face serious challenges to secure public support, as they are often considered unviable and outdated.



Despite the consolidation processes that have been ongoing in the European farming sector for decades, small farms still make up the majority of European farms. More than two thirds of all farms in Europe have less than 5 hectares of agricultural land, and more than half have a Standard Output of less than 333 euros per month, before production costs are even deducted. Small farms are therefore a crucial part of the European agricultural system. Nevertheless, their numbers are declining. While in 2005 still more than 70% of all farms in the EU-27 worked on less than 5 hectares, by 2013 this number had fallen to just over 65%.³ In Romania, to give just one example three family farms disappear every hour.

Benefits of Small Farms



Small scale farming on the left, where the land is divided by trees and hedges, compared with industrial farming on the right. Woodland patches and hedgerows are essential components of the agricultural ecosystem. Industrial farming will cut down these woodland patches and hedges and this loss may reduce ecosystem service provision and biodiversity in both livestock and arable systems and may also have a negative influence in certain terms on productivity.

Small-scale farming promotes communities

Small farms renew a link between the food people eat and the land they live on. If your food comes from a farm down the road, you can see the plants as they sprout and look forward to the food of a season. It is also a reminder that human hearts and hands work to make the food you eat, not just a corporate label. The Localism Index created by Stacy Mitchell informs us that 63% of customers in a farmer's market actually stop and talk to other customers, as compared to 9% in the conventional supermarket. Though the direct causes for this

difference are ambiguous, it is worth considering. Small farms can also work together to become more competitive in the current agricultural market. Such cooperation creates communities amongst farmers and between farming families, recreating the image of farming communities before industrial revolutions.

Small farms create jobs

In India employment in agriculture (% of total employment) was reported at 41.49 % in 2020, according to the World Bank. Given that nearly half of the Indians work on farms, the benefits from small farming in India and around the globe are remarkable when it comes to employment, particular for people who live in rural areas and have limited literacy skills.

Small farms improve the health of the land

Smaller farms around the world grow a wider variety of plants, rather than monocultures of corn or soy. Natural systems are typically stronger when they have a greater diversity of species, if a disaster strikes the farm system, there is a greater chance that there will be crop species that can survive the disaster and so there is less economic risk to the farmer. Diversity of crops also improves the quality of the soil, as different plants use and replace different soil nutrients. Smart planting thus reduces the amount of fertilizer needed. Crop diversity also reduces the threat of pests and so also the amount of pesticide used.

Small farms improve the health of people

Local and regional farms provide people with seasonal, unprocessed fruits and vegetables. The availability of fresh, healthy food could serve as an alternative to the average unhealthy more Western diet, which currently consists mostly of corn and wheat in different forms.

Small-scale farming provides a foundation for a more resilient food system

If any single farm has a poor season, Indians could still obtain fresh food from other local or regional farms in the area. In this way, economic risk is spread and we all can experience greater food security. However, if a large-sale farming industry were to take over then the risk would be higher if there was a poor season, as more land owned by that company would be affected and there would be fewer alternative options.

Made in India vs Make in India

Made in India involves domestic factors of production i.e., land, labour, capital, entrepreneurship and technology, whereas Make in India is just an invitation to the foreign factors of production in form of capital, technology and investment to employ Indian labour and use the land and natural resources in India.

It is clear that the current Indian Government is turning to industrial corporate large scale farming industries rather than using their own farmers. This will leave millions of farmers jobless and will destroy the environment.

IMPACT ON POVERTY IN INDIA

These three new laws will have a devastating effect on poverty rates in India, especially in rural areas where 70% of the population lives.

According to the [United Nations Development Programme's \(UNDP\) annual Human Development Report 2020](#). In 2019, India scored 0.645 on the human development index, placing it in the category of countries with medium human development. However, this has not always been the case, as in 1990, India's HDI was 0.429. On the other hand, as the HDI is an average of a country's development improvements, it masks inequality in the distribution of human development at the country level. This is why in 2010, the Inequality Adjusted HDI (IHDI) was introduced. The IHDI discounts the inequality levels of the three dimensions used to construct the HDI (a long and healthy life, access to knowledge and a decent standard of living), basically being an HDI from which inequalities have been discounted. Recall that India's HDI is 0.645; but when inequalities are taken into account, it plummets by 25% to a level of 0.475

In addition to the IHDI, the Multidimensional Poverty Index (MPI) was introduced in 2010 with the objective of identifying multiple overlapping deprivations suffered by individuals in the 3 dimensions previously mentioned. The latest MPI data for India (2015/2016) shows that 27.9% of the population are multidimensionally poor, while 19.3% live at risk of being multidimensionally poor.

In short, by liberalising the agricultural market, small producers will be forced to sell their land because they will not be able to cope with the competition from large corporations. It should be noted that the same land that small producers use to produce goods for sale, they use to produce their livelihoods, so when they are deprived of it, their source of livelihood will disappear.

Poverty

If we take a look at the poverty rates of different states in India in the year 2011, we can observe that the states of Punjab and Haryana have a combined rate (rural population and urban population) of people below the poverty line of 8.26% and 11.16%; while the all India average is 21.92%. This is especially significant as in states where the AMPC is not used, such as Bihar, the same rate is 33.74%.

These three laws will mean that most of small farmers will be placed doing business with multinational agribusiness, thus diminishing their bargaining power and eventually being swallowed up by them. Another consequence of dismantling the MSP is the commodification of agricultural production by having the global market dictate what is produced, how and when it is produced. Secondly, this will perpetuate productive specialisation in primary goods for the export market, making agricultural production for domestic consumption more difficult. As Amartya Sen showed, famines are mostly caused not by a lack of food, but by unequal access to food. If the three laws are upheld, there will be three impacts. First, the agricultural sector will specialise in products demanded by the global market. Second, by specialising in products demanded by third countries, it will depend on their demand for its

survival. Third, as mentioned above, small farmers will be confronted with large corporations against which they have no power to influence the market. These three outcomes are reminiscent of the times when the metropole dictated what was produced.

Unemployment

Unemployment has always been a perennial problem in India. The farmers' protests have only confirmed this. If these three laws are maintained, one of the impacts will be an increase in unemployment among young people. Despite having a university education, many young people have to work in the agricultural sector because they cannot find work in the city. Youth unemployment currently stands at 21.6%, while the national average is 17.5%. This trend would be reinforced if small landowners are forced to sell their land because they cannot compete with large corporations.

This should be added to the compulsory confinement imposed to deal with the Covid-19 pandemic. Despite the improvement in the Indian economy, unemployment levels continue to rise as the agricultural sector is unable to absorb the idle labour force from other sectors. This is reinforced by deteriorating working conditions in both urban and rural areas.

Another feature of [unemployment in India](#) is the differential impact it has in the cities and in the countryside. In the former it is always lower than in the latter.

Conclusion

The impacts for the Indian Farm Reforms stretch wider than the Indian Farmers, there are clear threats to the environment, sociological wellbeing and small farmers around the globe. If we do not act now the environment, livelihood of Indian farmers, small farmers globally and potentially the lives of citizens in poorer countries who are next in line for their land to be turned into an industrial farming site, are at risk.

It is no new news that the world needs to start putting the planet and people before profit and these new farming reforms in India are twenty steps backwards. There is an abundance of benefits to small farming and though the farming laws in India as they stand are far from perfect, the new reforms are not the answer.

The worry is that India is an experiment and that the Corporates around the world are looking at how it will play out. If the Indian government succeeds in deregulating farming in India and letting corporate sector to drive out small farmers in large numbers, other countries will follow suit. What is happening in India today, will happen around the world. It is a threat to around half a billion small farmers globally. It will affect some of the world's poorest people and destroy the planet.

