

Focus
April 2021

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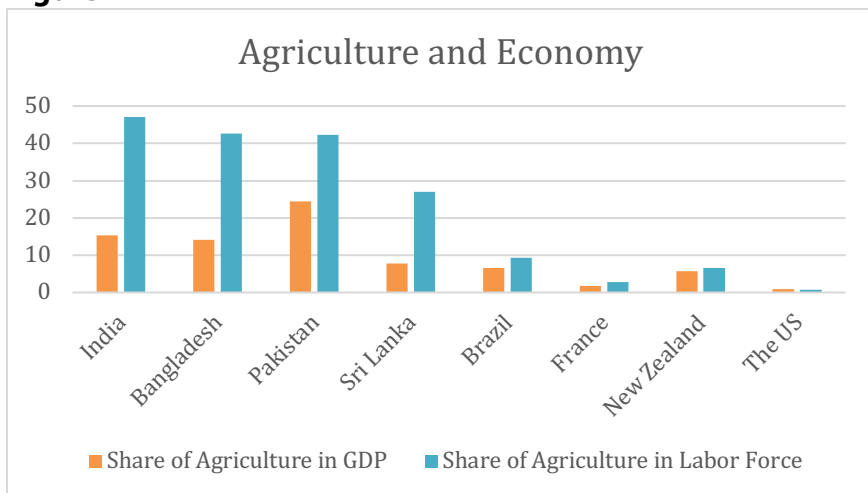
Farmers' Protests in India: Has the Government Weathered Storm

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Introduction

Like Pakistan, India has a large agriculture sector, which employs 47 per cent of its workforce. Despite its large contribution to absorbing the workforce, the sector is not as productive. It only contributes 15.4 per cent to its GDP.¹ Figure 1 below shows a comparison of the share of the agriculture sector in the GDP and labour force of selected countries.

Figure 1



Source: CIA World Factbook, available at <https://www.cia.gov/the-world-factbook/countries/india/#economy> (last accessed on March 26, 2021).

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Figure 1 above shows that the productivity of the agriculture sector of India through a comparison of its share in the workforce and the GDP is higher than Pakistan, somewhat comparable to that of Sri Lanka and Bangladesh, lower than a geographically similar country of Brazil, and much lower than the industrially advanced countries: France, New Zealand, and the US. The contribution of the agriculture sector to the GDP is actually higher than its contribution to the total workforce in the US.

Why was there a Need for Agricultural Reform?

The Indian government is of the view that several laws that encourage unnecessary state intervention in the markets discourage private investment in the sector and are therefore, responsible for its low productivity. One such law is the Essential Commodities Act (ECA), 1955. It not only puts limits on stocking, movement, and trading of 'essential commodities' but obliges the government to make compulsory procurements of such essential commodities when their prices rise. This, according to the Indian government, not only creates market distortions and disincentivizes investment in the agriculture sector but is an ineffective means for controlling prices of essential commodities.² The government further maintains that it unnecessarily and ineffectively utilizes government's costly enforcement mechanisms.³ Therefore, it terms the law as anachronistic in the following words:

The ECA was enacted at a time when speculative hoarding and black marketing was a threat as agricultural markets were fragmented and transport infrastructure was poorly developed. But the Act, while penalising speculative hoarding, also ends up penalising the much desirable consumption-smoothing that storage provides. With the agricultural markets in India increasingly becoming more integrated and competitive, the

utility of the Act is dubious and is incompatible with the development of an integrated competitive national market for food. The anti-hoarding provisions of ECA discourage open reporting of stock holdings, storage capacities, trading and carry forward positions.⁴

Another contention of the Government of India in relation to the laws and policies with regard to agriculture aimed at ensuring food security is that the costly mandatory procurement of food grains has not only dried out healthy competitive investment in the sector but has also ended up making the government the largest buyer and hoarder of food grains. The government not only emerges as the largest buyer, procuring 80-90 per cent of the produce in extreme cases of Punjab and Haryana, but also crowds out healthy competition in the market.⁵ Some observers maintain that government procurements in the grain market are also driving agricultural investment away from more productive food crops like fruits and vegetables.⁶ On top of all this economic rationale given by the government, it believes that the minimum support prices (MSPs) on food grains has not remained minimum, i.e., increasing each year without any economic rationale for 'minimum support' and putting a strain on its budget.⁷

The government, therefore, argues that the very mechanisms that are aimed at making India food secure could actually be resulting in the complete opposite through creation of market distortions and self-fulfilling support structures.

Government's Response: The Three Farm Laws

In order to address the perceived disconnect between the twentieth century laws and the twenty-first century realities, the Government of India introduced the following three laws:

1. The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020

2. The Farmers' (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020
3. Essential Commodities (Amendment) Act, 2020

The three laws were initially promulgated as ordinances in June last year. They became Acts of Parliament in September 2020 after they were passed by both houses of the parliament and assented to by the President of India.

The third law, the Essential Commodities (Amendment) Act, 2020, amends the Essential Commodities Act, 1955, removes certain commodities from the list of 'essential commodities' to ease stocking and trading restrictions on them. These include food items like cereals, pulses, potato, onion, edible oilseeds, and oils. While there still are provisions related to limits on stocking certain agriculture produce, the imposition of such restrictions has been restricted to extraordinary circumstances like war, famine, or a doubling of the retail price of horticultural produce and 50 per cent increase in the retail price of non-perishable agricultural food items.⁸

The second law, the Farmers' (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, determines parameters for farmers to enter into contracts with agri-business firms or large retailers on pre-agreed prices of their produce. Inter alia, it also provides for a mechanism for settling disputes between the farmers and the buyers (primarily agri-business firms), comprising of Conciliation Board, Sub-Divisional Magistrate, and Appellate Authority at three levels.⁹ The law binds the sub-divisional magistrate to settle any disputes within 30 days.¹⁰

The first and the most contentious law, the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020, allows "intra and inter-state trade of farmers' produce beyond the physical premises of Agricultural Produce Market Committee (APMC) markets and other markets notified under the state APMC Acts."¹¹ The Act not only allows farmers to trade outside the APMCs but also permits electronic trading of certain produce, even if otherwise regulated under any state APMC Act.¹²

The proponents of the farm laws argue that trading outside of the APMCs will fetch the farmers better prices because of the absence of taxation on such transactions.¹³ It is also argued that with the easing of restriction on inter-state trading, farmers will be able to sell their produce anywhere in the country for a higher price.¹⁴

Notwithstanding the criticism against the government for rushing the three controversial laws through the parliament,¹⁵ it is pertinent to note that instead of doing away with the MSP altogether, the government opted for a relatively less confrontational approach of circumventing it through the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020.

What is it that the Farmers Fear?

The farmers—or more broadly, the farming and trading communities that have been primarily trading through the APMCs—fear, however, that with the facilitation of trade outside the APMCs, they would slowly and gradually become redundant and dysfunctional.¹⁶ The example of Bharat Sanchar Nigam Ltd (BSNL) and Reliance's Jio is usually given as an analogy. BSNL, the state-run telecom operator, became largely irrelevant in various telecom sectors after privatisation of the industry and the entry into the market of firms like Reliance and others. What this will do, the farmers fear, is that when the prices would suddenly drop after the initial hype of going for higher prices in the open market, the APMCs will not be there to lend a hand because they would have gone dysfunctional.¹⁷ Multan Singh Rana, a farmer from Punjab, put it in the following words to the BBC:

First, farmers will feel attracted towards these private players, who will offer a better price for the produce. The government mandis will pack up meanwhile and after a few years, these players will start exploiting the farmers. That's what we fear.

While the non-introduction of licencing formalities for trading outside of the APMCs is portrayed as a positive by the government, the farmers feel that without any licencing provisions, there will be a greater risk of fraud “due to the entry of people without license or registration.”¹⁸ Moreover, they fear about their interests being ignored in cases of disputes with corporate buyers because they would be able to hire better lawyers because of their deep pockets.¹⁹

The opponents of the three new farm laws further maintain that since India is not a food surplus country, it needs such support mechanisms to farmers for food security.²⁰ The critics of the farmers’ movement, on the other hand, maintain that the MSP has benefitted the already well-to-do farmers of states like Punjab and Haryana where the government buys 80-90 per cent of the total produce owing to relatively better equipped and efficient *mandis*. No wonder the farmers from the two states are in the forefront of the protest movement. Moreover, it has had the opposite effect on the relatively poorer farmers of states like Bihar who are forced to sell their products at staggering discount of 25-35 per cent because the government ends up buying only about 2 per cent of their produce. This is the reason, there has been little opposition to the farm laws in Bihar.²¹ “The National Sample Survey on key indicators of agricultural households in India showed that only 19 per cent of households were aware of MSP and 15 per cent of procurement agency. Only 7 per cent households sell crops to procurement agency and only 10 per cent of total crops are sold at MSP.”²² Therefore, they argue that other factors could be contributing to low productivity. For instance, farmers not holding enough land (68 per cent of Indian farmers own less than one hectare of land), being unable to fully utilize them owing to resource constraints, and actually having nothing to sell.²³

Notwithstanding the rational debate between the pros and cons of the old and the new system, which essentially boils down to free market vs. protectionism, the introduction of the three new laws has given rise to new winners and losers giving

rise to apprehensions among the farmers who have taken to the streets to redress their grievances against laws.

How has the Farmers vs. the Government Played out?

While the farmers had been expressing their reservations about the three farm laws after they were introduced as ordinances in June last year, they resorted to mass street agitation aimed at repeal of the three laws after the laws were enacted by the parliament in late September. They reached Delhi on their tractors by the end of November and after clashing with the police encamped on the borders of the city, blocking the main highways leading to the capital. While the farmer leaders denied the claim, the farmers protest largely comprised of Sikh farmers belonging to the states of Punjab and Haryana.²⁴

Since the farmers' sit-in was massive and its mood confrontational, segments of the Indian media soon started urging the government to move towards a negotiated settlement with the farmers and assuage their concerns.²⁵ Even the segments of the media, which considered the movement as fuelled by misperceptions, such as the *Times of India*, urged the government to address the farmers' misperceptions about the laws.²⁶

Government's Unprecedented Readiness to Negotiate

The government's response to the protests was also swift and remarkable in the sense of the urgency it showed. For instance, while the Union Home Minister Amit Shah had initially conditioned talks with the farmers' vacation of the protest site, the government held the first round of talks with the leaders of the farmers on 3 December 2020, without any conditions. Not only that, the government straight away offered amendments to the three laws in question in the very first meeting.²⁷ The Union Agriculture Minister Narendra Singh Tomar openly stated on the occasion:

We will hold discussions on how to make the APMC stronger... farmers' concerns over the SDM courts will too be addressed... We are also ready to discuss the air quality ordinance and Electricity Act.²⁸

His statement essentially touched upon most of the key concerns of the farmers with regard to the three laws. The level of the readiness of the BJP government to find a compromise solution to the farmers' protest was in stark contrast to its response to the nationwide protests against the Citizenship Amendment Act (CAA). In the latter case, the BJP refused to negotiate even after the over three months sit-in of women protesters against the law at Shaheen Bagh in Delhi. The BJP's initial, rather anxious, flexibility towards the farmers' movement spearheaded by farmers from Punjab and Haryana, could be attributed to a variety of factors.

One, the Sikh community, at the forefront of the protests, is not only highly represented in the Indian armed forces but is also geographically concentrated in the states of Punjab and, to an extent, Haryana. According to the population figures of the 2011 census, around 58 per cent of the total population of Punjab is Sikh. The Sikhs comprise only around 5 per cent of the population of Haryana but form an influential vote bank.

Two, while the Congress is ruling Punjab, BJP was only able to form a government in Haryana with the support of a local coalition partner in the shape of Jannayak Janata Party (JJP) and could lose the government if the JJP would ditch it under pressure from the farmers' movement. The JJP had some initial jitters about the farmers' movement because of its voter base among the young Jat community. While the party's stated position was that it would decide its future line of action based on the outcome of the talks between the farmers and government, one of its senior leaders, Ajay Chautala, the father of the Deputy Chief Minister of the State Dushyant Chautala, asked the Union Government to add a line on the MSP in the farm laws on 1 December 2020.²⁹ All the anxieties of the BJP and JJP about the government in Haryana

were put to rest finally on 10 March, when their government was able to win a vote of confidence in the State Assembly.³⁰

Three, the opposition, especially Congress, started to strongly capitalize on it. A day would hardly go by without a senior-level Congress leader or the Congress's Twitter handle Tweeting about it. When the farmers gave its first call for a Bharat Bandh (a nationwide protest) on 8 December 2020, Congress, as well as powerful regional political parties like the Dravida Munnetra Kazhagam (DMK), Shiv Sena, Nationalist Congress Party (NCP), Aam Aadmi Party (AAP), and Trinamool Congress (TMC), supported it.³¹ One of the reasons the regional political parties supported the farmers' protest could also be that the state governments earn hefty amounts in taxes from food grain trading in Agricultural Produce Market Committee (APMC) *mandis* (markets). For instance, charging taxes up to 8 per cent, the state government of Punjab earns a revenue of Rs.35 billion (around \$483 million) from such trade.³² On the other hand, the Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020, prohibits the State Governments from levying market fee cess on trade outside the APMCs, which is more likely after the opening of other avenues for such trading.³³

And last but not the least, the movement could get international attention because of the powerful Sikh diaspora communities in countries like Canada, the UK, and the US. The remarkable power of the international Sikh diaspora was on display in the first week of February when several international celebrities, like Rihanna, Greta Thunberg, and the niece of US Vice President Meena Harris Tweeted in their favour, which raised a storm on social media. The Tweets upset the Indian government so much that its Ministry of External Affairs (MEA) officially responded to them by stating:

The temptation of sensationalist social media hashtags and comments, especially when resorted to by celebrities and others, is neither accurate nor responsible.³⁴

While certain observers criticized the MEA's reaction to the Tweets, let us not forget that some of these celebrities have a large number of followers. For instance, Rihanna had 108 million followers when she Tweeted in favor of the farmers movement—not a figure worth ignoring.³⁵ This wasn't, however, the first instance of international attention towards the farmers' movement. The Canadian Prime Minister Justin Trudeau had given a public statement in favour of the movement well before them on 30 November 2020, while addressing Canadian-Sikh community via Zoom, to which the Indian MEA had also responded at the time.³⁶ It needs to be remembered that Canada has a very strong Sikh diaspora community that is active in Canadian politics. The 338-strong Canadian Lower House, the House of Commons, has 18 Sikh MPs (the 543-strong Indian Lok Sabha has 13).³⁷ All these factors shaped the farmers' resistance to the government and the response of the government.

The Farmers' Uncompromising Rigidity

The farmer leaders seem to have read the government's unprecedented readiness to negotiate, owing to the aforementioned factors, as its unprecedented weakness and, thus, refused its offer of amendments to the laws and insisted on their complete revocation in the first meeting as well as in the subsequent follow-up meeting on December 5.³⁸ In an interview to the Indian Express in December, the CPI(M) leader and general secretary of the All India Kisan Sabha Hannan Mollah said:

We want the laws to be scrapped. If there were some mistakes, there could be amendments, but all the laws are anti-farmer. That is why farmers have said that cosmetic changes here and there will not serve any purpose.³⁹

In the same interview, he openly called for unquestioning continuation of the subsidies to farmers through the MSP in the following words:

We are giving Rs 6-7 lakh crore to those who are looting the country by (creating) non-performing assets, and cheating the banks and government. Why can't a part of the exchequer be given to farmers for survival?... Unfortunately, as they (the farmers) come from the poorer sections, no one is concerned.⁴⁰

The government continued to negotiate with the farmers as the protests continued, with the 11th round of negotiations taking place on 22 January and, inter alia, offered to put the implementation of the three contentious laws on hold for one-and-a-half year.⁴¹

Things came to a head, however, on the Republic Day of India on 26 January when the farmers decided to take out a tractor rally in Delhi at the time the government was having its Republic Day parade. Not only did the tractor protesters break loose on the barricades and the police—injuring 120 of them—but one of them also hoisted the Nishan Sahib (the Sikh religious flag) on the Red Fort.⁴² More than 44 FIRs and 125 arrests had been made by the government within about three weeks in connection with the violence on Republic Day.⁴³ Most of the arrested were released, however, by mid-March.⁴⁴ The events of 26 January proved not only to be a sign of defiance on the part of the farmers but also exhibited the evidently Sikh-led character of the protest.

Some observers including the farmer leaders, however, alleged that the BJP had planted the two leading characters of the day's events into the farmers' movement to sabotage the sit-in by bringing bad name to it through its moles in the movement. The two leading figures who instigated a mob that eventually hoisted the "Nisha Sahib" on the Red Fort were Deep Singh Sidhu (an actor) and Lakha Sidhana (a gangster). While Sidhu was a supporter of the BJP's Sunny Deol in his successful Lok Sabha election bid, Lakha Sidhana worked for a senior leader of BJP's former coalition government partner the Shiromani Akali Dal.⁴⁵ Needless to say, that the two figures were disowned by the leaders of the farmers' movement after the act and even on

several occasions before it as well. Sidhu was arrested on 9 February, while Sidhana had been evading arrest as of the end of March.⁴⁶

Whether the 26 January rioting was instigated by the BJP moles or otherwise, the government did use some other tactics to arm-twist the protesting farmers. While referring to 'elements within the farmers' as Tukre Tukre (secessionist) Gang became a common practice of BJP supporters on social media, legal sedition proceedings against individuals believed to be associated with banned groups, such as the pro-Khalistan Sikhs For Justice (SFJ) operating out of the US.⁴⁷ The government also cracked down hard on activists supporting the farmers' movement. The case of one 22-year old climate activist Disha Ravi in the first week of February particularly made headlines all over India when she was arrested on charges of sedition and put behind bars for 10 days for sharing a toolkit to support farmer protests on Twitter.⁴⁸ The BJP also tried techniques it had tested during the protests against the Citizenship Amendment Act (CAA). It attempted holding meetings and rallies of pro-farm laws farmers across the country.⁴⁹

The Supreme Court's Frustration

In the meanwhile, however, on 11 December, the Bharatiya Kisan Union (BKU) moved the Supreme Court of India (SCI) against the three laws.⁵⁰ A few days later it also took up petitions seeking removal of the protesters from Delhi's borders by issuing instructions to the concerned authorities, clubbed both together and issued a stay order on the implementation of the three farm laws, while at the same time setting up a four-member committee to make recommendations on the laws after listening to relevant stakeholders.⁵¹⁵² The farmer leaders, however, rejected the SCI-appointed committee as well and one farmer member withdrew from the committee as well, stating that the rest of the members of the committee had known views in favour of the three farm laws. Therefore, they could not be trusted to be neutral in the matter.⁵³ One of the protesting farmers remarked, "We think the government is bringing this committee through the Supreme Court. The committee is just a way of divert attention."⁵⁴

It was comments like these that did not particularly amuse the Chief Justice of India Sharad A Bobde, as it raised questions about the impartiality of the court itself in the matter who remarked:

They [committee members] are brilliant minds in the field of agriculture... Branding of people whom you do not want, this has become almost like a cultural thing. You malign people's reputation and then you say the court is interested in these people... I am sorry that this kind of opinions are appearing in the Press.

The statement of the CJI exhibits the frustration in the apex court over the rigidity of the farmer leaders. Therefore, the SCI-appointed committee continued its work and quietly submitted its report to the apex court by the end of March, as the hearing continues.⁵⁵ The contents of the report, however, have not been made public yet.

The Road Ahead

The umbrella body representing the farmers, the Samyukta Kisan Morcha, has made it abundantly clear that they are there on Delhi's borders for the long haul. They have also announced a peaceful march towards the parliament in the first half of May in which they are hoping to be supported by other groups with grievances against the government, such as the lower castes and the unemployed.⁵⁶ It appears, however, as if the farmers' maximalist position on the contentious farm laws despite the government's unprecedented readiness to negotiate has landed them in a stalemate.

The movement received widespread support from the national and international media, civil society, political parties, even foreign governments and celebrities. Like any other long-drawn movement, however, it seems to be losing momentum. For instance, the farmers' unions call for another Bharat Bandh on 26 March 2021, received a much feeblor response than before, as the traders of Delhi made it optional for traders to follow the protest

call and Delhi and Uttar Pradesh remained calm, even though train traffic was affected because of farmers' sit-ins at 32 places in Punjab and Haryana.⁵⁷⁵⁸ The support of political parties to the 26 March Bandh was not as impressive as the one earlier on 8 December.

It is also pertinent to note that after the events of 26 January, any aggressive posturing on the part of the farmers beyond the continuing sit-in could be counter-productive for them. The farmer leaders vehemently denied their links with such elements at the time and the government capitalized on the popular wave of sympathy generated for it because of the replacement of the *Tiranga*, the Indian flag, with the *Nishan Sahib*, Sikh religious symbol, flag. The farmer leaders have stated on several occasions that they are on Delhi's borders for the long haul and would not leave until their uncompromising demand of the revocation of the three laws is addressed by the government. This, however, places the protesters in an awkward situation, wherein they cannot aggressively agitate for their demand while the government turns a deaf ear to their sit-in and starts to focus on other political considerations: such as the upcoming State Assembly elections.

The ongoing elections in four key eastern states of Assam, Kerala, Tamil Nadu, and West Bengal, as well as the Union Territory of Puducherry, have not only sucked the attention of the political parties but also that of the media. The farmers' protest is no longer a headline issue in the mainstream media in India. In addition, if the BJP and its allies in the key western states are able to increase their tally of seats or cause an upset in a state like West Bengal, it would give the BJP a strong justification for discrediting the farmers. The BJP would claim that since the electorate gave a stronger mandate to the party despite the protests, it vindicates its government in the centre on the promulgation of the contentious laws. In case, the BJP's performance is weaker than before, it could lend credence to the farmers' protest, whose leaders might claim that the government's attitude towards their 'popular' movement has discredited the rulers in the eyes of the

electorate. A lot, therefore, hinges on the outcome of the ongoing assembly elections in the aforementioned states.

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