#### Plan: The Supreme Court of India should guarantee a worker’s unconditional right to strike against the government.

#### India’s farmer strike is the biggest threat to Modi’s power. It is imperative that they are allowed to continue.

By Ravinder **Kaur** | 2021-**02-19** | How a farmers’ protest in India evolved into a mass movement that refuses to fade | New Statesman | https://www.newstatesman.com/ideas/2021/02/how-farmers-protest-india-evolved-mass-movement-refuses-fade

This authoritarian streak has shaped the pandemic policies of the Indian government, which not only rushed through the farm laws but also promptly acceded to industrialists’ demand for [labour reforms](https://www.indiaspend.com/why-trade-unions-are-opposing-labour-law-reforms/) that weaken the rights of workers in both the [formal](https://indianexpress.com/article/india/firms-with-up-to-300-workers-can-hire-and-fire-without-govt-nod-bill-in-lok-sabha-6602928/) and [informal](https://scroll.in/article/973877/why-the-new-labour-codes-leave-workers-even-more-precariously-poised-than-before) sectors. The changes include looser hire and fire policies, [longer working hours,](https://www.thehindu.com/business/enable-longer-work-hours-cii-to-centre/article31546269.ece) reduced social protection and restrictions on the right to strike.

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This powerful alliance between the state and capital explains why the Modi government neither brooks dissent nor hesitates to take harsh measures against critics, including cracking down on activists and journalists. The severity of the government’s response despite its political strength – it has full control of the state apparatus and faces almost no meaningful political competition – is evidence that the anti-farm law mobilisation poses the most sustained and direct challenge to this alliance yet. That the movement emerged and continues to expand during a relentless pandemic indicates the desperation of the protesters.

To the drumbeats of hyper-nationalism, the ruling party and its supporters have tried to delegitimise the protests in various ways, including smearing Sikh protesters as Khalistani separatists, posing as [“locals”](https://scroll.in/article/985485/bjp-workers-posing-as-locals-identified-in-mob-protesting-against-farmers-at-delhis-singhu-border) to demand the [removal](https://www.bbc.com/news/world-asia-india-55854406) of the protest camps, and consistently casting the protesters as [“rich farmers”](https://indianexpress.com/article/opinion/columns/farmers-protest-agri-laws-apmc-mandis-msp-surjit-bhalla-7101406/), even though this is unsupported by [facts](https://thewire.in/rights/farmers-protest-modi-government-gulag).

Yet these attacks have failed to dent the movement. Far from petering out, it continues to grow, building new solidarities across caste, class, religion and region. One probable reason for the continued popular support is widespread disillusionment with the free-market formula; instead of spreading prosperity, liberalising reforms have produced high [unemployment](https://www.indiatoday.in/business/story/explained-why-india-s-unemployment-rate-is-rising-sharply-despite-economic-recovery-1756074-2021-01-05) and increased [income inequality](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3619370). Equally alarming for many is the majoritarian impulse of Hindu nationalism and the aggressive marginalisation of minority groups.

Thus, it is hardly a surprise that the language of [love and solidarity](https://www.trolleytimes.online/) has been key to the vocabulary of the protesters, the very opposite of the hyper-nationalist rhetoric that thrives on social division and exclusion. Everyday life in the tent cities at Delhi’s periphery offers a vision of a shared community built on voluntary labour that strives to be inclusive. These protest cities did not emerge from a pre-existing solidarity but have, through the protest itself, created the opportunity to forge new solidarities.

Half a year on, the original farmers’ protest has evolved into perhaps the largest mass mobilisation in post-colonial India’s history, one that spans rural and urban populations, and conjoins the revolt against deregulated capitalism to the struggle for civil liberties. The widespread sense of vulnerability, the fear of exploitation at the hands of an overweening state and large corporations are the common experiences continuing to drive the protest. As one [farmer said](https://www.ft.com/content/4cd6f1b2-712b-4c07-bd03-e2cc2b833468) of the new reforms, “It won’t be a market for farmers, it will be a stock market.”

#### Pressure tactics are key to overturn the farm laws. Absent a continued push now, the resistance effort will fissile out.

Pawanjot **Kaur** | **12-25** 25/Dec/2020 | A Month on, Farmers Remain Resolute Over Repeal of Farm Laws | The Wire | https://thewire.in/agriculture/farmers-protests-repeal-farm-laws-govt-india

Mohali: The farmers’ ‘Dilli Chalo’ movement will complete a month on December 26, 2020. What started at the village block level, mainly in Punjab, has panned out across the country and Indian embassies, and foreign parliaments.

At the completion of 30 days, the gridlock over the farmers’ demands remains. The Centre sent a fresh invitation to the agitating farmers on December  23. In a press conference held on the same day, protesting farmers responded and said that they are ready to meet the government but only if it does not propose the same amendments which the farmers have already argued against point-by-point.

One may say that the farmers’ demands – a complete repeal of the laws, may be far-fetched. But the farmers’ unions have sharply argued their case in the many meetings that have taken place so far.

Kiran Vissa, who is a working group member of the All India Kisan Sangharsh Coordination Committee (AIKSCC), and an active farmers’ leader from Telangana, believes that the  government has no more proposals to offer to the agitating farmers because the nature of the demands is such that they can be met only if the farm laws are repealed.

“The government has the sharpest of brains working for it. The fact that they’ve not been able to come up with a proposal which meets our demands means that our case is strong,” he told The Wire over the phone.

“See, we demand the removal of a dual market structure and this simply collapses the first – APMC Bypass Act. So the only way the demands can be met is by a complete repeal of the laws. The government has refused to look into the nature of our demands in a substantive manner,” he added.

Pressure tactics and new challenges

To get the government to look into the demands with seriousness, the only option left with those agitating is to resort to “pressure tactics”. The farmers’ union, especially from Punjab, have proved to be quite good at it.

The latest “pressure tactic” involves requesting the Punjab-origin British members of parliament to write to  UK Prime Minister Boris Johnson to not attend the Indian Republic Day ceremony on January 26 – the invitation to which he has accepted already.

In addition to this, at least five borders around New Delhi – Singhu, Tikri, Ghazipur, Delhi-Jaipur Shahjahanpur and the Delhi-Agra Palwal, are swelling up each day as farmers make their way from Madhya Pradesh, Rajasthan, Maharashtra, Uttar Pradesh, Gujarat, Haryana and Punjab.

[photo removed]

Farmers protesting for the repeal of Central farm laws have their meal on a highway in Delhi. Photo: Rohit Kumar.

Pratibha Shinde, activist and general secretary of the Lok Sangharsh Morcha, who is at the Shahjahanpur border, with thousands of protestors told The Wire over the phone that over 3,000 farmers and labourers from Maharashtra are on their way too. “A vehicular march with 1,000 vehicles with almost 3,000 kisans is on its way,” she said. Meanwhile, a large crowd of farmers from, mainly, Madhya Pradesh has occupied the Delhi-Agra Palwal border.

Those at borders other than Singhu and Tikri are slowly gaining momentum in terms of numbers, resources like food, water and sanitation, and even media attention. Although Punjab’s farmers have shown the way to the others, Shinde said that for many coming from Maharashtra in the biting north-Indian winter is a rare experience. “It will be a challenge for us,” she added.

Even as lakhs of agitating farmers, under the banners of at least a hundred farmers, labourers and student unions have gheraoed Delhi from five sides, the government, earlier this month, said that at least 10 farmers’ unions under the banner of All India Kisan Coordination Committee (AIKCC) submitted a signed acceptance to the amendments proposed by them.

But the farmers’ unions at the forefront of this agitation said that AIKCC was never a part of the agitation – which means they were satisfied with the laws in the first place and have accepted the amendments made to it too.

Those agitating against the farm laws said that the ball is in the government’s court and it can choose to play the game with seriousness or keep sitting on it. Either way, the stamina on the side of the farmers is enough to keep them going, they said.

The last one month, and for Punjabi farmers, the last four months, were full of  hurdles – the lack of media attention on the subject of agriculture, the coronavirus pandemic, state surveillance on farmers’ leaders, fake news propaganda and a general apathy of the current government towards those resisting its dictum.

Yet, they have overcome each hurdle with organisational capacity and grit. The government still has the option to emerge smartly, and in good faith to end the gridlock.

#### Farmers are a powerful political constituency for the BJP.

By Emily **Schmall** | Published Dec. 4, 2020 Updated **10-22** Oct. 22, 2021 | Indian Farmers’ Protests Spread, in Challenge to Modi | NYTimes | https://www.nytimes.com/2020/12/04/world/asia/india-farmers-protest-pollution-coronavirus.html?action=click&module=RelatedLinks&pgtype=Article

In the meantime, the protests have spread beyond New Delhi. Farmers marched and waved banners in the southern states of Kerala and Karnataka and in the northeastern state of Assam. Sugar cane farmers in Uttar Pradesh, who would be less affected by the farm overhaul, set up a protest camp in solidarity, clogging a central artery on the state’s border with Delhi.

India’s foreign ministry summoned Canadian diplomats on Friday after Prime Minister Justin Trudeau [voiced concern](https://thewire.in/world/canada-expresses-concern-over-indias-handling-farmers-protests-india-hits-back) for the farmers during a Facebook Live session. The ministry said the comments constituted “unacceptable interference” and risked damaging ties between the two nations.

Mr. Modi’s government faced similarly [widespread protests](https://www.nytimes.com/2019/12/22/world/asia/modi-india-citizenship-law.html) late last year after it enacted an anti-Muslim naturalization law. But these demonstrations present a trickier challenge.

Farmers represent a powerful political constituency for Mr. Modi and his Bharatiya Janata Party. Farmers could also be important for bringing India out of [its debilitating, coronavirus-driven recession](https://www.nytimes.com/2020/08/31/world/asia/india-economy-gdp.html). Agriculture has been [a rare bright spot](https://pib.gov.in/PressReleasePage.aspx?PRID=1657224), with farmers continuing to purchase consumer goods and offering income for people who lost their jobs after Mr. Modi locked down the country to stop the pandemic earlier this year.

Outside New Delhi, protesters were settling in for a long wait.

At the village of Singhu, on the border between the territory of Delhi and the state of Haryana, protesters blocked several miles of highway. On a recent visit, they were cooking and serving food on long mats, spread on the ground in the style of Sikh temple kitchens, and sleeping on hay in tractor-trailers covered with canvas tarps. An armed barricade blocked the road to New Delhi.

Harjinder Singh, a wheat and cotton farmer in Gujarat, Mr. Modi’s home state, traveled more than 600 miles to join the protest. He said that farming had become untenable in Gujarat

#### Lack of strikes hurt democracy

By [Bilal **Kuchay**](https://www.aljazeera.com/author/bilal_kuchay_180409055225590) | **9-20** 20 Sep 2021 | Indian farmers remain defiant, a year after ‘black laws’ passed | Aljazeera | https://www.aljazeera.com/news/2021/9/20/india-farmers-a-year-of-farm-laws-agriculture

New Delhi, India – It is a humid and sweaty morning. The nearby drain, overflowing with overnight monsoon rains, stinks. A few metres away, pigs rummage through the rubbish.

But the weather or stink does not dissuade Bapu Nishtar Singh, who has been protesting for nearly 10 months against a set of agricultural laws passed by Prime Minister Narendra Modi’s government in September last year.

[‘Modi gov’t anti-farmer’: Thousands rally against India farm laws](https://www.aljazeera.com/gallery/2021/9/6/india-farmers-rally-modi-muzaffarnagar-farm-laws)[‘Pind California’: US doctor camps with India’s agitating farmers](https://www.aljazeera.com/news/2021/6/9/pind-california-us-doctor-camps-with-india-protest-farmers)[‘Black Day’: Indian farmers mark six months of farm law protests](https://www.aljazeera.com/news/2021/5/27/black-day-indian-farmers-mark-six-months-of-farm-law-protests)[‘Daylight loot’: Kashmir farmers suffer as rivers illegally mined](https://www.aljazeera.com/news/2021/4/1/daylight-loot-kashmir-farmers-suffer-as-rivers-illegally-mined)

The 85-year-old from Punjab state’s Ludhiana district is among thousands of farmers from across India camping at Singhu outside capital New Delhi, the epicentre of nationwide protests that have posed the biggest challenge for Modi since he came to power seven years ago.

Last September, Modi’s right-wing government passed three laws aimed at “modernising” the country’s agricultural system. The government said the laws will benefit the farmers by increasing their income and give them additional choices to sell their produce.

‘Hand-in-glove with corporates’

But farmers like Bapu Nishtar Singh say the laws are an attempt to erode a longstanding minimum support price (MSP) for their crops assured by the government and will enable a few corporations to control the vast agriculture sector.

[photo removed]

[photo removed]

The protesting farmers at Singhu border on the outskirts of New Delhi [Bilal Kuchay/Al Jazeera]

Bapu Nishtar Singh fears the new laws will put his 1.5 acres (0.6 hectares) of agricultural land, on which he mainly grows rice and wheat, at the mercy of corporations – a common view shared by other farmers as well.

“We don’t understand why they are enforcing these laws on us. We never demanded them. The government didn’t talk to us before they brought these legislations,” he told Al Jazeera.

“The government says the laws are for the betterment of farmers but we know they are hand-in-glove with the corporates and the laws are meant to benefit them [corporates], not the farmers.”

Two months after the laws were passed, hundreds of thousands of farmers, mainly from Punjab, Haryana and Uttar Pradesh states marched on their tractors, motorbikes and on foot to New Delhi to put pressure on the government to repeal them.

When they were stopped from entering the capital, they decided to camp outside New Delhi, braving the region’s biting cold, extreme heat and monsoon rains for months now.

Hundreds of tents have been pitched along three key highways leading to Punjab, Haryana and Uttar Pradesh states – where they have set up makeshift kitchens, clinics, and even libraries – sending out a clear message to the government that they are ready for a long haul.

Farm distress

In these nine months, Singh has been home only once just for five days to see his ailing wife.

“Earlier this year, my wife called me and said she is not well and I should visit her before she dies,” he told Al Jazeera. “That was the only time when I went back to my home since November 26 last year.”

As soon as his wife recovered, Bapu Nishtar Singh rushed back to join the protest.

The elderly farmer said he did not expect the government would turn apathetic towards the farmers, often called “annadata” or providers, by their politicians.

[photo removed]

Indian farmers and their supporters attend a gathering in Muzaffarnagar, Uttar Pradesh [File: Rajat Gupta/EPA]

Once accounting for a third of India’s gross domestic product (GDP), the agricultural sector now makes only 15 percent of India’s $2.9 trillion economy.

More than half of the country’s farmers are in debt, with 20,638 dying by suicide due to debt and crop failures in 2018 and 2019, according to India’s National Crime Records Bureau.

According to Samyukta Kisan Morcha, or Joint Front of Farmers, at least 537 farmers have died in nearly 10 months of the ongoing protest, with most deaths taking place due to heart attacks, illnesses due to cold weather conditions, and in road accidents.

In July, however, the government claimed it had no record of the protesting farmers who died.

Last month, police in Haryana baton-charged farmers demonstrating at a highway toll plaza in the state’s Karnal district. Farmers alleged at least one person died and nearly 10 others were wounded in the attack.

The farmers withdrew their protest after the state government, headed by Modi’s Bharatiya Janata Party (BJP), ordered an investigation into the violence. The government also sent a police officer, caught on tape allegedly telling policemen to “break the heads” of the farmers, on leave.

Eleven rounds of talks between the farmers’ unions and the federal government to seek an end to the protests have yielded no results. The last time the two sides met was on January 22 this year.

In the same month, India’s Supreme Court suspended the implementation of the farm laws and set up a committee to consult the stakeholders and assess the effect of the legislation on them.

Despite the burgeoning protests, the government has repeatedly ruled out repealing the laws.

“The day we embarked on a march to New Delhi, we were hopeful that the government would accept our demands and we would be back to our villages in a couple of days,” he said.

“But that did not happen and we are here. But we are not going back unless our demands are fulfilled.”

Gurcharan Singh, 65, who hails from Punjab’s Patiala district, has also been at Singhu since the beginning of the protests.

“Unless and until the government doesn’t take the black laws back, we will not move from here,” Gurcharan Singh told Al Jazeera.

Gurcharan Singh from Patiala, Punjab, protesting at Singh border outside New Delhi [Bilal Kuchay/Al Jazeera]

According to food and trade policy analyst Davinder Sharma, the principles on which the farm laws are based have failed to enhance the income of farmers anywhere in the world.

“In all the rich countries, farmers are suffering. Agriculture distress is huge despite the market reforms being there for the last several decades. My argument is if these reforms have not worked [in the United States and European nations], how do you think the same reforms will work in India?” Sharma told Al Jazeera.

Sharma said if the government really wants to increase the income of the farmers, it should make MSP a legal right, which means no trading of produce can take place below that price.

The second thing, he said, is to rectify the issues in the government-designated markets for food grains, called “mandis”, and expand their network across India.

Parliamentarian Manish Tewari of the opposition Congress party says the government has handled the farmers’ protests in the “most insensitive manner possible”.

“In a democracy, you do not allow elderly men, women and children to sit on the streets on the borders of the national capital for one year,” he told Al Jazeera.

“It’s highly authoritarian, dictatorial and completely heavy-handed to say the least.”

Tewari, who is a politician from Punjab, said the government thinks it is “tiring these people out, but it does not know the spirit of the Punjabis”.

[photo removed]

Raghbir Singh, left, of the Indian Farmers Association says they will campaign against BJP in state polls [Bilal Kuchay/Al Jazeera]

Raghbir Singh of the Indian Farmers Association said they will campaign against the BJP in upcoming regional elections early next year, mainly in Uttar Pradesh, India’s most populous state.

“In the upcoming polls in Uttar Pradesh, we will travel across the state and campaign against the BJP. The party will have to pay for its anti-farmer laws,” he said.

BJP spokesman Syed Zafar Islam dismissed the farmers’ charges, saying their campaign against the BJP will not affect the election results.

“All the farmers are not against the three farm laws, but only a section of them. And the BJP leadership is more than keen to engage with them to understand the shortcomings in the law and keen to rectify them,” he told Al Jazeera, claiming the BJP was a “pro-farmer party” which has taken “several pro-farmer initiatives since it came to power in 2014”.

But Raghbir Singh questioned the government’s intentions behind trying to enforce the laws when the farmers themselves do not see them as beneficial.

“It is the farmers who should decide whether or not the new laws are beneficial, and not the government,” he told Al Jazeera.

#### Supreme Court reversal is key to preserving judicial independence. They specifically need to rule on the right to strike.

Sruthisagar **Yamunan** | **1-13** Jan 13, 2021 · 02:00 pm | With its farm laws order, India’s Supreme Court dangerously undermines parliamentary democracy | Scroll | https://scroll.in/article/983890/with-its-farm-laws-order-indias-supreme-court-dangerously-undermines-parliamentary-democracy

The Supreme Court on Tuesday [stayed the implementation of three agricultural laws](https://economictimes.indiatimes.com/news/politics-and-nation/supreme-court-suspends-implementation-of-three-farm-laws-forms-committee/articleshow/80226707.cms) against which farmers have been protesting on the Delhi border for weeks. The farmers believe that the new laws undermine their livelihood and open the path to the corporatisation of the agricultural sector.

The difference between staying a law and staying the implementation of a law is not immediately clear. The order did not flesh this out, except for saying that the court has the powers to halt executive actions under a law.

The court’s decision seriously violates the separation of powers enshrined in the Constitution. To stay the implementation of a law without even a single hearing on its merits and demerits sets a dangerous precedent for parliamentary democracy.

Instead, the court has formed a committee to hold talks with both the farmers and the government and submit a report in two months. Since the talks between the two sides have reached a stalemate, the court feels that conversations with the committee will make the farmers more confident about coming back to the table to negotiate with the government.

The terms of the committee appear to be vague. The court has asked the committee to submit a report to it, but it isn’t clear what purpose this document will serve with regard to the cases that are before the bench.

Committee and constitutionality

For example, what would the court do if the committee report states that the only resolution the farmers want is for the government to repeal the laws?

Under the Constitution, judicial review is the only avenue for the court to test the legality of a law, whether passed by Parliament or as ordinances by the government. The only way the court can intervene is by striking down laws or at least part of them as unconstitutional, or upholding them.

For this, though, the court would have to hear the cases. The arguments presented during the hearings would give the court the basis on which to decide whether a law should stand. As a result, the committee report would not serve much purpose in the final outcome of the cases.

While the court was asked by the petitioners to test the law for constitutionality, it has entered the territory of arbitration by forming a committee and postponed testing the law. It is shirking its responsibility. The order cites a recent case to note that the court has the powers to stop executive action under a law. At the same time, the order also expresses appreciation for the submissions of the attorney general who vociferously opposed staying the laws in any manner.

If there are differences in case laws, the court should have first settled whether it had the powers to stay the implementation of the law instead of directly doing so.

Worse, [the composition of the committee](https://scroll.in/article/983865/what-you-need-to-know-about-the-supreme-court-order-that-protesting-farmers-have-rejected) has come under severe criticism because the members have declared that they support the new laws. Some members have even described the protests as misguided. How does the court expect the farmers to have confidence in this committee? More importantly, how did the court select these individuals? The order does not say how. This opaque process further dents the committee’s credibility.

[photo removed]

A farmer protests at the Delhi border. Credit: PTI

Breather for the government

Further, the court, by recording allegations that banned organisations have infiltrated the protest, has done further damage to the cause of reconciliation it has taken up. This intervention by the court was made not because there was violence (something that the court itself has lauded) but because there is an anticipation of violence that could harm life and damage property. However, it has been a consistent position of the court that law and order is the domain of the executive. Will the court now intervene in every protest and take over a crucial role of the government? What will this mean for democratic protests, which are a vital tool for citizens to use to hold the government accountable?

The court also expressed concern about women participating in the demonstrations. This is misguided. Women form a substantial percentage of the workforce in agriculture and are equal stakeholders. The court has cited the Covid-19 pandemic and the winter to buttress its argument that women should be kept away from the protests. While this might hold true for the elderly, women and men are equally susceptible to cold and coronavirus. This only reveals a patriarchal mindset that looks at women as weaker.

This apart, the order is muddled because of differing positions the court has taken in previous cases. For example, the court did not find it necessary to stay the operation of the [Citizenship Amendment Act](https://scroll.in/tag/Citizenship-Amendment-Act) despite the fact that the protests against it last year were more widespread than the agitation against the farm laws. The cases have been pending for over a year without a conclusion in sight.

In the end, the order has given the government a breather for two months. Even though the court has not called for the protests to end, it has provided the Centre a ruse to stop the talks with the farmers, which were putting it under immense pressure. Instead, it will now be talking to the court-appointed committee formed. Two months is a long time to continue the agitations, since farmers have to return to the fields for their livelihood.

Above all, if the protesting farmers refuse to participate in the talks with the committee despite the court’s direction, it would be a huge loss of face for the court.