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The Permanent Mission of India to the Office of the United Nations and Other International Organizations in Geneva presents its compliments to the Special Procedures Branch of the Human Rights Council and has the honour to refer to the Joint Communication No. AL IND 2/2021 dated 9th March 2021, from the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Working Group on arbitrary Detention; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the right to food; the Special Rapporteur on minority issues and the Special Rapporteur on extreme poverty and human rights.

The Permanent Mission of India has the honour to enclose a brief summary note on the Farm Laws recently enacted in India and the Government's response to the protests against Farm Acts (**Annexure A**).

The Permanent Mission of India to the Office of the United Nations and other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch of the Human Rights Council the assurances of its highest consideration.

**The Secretariat of the Human Rights Council,
(Kind Attn: Chief of the Special Procedures Branch)
8-14 Avenue de la Paix, Palais des Nations,
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Brief Summary Note on the Farm Laws

- The Government has set the goal of doubling the income of farmers by 2022 and the reforms carried out through the three Farm Acts are a step towards realisation of that goal.
- There has been debate within India on the need for carrying out reforms in the mechanisms and institutions for marketing of agro-produce since the beginning of economic reforms in 1991. These laws are the result of recommendations by various experts and Committees/Groups over the last 20 years and have been enacted in the interest of the farmers, especially small and marginal ones, across the country.
- The three Farm Acts were passed by the Parliament of India after protracted debates both inside and outside the Parliament.
- The sole purpose of enacting the three Farm Acts is to create a conducive environment for farmers to realise better price for their produce and thereby enhance their income and lead a better life.
- In line with India's well entrenched democratic traditions, including resolution of differences through dialogue and discussion, the Government has shown utmost respect for protests by farmers, which is limited largely to a couple of States of India.
- Some farmers from north-western parts of India have been protesting against these laws due to their apprehensions, misgivings and misconceptions about the impact of the farm laws. The Government has shown utmost respect for the farmers' right to protest, even though the residents, businesses and other entities in and around the National Capital Region have continued to face severe hardships and inconveniences owing to the blockade at Delhi's borders due to these protests.
- The Government has remained engaged in dialogue with the organisations representing farmers in order to find a mutually acceptable solution. It has offered clause-by clause discussion over the three Farm Acts. However, these organisations have insisted on repeal of these Acts without any justification or explanation.
- The Supreme Court of India has been seized of the matter and vide its Order dated 12th January, 2021 has stayed the implementation of the three farm laws until further notice, which has been accepted by the Government.
- The Supreme Court has constituted a Committee of three agricultural experts to look into the grievances of farmers and submit a report with its recommendations, after hearing the Government as well as representatives of the farmers' bodies, within 2 months. The report has been submitted by this Committee to the Court in March 2021 and will be made public on the next date of hearing.
- The Government has repeatedly assured farmers that the existing system of public procurement at Minimum Support Price and operation of existing mandis (markets) will continue.
- In spite of the violation of laws by some participants in the tractor rally on 26th January 2021, the Government has reiterated its commitment to engage the organization representing farmers in dialogue and keep the implementation of the 3 Farm Acts suspended as per the orders of the Supreme Court. The violence and vandalism in the

capital in the name of farmers' rights on India's Republic Day, on 26th January, was handled with utmost restraint by Indian police forces, hundreds of whom were physically attacked by protesters.

- The two Houses of Parliament were in session until end of last month and remained seized of the matter.

A: **Farm Acts passed by Indian Parliament**

Agriculture and allied sectors such as animal husbandry play a significant role in India in ensuring rural livelihood, employment and food security. Given the importance of this sector, flagship policies and programmes of the Government of India have taken steps to address issues that impact agriculture sector and farmers' income, such as provision of irrigation, R&D to enhance productivity, promotion mechanisation and use of technology, insurance of crops and priority to availability of credit, apart from provision of fertilizers and electricity at affordable and subsidised prices. In spite of the COVID-19 pandemic, agriculture sector in India grew in 2020 by over 4%.

2. There have been, since the beginning of economic reforms in India in 1990s, debates on reforming the legal and institutional structure for marketing of agriculture produce which has a direct impact on income of farmers. The Standing Committee on Agriculture of the 17th Lok Sabha (2019-20) noted in its report that the '*existing Agriculture Produce Marketing Committee (APMC) markets were not working in the best interest of farmers*'. The High-Powered Committee of Chief Ministers (of Indian States) for 'Transformation of Indian Agriculture', 2019, also recommended creation of multiple marketing avenues for farmers and stressed the importance of contract farming and amendments to the Essential Commodities Act.

3. In May 2020, Government of India initiated the long overdue reforms in the agriculture sector through three Ordinances. The Parliament passed the following three Acts, which received assent of the President of India on 27th September, 2020:

- Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020:** It provides for intra and inter-State trade of farmers' produce to be conducted beyond the physical premises of the existing markets in/at: (i) farm gate; (ii) factory premises; (iii) warehouses; (iv) silos; and (v) cold storages. It permits online trading of farmers' produce, allowing farmer organizations and private sector companies to set up their own electronic trading platforms. In a nutshell, it allows farmers additional avenues to sell their produce, ensuring that they get better and fair prices for their produce. It is particularly beneficial for small and marginal farmers.
- Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Act, 2020:** It seeks to provide a national framework on farming agreements that protects and empowers farmers to engage with agri-business firms, processors, exporters or large retailers for farm services and on sale of future farming produce at a mutually agreed remunerative price framework in a fair and transparent manner. Contract farming will act as a form of price assurance and will boost backward linkages with the food processing sector. These reforms will also boost investment in the agriculture sector.
- The Essential Commodities (Amendment) Act, 2020:** It intends to create demands in agri-supply chain, encourage investment in value chain, storage facilities and other marketing infrastructure development thus facilitating rural employment. The Central Government can only invoke provisions of the Essential Commodities Act, 1955, in an extraordinary situation (war, famine, extraordinary price rises and natural calamities).

4. These Acts seek to grant farmers the freedom to sell their produce to whoever they want and wherever they want throughout the country. Further, they do not dismantle the existing marketing structure of the APMCs. Instead, they provide farmers additional and alternative avenues for marketing of their produce, enabling them to find better price for their produce and have better income. Moreover, they do not intend to replace the present system of public procurement at the Minimum Support Price. The procurement of agro-produce through the existing mechanisms has continued as evident in record procurement of paddy and other autumn season crops.

5. With the introduced changes, APMCs will face competition from other markets, prompting them to improve their own functioning. This will lead to development of better price discovery mechanisms for farmers and better remuneration for their produce.

B: The Government's response to the protests against Farm Acts:

- The Government of India had carried out extensive discussions with farmers and other stakeholders before and after the notification of the Farm Acts. The Acts were passed by the Parliament after extensive debates inside and outside the Parliament. There have been debates on these issues for over two decades.
- Since 14th October 2020, eleven rounds of talks have been held between the Government and the agitating farmers' unions with a view to address the concerns of the farmers and allay their unfounded fears about the end of the provision of Minimum Support Price and public procurement of their produce. The Government has assured repeatedly the agitating farmers' unions on continuance of the Government procurement system and operation of APMCs.
- During the 10th Round of the meeting held on 20.01.2021, the Government proposed to the farmers' Unions that the implementation of the Farm Acts can be kept on hold for a period of 18 months to discuss all issues related to the farmers' agitation so that an appropriate solution could be arrived at, which was not accepted by farmers' unions.

C. The Government has accepted the Order of Supreme Court of India:

- The Supreme Court of India in its order dated 12 January 2021 has put a stay on the implementation of the farm laws till further orders and constituted a Committee of Experts on Farm Laws to listen to the grievances of the farmers related to the farm acts as well as the views of the Government and to make recommendations. The Committee of Experts on Farm Laws has been asked to submit a report to the Supreme Court within 2 months from the date of their first meeting. The Government accordingly suspended the implementation of the Farm Laws. The report, based on extensive consultations, has been submitted by the Committee to the Court last month and will be made public on the next date of hearing.

D. The Government's responsible and restrained handling of protests:

- The Government has respected and facilitated the decision of farmers' organisations to protest against the Farm Acts and has remained fully engaged with their leaders in deliberations.
- The Delhi Police, after detailed discussion with the leaders of farmers' organizations of Punjab, Haryana, and parts of UP, under the aegis of Sanyukt Kisan Morcha (Joint Front of Farmers), had allowed them to organise Kisan Tractor Rally (KTR) in Delhi on January 26, 2021, the Republic Day of India. Facilities for traffic management, security, medical services, and adequate media coverage were provided. It was agreed that the

Tractor Rally would proceed along the designated route during the time allocated for the rally.

- The protesters acted in an irresponsible manner during the rally. They went beyond the agreed route of the rally, entered unauthorised parts of the Capital, Delhi, including Red Fort, climbed the Red Fort, a protected monument by the Archaeological Survey of India, and vandalised the structure and put a religious flag on a national monument.
- Delhi police personnel responded to these unauthorised and illegal acts with utmost restraint and responsibility. In fact, as a result of their restrained response to provocations by miscreants, hundreds of men and women serving in Delhi police were subjected to physical attacks and, in some cases, were stabbed and seriously wounded. In total, 510 police personnel were injured by the miscreants, which clearly manifests that Delhi police acted with unprecedented self-restraint. There was only one case of a death of a farmer due to an accident after his speeding tractor overturned.
