

Virtual Janta Parliament (19-21 December, 2020)

Session 5: Implications of the Farm Laws (and similar Laws) for the Constitution and People's Struggles

RESOLUTION

We, the participants in the 5th session of the virtual Janta Parliament, who are deeply committed to the principles of constitutionalism and aspirations of the freedom struggle and who unequivocally support farmers' rights and a people's agriculture:

Alarmed by the frontal attack on democratic rights by the CEO of Niti Aayog, who on 08 Dec, 2020 unabashedly claimed that "...we are too much of a democracy so we keep supporting everybody";

Dismayed by the Central Government's deliberate attempt at pumping, promoting and enriching a bunch of rich Oligarchs as evident from the admission of the CEO of Niti Aayog that "*For the first time in India a government has thought big in terms of size and scale and said we want to produce global champions. Nobody had the political will and the courage to say that we want to support five companies who want to be global champions.*"

Troubled by the fear that Government might finish off everything small—Agriculture, Industry, Commerce, Trade, Informal Sector (i.e. 80% of India)—and propitiate only the big by transferring wealth and public assets to a few Oligarchs;

Shocked by the laws and policies mooted by Niti Aayog and other agencies concerning Agriculture, Farming, Infrastructure, Electricity, Labour, Public Sector, Education, Banking, Livestock, Marine resources, Inter-faith marriage, Food habits etc and being implemented by the Central Government which bear testimony to the onslaught on freedom and Personal Liberty unleashed since 2014;

Have resolved to:

1. Express our outrage at the far reaching implications that the three new Farm Laws and other similar contentious policies and laws have for the Fundamental Rights enshrined in the Constitution of

India and, therefore, demand that all such laws and policies be repealed with immediate effect;

2. Reject the Farm Laws and related international trade agreements that pave way for the capture of India's dairy and meat food markets by domestic and multinational agri-business corporations and thereby stand to dispossess millions of landless, small and marginal livestock farmers and pastoralists, owners and keepers of India's animal wealth (many of whom also happen to be of Adivasi, Dalit, Muslim and OBC background), from their livelihoods;
3. Refuse to accept laws enacted in the name of cattle protection and preservation that is aggravating this dispossession by severely disrupting the sustainable cycle of animal production, forcing farmers out of cattle rearing;
4. Register our total opposition to the decision to convert agricultural land into a commodity to be brought on to the market, and the push for corporatizing farming through the device of the contract in the Farm Laws;
5. Are deeply concerned about the centralization of law, policy and financial resources, and the erosion of federalism, including the passage of laws beyond the legislative competence of the Central Government and, therefore, demand immediate reversal of all such policies;
6. Are extremely disturbed by the instrumental use of Ordinances and the passage of laws without debate or discussion without allowing a standing committee of Parliament to hear the concerned affected persons and communities. We demand that the Government of India desist from such authoritarian practices;
7. Demand that the Government of India desist from succumbing to the dictates of the World Trade Organisation (WTO) regime and 'WTO-plus' regional/bilateral free trade agreements and investment treaties that whittle down the inherent freedoms of farmers and our food sovereignty;
8. Reject the Central Government's covert attempt to subvert the legislative scheme of the Constitution by sidestepping the exclusive legislative jurisdiction of the State Governments and

passing off the Farm Laws as being about trade and not agriculture;

9. Express our support to view that a quest for social and economic justice must strive for freedom from debt, ensure remunerative prices, guarantee fair wages, secure employment including reversal of the informalisation of labour, oppose corporatization of education, and provide health and nutritional security;
10. Demand that the Central Government repeal the Cooperative Banks Act which takes away the rights of the States to act and affect the access to credit of the farmers. We also demand one time waiver of farm loans and provide fresh credit to small and marginal farmers and also provide credit to lease hold farmers. We also demand that the Government stop efforts to privatise banks, insurance, and other public sector establishments and public services which have been of invaluable help in national development.
11. Express our vehement opposition to the 4 Labour Codes – the Code on Wages, 2019; the Industrial Relations Code, 2020; the Occupational Safety, Health and Working Conditions Code, 2020; and the Code on Social Security, 2020 – because: (a) these codes were introduced to curtail all labour rights in order to facilitate “*ease of doing business*” at a time when workers were curtailed from opposing the same due to strict lock down conditions; (b) these Codes were adopted not only without consulting workers or their representatives but also by repealing the existing 44 Central Labour Laws, which were enacted after long periods of struggle and sacrifices by workers both in pre and post independent India; (c) these Codes contravene the International Labour Standards laid out in ILO Conventions and Recommendations; (d) the said codes are designed to curtail all labour rights like freedom of association, collective bargaining, right to strike, right to protect service condition, right to live with dignity, and mandatory labour inspection system; (e) these Codes deny any kind of social protection to more than 90% of the country’s workforce including the informal sector comprising migrant workers, self-employed workers, home-based workers and other vulnerable groups. Under the circumstances, we demand the immediate repealing of the said Labour Codes because they are designed not only to implicitly protect industry at the cost of the workforce but also to explicitly end the role of trade

unions in fixing wages and service conditions through collective bargaining.

12. Outright reject the Centre's covert attempt through NEP 2020 to subvert the federal rights of the States/UTs enshrined in Article 246 (7th Schedule) of the Constitution in order to push its agenda of corporatization of education under the World Bank and WTO dictates, thereby allowing the international finance capital to control education which constitutes a serious onslaught on India's Sovereignty enshrined in the Preamble. We demand that NEP 2020 be withdrawn forthwith in order to save India's education from NEP's disastrous consequences also because the new education policy will further cause massive closure of schools and colleges and introduce new forms of discrimination leading to exclusion of the Bahujans and denial of Social Justice, including Reservations, thus reviving the casteist practice of cutting Eklavya's thumbs;
13. Express our concern about distress sale of agriculture produce and lack of storage capacity by farmers which reveals that Bihar Agriculture Produce Market (Repealing) Act, 2006 has failed to serve the interest of farmers. We demand the repeal of the said 2006 Repeal Act and restoration of Bihar Agriculture Produce Market Act, 1960 because its repeal has not yielded better prices for farmers as price trends before and after the scrapping of the Act demonstrates. We also demand that the said 1960 Act be restored with guaranteed legal right for MSP incorporated in it.
14. We express our outrage at the Himachal Pradesh Freedom of Religion Act, 2019, the UP Prohibition of Unlawful Religious Conversion Ordinance, 2020 and the Religious Freedom Bill, 2020 approved by the MP Cabinet. These are not only unconstitutional but also seek to criminalise religious conversions for reason including for or by marriage, and therefore target inter-faith marriages. It is clear that the laws are actually meant to stop inter-faith marriages particularly between Muslim men and Hindu women. These draconian laws not only annul the marriage between inter-faith couples one of whom may have converted before or after the marriage but also make this into a criminal offence punishable by harsh jail sentences which are unwarranted and illegal. The laws also shift the onus of proof on the accused and make the offences cognizable and non-bailable. This gives a free hand to the police to arrest and misuse the law at will as can

be seen in cases which have come to light in UP. The law also makes it mandatory to give notice of the intent to convert to the magistrate and punishes priests and others by harsh sentences if they do not do so. It is ironic that the parents and relatives can lodge a complaint in the Act as these are the very people who are normally complicit in stopping inter-faith marriages through various coercive means. We demand that these laws be repealed forthwith and not be used as a basis to attack young couples and put Muslim men into jails.

15. Express our deep concern at the Central Government's onslaught on the Public Sector units through disinvestment and strategic sale to the private sector including big foreign corporations while paying lip-service to the policy of self-reliance. We demand that this disastrous policy of dismantling the Public Sector be rolled back with immediate effect.