



"भिऊ नको,

वेऊ घामाचे दाम"

स्वतंत्र भारत
Swatantra Bharat Party

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MEMBER, SUPREME COURT COMMITTEE ON FARM LAWS

21 March 2022

To

The Chief Justice of India

Supreme Court of India

Tilak Marg, Mandi House

New Delhi, Delhi 110001

SUBJECT: RELEASING THE FARM LAWS COMMITTEE'S REPORT TODAY

Dear Hon'ble Chief Justice of India

On 12 January 2021 I had the privilege of being appointed by the Hon'ble Supreme Court to a Committee to listen to the grievances of farmers and to make recommendations relating to the three farm laws enacted by the Modi Government in 2020. Along with two other Committee members, I worked on this project diligently for two months and on 19 March 2021, a year ago, the Committee submitted its report to the Court within its desired timeline.

Since no action was being taken by the Hon'ble Court to either continue the hearings or to release the Report, great uncertainty arose amongst those who had invested time and energy to provide inputs to the Committee. As the only farmer and farmers' representative on the three-person Committee, I was being repeatedly asked questions by farmers and their organisations, so I wrote to the Supreme Court on 1 September 2021, requesting that the Report be released.

Later, after the Prime Minister announced the Government's decision to repeal the farm laws, I again wrote to the Supreme Court, on 23 November 2021, to release the report. On 17 January 2022, I copied the Court into my correspondence with the Prime Minister regarding this matter.

The situation today is that the farm laws are water under the bridge. They do not exist. I understand that there is no reason for the Hon'ble Court to either list the matter or to consider it in further any way, such as by replying to my correspondence. The Report, however, is of significant policy interest, not just to academics worldwide but to farmers and to government policy makers.

For the past 30 years, we know from Indian government reports and from independent researchers that the government's restrictions on farmers cause them to lose at least 5% to 25% of their potential income every year. The government appropriates farmers' labour through marketing restrictions imposed via the Essential Commodities Act and through foreign trade barriers. Second, it reduces their incentives to invest through seizure of their land (in many cases without due compensation) and restrictions on the size of their land. It also depresses the value of farm land through restrictions on its use, sale and lease. These systemic attacks on farmers' occupational and property rights are sheltered in the Ninth Schedule the Constitution, away from judicial scrutiny.

The Economist magazine summarised in 2018 that India's governments subsidise farmers for \$30 billion per year but take away much more: \$40 billion, from marketing restrictions alone. I believe that there is another large loss on farmers in the range of \$20 billion per year is through productivity harms and loss in land value from the abolition of the Fundamental Right to property.

Although the 2020 farm laws of the Modi Government barely touched upon these innumerable ways by which the government appropriates farmers' labour and land, the farm laws would have reduced these losses by giving farmers at least some market choice. To that extent, these laws were a first step towards the liberalisation of agriculture which missed the IMF-driven reforms of 1991.

Most of India's farmers understood this and wanted the reforms to proceed. As the Committee's Report notes: "A majority of respondents supported the three Farm Laws". The Committee therefore suggested that "A repeal or a long suspension of these Farm Laws would be unfair to the 'silent' majority who support the Farm Laws". The Report outlined a number of options to amend the laws to make them more acceptable to avoid a repeal. I consider that if the Committee's Report had been published in time, it could have educated protesting farmers about the benefits of the farm laws and potentially prevented their repeal.

Nevertheless, this episode is now of no interest to the Court. The Report is a dead letter and the Hon'ble Supreme Court is perhaps right to ignore it completely. I will stop here, therefore, and not go into further detail about the burden that farmers continue to bear from heavy-handed government interventions into their occupation and land.

The Report may no longer be of any interest to the Court but it can still play an educational role and inform future policy directions. Upon not receiving any response to my three requests to the Hon'ble Court to release the Report, I have now decided, with some reluctance but keeping the national interest (and particularly the interest of crores of oppressed Indian farmers) in mind, to release the Report today. I hope that the analysis in the Report by me and my fellow Committee members will plant seeds of thought that germinate and bear fruit one day.

Yours sincerely



Anil Ghanwat

**President, Swatantra Bharat Party
and Member of the Supreme Court Committee on Farm Laws**

Copy to:

1. Prime Minister of India, c/o The Prime Minister's Office, E Block, Central Secretariat, New Delhi, Delhi 110011
2. Mr N.S. Tomar, Minister for Agriculture, Krishi Bhavan, Dr. Rajendra Prasad Road, New Delhi – 110001
3. Mr K.K Venugopal, Attorney General of India. A-144, A-Block, Neeti Bagh, New Delhi, Delhi-110049