



Swarna Bharat Party

LIBERTY FIRST

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SWARNA BHARAT PARTY MEETS THE SUPREME COURT COMMITTEE ON FARM LAWS

On 5 February 2021, a senior team of Swarna Bharat Party (SBP), India's only liberal party, met the Supreme Court Committee on Farm Laws and explained the Party's position on the farm laws.

The Party had already lodged its submission with the Committee on 31 January 2021. The submission is available at <http://swarnabharat.in/farmers>.

SBP's team comprised Sh Sanjay Garg of Jaipur, the National Vice-President of the Party; Sh. Rahul Pandit of Hyderabad, the President of the Telangana State Unit; and Sh. Rabi Kant Bharti of Bhadohi, the President of the Uttar Pradesh State Unit.

Repeal the laws

At the Committee meeting Sh. Garg recalled Sh. Lal Bahadur Shastri's slogan: *Jai Jawaan, Jai Kisaan*. The same respect that we give to the soldier is also due to the farmer.

India's institutions of governance must never disrespect any voices of dissent or ignore the complex nature of India's democracy. Sh. Garg said that the Modi government must show respect for the farmer by repealing these laws and committing to a far more consultative process. He mentioned that if such goodwill is not shown towards the farmers, there is a risk that the resistance engendered by the way these reforms have been implemented could set back the agriculture sector by many decades.

Sh. Garg said that India's liberals have been demanding farm sector reforms for seven decades and we believe the three farm laws are broadly in the right direction but it was a mistake for the Modi government to force them through Parliament without undertaking sufficient preparation and consultation. Reforms that affect such a large number of people require a broad-based consensus. The cause of reforms will be ill-served by forcing them down the throat of the nation.

Sh. Garg noted that these laws are effectively dead and there's no point in flogging a dead horse. The fact that the Modi government offered to freeze these laws for 18 months during negotiations with the farmers was a clear acknowledgement of the impossibility of implementing these reforms. These 18 months should be used for a much better, consultative process. And in any case, it no longer matters what the Modi government wants – the Supreme Court now controls the fate of these laws.

Issue a White Paper

Sh. Garg said that while announcing the repeal of the laws, the Modi government must commit to preparing a White Paper that provides the rationale for reform, its long-term objectives and sequencing. But even if the Modi government decides not to repeal the laws, it should produce a White Paper to provide clarity to the country. The country needs to know where we are going.

Our party's submission provides extensive recommendations on the policy and governance issues that a White Paper by the Modi government should consider. We need total reforms, not piecemeal reforms, but with proper transitional arrangements and sequencing.

The separation of powers

At the Committee meeting, Sh. Garg expressed concern about the risk that the Supreme Court might inadvertently enter into the policy-making space and thereby breach the separation of powers between the Parliament and the Judiciary, damaging the basic structure of the Constitution.

Our party considers that the Court should limit itself to the examination of constitutional and process issues and not engage itself in the merit of the farm policy. The Court and its Committee should uphold the primacy of the Parliament in making policy. Instead of providing policy recommendations, the Farm Laws Committee can do a great deal of good by recommending a robust policy process for Indian governments to follow.

Such a policy process could include: (a) the necessity of a White Paper for major policy changes, (b) wide consultation with stakeholders, and (c) a policy framework for the design of the underlying policy similar to the 10-point framework used by our party.

Eight amendments to the laws

Sh. Garg and the party's leaders outlined at the meeting **eight** policy options to amend these three laws to make them more acceptable to farmers. These options are detailed in the Party's submission.

The Party, however, acknowledges that amending these laws is probably not feasible at this stage given what has happened over the past few months. A full review of the agricultural regulatory system is needed as part of the White Paper.

Sh. Garg and the party's senior leaders ended the party's presentation to the Committee with the hope that the agitating farmers and the Modi government will see the value of reforming the agriculture sector in the right way – with due process and consultation. We believe that something worth doing is worth doing well.

Our Party is convinced that reforms cannot be successful if they lead to rancour and unrest. The nation must pause and ask who we are as a people and what we want to be – whether we want to live our lives shackled by the government or as free men. Let us discuss this – and the intrinsic value of freedom – with the farmers and with all Indians.

Notes for Editors

SBP is India's [only liberal party](#), committed to defending liberty and promoting prosperity. We are committed to making India Number One.

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