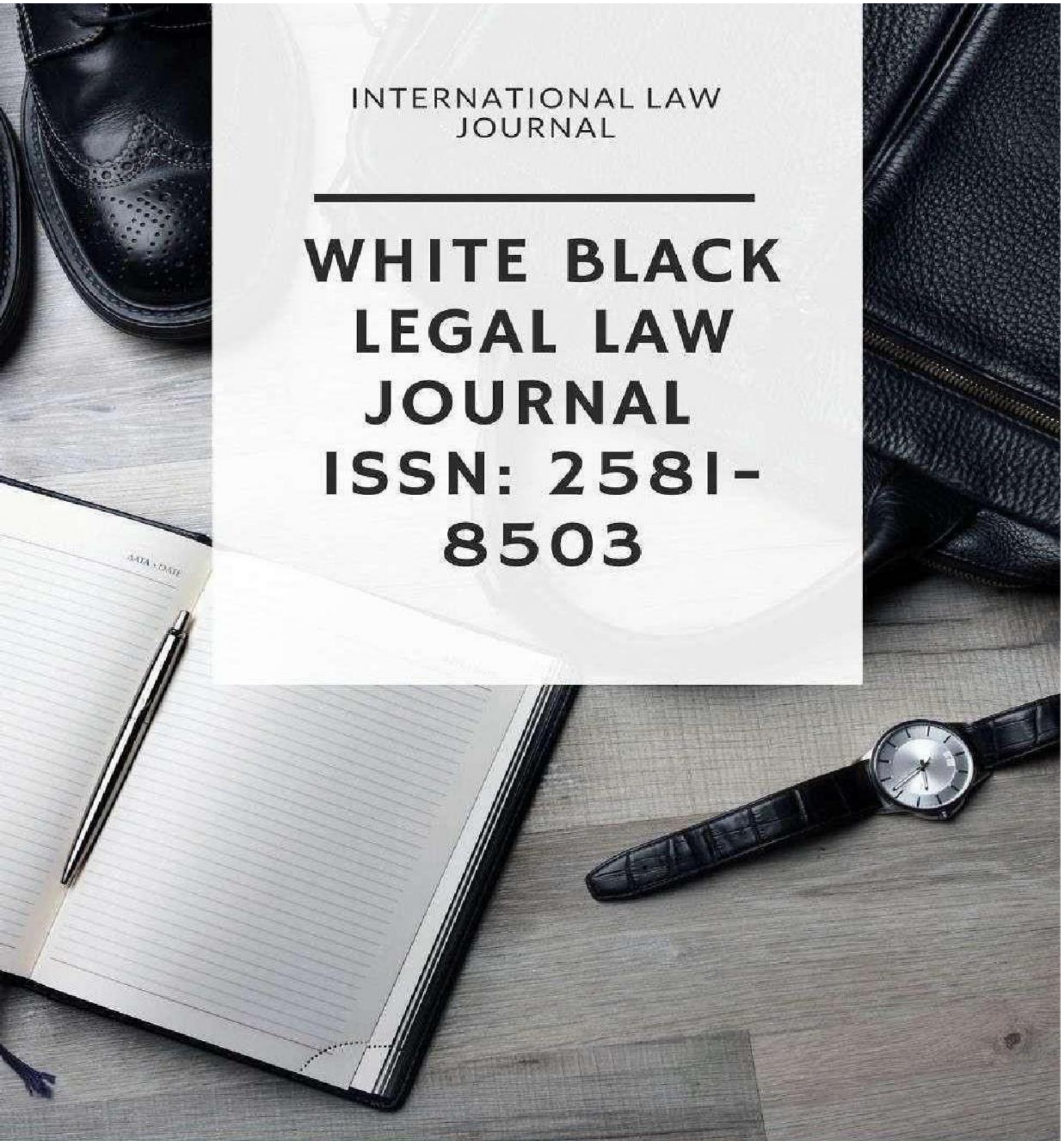




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# **CRITICAL ANALYSIS OF FARM ACTS 2020: PROBABILITIES TO POSSIBILITIES-REVIEW OF LITERATURE**

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## **Abstract:**

This chapter aims at introducing the topic “Critical Analysis of Farm Acts 2020: Probabilities and Possibilities” by emphasizing on its definition, objective and the relevance of the study by focusing on Three Farm Acts passed in 2020.” It will give a general idea about what these Acts are and what are the gaps that have caused so much hue and cry. It also includes the opinion of several eminent personalities elaborating deep analysis on the three acts passed.

In the global pandemic situation when the whole world is suffering, Indian Farmers are protesting against the three new framed farm laws. Even today in India, agriculture with its combined sector is the largest source of Income in the country. Almost 70% of total population in rural areas depend on agriculture as their primary source of Income. Thus any change if going in unfavourable direction will affect whole country as well its economy. Farmers are demanding complete repeal of the acts as they believe the government is inclined to provide more profit to corporates through these acts. It has been a subject of great chaos across the country. There have been people in favour and against, opposition is playing its card against it and media reporting aggressively on the issue has made the situation go worse. The Laws could have good objective but there has been lots of misconception, miscommunication and breach of trust causing the hue and cry. Government is unable to explain it to farmers and neither is ready to bring changes in it as per demands of farmers.

Keywords: Farm Laws, Farmers, India, Agriculture

## **Introduction:**

Government of India has framed three laws that are Indian Agriculture Acts of 2020 also known as Farm Laws; these acts were initiated by Parliament of India in September 2020. The same was approved by Lok Sabha dated 17<sup>th</sup> September'2020 and Rajya Sabha on 20<sup>th</sup> September'2020 and as well there was assent from President of India on 27<sup>th</sup> September'2020.

The Laws are namely:

- The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020
- Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020
- Essential Commodities (Amendment) Act, 2020

The newly made laws were not accepted by farmers and they started disapprovals. Since many months the farmers of Punjab, Haryana as well from other parts of India unanimously are protesting and have also named it "BLACK LAWS". They are demanding the Government to completely remove these laws. Opposition as well has been targeting the Government and is against these Farm laws.

## **Review of literature:**

Rishikesh (2020) states that "India is and has been an agrarian economy, and thus it was thought reform was the need of the hour is this reform wise and is per the circumstances. Earlier process under Law passed in 1960 has been exploitative towards farmers. Many farmers are in huge losses, debts as well many have committed suicide. APMC (Agriculture Produce Market Committee) Act had set up Mandis or Markets in India where farmers' produce was sold. It was observed that with the passing of time these middlemen present at Mandis started exploiting the farmers. The farm laws suggest to subsequently removing Mandi system so that farmers can sell their crops wherever they wish without any boundary restriction. The farmers before produce can enter into contract with company, trader, MNC whoever he wishes on mutual terms and dispute can be settled dispute settlement mechanism. Also there have been amendments in the Essential Commodities (Amendment) Bill 2020 where there is restriction on stock limit until and unless there are some restrictions or extraordinary circumstances. The author has been critical in his approach pointing that everything looks good on paper whereas implementation is totally a different story. Many points were appreciated by the author where as he recommends

that Government should listen to farmers and opposition and brings certain changes wherever there is grey area. He also talks about the middlemen jobless issues as well the awareness of farmers and is they empowered enough to deal with corporates. At time of dispute will corporate underestimate farmers and ultimately farmer will be at loss. In the situation of pandemic it is suggested by him that Government should watch its steps because similar laws have failed in European countries.

Bhandarkar (2020) has critically analysed the farm bills through lens of being impartial. The author has applauded the efforts of Government on many important changes in the law but has been critical at places needed. The steps to have barrier free trade by farmer, bills stops the exploitation of middlemen to an extent has been applauded. The Laws have been opposed by opposition as there was lack of participation in decision making and their views were not taken into consideration. Although Bill has covered the system of establishing a parallel line of free trade for farmers along with APMC Mandis, it has lacked statutory support on Minimum Support Price (MSP) neither any lower limit has been set to purchase outside Mandis. Thus the farmers fear that their situation may get worse as the power could shift to corporation form Mandi cartels and middlemen. The Author agrees that Bill may have good intentions towards protecting the famers of the countries and ensuring their overall wellbeing but if it lacks the proper implementation by any changes, the agriculture sector as well the country will be at downfall that too during the time of pandemic. Thus Government should reconsider it once and have participatory approach to reframe the three laws by bringing of not only experts from the particular field as well the grassroots community that is the farmer himself for whom the bill is framed. This will be going a long way in being sustainable approach.

Verma (2020) has also critically analysed the farm laws. The author suggests these points:

Price of farming produce – The law referring to agreement does not talk about price, it is recommended that the price is subjected to vary then a guaranteed price must be mentioned or at least there should be a clear reference for any additional amount above it should be mentioned.

Farming agreement and its tenure/validity: The law discusses about farming laws but the author is of the opinion that these points should have been included: Terms and conditions for the supply of that produce; Time of supply; Quality, grace, standards, price and such other matters; and Terms related to the supply of farms services. In Dispute Resolution Mechanism -There

has been explanation as to how the dispute will be resolved but it is believed that the corporate may influence the board's panel judges and prove themselves right. Thus the civil jurisdiction should be given for the cases rather than boards to decide on it. Author has explained the way laws were passed that the Central government passed three Acts through ordinance, which was done through voice votes and normal procedures were not followed thus causing objection from opposition parties. Also it has been noted that the laws has covered many areas that are under state subject and state has power to decide on the same and not the centre. Minimum Support Price assurance seems blurring in the acts and it has caused huge insecurity among farmers. Earlier Government used to provide support of MSP now farmers feel they will be exploited in the hands of private players. The Mandi Tax seems to be abolished due to these acts. It was huge revenue to state government but these reforms will cost them huge loss. "*No Mandi=No Tax=No Revenue*". Indirectly it will destroy APMC Market which was a saviour for small farmers to sell their crops and there is huge uncertainty that small farmers may not reach corporates and they will be at huge loss. As there is no Civil Jurisdiction under this, there are changes of huge corruption under table by MNC and corporates and ultimately farmers will be at loss. Author is against these farm laws for the above mentioned points but he also feels that there are many positive aspects as well like it many attract huge investment in agrarian market. If a farmers can use the provides' possibilities of the act, his income may double with free trade, online marketing, dealing with huge corporates. Traders Commission agents and others functionaries used to restrict the entry of new person in the market, the act curbs all such practices and has been a broader view to it. Swami Nathan Report could be taken into consideration in bringing required changes as per the author. Author believes that these acts are making corporates nirbhar India rather than "Atma Nirbhar" farmers which should not be the intent.

Singh (2020) believes that the farm laws are huge obstacles for the growth of small farmers. In fact the farmers' freedom is at stake. Rather than encouraging them, this act brings more insecurity and uncertainty in their minds. Here the author is mainly focusing on Farmers (Empowerment and Protection) Agreement on Price assurance and Farm Services Act, 2020 which is commonly referred as Contract Farming Act, 2020. The centre has bypassed the routes to pass these laws which have caused all debates and the objection towards these acts. The Government claims that nowhere this act mentions of taking away land of farmers and it is completely prohibited, the agreements will only cover crops and not land. Author points out that the Government advertisements are giving false information which are not covered in the



acts to misled the farmers so that the protest can be stopped and the laws can be implemented. He also refers to one of the advertisements which has tall claims by Government that farmers can and has freedom to pull back from contract which is not true. The law interpreted has different meaning than what Government advertises. Even he is of the opinion that it is important to see the long term implication of the law if implemented how good or bad it will be on the life of small farmers and how will they be impacted as 85% of farmers population is of small poor farmers and only 15% are the powerful who may get benefited from this act. If the act is to make real difference in the farmers' life, they have to focus on small farmers and big ones are already making profits. The author though appreciates the idea of contract farming but fears the challenge of exclusion of small and marginal farmers in this concept. The corporates or MNCs will always prefer large farmers for dealing and it will worsen small farmer's situation. As well contract farming has many disadvantages like quality is compromised, low payments, no compensation for crop failure etc. The big corporate also use their minds to alter the contracts in their favour causing loss to innocent farmer at the end. The Act formulated is a bad piece of legislation as per the views of author, many terms used are misleading and confusing. The area of concern is there in seed farming which is more prone and risky towards farmers. The Act seems to be more about facilitation and promotion of contract mechanism rather than its regulation. Author is objecting this law saying it is more about corporates and MNCs and their freedom than farmers' freedom and empowerment.

The Week (2020) talks about how the Essential Commodities Act amendment is double-edged sword. The article talks about the bill and says that though it may be a right step as it seems has an intention to boost farmer's income but it may also bring rural poverty and have an impact on public distribution system. Many foodstuffs that are to be removed from the essential commodities, means the Governments will not regulate such food items and it may lead to more hoardings. Also economic experts suggest that these interventions may lead to harassment among farmers and can bring insecurity. Opposition parties claim that it will only support hoarders and black-marketers.

Roy (2020) criticized the farm bills and says that there is no sanctity to law-making in India. He says to pass any law, it is important that there is careful scrutiny of the law that the Government's proposal addresses a particular problem or not as well to ensure that instead of solving, it should not create a problem and thus there is debate on the floor of parliament, both on merit and ideology. Both these elements play major role in formulating laws from bill. This

also requires heated debates in the houses by all opposition parties with the Government and careful analysis on each line of the bill and this can never replace careful analysis done by parliamentary committees, which act as a bridge between Parliament and People. The author feels that passing the farm bills into there has been mockery and important due processes have been avoided. These avoided steps results in half-baked laws and ultimately the beneficiary suffers which in this case is farmer. Not only the farmer but in a huge country like India, a hurriedly made law has an opportunity and financial cost to the entire nation and we cannot let out elected MPs and MLAs continue this practice in a democratic country. The author suggests that the Government needs to be proactive rather than being reactive while making laws which are the first step in strengthening the law-making process. So there will detailed analyses by the MPs of the house and would also be provided all supportive documents, data and figures to analyse better and this would bring informed decision on its legislative proposals. It is important that Parliament understands its power and role of strengthening the law-making process. The author suggests that, “If our parliament does not change its rules for legislative scrutiny by committees, it would slowly start losing its relevance and end up becoming rubber stamp to government Bills.”

Yadav (2020) in its first place questions that “Do Indian farmers understand the agrarian economy better than Ashok Gulati? Ridiculous as it might sound, the answer could well be: yes. He very sadly points out the economists with whom government took wise, gave sound advises but the issue was that it looked beautiful on paper but the implementation of same will just be a wishful thought which is near to impossible to bring it on ground. He also shared his experiences that the farmers never complain to remove the mandis instead they ask to improve their operation. The law talks about removing middlemen, the author points out that the same middlemen who presently are working with government and are under their lens would tomorrow be an agent to private companies and would exploit more as case is today which would lead to more sufferings and pain. There is another assumption that farmers will have more and more profit but then the author points out the trader/ corporates will never share fair price/profit with farmers. They would like to buy at the cheapest rate possible and it is already known that most of farmers are poor and needy; fearing the damage of produce will sell it at heart wrenching rates in fear of loss and uncertainty. The dispute resolution mechanism system as well is a joke in the new proposed law where corporates can easily bribe the retired judges’ again poor farmer who feeds the country will be the silent suffer and will be dictated by their own elected government. He quotes “The farmers can read the writing on the wall: retreat of

the state means loosening of the little influence they occasionally wield. They have heard about the recommendations to step back from procurement. They can visualise the consequences of dismantling of APMCs; they can smell the withdrawal from Minimum Support Price. And they know about the latest decision to ban export of onions as a sign that the government will never hesitate to step in when farmers might stand to make profit. They read political signals better than economists.”

Datla (2020) has tried to carefully analyse the farm laws and through the article is trying to make the readers understand actually for whom the farm laws are made and is it really going to serve the purpose. In the Indian population Farmers cover 60% of the total population and it is 18% that they contribute in country's gross domestic product. Almost 52% of the rural agriculture households are under heavy debt. The average annual debt amount per household is around INR. 104,602. There is the situation in grass holds are most of the farmers are in distress, there is urban migration as well suicidal rates keeps increasing in rural areas especially among farmers. Recently Government has passed three heavily contested farm bills in parliament. The Government says that the laws seek to liberalise and deregulate the market for the agrarian sector. Although these reforms were long awaited in Indian economy but due to some loopholes as well the due procedure not followed, there are debates as well protests by farmers as well opposition. The author supports many changes in the bills like removing middlemen, open market, enabling improved price discovery, supply chain efficiencies, dynamic market linkages. In other terms she says that liberalization of the market will introduce corporate and private investments in the industry. The competition will increase which can potentially work to increase prices for farmers who are currently at the mercy of middlemen. Talking about the strength and opportunities, the author discusses the weaknesses and threats to enlighten the readers through her views. She says by loosening the grip of APMCs, the Government is risking the possibility of farmers receiving prices below the minimum support price (MSP). Another major problem can be about farmers' produce as in 85% of farmers are small marginal level farmers and how can they afford to transport their produce and the law has provided no support neither has considered this factor. The bills is suddenly creating vacuum of price setting mechanism as APMC will gradually collapse. Agriculture falls under concurrent list under entry 33 so both government and centre to control when this bill was introduced, many governments showed their dissent. Author says that it near to impossible to believe that the corporate are not going to exploit farmers. The law has not in specific prospected these aspects of farmers so that undue advantage is not taken. MSP as well is a big concern among farmers causing insecurity.

The Government has not make it clear whether the agreement will be in written or oral as well about language of the agreement, which must be in vernacular language of the farmer. Author feels that all together the bill is for farmers as well the vision is big for their betterment but the papers and implementation part has much challenges as well loopholes, the government must bring the important changes before bringing it in reality else the farmers will be the sufferers. Pandey (2009) referred about the 'Law of Inheritance' and the Hindu succession Act' in his report and explained it as major reason why Indian farmers have very small pieces of land, due to population density and land fragmentation as per the above mentioned laws. He also said that when land is fragmented somehow the yield decreases. In India majority of farmers are poor thus they cannot afford enough money to modernize farms or invest in improved inputs. They as well face many other challenges causing them very less profit. He visualized that if government could bring changes in laws; it will empower the farmers and will bring them profit. ICAR-Agrimoon (2016) referred in his book vision of that time President APJ Abdul Kalam who in 2003 opined that that there is need for India to launch a new vision, which he called "Vision - 2020". To achieve this, they should concentrate on two mantras: Effective Implementation with People's Participation; and Effective Communication for People's Participation. A key element of "Vision 2020" would be "Providing Urban amenities in Rural Areas (PURA)". The Biological Diversity Bill 2002, passed in the Winter Session, marked a major milestone in India's commitment to conservation and sustainable utilization of our bio resources. ICAR also emphasized on using genetic and tribal knowledge as well resources properly which will bring much prosperity to nation. As well he has referred that Indian farming techniques were to be given World Heritage Status that too in 2010 as printed in Hindu which was incredible. WTO as well has impacted farmers, the quality of produce as well their cost. It also impacted the policy makers and government. ICAR could foresee changes in law to empower the farmers so that they can compete in the global market.

### Reference:

- Bhandarkar Vrinda (2020). Critical Analysis of Farm Bill, 2020, *LEXAUXILIUM.COM*. Retrieved from <https://lexauxilium.com/2020/12/09/critical-analysis-of-farm-bill-2020/>
- Datla Kavya (2020). Farm laws 2020: Who are they meant to serve?, *DownToEarth*. Retrieved from <https://www.downtoearth.org.in/blog/agriculture/farm-laws-2020-who-are-they-meant-to-serve—74540>
- Pandey MM (2009). Indian Agriculture – An Introduction, *Country Report:India*, 34-39. Retrieved from <http://www.unapcaem.org/Activities%20Files/A0902/in-p.pdf>
- Rishikesh S A (2020). A Critical Analysis of the Farm Bills 2020. *Latestlaws.com*. Retrieved from <https://www.latestlaws.com/articles/a-critical-analysis-of-the-farm-bills-2020/>

Roy Chakshu (2020). Modi govt's hasty passage of farm Bills shows there is no sanctity to law-making in India, *ThePrint*. Retrieved from <https://theprint.in/opinion/modi-govts-hasty-passage-of-farm-bills-shows-there-is-no-sanctity-to-law-making-in-india/507742/>

Singh Sukhpal (2020). Farm Acts: Farmers' freedom at stake, *FRONTLINE INDIA'S NATIONAL MAGAZINE*. Retrieved from <https://frontline.thehindu.com/cover-story/farmers-freedom-at-stake/article32758989.ece>

TNAU (2016). Introductory agriculture, *ICAR-Agrimoon*, 112-117. Retrieved from <https://agrimoon.com/wp-content/uploads/Introductory-Agriculture.pdf>

Verma Ayush (2020). Farm Laws 2020: a critical analysis, *IPleaders*, Retrieved from <https://blog.ipleaders.in/critical-analysis-farm-bills-2020/>

Web Desk (2020). Explained: Why Essential Commodities Act amendment a double-edged sword, *THEWEEK*. Retrieved from <https://www.theweek.in/news/biz-tech/2020/09/23/explained-why-essential-commodities-act-amendment-a-double-edged-sword.html>

Yadav Yogendra (2020). What economists like Ashok Gulati still don't understand about agriculture in India, *ThePrint*. Retrieved from <https://theprint.in/opinion/what-economists-like-ashok-gulati-still-dont-understand-about-agriculture-in-india/513848/>

