

A Dangerous Red Herring*

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In its systematic attempt to vilify the farmers' movement against the three infamous agriculture bills that open peasant agriculture to corporate take-over, the government keeps using the argument that the opposition to these bills is confined to farmers only from a couple of states, that farmers from other states are happy with the bills. The falseness of this claim has been amply demonstrated, with the legislature in a state as far away as Kerala opposing these bills in a special session, and kisans in states like Tamil Nadu, Odisha, Maharashtra, and West Bengal, apart from Madhya Pradesh, Rajasthan and Uttar Pradesh marching shoulder to shoulder with those opposing the bills. The claim that the opposition is confined only to a couple of states therefore is just a false red herring.

In the process, however, the government is quietly passing off an implicit proposition for general acceptance, namely that it is perfectly legitimate for the central government to pass laws that are against the interests of farmers in a few states provided these states are in a minority. This is a dangerous proposition. The proposition that farmers from only a few states are opposing the legislation which therefore makes the movement illegitimate is thus not only false but is extremely dangerous as well.

This is because the Indian Constitution does not allow the centre to impose its will upon the farmers of any state, not even of a single state. Agriculture is a state subject because conditions differ across states and the state legislature alone which is directly answerable to the people of a state, which is elected by them, and which is aware of the concrete conditions of the state, is empowered to legislate on issues that affect the lives of the farmers belonging to that state. Agriculture being a state subject under the Seventh Schedule of the Constitution means that farmers in every state have a constitutional right to have a legislative arrangement for agriculture in that state that is to their liking.

The centre has no business to legislate on agricultural issues and in case it wants its wisdom, of letting corporates enter the sphere of agriculture to be given effect to in the states, it should repeal the three laws it has passed, and advise the states to enact appropriate legislation making this possible. Some states where according to the centre the farmers are enamoured of this idea can then pass such legislation if they so wish; while other states where there is overwhelming opposition to these laws will desist from doing so. This way there can be a multiplicity of arrangements, which, in the case of items belonging to the state list, the Constitution visualises as permissible, and which will have been realised; but the centre has no business to ram what it believes to be the "right" arrangement down the throats of farmers in every state. For this course to be adopted, however, it is absolutely necessary that the three central laws should be repealed first. Bihar already has an arrangement that is apparently different from that of the other states; and it would be both morally and constitutionally correct if each state has the freedom to legislate on its own agricultural arrangement, if it finds the existing arrangement unsatisfactory.

The reason why the centre does not dare to do this, why it has enacted central legislation instead to allow corporates to encroach on peasant agriculture, is because it knows that leaving things to states, as is constitutionally warranted, would thwart this possibility. No state legislature, not even in states ruled by the BJP, will have the guts to enact such patently anti-farmer laws. The centre can do so because it believes that it is in a better position to handle the adverse effects of such laws for two reasons: first because the farmers constitute a smaller proportion of the population of the country as a whole than that of most individual states; and second, because given its communal nature, it believes that it can always engineer some incident at the right time and win elections through a communal polarisation that pushes its anti-farmer stance to the background; engineering such incidents at the “right time” in each and every state that passes such legislation is far more difficult and has uncertain consequences. Besides, the centre has many more opportunities to create such incidents or make use of them since foreign affairs and defence are within its domain.

In the process of pushing its pro-corporate and pro-imperialist agenda (the latter because diversification away from foodgrain production and importing foodgrains instead from imperialist countries has been a demand of the US and EU for quite some time), the Modi government has effected a centralisation of power that is as anti-democratic as it is anti-constitutional. It lured states into a Goods-and-Services-Tax regime which meant an acute centralisation of economic resources, on the basis of promises that turned out to be palpably false. It announced unilaterally a New Education Policy, without any consultation with states, even though education is on the Concurrent list under the Seventh Schedule. It announced the abrogation of Articles 370 and 35 A relating to Jammu and Kashmir, without any consultation with the state legislature (though even the concurrence of the state legislature would not have been enough for overturning the constitutional arrangement with regard to these Articles). And now, it has extended its reach to an item not even on the concurrent list but to one that is squarely on the state list, viz., agriculture, to bring about a far-reaching change in the agricultural arrangement of the country. Such centralisation of resources and decision-taking augurs ill for democracy in the country.

Such centralisation moreover is carried out behind a tissue of lies. We have already seen the lie behind the promise to compensate states for any loss of revenue by moving to a GST regime. Now it turns out that even the claim on the floor of the parliament that the report of a committee, consisting of several chief ministers and allegedly recommending removal of limits on stock-holding by private players, had been discussed by the governing body of the Niti Ayog (whose members include chief ministers) before it was incorporated into one of the three agricultural bills, is completely false. An RTI query from the Niti Ayog has revealed that there has been no meeting of the governing body of the Niti Ayog where such a report was ever presented, let alone approved. In fact, the very existence of such a report that recommends doing away with stock-holding limits by private players is itself dubious. Imposing stock-holding limits again is the prerogative of the states; not only is this prerogative is being snatched away from them by uttering a set of lies, but in the process, an open invitation is being extended to hoarders and speculators to profiteer from situations of scarcity in any crop.

The centralisation that is being thrust upon the country through such dubious means is now being given a further dangerous dimension. It is not just that the centre is

appropriating the role that the Constitution assigns to states, but additionally, the centre has now arrogated to itself the right to legislate in lieu of states in a manner that is patently contrary to the explicit wishes of states. And it parades as a virtue the fact that only some states, just a few of them, are opposed to such laws.

The BJP government does not feel the need to amend the Constitution to increase its powers at the expense of the states. It simply violates the Constitution at will, and with the judiciary being too pusillanimous to challenge the executive, it feels emboldened to go ahead. The country at present, therefore, is at the cusp of a wholesale subversion of its Constitution; this makes the challenge mounted by the farmers so significant for our future.

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