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# Farmers have constitutional right to continue protest: SC

'But their purpose cannot be realised without talking'

KRISHNADAS RAJAGOPAL  
NEW DELHI

The Supreme Court on Thursday said farmers have a constitutional right to continue with their "absolutely perfect" protest as long as their dissent against the controversial agricultural laws did not slip into violence.

"We clarify that this court will not interfere with the protest. Indeed the right to protest is part of a fundamental right and can as a matter of fact, be exercised subject to public order. There can certainly be no impediment in the exercise of such rights as long as it is non-violent and does not result in damage to the life and properties of other citizens... We are of the view at this stage that the protest should be allowed to continue without impediment and without any breach of peace by protesters or the police," a Bench, led by Chief Justice of India Sharad A. Bobde, observed in its order.

## Court bats for panel

The court, however, said the purpose of the farmers would not be served if they continued to sit without engaging in talks. "Yes, there is a protest that is going on...



**Grand entry:** Farmers from Haryana arriving to join the protest against the new farm laws, at the Singhu border in Delhi on Thursday. • SUSHIL KUMAR VERMA

Yes, the protest is constitutional as long as it does not damage property and lives. It is an absolutely perfect protest. But their [farmers'] purpose cannot be realised if they continue to sit without talking," the CJI observed.

The court reiterated its suggestion of forming an "impartial and independent committee" of experts in agriculture to hear both the farmers and the Union government on the laws.

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# Farmers to seek legal opinion

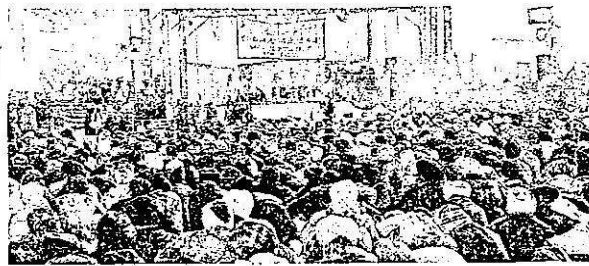
Not in favour of impleading themselves in case

PRISCILLA JEBARAJ  
NEW DELHI

Protesting farmer leaders will seek legal opinion on Friday before taking any position in the Supreme Court case on their agitation seeking repeal of three contentious agricultural reform laws. Most of them are not in favour of impleading themselves in the case, they said.

"After a meeting of the committee plus the Punjab leaders this afternoon, the Samyukt Kisan Morcha has decided to consult with four senior Supreme Court lawyers - Dushyant Dave, Prashant Bhushan, Colin Gonsalves, and H.S. Phoolka - before taking any position on the Supreme Court case," said K.V. Biju, national coordinator of the Rashtriya Kisan Mahasangh. The seven farm organisations mentioned in the case that were a part of their movement have not yet received any communication from the court, Mr. Biju said.

Kisan Krantikari Union president Darshan Pal said, "The leaders are not in favour of impleading them-



Loud and clear: Farmers gathered before a new stage erected at the Singhu border on Thursday. ■ SUSHIL KUMAR VERMA

selves into the case, but we have decided to seek legal opinion first... It is the BJP which is behind this case, so why should we play into their hands?"

Farm leaders are worried about the legal precedent set during the protests against the Citizenship (Amendment) Act (CAA) earlier this year. "When a PIL was filed on the anti-CAA protests, the court gave the order to vacate them. If the same thing happens, that will damage our movement," said a leader, who did not wish to be named.

Farmer groups also argued that this issue was the domain of the executive, not the judiciary. "The grammar of democratic governance must be articulated by the government. Constitutional institutions like courts exist for checks and balances, not

as replacement of the obligations to be performed by the political executive," said a statement from the All India Kisan Sangharsh Coordination Committee.

At Krishi Bhavan, Agriculture Minister Narendra Singh Tomar met members of the Federation of Indian Farmer Producer Organisations (FPOs) and aggregators, representing 500 FPOs in 15 States, who said the three laws had created an enabling environment to benefit small and marginal farmers.

## Tomar pens letter

Mr. Tomar also issued an eight-page open letter addressed to farmers. Drawing on his own credentials as the son of a farmer, he made an emotional appeal to farmers not to be misled by the protesters, accusing them of

## Protester dies at Bahadurgarh border

CHANDIGARH

A farmer from Tungwali village in Punjab died on Thursday during the agitation against the new farm laws at Tikri on the Delhi-Bahadurgarh border. Jai Singh, 37, was declared "brought dead" at the Bahadurgarh civil hospital.

harmful political motivations. In the last six years, a group of people have attempted to bring discontent and anarchy into the country, by hiding behind different groups, whether Dalits, women or minorities, said the letter. "Today, these people once again sneak up behind the farmers of the country for their political cause," it added.

A letter was sent to Mr. Tomar from 10 senior academics and experts in agricultural economics arguing that the three laws are harmful to small farmers.

"We do believe that improvements and changes are required in the agricultural marketing system for the benefit of millions of small farmers, but the reforms brought by these Acts do not serve that purpose," the letter said.

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## Farmers have the right to continue protest: SC

"If their [farmers] protest has a purpose other than just to sit in protest, we are thinking of an independent committee before whom both sides can state their case while the protest goes on... The committee can give its opinion after hearing them. We expect parties [farmers and government] to follow the committee's opinion. Meanwhile, the protest will continue without causing violence or damage," the CJI suggested.

The court cautioned the government against trying to "instigate" violence. The CJI stressed that as fellow Indians, the judges too understood the farmers' problems. But Attorney General K.K. Venugopal strongly objected to the farmers' conduct. He said the farmers

cannot corner the government into a 'yes or no' to their demand to repeal the laws. The government was ready for a clause by clause discussion on the laws.

Senior advocate P. Chidambaram, for Punjab, where most of the protesting farmers hail from, said the farmers actually wanted Parliament to discuss amendments to the three laws. "Farmers have not blocked the roads. Farmers wanted to march to Delhi. Who has stopped them and blocked them? The police have blocked them," Mr. Chidambaram said.

The nearly hour-long virtual court hearing ended on an inconclusive note when the court found that many of the protesting farmer bodies were not present.