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Revitalising Indian Agriculture and New Farm Laws: Challenges and Opportunities Ahead

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ABSTRACT

This essay begins with a brief introduction of the infamous farm laws and briefly explains its various provisions. The advantages of the legislation, which the media has failed to highlight time and again, are then explored. Consequently, the evident flaws in the legislation and how it directly benefits the private sector and causes harm to the farmers, whom the bill is intended to benefit. Therefore, an understanding of both the sides of the coin are provided and it is up to the reader to ascertain the efficacy of the bills. The infamous protests orchestrated by the farmers against the legislations are also briefly touched on.

Whether they are right or wrong, a procedural history of the passage of the legislations has been given to highlight the hasty and uncoordinated manner by which they were passed. The role of non-state actors and the media towards the protests must be assessed. Lastly, it would be prudent to examine the moments wherein the protestors crossed the line and chose anarchy. The paper concludes by offering a few solutions to the dilemma at hand.

Keywords: Farmers, Protestors, Legislations, Non-State Actors, Media.

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INTRODUCTION

Since Independence, 2010 was the first time that the share of employment fell below 50% in India. Even today, the agriculture sector is one of the biggest employers of India, employing 42.6% of the Indian Population in 2019². Despite the deterioration of the workforce in the agricultural sector, the steady decline of the sector's contribution to the economy since 1973 has been a bigger cause of concern. With the agriculture and allied sector contributing only 18.4% to the Indian GDP in 2019-20³, there is genuine cause of concern towards the real income earned by an individual member of the sector. Given its stagnated state and steadily declining development of the sector, it is important for the government to systematically evaluate policies and schemes that can help in the long term⁴.

However, when the government tried doing that in late 2020 via three farm bills, it did not get a positive response from the farmers and even led to large scale protests. In an attempt to help "small and marginalised" farmers, the government essentially aimed at eliminating intermediaries from the process of selling the produce. Firstly, they allowed the sale of produce by farmers to anyone even outside 'mandis' which was previously not allowed. Mandis or Agriculture Produce and Livestock Market Committees, as they are called, have been established to prevent farmers from selling to intermediaries at low prices and to ensure that via auctions the farmer gets the best possible price. Secondly, as per agricultural contract law farmers can enter into deals with a corporation/organisation to sell whatever they produced at a price agreed upon earlier itself, regardless of the actual market value, to try and shift the burden of risk from the farmer to the buyer of the produce. Lastly, in the bills, they have removed a few crops like cereals, pulses, oil seeds, etc. from the list of essential commodities allowing easier sale and purchase and making it easier for foreign organisations or the Indian private sector to invest⁵.

² Data.worldbank.org. 2021. *Employment in agriculture (% of total employment) (modeled ILO estimate) - India* / Data. [online] Available at: <<https://data.worldbank.org/indicator/SL.AGR.EMPL.ZS?end=2019&locations=IN&start=2019&view=bar>> [Accessed 29 December 2021].

³ Pib.gov.in. 2021. *Contribution of Agriculture Sector towards GDP*. [online] Available at: <<https://www.pib.gov.in/PressReleasePage.aspx?PRID=1741942>> [Accessed 29 December 2021].

⁴ S Mahendra Dev, *Challenges for Revival of Indian Agriculture*, NCAP (2008).

⁵ The Essential Commodities (Amendment) Act, 2020, No. 22, Acts of Parliament, 2020 (India).

The farmers believe that the farm bills put them in a very precarious situation, allowing them to be systematically exploited by large corporations.⁶

PROCEDURAL HISTORY OF THE BILLS

Initially, three ordinances i.e., Farmers' Produce Trade and Commerce (Promotion and Facilitation) Ordinance⁷, Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Ordinance⁸ and Essential Commodities (Amendment) Ordinance⁹ were passed in June 2020, on recommendation from the Agricultural Stand-in Committee of (2018-2019)¹⁰.

The three farm bills, namely- Farmers' Produce Trade and Commerce (Promotion and Facilitation) Bill¹¹, Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Bill¹² and Essential Commodities (Amendment) Bill¹³ were introduced shortly after the ordinances were passed. The Amendment Bill for the essential commodities was passed through both the Lok Sabha and the Rajya Sabha with relative ease on 15th and 22nd September of 2020 respectively via voice vote¹⁴.

The other two bills were meanwhile consistently marred by controversy. Nevertheless, on September 17th, 2020, the two bills were passed yet it was still met with protests not just from the opposition, but also from the ruling party BJP's oldest ally, Shiromani Akali Dal,¹⁵ eventually breaking their alliance. An additional ring of security was required during the voting procedure with members and the critics of the government complaining about the bias of the Deputy Chairman towards the ruling party and non-acceptance of essential motions and simple

⁶ Saheli Roy Choudhury, *India's government to meet farmers as thousands protest against farm reforms*, CNBC (December 3, 2020).

⁷ The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Ordinance, 2020, Ministry of Agriculture and Farmers' Welfare, June 5, 2020.

⁸ The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Ordinance, 2020, Ministry of Agriculture and Farmers' Welfare, June 5, 2020.

⁹ The Essential Commodities (Amendment) Ordinance, 2020, Ministry of Consumer Affairs, Food and Public Distribution, June 5, 2020.

¹⁰ Report No. 62, Standing Committee on Agriculture (2018-19): *'Agriculture Marketing and Role of Weekly Gramin Haats'*, Lok Sabha, January 3, 2019.

¹¹ The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020, Ministry of Law and Justice, September 27, 2020.

¹² The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, Ministry of Law and Justice, September 27, 2020.

¹³ The Essential Commodities (Amendment) Act, 2020, Ministry of Law and Justice, September 26, 2020.

¹⁴ PTI, *Parliament passes amendments to essential commodities law*, The Hindu (September 22, 2020).

¹⁵ Rituraj Tiwari, *Lok Sabha passes two farm bills to liberalise markets, attract investment amid protests by Opposition*, SAD, Economic Times (September 18, 2020).

motions introduced, allowing for the two remaining bills to be passed with a voice vote amidst lot of controversy and drama¹⁶.

On September 27th, 2020, President Ram Nath Kovind gave assent to all three bills, officially making them Acts, despite the protests across the country, being particularly prevalent in Haryana and Punjab¹⁷.

THE PROTESTS

Consequently, there have been a plethora of farmers protests since August, 2020 against these bills. They are occurring primarily in Haryana and Punjab, because of how the green revolution in the 70s made the states agriculturally dominant. Additionally, most of the wheat and rice produced and bought by the government comes from these states¹⁸. Apart from that, the APMCs are widely dominant in these states leading to the government earning huge revenues from the tax paid by farmers there.

The Green Revolution that took place in the 1970s when agricultural system was modernized with the attempt to use HYV seeds, better irrigation, more fertilisers and pesticides, and other modern agricultural tools and techniques. The largest crop gain from this was much better yield in wheat and rice. Though there was progress, the main issue was that the progress was largely reduced to just certain pockets of the country like Punjab, Haryana, some regions of West Bengal, etc., benefitting the wealthier farmers then. This imbalanced growth has led to protests also taking place in the regions that benefitted the most then and it is apparent that the other regions though there is agitation that exists amongst a few farmers, many farmers see merit in the same or believe there will not be a big difference from the situation today.

The protests were initially peaceful, with thousands of farmers from the regions of Punjab and Haryana marching to the capital. Later, around late November, with there being no signs of initiation of talks, there were clashes between the government and the farmers including aggressive the use of tear gas being shelling and water cannons. The peak of the protests was when the protesters marched into the capital on Republic Day, 2021. There were multiple cases of injury, with a few death being reported as well¹⁹. Currently, there is a stalemate between the

¹⁶ Sobhana K. Nair, *Rajya Sabha passes two farm Bills amid fierce protests*, The Hindu (September 20, 2020).

¹⁷ PTI, *President Ram Nath Kovind gives assent to three farm bills*, The Hindu (September 27, 2020).

¹⁸ APEDA, Ministry of Commerce.

¹⁹ Harish Damodaran, *Explained: The concerns of farmers, and what Centre can negotiate to end protests*, Indian Express (February 15, 2021).

anti-bill protestors and the state, but there are still voices against the Acts throughout India with intense protests having happened in Maharashtra, Karnataka and Tamil Nadu as well all being states that benefitted well from the second phase of the Green Revolution in the 80s.²⁰

THE POSITIVES OF THE LEGISLATION

Despite the protests in India, and criticism from across the globe, it is important to understand why these bills were deemed necessary by the government and was so adamant on its stand and why the government is adamant on its stand.

Firstly, understanding the circumstances prior to the bill is necessary. Most often, many middlemen purchased the produce from farmers at a lower rate than the government regulated Mandis and sold the same produce at far higher prices in comparison to corporates and other organisations, robbing the farmers off their just profits. The remaining produce was sold to the government at the MSP, or the Minimum Support Price, which is a lower limit price point decided by the government for a crop depending on its availability, demand, and the needs of the farmer. The government believes post the enactment of these Acts, the farmers can sell directly to the corporates, enabling them to gain superior profits and prices.²¹

There are multiple differences between states for the APMCs; and these bills will help in standardisation and the ease of trading between states. Additionally, as mentioned earlier, one of the bills also provides for the farmers to directly enter into contracts with anyone holding a Pan card to sell the produce at pre-determined prices²². This makes available multiple options for small and marginal farmers with lesser produce since they can sell produce, they have not already produced. Additionally, with a contract as proof, the farmers can engage in legal proceedings with stronger backings, and also eliminate the risk of market price fluctuation from themselves over to the ones buying the produce.

Lastly, in accordance with the Agreement of Agriculture signed with the World Trade Organisation²³, the removal of many of the items from the list of essential commodities eases the exportation of produce, given it does not capacitate an upper limit to the amount of produce

²⁰ Harriss-White, B., & S. Janakarajan, *From Green Revolution to Rural Industrial Revolution in South India*, Economic and Political Weekly (1997), 32(25), 1469-1477, Retrieved March 31, 2021.

²¹ *What is farm bill 2020: Pros & cons of three farm bills*, Times of India (September 18, 2020).

²² The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020, No. 21, Acts of Parliament, 2020 (India).

²³ N. Sai Balaji, *Are the New Agriculture Ordinances an Extension of the WTO's Agenda?*, The Wire (August 9, 2020).

kept with a person. Unless there is a war or famine, the government will avoid interfering in the sale and pricing of these goods, ensuring that the farmers obtain the best possible prices²⁴. Subsequently, there will be no stocking limits unless there is 50% price increase criteria met. Such policy will also help in developing additional facilities like cold storages, eliminating meddling practices by private players.

THE FLAWS IN THE LEGISLATION

To understand why the farmers are against the bill, it is important to understand what exactly is wrong with the bills from the perspective of the farmers. The bills' two initial and major flaws are its untransparent and vague nature, and the fact that it does not provide safeguards for farmers.

Firstly, though the government wants to promote contract farming, doing so introduces major problems. The idea that small and marginalized farmers will benefit is flawed because most organisations will want to buy from a one-stop destination as it is more convenient and economical to do so and will hence, approach large farmers. For the smaller farmers this will mean that either they are not able to sell most of what they produce or have to sell at much lesser prices compared to what is viable for them leading to a significant loss in their income.

Additionally, most often companies and organisations have greater legal expertise and a better understanding of the bureaucratic system compared to the farmers, leading them to be easily exploited. This step towards privatisation, and the lack of MSP in the bills can lead to the corporates paying the any price they wish to, leading to the exploitation of the farmers.²⁵ The farmers believe that the government pre-dominantly only purchases wheat and rice at the MSP while the other crops like paddy, maize, etc., which must be sold in the Mandis at the MSP, become their only source of income which will not be the case since MSP is eliminated.²⁶ An approximate by the government showed that around 32% of the urban farming population could be illiterate and the numbers could be higher²⁷. Farmers cannot afford to pay for large cases that stretch on for a long period. Compared to big corporations their access to good legal

²⁴ Siraj H and Jugal M, *Of the three farm laws, Essential Commodities Act 2020 most business friendly*, The Print (March 25, 2021).

²⁵ Rachit Garg, *The Farm Bills, 2020: benefits and lacunae*, I Pleadings (October 19, 2020).

²⁶ Nikita Jain, *Farm Acts 2020: A breakdown in trust*, The Millennium Post (December 5, 2020).

²⁷ Tali, D., 2021. *India's Rural Farmers Struggle to Read and Write. Here's How "AgriApps" Might Change That.* [online] GOOD. Available at: <<https://www.good.is/articles/agricultural-apps-bridge-literacy-gaps-in-india>> [Accessed 30 December 2021].

services and lawyers is much lesser and to pay the fees for the same often puts them in debt causing suicides and other problems including loss of livelihood, having to sell their land, inability to produce, etc. Therefore, it can be clearly observed that farmers are very susceptible to exploitation from big corporations, and these could lead to multiple socio-economic problems.

Sales outside of APMC will lead to reduction of taxes from the State, since people won't have to pay the amount for the Mandi and set prices as they wish, leading to the state government being unable to maintain APMCs preventing the smaller farmers from getting a fair price. It also promotes the idea of "one nation, one market", however, most farmers do not have the infrastructure required to store and transport their produce as would be needed by larger organisations, once again leading to exploitation by middle men.²⁸

Lastly, the attempt to remove hoarding limits in seeds did not bode well as the prices fluctuated against the farmer's interest. This can cause the organisations to cause artificial fluctuation by hoarding large quantities to profit themselves. With the ability to hoard large amounts of seeds, they can manipulate the market by cutting of the supply and once demand for the seeds increases, selling the seeds at an inflated cost. Additionally, all of this will also lead to multiple intermediaries losing their jobs as the entire process is to eliminate them, further aggravating unemployment.²⁹ This includes multiple retailers, wholesalers, transporters, packagers, etc., who assisted the farmers to get the crops to the consumers, which would not be needed now.

THE NEW FARM LAWS: ELIXIR OR POISON?

A Step Too Far?

On 26th January, 2021, during the *Kisan Gantantra Parade* (tractor rally), many farmers drove their tractors through the police barricade and raided the Red Fort during the Republic Day proceedings. Many "peaceful" protestors have condemned in the same manner. Nevertheless, these individuals have corrupted a movement motivated by morality and justice by disturbing the peace, climbing the Red Fort, and hanging the Sikh (Nishan Sahib) triangular flag which is abysmal considering that the Indian tri-colour flag is the only flag that should be hoisted at the Red Fort on the Republic Day.

²⁸ Vikas Dhoot, *Will the farm bills benefit farmers?*, The Hindu (September 25, 2020).

²⁹ S A Rishikesh, *A critical Analysis of Farm Bills 2020*, Latest Laws (October 16, 2020).

Perhaps this is the key issue with most bona fide protests. A few individuals take the protest too far by causing harm to either the public domain or other individuals. This negates the cause and harms the efforts of thousands of other “peaceful protestors”. In this particular instance, the National Investigation Agency (NIA) began probing Khalistani groups like the Sikhs for Justice (SFJ) which has been banned under the Unlawful Activities (Prevention) Act, 1967 (UAPA).

As stated by Rajiv A Kapur (‘Khalistan’: A Punjab Problem)³⁰, the Khalistani movement is a fundamentalist terrorist movement led by extremist individuals. It is unfortunate that this group has been affiliated to the farmers protests as groups like the BKU truly believe in achieving justice via negotiation and not coercion.

Negotiation by the Government to Make Amends

Prime Minister Narendra Modi along with the Agricultural Minister Narendra Singh Tomar has led many rounds of talks to reach a middle ground with the aggrieved farmers. They started off by promising that the MSP (Minimum Support Price) will definitely remain, however the protestors still hold their reservations. Eventually, the farmers demanded for a complete scrap of the bills since merely providing more options to sell your produce does not guarantee the prevention of exploitation by the private sector.

There have been rumours that capitalist individuals like Gautam Adani and Mukesh Ambani have been pressurising the government into passing the legislations in question³¹. Despite the lack of evidence towards the same, the assertion is fair as the abovementioned legislations have created the opportunities for the private sector to coerce desperate farmers into unfair contracts.

Therefore, if the government truly wishes to successfully negotiate with the farmers, it needs to set in motion auxiliary policies and legislations targeted towards the protection of farmers from the private sector and their unfair contracts with biased terms and conditions. Perhaps offering more in return to the farmers is important. Having a fair “quid-pro-quo” is essential as stated by Art Hinshaw (Teaching Negotiation Ethics)³²

³⁰ Rajiv A Kapur, ‘Khalistan’: A Punjab Problem, Taylor & Francis Online 1206, 1206-1208 (2007).

³¹ Bhuma Shrivastava, Bibhudatta Pradhan, P. R. Sanjai, *Why Ambani, Adani are in protesters’ crosshairs despite showing no interest in farm sector*, The Print (Jan. 17, 2021, 10:50 AM), <https://theprint.in/india/why-ambani-adani-are-in-protesters-crosshairs-despite-showing-no-interest-in-farm-sector/586938/>.

³² Art Hinshaw, *Teaching Negotiation Ethics*, Association of American Law Schools 82, 82-85 (2013).

The Contribution of the Indian Media

The Indian media has played a significant role during the farmers protests. They have contributed positively as well as negatively to the movement. To start off with the positives, the media has helped spread the overall message that the farmers have been suffering over decades and all this suffering has reached its zenith with the passage of the aforementioned legislations. Apart from this, they have also spread awareness regarding the protests themselves and highlighted the vital role of local leaders like Rakesh Tikait, the leader of the Bharatiya Kisan Union (BKU).

However, they have also impacted the movement negatively as a lot of farmers believe that the media has sensationalised the news instead of spreading the primary reasons behind the protest. Instead of highlighting the issues these farmers are subject to, they have focused on statements made by irrelevant parties regarding the cause such as celebrities' tweets and Instagram posts which is deeply counter-productive as it trivialises the issue and foregoes any objectivity.

Therefore, it is evident that the media as usual is inclined to talk about these protests due to the popularity of the same and not due to its morality and ethicality. Diana Letcher³³ makes the important and rightful claim that the media plays a significant role during the protests as they have the power to directly influence opinions and have undeniable social control and therefore, should be more responsible when it comes to reporting these events.

International Concern

The aforementioned protests have received international support as well. There is a growing apprehension amongst these farmers that the Minimum Support Price (MSP) will be abolished despite the government's assurance that it will not. This highlights the mistrust the farmers have developed against authority and rightfully so considering India's past.

This mistrust is valid, and the protests against the bills have therefore, received support from other administrations in countries like the United States of America wherein the forty-sixth President, Joe Biden has offered his support to the protestors publicly. Due to the high number of Punjabi residents in Canada, the President, Justin Trudeau has also voiced out his concerns against the bills and offered his support to the protesting farmers.

³³ Diana Letcher, *ONLINE POLITICAL PARTICIPATION, COLLECTIVE ACTION EVENTS, AND MEANINGFUL CITIZEN ENGAGEMENT*, 10 Addleton Academic Publishers 70, 70-72 (2018).

Apart from these public officials, even celebrities like Rihanna have tweeted in support of the protests. This international solidarity towards a movement benefits the same immensely as the government can be held accountable by non-state actors morally and ethically if not legally. However, celebrities' opinions on such matters emanate from a place of acquiring positive publicity in their favour and not from a place of affecting "real" social change. However, the public's reaction to the same was outlandish due to the multitude of death and assault threats she received for merely for speaking out a pertinent issue. This unfortunate situation created more controversy in a deeply complicated issue as the supporters of the laws believed that her decision to tweet was an attack on their ideology.

Needless to say, Rihanna received both praise and hate for her decision to tweet against the protests as any international celebrity is considered misinformed and gullible. Her tweets received severe engagement and she successfully spread awareness about the protests to her audience as rightly pointed out by Dibyendu Mishra, Syeda Zainab Akbar, Arshia Arya, Saloni Dash, Rynaa Grover, and Joyojeet Pal (*Rihanna versus Bollywood: Twitter Influencers and the Indian Farmers' Protest*)³⁴.

International concern for the protests highlights the importance that it gained globally. This kind of support also reflects poorly on the government as it shows their incapacity to take care of their domestic affairs. Therefore, this type of support also immensely pressurises the government into negotiating fairly.

RECOMMENDATIONS AND SOLUTIONS

The solutions to this problem are complicated in the sense that the farmers have been subjected to unfair treatment historically as well. They have been the victims of oppressive zamindars, they have owned fragmented lands, they have had trouble receiving requisite loans, and they have had issues with growing and maintaining crops due to lack of mechanisation, et cetera. They have had valid reasons to mistrust the government due to their unfortunate position for the last seven decades and therefore, if the farmers themselves are opposed to the bills, then perhaps the government should consider implementing safeguards with respect to the bills closely.

³⁴ Dibyendu Mishra, Syeda Zainab Akbar, Arshia Arya, Saloni Dash, Rynaa Grover, and Joyojeet Pal, *Rihanna versus Bollywood: Twitter Influencers and the Indian Farmers' Protest*, Cornell University 1, 1 (2021).

However, it is understandable that the bills have already been passed by both houses of the Parliament and received the President's assent and therefore, asking the government to "pull back" the bills are unreasonable. The government could pass subsequent legislations for the protection of farmers negotiating themselves into contracts with private businesses and perhaps even ensure the establishment of fast-track courts and tribunals for the farmers in specific as this will ideally prevent further exploitation of farmers. Moreover, the government may provide cost effective legal aid services to the aggrieved farmers as well.

Namita Kaur, Harjot Singh, and Johar Singh (IMPACT OF THREE FARM BILLS ON AGRICULTURE DURING COVID-19 IN INDIA)³⁵ make the rightful claim that since a lockdown is imminent in some parts of the country even today, to truly protect farmers in the long term, strengthening of the food-supply chain is also the need of the hour.

Therefore, the protests are not a clear binary between being an "elixir" or "poison". Instead, the protests originate from a place of upholding justice and equality for the workers in the agricultural sector. Any negative externalities which have occurred due to the same are unfortunate for the principles the protests stand for.

CONCLUDING THOUGHTS

In conclusion, it is important to understand the long-term implications and look at this issue objectively. The government passed the bills and turned them into legislations hastily without considering the opposition or the primary people that the bill will affect (the farmers). Merely conducting talks and trying to negotiate will achieve very little because the farmers are adamant with respect to their position on the bills. Apart from that, many domestic agencies and institutions support the farmers. For example, many businesses, actors, sportsmen, et cetera have voiced out their support for the farmers.

The government is receiving not just international pressure but also severe domestic pressure. The current BJP (Bhartiya Janata Party) government has time and time again displayed the willingness to make decisions unilaterally without consulting the parties that may be affected by these decisions. This form of non-consultative authoritarian democratic approach to

³⁵ Namita Kaur, Harjot Singh, and Johar Singh, *IMPACT OF THREE FARM BILLS ON AGRICULTURE DURING COVID-19 IN INDIA*, 18 PalArch's Journal of Archaeology of Egypt 1, 1 (2021).

administration has led to severe criticism and has reached its pinnacle with the farmers protests as they are one of the most vulnerable and disadvantaged groups in the country.

The lack of regard the government has shown to these farmers is despicable. The poverty in rural areas especially (where most farmers reside) is abysmal at about 39%. 70% of India's population resides in a rural region, yet less than 40% is contributed by agriculture to the GDP (Gross Domestic Product). This dichotomy in population and poverty is concerning and one of the leading causes of unemployment and poverty in India.

Perhaps these protests are more than justified keeping the above facts in mind as the rural population has been ignored continuously and the only solution from their perspective is to hold rallies and protests without passively accepting the conditions imposed upon them.

The protests, therefore, provided an opportunity for the agricultural sector workers to mobilise and improve their social mobility considering the severely poor treatment endured by them over the last seven decades. Moreover, these protests proved the power of social mobilisation considering the BJP government's decision to repeal the controversial laws.

If nothing else, these protests have set a precedent in terms of using social change to create legislative change.