

# India's Supreme Court feigns concern for farmers, while laying groundwork for illegalizing seven-week mass protest

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In a ruling designed to set a political trap for protesting farmers and agricultural workers, India's Supreme Court announced Tuesday that it is temporarily suspending application of the Bharatiya Janata Party (BJP) government's three recently adopted pro-agribusiness "reform" laws.

At the same time, India's highest court established an "expert panel"—whose four members are all on public record as supporting the laws—to hear the farmers' complaints; and issued veiled threats of legal action against the protesters if they did not cooperate with its phony "independent" panel.

The Narendra Modi-led BJP government had strenuously argued against the Court suspending application of its new farm laws. However, once the ruling was issued and the composition of the panel was announced, Agriculture Minister Kailash Chaudhary rushed to "welcome the decision."

Tuesday's judgement was in response to a number of petitions. Some were demanding that the court order the tens of thousands of protesting farmers who have camped on the outskirts of Delhi since the government blocked their entry into the National Capital Territory seven weeks ago to stop impeding traffic on a half-dozen highways. Others challenged the constitutionality of the new laws, which enshrine measures long demanded by Indian and global capital.

The BJP government rammed the three farm laws through parliament last September, as India, which is home to a quarter of the world's "extreme poor," was being ravaged by COVID-19. They will put the hundreds of millions who depend on agriculture for their livelihood, the vast majority of whom are agricultural workers and marginal farmers eking out an existence on two hectares (five acres of land) or less, at the mercy of giant agribusiness concerns.

In response to the pandemic, India's far-right BJP government has accelerated its drive to attract investment by intensifying the exploitation of the working class and the rural toilers. Its farm laws were passed in conjunction with a labour law "reform" that illegalizes most worker job action, promotes precarious contract-labour employment, and empowers large corporations to lay off workers at will.

India's Supreme Court has aided and abetted the BJP

government at virtually every turn. It facilitated Modi's August 2019 constitutional coup against Kashmir and, bowing to a decades-long campaign of communal violence and intimidation mounted by the BJP and its Hindu supremacist allies, ordered the building of a temple to the Hindu god Lord Ram on the site of the razed *Babri Masjid* (mosque).

In hearings Monday and Tuesday on the farmers' agitation, a bench of the court led by Chief Justice Sharad A. Bobde made a show of rapping the government's knuckles for failing to find a means of addressing the farmers' concerns, and postured as a defender of farmers' right to protest. Speaking to farmers' fears that contract farming, the undermining and eventual scrapping of the Minimum Support Price (MSP) system, and other pro-market reforms will destroy their livelihoods, Chief Justice Bobde declaimed, "We will protect the farmers' lands."

The court's aim with all of this bluster was to try to assist the BJP government in its maneuvers to force through its pro-agribusiness reform in the face of mass and determined resistance from the farmers, and mounting social opposition. The Nov. 26 launch of the farmers' Delhi *Chalo* ("Let's go to Delhi") agitation was timed to coincide with a one-day general strike that was joined by tens of millions of workers across India to protest the Modi government's pro-investor "reforms," and to demand emergency aid for the hundreds of millions whose jobs or wages have been slashed during the pandemic.

The ruling class' greatest fear is that the farmers' agitation will become the catalyst for an independent movement of the working class.

The Supreme Court ruling is aimed at ensnaring the farmers in a phony mediation process that is rigged against them, while laying the legal and political framework for illegalizing the protest if it is not shifted to an alternate site or sites, where it can no longer disrupt transport in and around Delhi.

Take the composition of the "expert panel." As the *Wire* news website noted, "The four members of the SC's committee will be celebrated pro-market agricultural economist Ashok Gulati and Pramod Kumar Joshi, along with Anil Ghanwat of Shetkari Sanghatana farmers' union and Bhupinder Singh Mann, leader of one of the factions of the Bharatiya Kisan (Indian Peasant)

Union. Both Ghanwat and Mann have always supported private, corporate-led markets in agricultural trade—which the new farm laws seek to introduce institutionally.”

In a clear warning to the farmers to collaborate with the “expert” committee, Chief Justice S.A. Bobde said Tuesday: “There is no power on earth which can prevent us from forming the independent committee. ... There is a difference between politics and judiciary. You will have to cooperate.”

He also went on to make clear that the suspension of the laws is only temporary; and, echoing the government’s stance, insisted that the farmers must make specific criticisms of the laws and propositions to amend them, not simply demand their repeal. “We are willing to suspend the laws,” said the Chief Justice, “but not indefinitely and without any activity on the ground. We want to hear you tell the committee which part of the law needs to be changed, etc.”

Thus far, the organizations that have led the now-51-day protest have balked at the court’s demands and reiterated their call for the three laws to be repealed and for legal guarantees that the MSP system will be maintained.

“We understand that this committee is a government ploy,” said Balbir Singh Rajewal, a Punjab farm leader. “It is only meant to divert attention from the protest, and to reduce the pressure on the government.”

While feigning concern for the farmers, India’s Supreme Court is preparing the terrain for state repression of the agitation.

On Tuesday it announced it was granting the Delhi Police’s request for a hearing to seek a court order barring the farmers from mounting a tractor procession in the capital during India’s annual Jan. 26 Republic Day celebrations. In their application, the Delhi Police, who are under the direct control of Amit Shah, India’s Home Minister and Modi’s chief henchman, asserted that the right to protest can never include “malining the nation globally.”

The Court also said that if the farmers were ever to be allowed to protest in Delhi, the police must have full discretion to determine where and to specify the “number” of protesters who would be allowed to “enter” the city “unarmed.” This is an endorsement of the mass repression the government mounted on Nov. 26-27, when it deployed thousands of police and paramilitaries, water cannon and tear gas to prevent the farmers from entering Delhi, and then proposed that they stage their protest on a fairground far from the city center and seat of government. The farmers rightly rejected this as akin to imprisonment.

The Court clearly hopes that through a combination of phony “concessions” and threats it can ultimately get the current “disruptive” encampments on the Delhi’s border dismantled in exchange for allowing a limited number of farmers and their supporters to stage a symbolic protest somewhere in the National Capital Territory.

“Once the laws are stayed,” said Chief Justice Bobde, “it

needs to be seen if the protesters can be removed from the present site.”

But using language that speaks to the explosiveness of the situation and the calculations behind the court’s intervention, the Chief Justice voiced fears that an ill-prepared attempt to shut down the protest could end in “bloodshed.” “We don’t want blood on our hands,” he declared.

As the head of a key state institution charged with defending one of the world’s most unequal capitalist societies, Justice Bobde is not squeamish about suffering and violence. The concern of India’s highest court is that a violent clash with the farmers could ignite a mass movement against the BJP government and capitalist rule.

In the midst of this major crisis, the foulest role is being played by the Stalinist parliamentary parties, the Communist Party of India (Marxist) and the Communist Party of India, and their affiliated trade unions. While mouthing words of support for the farmers, they are doing all they can to keep the working class on the sidelines, and to politically subordinate the swelling opposition to Modi and his BJP to the Congress Party, until recently the ruling class’ preferred party of government, and various right-wing regional and caste-based parties.

As a statement posted by the *World Socialist Web Site*, “The Indian farmers’ agitation and the socialist strategy of the working class,” explained: “It is imperative that the working class intervene in this crisis as an independent force. ... Indian workers (must) assert their industrial and independent political power and rally the rural masses, above all the agricultural workers and landless farmers, under their leadership and on the basis of a socialist program, to fight the Modi government and bourgeois rule.

“The working class must be mobilised in a political general strike to bring down the Modi government. The huge growth in social struggles over the past year—including the mass protests against the anti-Muslim Citizenship Amendment Act, the participation of tens of millions in the Jan. 8 and Nov. 26 one-day all-India protest strikes, and the current wave of strikes and struggles against speed-up and wage cuts and for COVID-19 personal protective equipment—demonstrates the enormous potential for a working class-led offensive.

“The Modi government must not be allowed to succeed in its schemes to isolate, wear down, and split the farmers, all the while preparing to forcibly evict them.”



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