

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

W.P.(C) NO. 1118 OF 2020

IN THE MATTER OF :

RAKESH VAISHNAV & OTHERS ... PETITIONERS

VERSUS

UNION OF INDIA & OTHERS ... RESPONDENTS

WITH:

W.P.(C) No. 1152 OF 2020

W.P.(C) No. 1174 OF 2020

W.P.(C) No. 1168 OF 2020

W.P.(C) No. 1165 OF 2020

**PRELIMINARY AFFIDAVIT ON BEHALF OF
THE UNION OF INDIA**

Government of

India, do hereby solemnly affirm and state as follows:

1. That in my official capacity I am acquainted with the facts of these cases, I have perused the record and am competent and authorized to swear this affidavit on behalf of the Union of India.

2. I state and submit that I am filing this preliminary affidavit in reply as is necessary for the purpose of bringing some unquestionable facts before this Hon'ble Court. It is submitted that the present affidavit is necessary for the purpose of dispelling the erroneous notion that the protestors have peddled that the Central Government and the Parliament never had any consultative process or examination of issues by any Committee before passing of the laws in question. I reserve liberty to file a further and a detailed affidavit hereinafter on this aspect and also on other aspects as and when I am so advised.

3. I respectfully submit that during the course of hearing today also i.e. on 11.01.2021, an impression was created that the Acts in question is passed hurriedly without undergoing any process. I am filing this Reply only for the limited purpose as aforesaid and also to place for consideration of this Hon'ble Court the serious, sincere and constructive efforts made by the Central Government to engage with the limited number of protesting farmers who are opposing the Act.

As submitted during the course of hearing, the Acts in question are applicable throughout the country. The agitation being limited to only one place out of the whole country is witness to the fact that majority of farmers are not only happy with the legislations but are finding these legislations to be progressive and in their interest as substantially they are having one more option than the existing option.

The agitation by / in the name of some of the farmers may, therefore, not be treated as reflection on the validity of the law or its efficacy and usefulness for the framers community

4. That, the Agricultural markets in most parts of the Country are, at present, established and regulated under the State Agricultural Produce Market Committees (APMCs) Acts. These Acts laid down establishment of market-yards. The entire geographical area of the States has been divided into numerous notified market areas, and Agricultural Produce Market Committees (APMCs) have been constituted under these Acts to administer and enforce regulation of marketing of notified agricultural produce in the market-yard and in the notified market area assigned to it.

5. Before advertng to the history and efforts made for re-conciliation, it is necessary to point out that in and around the National Capital Region territory, ***seven roads are fully blocked by the protestors and***

separately, four roads are partially blocked [one side blocked] by the protestors.

6. It is submitted that despite the above referred efforts, the following routes leading to NCR territory of Delhi are fully blocked:

- a. Palla check Post
- b. Singhu Border – NH 1
- c. Tikri Border – NH 10
- d. Dhansa Border
- e. Sakoli Border
- f. Jai Singhpur Khera [along the highway] – NH 48
- g. Atohan Palwal [along the Highway] – NH 2

The following entry points into the NCR Delhi are partly blocked:

- a. Ghazipur Border – NH 24
- b. Chilla Border
- c. AMSani Cut to Jaipur – NH 48
- d. Shargwadi NH48

7. It is submitted that the Republic day function on 26.1.2021 each year has its own constitutional as well as historical significance. The 26th January Republic Day ceremony is not an isolated standalone ceremony rather a grand rehearsal takes place on 23rd January where everything which is to happen on 26th January of each year is rehearsed.

8. On 28th January, 2021, there is a ceremonial function called NCC Rally attended by constitutional functionaries and large population of citizens. The republic day function and on 29th January [each year], a function called “*Beating the Retreat*” and ultimately completes on 30th January with the observation of “Martyrs Day” and ceremonial functions associated therewith. Any disruption or obstruction in the said functions

would not only be against the law and order, public order, public interest but would also be a huge embarrassment for the nation.

STEPS TAKEN PRIOR TO THE LEGISLATIONS

9. That, it was noticed that the globalization of economy and consolidation of economic activities in the various sectors at the national level, fragmented agriculture trade supply chain has become one of the major impediments to the growth of agro-sector and farmers' economic well-being in the country.

Furthermore, to keep pace with vibrancy and dynamically changing agri-trade, agri-economy, e-commerce and export and also to meet the rising expectations of farmers of the nation with reasonable marketing cost, country needs an accessible, competitive, transparent marketing system with adequately equipped robust market structure. The existing State marketing laws really do not permit to flourish the agricultural produce trade and legally support farmers to realize remunerative prices for their produce in transparent manner. This warranted for reforms in States' agricultural marketing laws.

10. It is submitted that the need for reforms in agriculture marketing sector was felt and conceived in late nineties after kick-start of economic liberalization in the beginning of nineties so as to ensure better and competitive price realisation to the farmers and encourage capital formation in the sector.

It is submitted that Ministry of Agriculture, thus, appointed an *Expert Committee on December, 2000 under the Chairmanship of Shri Shankarlal Guru*, to review the present system of agricultural

marketing in the country and to recommend measures to make the system more efficient and competitive. The Committee submitted its final report to the Government on June, 2001, suggesting various Legislative Reforms. Further, with a view to examine the findings and recommendations of the Expert Committee and to suggest measures to implement them, *the “Inter-Ministerial Task Force” constituted on July, 2001 by the Ministry of Agriculture submitted its report on Agricultural Marketing Reforms on June, 2002* to the Union Agriculture Minister. I crave leave to place these documents on record.

11. It is submitted that Central Government accepted the report for its implementation. It had recommended several legislative reforms in the State APMC Acts and the Essential Commodities Act to remove restrictive provisions impeding development of an efficient and competitive marketing system, for promotion of direct marketing, for encouraging contract farming and for rationalization of market fee/tax structure. It also suggested deregulation of the marketing system to promote investment in market infrastructure, motivating corporate sector to undertake direct marketing and to facilitate a national integrated market.

12. It is submitted that *Ministry of Agriculture, Govt. of India formulated a Model APMC Act, 2003 and Rules, 2007* on agricultural marketing in consultation with the States and circulated same to the States/UTs for their adoption. However, it was noticed the adoption of Model APMC Act 2003 by State/UTs was of varied degree and slow. With a view to persuade the various States/UTs to implement the reforms in agriculture marketing through adoption of Model APMC Act and Rules and to suggest further reforms necessary to provide a barrier free National Market for benefit of farmers and consumers, Govt. of India, Ministry of

Agriculture constituted an *Empowered Committee of 10 State Ministers in-charge of Agriculture Marketing in 2010*. The *Committee submitted its report in 2013 which was circulated to all the States for its adoption* and after getting the responses from the State Government the committee recommended for barrier free markets. It is submitted that the said *Empowered Committee has also specifically consulted farmers from various States and regions* and therefore, the assertion of the Petitioners that the stakeholders have not been consulted has no basis in fact whatsoever.

13. It is submitted that the *Working Group of Agriculture Production constituted by Ministry of Agriculture on May, 2010 under the Chairmanship of the then Chief Minister Haryana*, with the then Chief Ministers of Punjab, West Bengal and Bihar as members also in its report gave their recommendations that the *market for agricultural produce must be immediately freed of all sorts of restrictions on movement, trading, stocking, finance, exports etc.*

It is submitted that the said Committee recommended that no monopoly, including that of APMCs or corporate licensees, should be allowed to restrict the market. The use of Essential commodities (EC) Act should be made only in times of emergency and it must be decided in consultation with State governments.

14. It is submitted that the *Government of India had further formulated a progressive, more liberal, farmers friendly and facilitative Model Act "The State Agriculture Produce and Livestock Marketing (Facilitation & Development) Act, 2017 and circulated the same to all the States for its adoption*. This Model Act provide for geographically restriction-free trade transaction of agricultural produce

including livestock across the State/Union Territory (UT) and country; to give freedom to the agriculturists to sell their produce across time and space; to enhance transparency in trade operations and price settlement mechanism through adoption of electronic and other innovative form of technology; to promote emergence of multiple channels for competitive marketing, agri-processing and agricultural export ; to encourage investments in development of markets and marketing infrastructure in the State/UT.

15. It is submitted that under the system prior to new regime, Farmers under State APMC Acts are bound to sell the scheduled agricultural produce to the limited number of traders licensed under the said Act and that too in distantly located specified place (market-yards). This peculiar situation limits the freedom of choice to the farmers for selling of their produce, competition, fairness resulting into less price realization to them. It is also stated and submitted that as part of doubling farmers' income, Government of India has taken multipronged initiatives and another one of them is formulation of Model Act “ the Agricultural Produce and Livestock Contract Farming and Services (Promotion and Facilitation) Act, 2018”. The Model Act, 2018 aimed to mitigate the market and price risk of farmers on one hand and to supply quality inputs , production technology, services to the farmers to enhance per unit cost efficient productivity so as to improve farmers' net income.

16. It is submitted that most importantly, on 21st May, 2020, a meeting was held by Department of Agriculture, Cooperation and Farmers' Welfare, with the officials of States/UTs, which was attended by 13 states/UTs, to obtain feedback on new legal framework facilitating barrier free inter-state

and intra-state trade in agriculture produce to provide choice to farmer. As prepared by the Government of India.

17. It is submitted that *Government of India has been, thus, actively and intensively engaging with the States for about two decades to achieve the aforesaid objectives of reforms* to provide accessible and barrier free market system for better price realization but states either showed reluctance to adopt the reforms in true spirit or made partial or cosmetic reforms.

18. It is submitted that during COVID 19 lockdown, there is utmost need to allow free direct marketing outside the mandis as this shall not only facilitate the farmers in selling their produce near to farm gate at remunerative prices but also decongest mandis. Ministry of Agriculture vide letter dated 04.04.2020 had requested States/ UTs to facilitate the process of direct marketing for farmers/group of farmers, FPOs and Cooperatives by limiting the regulation under State APMC Act to within physical premises of the notified markets only, while allowing the direct buying facility by bulk buyers/ processors/ big retailers etc outside mandi premises with minimum or without requirement of any Licensing or Registration process or as decided by States/UTs. However, only few States/ UTs viz Tamil Nadu, Uttar Pradesh, Karnataka, Uttarakhand & Madhya Pradesh had taken the measures to facilitate farmers in selling their produce easily during COVID-19 restrictions. It is submitted that specifically during the COVID-19 pandemic period, realizing the immediate need to further facilitate farmers in selling their produce, 6 states (State of Goa, Tripura, Meghalaya, Tamil Nadu, Uttar Pradesh and Uttarakhand) through Ordinance/ Bill route deregulated marketing of fruits & vegetables (direct marketing for F&V) as recommended by Model APLM Act, 2017.

19. It is submitted that given the spread of COVID-19 pandemic, resulting in lower demand, the situation has necessitated the need for expanding market for farmers beyond State boundaries through a facilitative legal framework through promotion of inter-State trade, while stimulating intra-State trade in market area outside market yards and sub-yards and also to take other measures to improve the income by assuring market and price, creating demand and encouraging investment.

While there has been long felt need to provide barrier free trade to facilitate farmers in providing liberalized eco-system in selling their produce at better price anytime anywhere, COVID-19 situation of demand suppression and logistics and supply chain breakdown only accentuated the need to liberalize the ecosystem by reducing licensing barrier through a legal facilitative eco-system to improve intra-state and inter-state trade of agriculture produce to enable farmers to sale his produce at a better price by increasing number of prospective buyers. As COVID-19 situation may have a prolonged effect globally on demand side, hence , it became necessary and expedient for the Union Government to promulgate Farm Reform Ordinances, namely, (i) “the Farmers Produce Trade and Commerce (Promotion and facilitation) Ordinance, 2020” (Ord 10 of 2022); (ii) “the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Ordinance (Ord 11 of 2022)”; and (iii) “the Essential Commodities (Amendment) Ordinance, 2020 (Ord 8 of 2020)”. The aforesaid Ordinances have been replaced by Acts of Parliament, namely (i) “The Farmers’ Produce Trade and Commerce (Promotion and facilitation) Act, 2020” (No. 21 of 2020), hereinafter called FPTC Act; (ii) “the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 (No. 20 of 2020), hereinafter called

Farming Agreement Act; and (iii) “the Essential Commodities (Amendment) Act, 2020 (No. 22 of 2020)”, hereinafter called EC (Amendment) Act. It is submitted that all the three aforesaid Acts have been notified on 27.09.2020 in the official gazette.

20. The above referred process would show that there had been an elaborate consultative process and procurement of views of various programs faces by the farmers through the committees and no hurried decision is taken. It is submitted that this is without prejudice to the constitutional submission that lack of such an exercise would be or can be a ground for invalidating an otherwise a valid piece of legislation.

EFFORTS FOR AN EFFECTIVE DIALOGUE TO REMOVE ANY MISGIVINGS

21. It is submitted that as a responsible Government, it has taken all conceivable steps to ensure that specific grievances of some farmers who are agitating are discussed and sorted out so far as possible. It is submitted that the Acts have received wide acceptance throughout the country and, therefore, some farmers and others objecting to the law had put a condition of its repeal, is neither justifiable nor acceptable.

With a view to satisfy this Hon'ble Court that sincere and possible attempts are made to engage a constructive dialogue with agitators, I beg to place the following facts.

22. That, some of the of farmers and their Unions have been agitating against farmers' friendly newly enacted Farm Reform Laws based on apprehensions, misgivings and misconceptions created by some vested interest people, which have moved from Punjab to in and around Delhi . It is submitted that Union Government is committed for the socio-economic

empowerment of the farmers through better market and price for their produce. Keeping the above objective in mind, the Union Government enacted Farm Reform Acts to provide additional trade channels and freedom of choice to farmers and traders to buy and sell in trade area outside the physical boundaries of notified markets and deemed markets.

23. That, in order to appreciate the concern of the agitating farmers and their Unions by removing their apprehensions and misconceptions, Union Government has been actively and constantly engaged with the agitating farmers by undertaking extensive efforts on activities through webinars, online conferences, workshops, teleconferencing, social media, print media, electronic media etc. and also by holding meaningful dialogues with them with open mind and good intention.

24. That, Govt. of India vide email dated 06th October, 2020, invited Farmers' Unions' representatives for dialogue on 08th October, 2020 in Krishi Bhawan. However no formal reply of accepting the invitation was received from farmers' unions though they received it.

25. That, Govt. of India, vide their letter dated 10th October, 2020, invited farmers 'Unions representatives for dialogue on 14th October, 2020 at Krishi Bhawan, New Delhi, wherein, it was explained to the participating representatives of Farmers' Unions that this meeting is to set up the agenda for wider discussions and to clarify their all doubts. The participating representatives refused to discuss the provisions of enactments and instead chose to submit a petition and a memorandum. There stand was "either you repeal the laws or no discussion would be made".

26. That, Continuing the efforts further, the Union Agriculture Minister invited leaders and representatives of agitating Farmers' Unions for

holding further 2nd round of dialogues on 13th November, 2020 at Vigyan Bhawan, New Delhi to resolve the issue and to ensure smooth supplies of goods and unhindered public transport movement which is having an adverse impact on the innocent citizens. During the discussion, the Union Agriculture Minister affirmed the commitment of the Union Government for welfare and socio-economic development of the farmers and stated that to achieve the objectives, Union Government has implemented various facilitative and progressive policies and programmes / schemes like income supplement through PM-KISAN, formation and promotion of FPOs with budgetary support of more than Rs. 6800 crore. Apart from above, the ***Central Government also implemented the recommendation of Swaminathan Report by increasing the MSP one and half times of the weighted average cost of production with bumper procurement at MSP.*** The Union Agriculture Minister had clarified apprehensions of agitating farmers unions on continuance of Government procurement system and operation of APMCs and bring more clarity in the mind of farmers how the Farm Laws are beneficial to them, intended to make presentation and discuss clause-wise. Thereafter, the Union Agriculture Minister requested representatives of Farmers' Unions to put forth their opinion openly and unhesitantly so as to dispel the misconceptions, if any, to resolve the issues, as Government is open for discussion to sort out all the issues relating to farmers being farmers' friendly Government. In response, representatives of Farmers' Unions demanded for (i) repeal of aforesaid three Farm Reform Acts; (ii) making their procurement statutory at MSP.

27. That, continuing the efforts furthermore, the Union Agriculture Minister invited agitating Farmers' Unions for holding 3rd round of

dialogue on 1st December, 2020 at Vigyan Bhawan, New Delhi. Union Agriculture Minister appealed that children and elders especially women's should be allowed to go home in view of the cold and COVID. The Union Agriculture Minister requested them for discussion on farm laws with detailed presentation clause by clause and also explained constitutional validity of the Acts. Union Agriculture Minister reiterated that clause by clause discussion will definitely go in the direction of resolving the issues – if spelt out by the representatives. Farmers' Unions again did not accept clause by clause discussion. Hereafter, in the very interest of resolving the dispute, the Union Minister of Agriculture proposed to constitute a small group consisting of representative of farmers' unions, officers of central government & state governments and also experts, which can deliberate on Farm Laws clause-wise in time bound manner and can also consider other issues related to farmers, which representatives of farmers union again did not accept. The Union Agriculture Minister also requested representatives of farmers unions that they should discuss every provision of the Acts among themselves and if they feel that any provision of the Act is not in the interest of the farmers then share the same with the Government for consideration.

On the suggestion of the Government, the representative of farmers Union told that they will go and conduct meeting in their camp and decide what they have to keep in front of the Government. They also informed that they are not going to commit anything here. Based on this, the Union Agriculture Minister requested that next meeting be held again on 03rd December, 2020 and meanwhile if consensus has been amongst the farmers unions for making small group for talk or else everyone present in the meeting would be invited for the next meeting.

28. The 4th meeting between the Union Government and the agitating Farmers' Unions was held on 3rd December, 2020 at Vigyan Bhawan, New Delhi. The representatives of Farmers' Unions again questioned the constitutional validity and tried to explain that the Farm Reform Acts are unconstitutional, as Entry 33 of List -III (concurrent list), relates to trade and commerce; while agriculture and agriculture marketing under Entries 14 and 28 respectively are the subject matter of States. The representatives of the Farmers' Unions reiterated that aforesaid Farm Reform Acts are unconstitutional; hence Union Government should withdraw these laws. The Union Government explained the constitutional scheme and competency of the Parliament to enact aforesaid laws to the level of satisfaction of representatives of Farmers' Unions. Union Government explained the details of the farm Acts benefits to farmers and constitutional validity while proposing for the point wise discussion on the representations submitted by the agitating Farmers Union, which were not accepted by the representative farmers union.

29. It is submitted that responding to the question of consultation with the farmers before and during enactment of these laws, Union Government explained that these laws were not enacted overnight but were the result of suggestions by various experts and recommendations by varied Committees/Groups over the last 20 years and stated that these laws have been enacted keeping the interest of entire farmers, more so of small and marginal ones, across the country. Hereafter, Union Government explained the provisions of the Trade and Commerce Act and Farming Agreement Act, and also the EC (Amendment) Act, about which the farmers had misconceptions. The Section 14(7) and Section 15 of the Farming Agreement Act were explained and clarified that contract is to be

made for farmer's produce only and not for land; and their agricultural land will remain with them under all circumstances. Further, no recoveries can be made against their agricultural land. Hence, the issue of taking the land by anyone does not arise. Government further clarified that sufficient provisions in the Farmers' Produce Trade and Commerce Act do exist to safeguard the interest of farmers and Act itself provides for robust information and intelligence system, immediate payment to the farmer and maximum within three working days, if procedurally so required, deterring penal provisions of upto Rs. 5.00 lakh to prevent any cheating to the farmers and violation of any of the provisions of the Act. As far as, dispute resolution is concerned, a quick, economical and accessible mechanism through conciliation board appointed by SDM is provided, failing which the Sub-Divisional Authority will resolve the dispute. Responding to the clarifications and explanations, representatives of Farmers' Unions continued obstinately demanding to repeal all the three Farm Reform Laws without any justification and explanation. At the conclusion of the meeting, Union Agriculture Minister summarized the specific issues for consideration were

- (i) APMCs must be strengthened instead of weakening them due to new Farm Acts and there should be level playing field between APMCs, and trade area ;
- (ii) procurement at MSP is to be continued;
- (iii) dispute resolution at SDM level is open for discussion for providing alternate dispute resolution through Civil Courts;
- (iv) bring transparency in transaction in trade area through registration process;

(v) ensuring strengthening land protection for farmers in contract farming ;

(vi) ensuring protection of farmers in contract framing by registration of contract farming sponsors.

Union Agriculture Minister thanked the Farmers organizations for flagging their concerns and assured them that the dialogue will continue on the issue in the next meeting.

30. It is submitted that continuing the efforts further to resolve the issue, Union Government held 5th round of dialogue with agitating Farmers` Unions on 5th December, 2020 at Vigyan Bhawan, New Delhi. Starting the discussion, Union Agriculture Minister presented the specific issues for dialogue as decided in the previous meeting i.e. (i) weakening of APMC on promulgation of new Act; (ii) all disputes settlement through SDM being close to farmers; (iii) registration of Traders rather than trade on the basis of PAN cards; (iv) loss of immovable property (Farm). In the meeting, representatives of Farmers` Unions came with pre-occupied mind and instead of discussing, arguing and resolving the dispute rationally relating to issues listed in 4th meeting held on 03-12-2020, they raised placards with "YES or NO" to repeal the stated three Farm Reform Laws. Farmers` Unions reiterated that they have already submitted their Memorandum of Demands to the Government for Repealing of three Acts promulgated by the Government of India and Act to Guarantee of MSP. The Farmers` Unions were continuously insisting to act the Government on the above mentioned demands and were not ready for any further talks.

On the issue of taking the action on petition and memo submitted by Farmers` Union in 1st and 2nd meetings. The Union Government responded that it will take appropriate decisions on the issue - wise

demand raised by them in consultation with the State Governments and other related Ministries/departments to protect the interest of the farmers. The meeting could not be held meaningfully and ended with no result. The Union Minister expressed concern for continuance of agitation and proposed to hold dialogue with open mind in the interest of farmers, Country and inconvenience being caused to the citizens of the country in and around Delhi. Union Agriculture Minister again appealed that children and elders should be allowed to go home in view of the cold and COVID. It was unanimously decided to hold the sixth round of discussions on 09.12.2020 at Vigyan Bhavan to resolve the issues with mutual consent, while emphasizing on holding continuous meeting to resolve the issue.

31. That, in the meantime giving top priority to the interest of farmers, a meeting was urgently organized between High Powered Committed chaired by Union Home Minister and representatives of Farmers' Unions on 8th of December, 2020 at Pusa, New Delhi, wherein, it was decided that Union Government, based on issues raised by Farmers' Unions, will send a written proposal to hold further and conclusive dialogue.

32. That, as decided in the meeting on 8th December, 2020, Government vide letter dated 09th December, 2020 addressed to Farmer Unions, explained the detailed proposal for meaningful dialogue and settle the issues viz. Provision for Registration of private mandis and levy of fee by State Government as applicable in APMC mandi, Registration of the trader by State Government, Option for going to the Civil court, registration of agreements by State Governments, Written assurance regarding procurement system of MSP, No change in the present system of payment of electricity bills of farmers and issue related to the provision of burning of straw under the Air Quality Management of NCR Ordinance, 2020. A copy

of the letter from the Joint Secretary of the Ministry of Agriculture is attached herewith and marked as **Annexure R – 1**.

It is submitted that the said letter dated 09.12.2020 was accompanied with a detailed presentation, which explained point by point, how the concerns expressed by the farmers at that stage, were being taken care of in the proposal of the government of India. A copy of the said presentation [originally in Hindi – translated for this Hon'ble Court] is attached herewith and marked as **Annexure R – 2**.

33. It is submitted that the representative of Farmers union vide their email dated 16th December, 2020, rejected the aforesaid proposal of Government without citing the reasons for rejection. It is submitted that the Union Agriculture Minister on 17th December, 2020 wrote an open letter to the farmers, wherein, in addition to addressing the myths and facts relating to three Farm laws, it was categorically explained why these farm Laws have been enacted and how they will create an ecosystem for development of a barrier free supply chain with multiple marketing / trade channels and freedom of choices to the farmers to sell their produce to the buyer and through the channel offering the better price. Meanwhile, another letter dated 20th December, 2020 from Government written to the Farmers Union thereby requested the representative of Farmers union to again discuss the proposal of Government amongst all the representatives of farmers union who attended the meetings and communicate the issues if any, to Government. Government also invited Farmers union for discussion as per their convenience.

34. That, it is evident that Union Government has been sincerely and tirelessly endeavoring to resolve the deadlock in the interest of farmers and the country as well. It is submitted that continuing the intense and all out

efforts, Union Government invited again on 24th December, 2020 to the agitating farmers to hold discussion, wherein issues being raised by Farmers` Unions, discussions so far held, facts about the Farm Laws and the roadmap to resolve the issue were highlighted. Accordingly, the meeting was held on 30th December, 2020.

35. It is submitted that during these efforts, the Central Government also faced embarrassing moments. It may not be out of place to mention that the representatives, at times, either came with the placards of “yes” and “no” [for repeal of the laws] and did not discuss anything. On some occasions the farmers said that they shall remain silent and not speak during the discussions as they only wanted repeal of the laws and no discussions.

36. That, the Union Government accepting the proposal of Farmers` Unions has formally invited them for the meeting to be held on 30.12.2020 at Vigyan Bhawan, New Delhi to discuss the issues, with open mind and good intention, relating to three Farm Laws, procurement at MSP, Keeping farmers outside the penalty provision on straw burning under Air Quality Management in National capital region and adjoining areas Ordinance, 2020 and Changes in the proposed Electricity amendment Bill. After discussions, Government agreed in principle to the suggestions of farmers` unions regarding keeping farmers outside the criminal penalty provision on straw burning under Air Quality Management in National capital region and adjoining areas Ordinance, 2020 and Changes in the proposed Electricity amendment Bill. The Union Agriculture Minister assured the farmers that Government has an open mind and is willing to resolve all issues with clear intentions.

37. The 7th round of meeting was held with the Farmers' Unions on 4th January, 2021 at Vigyan Bhawan, New Delhi. The Union Agriculture Minister requested the Farmers Union to discuss clause by clause the Farm Acts in order to resolve the concerned issues bothering farmers. However, Farmer Unions never agreed to discuss the farm Acts excepting for demanding their repeal in this meeting no consensus has been arrived on the issues raised by the Farmers' Union and it was decided to continue with the talks on 8th January, 2021 to find out an amicable solution. In the meeting of 8th January 2021 again the famers groups reiterated the demand of repeal and did not agree to discuss on the merits of the enactments in the interest of the farmers at large. It is submitted that, with mutual consent, the talks are now slated for 15.01.2021.

38. That the facts stated in this affidavit are true and correct to my knowledge based on record maintained by the office of the deponent.

39. The above referred Affidavit is filed only to remove a deliberate wrong perception created systematically by non-farmer elements present at the protest site and using media / social media and to apprise this Hon'ble Court with true facts.

40. The above facts would satisfy this Hon'ble Court that –

- (i) the legislations are not hurriedly made but is a result of two decades of deliberations;
- (ii) the farmers of the nation are happy as they are given an additional option over and above the existing and, therefore, no vested right is taken away.
- (iii) The Central Government has done its best to engage with the farmers to remove any misapprehensions or misgivings in the minds of the farmers and no efforts have been found lacking.

41. It is submitted that since this Affidavit is being prepared and filed hurriedly immediately after the conclusion of hearing on 11.1.2021, it may not be possible to file any further details. I crave leave of this Hon'ble Court to supplement this Affidavit hereinafter as and when so advised.

DEPONENT

VERIFICATION:

Verified at new Delhi on this 11th day of January, 2021, that the contents of above affidavit are true and correct to my knowledge derived from the official records and that no part of it is false and nothing has been concealed there from.

DEPONENT

Through:

ADVOCATE FOR RESPONDENT NO. 1
RAJ BAHADUR YADAV

Place: New Delhi

Date: Jan, 2021