



**SIKH HUMAN RIGHTS GROUP**  
NGO with special consultative status at UN ECOSOC  
E-mail: [admin@shrg.net](mailto:admin@shrg.net) web site: [www.shrg.net](http://www.shrg.net)  
89 South Rd, Southall, UNITED KINGDOM, UB1 1SQ

14<sup>th</sup> December 2020

To

**The Special Rapporteur on Rights to Freedom of Peaceful Assembly and of Association**

Dear Mr Clément Nyaletsossi Voule,

Ref: Right of Indian Farmers to protest in danger  
Contravention of Articles, 10, 12 and 15 of United Nations Declaration on rights of Peasants 73/165 (UNDROP). Request for urgent expression of concern and action.

We wish to bring to your attention obstructions, heavy handedness and further possibility of violent suppression of legitimate protests against laws brought by the Indian Government that threaten the livelihoods of small farmers.

The protests first started in Punjab, India. They then spread to several states in India as farmers elsewhere realised the implications. As Prime Minister Narendra Modi refused to engage in dialogue, the protestors moved to Delhi, the capital city where Government sits.

On route they were met with water cannons, nail barriers, tear gas and even attempted baton charge. The determination of the farmers to persuade the Government to repeal the laws has inspired them to overcome all these obstacles.

There is now fear that the Army might be used as the number of farmers reaching Delhi has increased daily. It is estimated that between 80000 and hundred thousand farmers have now camped in Delhi, surrounded by Police and with Army on stand by.

The issue at stake is the enactment of laws introducing free market forces in the small farms sector, which is a protected sector almost everywhere in the world. These laws, called the Three Farmer Bills, will erode the fragile protection afforded to India's small farmers. The laws were brought in without consultation with farmers. This contravenes the UN Declaration on Rights of Peasants adopted in 2018. The current Government enjoys a large majority in Parliament. It refused to go through the normal stages of legislation, such as setting up a parliamentary working group, or permitting a proper debate in Parliament.

Currently small farmers in India only have few protections.

The Government sets an assured price, called minimum support price (MSP) for some 22 crops after considering costs, such as fertilisers, diesel for tractors, electricity etc...

In some states there are subregional markets with warehouses, so farmers don't have to go long distance to sell and deliver their produce.

The Farm laws have removed MSP without replacing it with any financial support to ensure small farms as an occupation carries on. The Government says that farmers can sell the crop in the open market at any price. This will push prices down as large trading houses take over



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from small traders. Farmers fear that they will go bankrupt and have to sell their land to the large trading houses.

Secondly the laws will remove the subregional markets. This will make it difficult for farmers to move their produce without fear of it rotting.

Both these contravene the protections and facilities that the UN Declaration on Rights of Peasants seeks to ensure small farming as a way of life continues.

The third violation of international norms that the Farm Laws have introduced is the denial of access to legal recourse in case of any dispute between farmers and the large mega trader. The Government has legislated that farmers cannot go to court but any dispute has to be referred to a designated Government Official. This removes any independent in the process of dispute resolution. Moreover corruption is widespread in India. 89% of Indians think corruption is rife. By removing access to independent judicial system, farmers fear they will be at the mercy of corrupt Government officers.

The farmers fear that they will be driven out of farming as an occupation and thrown to the unregulated employment sector. Only 10% of Indians work in the regulated employment.

The protests of the farmers is legitimate particularly as the Government has contravened a few international norms. The protests have been peaceful despite Government's attempts to introduce agent provocateurs and malign the protestors as secessionists, communists and politically motivated. We request you to remind the Government of India of the following:

- Everyone has the right to freedom of peaceful assembly and association; **Article 20 UDHR** (*the farmers are engaged in peaceful protest*)
- The right of peaceful assembly shall be recognised. No restrictions may be placed on the exercise of this right [by the Government, police, army or otherwise] other than those imposed on conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others; **Article 21 of the International Covenant on Civil and Political Rights (ICCPR)**. (*there is no evidence of any public safety, public order, public health issue or freedoms of others issue. The farmers have been courteous to police, people and officials despite Government attempts to tarnish them as anti-national*)
- Everyone has the right to freedom of opinion and expression. Which includes the freedom to hold opinions without undue interference and to seek, receive and impart information and ideas through any media and regardless of frontiers; **Article 19 UDHR**
- Civil Society Organisations, such as India's farmers associations, are an essential component for promotion of human rights, democracy and the rule of law. Therefore, States should maintain a safe and enabling environment in which CSOs can operate free from hindrance and insecurity; **UN HRC Resolution A/HRC/RES/24/5** (*Farmers have neither been consulted nor is their democratic right to protest being respected*)



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- All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, a States domestic law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status; **Article 26 ICCPR** (*We believe that removing access to courts in case of dispute over contracts is a denial of this fundamental right*)
- Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law; **Article 9 ICCPR** (*A few protestors who overcame water cannons and tear gas attacks, have now been held in charges that carry long sentences. There is fear that the Army might be brought in. This will lead to violence against peaceful protestors*)

We will willingly put you in contact with some of the farmer leaders. An expression of concern to the Government of India and a reminder to it on its obligations will give farmers a tremendous deal of hope and trust in the United Nations and its good intentions.

Kind Regards,

Mr Carlos Arbuthnott

Human Rights Officer and Project Coordinator

Sikh Human Rights Group

Telephone: 0044 7956212343