



ARTICLE 19 VIS-À-VIS RECENT FARMERS PROTEST

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ABSTRACT

Farmers are over-indebted, starving to death, and price-fixing mechanisms. These three rules, if combined, make the problem worse. In the absence of a guaranteed funding mechanism, legislatures have even failed to cite the most powerful MSP funding as a measure of value as a fundamental form of open agricultural trade and strengthening mandis. For years farmers have been demanding the official price of their product support from the government. The question is what is the basic level of that money that will be taken to double and what does it do? There is a need to restore the agitated confidence of the agricultural sector. For that to happen the Indian government needs to provide a warranty to keep the price line 100% above the cost associated with the inflation of the product to the main manufacturer and not allow any player to offer a price below that line to them. Only such a guarantee will ensure farmers' confidence in the system. We need to understand that if a country has to get out of its deepest economic crisis, the answer lies not in the urban economy or in the economy that emanates from the capital. The solid answer lies in restoring rural areas with dignity and respect. The country, it must be understood, cannot survive if the collapse of rural areas and the opportunities for such an event that takes place today can only be prevented by a policy response that is initiated with compassion and care.

Keywords: Article 19, Protest, Fundamental Rights.

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INTRODUCTION

With Mahatma Gandhi's lofty goals becoming more and more passing each day, India has become a world devoid of violence and disobedience. The government and farmers' representatives must work together to achieve an accord via talks, removing farmers' fears and reaching a mutually acceptable solution. Human rights had not been legalised in the Indian subcontinent till 75 years ago. That is why, after 1947, citizens were given Fundamental Rights to hold the government and the people responsible. The Indian Constitution provides the right to peaceful protest in addition to freedom of speech, expression, employment, and residency. Recently, through a tweet, the Office of the United Nations High Commissioner for Human Rights (OHCHR)¹ acknowledged the situation in India, saying that the right to peaceful assembly and freedom of speech must be protected both online and offline. As the farmer's demonstrations continue, some empathise with their goals, while others vehemently criticise them.

This isn't the first time the "Right to Protest" has been brought up. Several previous demonstrations resulted in many amendments to the constitution. Potti Sreeramulu, for example, embarked on a hunger strike during Andhra Pradesh's development in the early 1950s. Some experts view farmers' demonstrations in New Delhi as a right to demand what they want from the government, but others view them as a violent assault on a civilised society by obstructing roads and cars. The continuing demonstrations have had a significant impact on people's lives and caused chaos in cities and villages.

ARTICLE 19 & RECENT EVENTS

In reality, in the case of "Maneka Gandhi vs The Union of India (1978)," the Supreme Court held that all people should have the chance to partake in a democratic process that enables them to exercise their right to vote and engage in free and open public debate. From a legal standpoint, India's Constitution protects the right to peaceful dissent., which is emphatically secured under Article 19², although the word "protest" is not explicitly stated:

- Article 19 (1) (a): Freedom of Speech and Expressing Feelings.
- Article 19 (1) (b): The right to protest peacefully without arms.

¹ 'OHCHR | Home' (*Ohchr.org*, 2021) < <https://www.ohchr.org/EN/pages/home.aspx> > accessed 4 July 2021.

² The Constitution of India, 1950 (Ninety-seventh Amendment Act, 2011).

- Section 19 (1) (c): The right to form unions and unions.

These protections, however, only apply to peaceful demonstrations; any violence perpetrated in the name of the demonstration is deemed illegal. “Judgments like The event of Ramlila Maidan contrasted to Home Affairs Secretary, Union of India & Others, establish constitutional protections of lawful and nonviolent protests,” said the Supreme Court (2012). The top court ruled that people have an essential right to accumulate with peaceful protestors, which can't be made an away by lawful move or protest. In light of these rules, the kind of rebellion and activities are seen in India on January 26 at the Red Fort in Delhi was far from peaceful.” In reality, Article 51A (Fundamental Duties) says that all residents of India have a responsibility to safeguard public property, maintain the environment, and promote cultural diversity, among other things. While breaking these beliefs is not punishable, it is part of the code of behaviour that all Indians are supposed to observe. The Red Fort is a significant aspect of Indian history and has acted as a national meeting place for political leaders throughout the years.

Fundamental Rights are, in reality, imperfect and restricted, according to India's Constitution. People who are allowed full freedom without supervision will harm society. As a result, rights are subject to reasonable limitations. Article 19 (2), Part III of the Constitution of India, where the state of India may impose restrictions on the name of maintaining public stability and national security. The following are situations in which people can be limited:

1. When the friendly relations we share with the neighbouring country are threatened.
2. In the event of a breach of public order.
3. In the event of contempt of court.
4. When the sovereignty and integrity of India are threatened.

During "Railways Board Vs Niranjan Singh"³, the Supreme Court recognised the same limit and freedom to protest. According to the ruling, the protest and demonstration are not legitimate on the day of the trespass on someone else's land. As a result, all reasonable limitations are placed on the interests of Indian national security, cordial relations with other nations, and social order, according to the decision. It can't be careless. The "Chakka jam" in the National Capital on the 6th of this

³ Railways Board Vs Niranjan Singh, (1969) AIR 966.

month represented violence, given the history of farmer demonstrations in Delhi. The worldwide media has taken notice of the continuing demonstrations, with celebrities in India and overseas expressing similar sentiments. “Some of these interest groups have also attempted to mobilise foreign support against India,” the Ministry of Foreign Affairs said in a news statement earlier this month. Images of Mahatma Gandhi have been desecrated throughout the globe as a result of these fringes. This is having a severe impact on India and civilised societies across the world. As a result, any demonstration that encourages violence or incites people in any manner is unlawful and incompatible with the Indian status quo.

With Mahatma Gandhi's lofty goals becoming more and more passing each day, India has become a world devoid of violence and disobedience. The government and farmers' representatives must work together to achieve an accord via talks, removing farmers' fears and reaching a mutually acceptable solution. It has been a terrible year for humanity in the year 2020, with the Coronavirus spreading and murdering people, the globe being shut down, economic corruption, violations of immigrant labour rights, and many more catastrophes. However, we Indians have been protesting all year for various reasons; we began the year with a nationwide CAA-NRC protest, which ended a year of farmers challenging three new farm rules; not exclusively were these occasions when the world was shut and individuals everywhere on the world were secured up their homes, however, protests proceeded in India as medical caretakers and doctors. We can confidently state that 2020 was per year of showings in India and that each resident of our nation ought to know about this opportunity given by the Indian Constitution. In India, dissent has a long and great history. India was previously a British area, administered by Britishers for a very long time. The opportunity to serene dissent or assembly has mirrored the possibility of democracy from that point forward. Following the Constitution's appropriation, Article 19 (1) of the Indian Constitution got quite possibly the most critical provisions, ensuring all people of India's "basic freedom," what's more, Article 19 (1) (b) gives all individuals of India the option to peacefully amass with no weapons. The opportunity to peaceful dissent allows people to challenge and criticise government laws and practices via demonstrations, exploitation, and public meetings. Protests are an important part of everyone's social, political, economic, social, and cultural lives. In the whole democratic system, criticism by the opposition is of vital importance. Peaceful protests are a vital tool in the fight against dictatorships. In the case of *Ram Lila Maidan v. The Secretary of State for Home Affairs, Union of India*⁴, the

⁴ *Ram Lila Maidan v. The Secretary of State for Home Affairs, Union of India* (2012) 5 SCC 1.

Honorary High Court had decided that residents had a fundamental right to peacefully gather and dissent; “Freedom of speech, the right to assemble and demonstrate by holding dharnas and peaceful riots are fundamental elements of democracy. The people of a democratic country like us have the right to raise their voices against the decisions and actions of the Government or even to express their anger at the actions of the Government in any matter of social or national importance. Government must respect and promote the exercise of these rights. It must work on constitutional rights rather than changing them. ”

The right to protest is a key element of democracy in bringing about change and advancing the improvement of the country; it is the protected right of residents, and their ethical obligation to dissent treacherously. The viable exercise of the right to dissent guarantees the part of individuals as agents who are continually monitoring government action and ensuring fairness. In a democracy where the government did not respond furthermore, would not pay attention to them, it turned into the main weapon of individuals; this sets up the way that a quiet dissent is a fundamental right and a life saver for all democracies, in any case, there will be almost no responsibility for the current government, and all residents should trust that races will communicate their conflict with it. On account of *Anita Thakur & Ors. versus J & K and Ors*⁵ , Justice AK Sikri said that;

“One of the most popular aspects of Indian political life is the practice of expressing grievances through direct action or by peaceful protest. Organized, non-violent protests have been a major weapon in the liberation struggle, and the right to protest is now considered a fundamental right in the Constitution. ”

In India, we have recently seen tremendous civil unrest; yet, the demonstrations that have garnered the greatest support in the nation are those that have erupted in response to the passage of civil laws and agricultural rules. Thousands of people took to the streets towards the end of 2020, asking that the government rethink the Citizenship (Amendment) Act, 2019⁶; one surge of protests criticizing the new citizenship legislation swept throughout India, with protests spreading to over a dozen cities. The Shaheen Bagh Demonstration, a nonviolent demonstration organised by women, was the most popular protest in early 2020. The demonstration began on December 14, 2019, yet gathered traction during January 2020. The demonstrations, which drew crowds of up to 100,000 people, were one of the longest and greatest in current India. The demonstration occurred on GD Birla

⁵ *Anita Thakur & Ors. v. J&K & Ors*, (2016) SCC OnLine SC 814.

⁶ The Citizenship (Amendment) Act, 2019 (No. 47 of 2019).

Marg in the capital of our nation, and various endeavors had been made to put a stop to it by clearing barricades. The Delhi High Court panel, headed by Chief Justice DN Patel, originally denied protester's sufferings to be relocated. Attorney Amit Sahni then filed an application with the Honorable High Court, which supported the right to peaceful dissent, however, explained that public streets and public spots couldn't and would not endure endlessly. The right to dissent in a public region should be connected with the right of the overall population to walk uninhibitedly. Fundamental rights don't exist in segregation; the dissenter's right must be equal to the passenger's right, and the two must coexist.

In *Himat Lal K. Shah v. Commissioner of Police*⁷, Hon'ble High Court told that the right to have meetings in public places depended on - (a) the administration of the relevant authorities in respect of the time and location of the meeting; and (b) public request consideration. Also, in 2017 *Mazdoor Kisan Shakti Sangathan v. Union of India*⁸, the Honorable High Court reiterated the very policy and told that; "The court should have considered the control of the protests at the Jantar Mantar in New Delhi. To create a balance between the interests of the community and the right to protest, it instructed police officers to devise a system of limited use of protest space. It noted that each basic right, whether individual or class, does not exist in isolation and should be limited to that of its partners. "

History proves that declaring peace in the community is a sign of powerful democracy. India, the largest and most effective democracy, has become a centre of cultural expression that encompasses the right of residents to free speech; however, like any other right, the right to peaceful dissent accompanies certain limitations accommodated in Article 19 (2) of the Constitution of India⁹ or set up by the Apex Court. In *Railways Board v. Niranjan Singh*¹⁰, Court noted that; "This restriction indicates the right to protest/assembly does not apply to the right to access any property. All the restrictions are placed on the interests of the Indian monarchy and integrity, national security, friendly relations with foreign countries, social order and it is not inherently contradictory. Therefore, citizens must remember and perform their duties while exercising their rights."

⁷ *Himat Lal K. Shah v. Commissioner of Police*, (1973) AIR 1973 SC 87.

⁸ *Mazdoor Kisan Shakti Sangathan v. Union of India*, (2018) AIR 2018 SC 3476.

⁹ The Constitution of India, 1950(First Amendment Act, 1951).

¹⁰ *Railways Board v. Niranjan Singh*, (1969) AIR 1969 SC 966.

Farmers' protests are one of the recent expansions to the string of demonstrations. Farmers in various districts have been protesting at the Delhi border since the end of 2020, after the Parliament of India passed new farm laws, namely the Farmers' Agreement (Security and Safety Promotion) in the Assurance Price and Services Services Act, 2020; Farmers Make Trade and Commerce (Promotion and Promotion) Act, 2020; and Essential Commodity (Promotion and Promotion) Act, 2020. Farmers are opposing the repeal of all these regulations as well as the implementation of MSP (minimum selling price) because of the belief that implementing these rules would make them slaves of corporations.¹¹

CONCLUSION

A peaceful protest could be seen as a fundamental right and a life saver of democracy, as well as if it is not present, the majority rule framework can't work as expected, as the protests show an autonomous, vote based society in which the voice of an individual is heard. Accordingly, the right to peaceful dissent is key in a democratic nation and ought to be practiced where vital, and rather than sabotaging this fundamental right, the government should assist residents with practicing their fundamental right.

¹¹ India News and What protesting, 'Farm Bill 2020: What Is Farmers Bill And And Why Farmers Are Protesting | India News - Times Of India' (*The Times of India*, 2021) < <https://timesofindia.indiatimes.com/india/what-are-new-farm-laws-and-and-why-farmers-are-protesting/articleshow/79609234.cms> > accessed 4 July 2021.