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The Politics of Implementation: With Special Emphasis on Farm Laws

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Abstract

Farmers are seen as the backbone of the rural economy. Since Independence, various policies have been rolled out concerning the farmers and the status of our agrarian economy. The very recent Farm Bills of 2020 have evoked passionate resistance which makes us wonder why the farmers are protesting against bills that 'supposedly' promise them better life circumstances. The farmers' capacity to understand the reforms has been increasingly brought into question while fingers have been raised at the government for breaching the trust of the farmers. This paper attempts to answer crucial questions around this theme because farmers' protest is not new to the sphere of politics. For the same, the paper shall use the paradigm of the politics of implementation which has, largely, characterized the development and passing of farm bills over the course of Indian history in the post-Independence era.

Keywords: *Farm Bills, Agricultural Sector, Politics, Implementation*

1.0 Introduction

While the country endured a winter chill that laboured to make us quiver in our bones, a great many farmers assumed control of the streets of Delhi to jointly take a stand against the three controversial Farm Bills passed by the government in September of 2020. Over the decades, governments that have come to power and gone have all taken much pride in India's agrarian economy and the might of its farmers in bending over backwards in an endeavour to feed the nation. It is then a great disservice to our farmers that of all the rosy promises made to them, half have been forgotten and the other half fulfilled only to a disappointing extent. Farmers are the backbone of the Indian economy and yet, efforts towards their progress have been wilfully handicapped.

Since independence, policies have been rolled out concerning the farmers and the status of our agrarian economy. The policies pledge to rescue the farmers from the unending misery that is their 'normal'. But, one wonders if this were the circumstance, why haven't we done away with the problems that these policies aim to solve? Why do our eyes still witness the cloud of misery and uncertainty raining ruthlessly over the farmers? Why are the farmers still struggling and resisting? Raising these questions are voices that are politically silenced by the loud roar of thumping desks from the holy abode of politicians.

A policy is a blank book, inked by the colours of implementation. Policies continue to be launched with solid funding and a blueprint of their implementation, but what ensues from then on throws light on the administration's ineptitude at keeping politics at bay while bringing policies into action. The mingling of politics with welfare programs for citizens makes achieving policy goals a laughable prospect. As long as pursuing political agendas is of pre-eminence for parties, politics will be inextricably meshed with the process of policy implementation and the development of the society at large will remain a pipe dream.

2.0 Conceptual Framework: Understanding Implementation

Policy-making is a multifaceted process that involves interaction between various actors and levels of organisation. A policy would hold no competence unless implemented effectively. Thus, it can be said that policy implementation and policy-making lies at the heart of governance.

Policy implementation is a very crucial variable in analysing the performance of the government. In its very literal sense, the word 'implementation' connotes 'put into effect'. However, when we define implementation under the paradigm of public policy, it becomes a multifaceted and complex theme. It is rightly said that a policy is not worth the labour and paper if it cannot be implemented. This has been a major concern for developing countries, especially India. Various policies have been shaped but never materialised due to poor implementation. One must wonder why they shape policies when there is no intent to implement them. This is where we deviate from asking the right questions. The poor implementation is not because there is no intent, rather because there is an intent which, in all its manifestations, is political and malicious. Before we delve into the politics of implementation, we must first conceptualise the very idea of implementation.

Woodrow Wilson, regarded as the father of the study of administration had accentuated the necessity for sound implementation. His dichotomous understanding of administration and policies might lack contemporary relevance, regardless, his observation that 'it is going to be harder to run a constitution than to frame one'¹ still holds ground especially in countries like India where the policies are wonderful on paper but fail to materialise due to tardiness in implementation. India has inundated the country with a plethora of reforms yet, the socio-economic condition has hardly improved.

¹ Woodrow Wilson, "The Study of Public Administration", *Political Science Quarterly*, June 1887, p. 4.

The benefits hardly percolate to the real beneficiaries. Implementation is considered to be the 'ACHILLES' heel of the Indian administration.²

Van Meter and Van Horn have also attempted to conceptualise the idea of implementation. Their observation states, "Policy Implementation encompasses those actions by public and private individuals that are directed at the achievement of goals and objectives set forth in prior policy decisions".³ While Walter Williams talks about the implementation capability by saying that, "It seeks to determine whether an organisation can bring together men and material in a cohesive organisation's stated objectives".⁴; the definition attributed by Pressman and Wildavsky is "Implementation is a process of interaction between the setting of goals and actions geared to achieving them".⁵ The definition highlights the common assumptions about implementation. Likewise, Merilee S. Grindle observes that, "Implementation is a general process of administrative action that can be measured by evaluating the outcome of the policies".⁶ Public administration as a discipline perceives the implementation process as given and hardly attempts to make or reform them.

In a nutshell, policy implementation is a process where there is an interplay between operational flexibility, objective realisation and action continuum. Implementation is the time period between the pronouncement of a policy and the actualization of the policy outcomes. Thus, while reading about a policy, it is crucial to adopt an esoteric attitude and analyse what actually happens because policy does not implement itself, it has to be translated into action. This is where the politics commences.

3.0 History of Farm Laws

After 1947, the Zamindari system was abolished and farmland was split into smaller pieces. The landowners of small farmland, which did and continue to form the majority of farmers, had barely any bargaining power when it came to negotiating price with the traders and were therefore exploited by being denied the 'right price' for their produce.

² S.R. Maheshwari, *Politics of Implementation: The Achilles' Heel of Public Administration*, Indian Journal of Public Administration, Vol. XLIX, No.4 October-December, 2003 p. 679.

³ Meter Van and Van Horn, *op.cit*, pp. 445-448. Also see, Riply R. and G. Franklin, *Bureaucracy and Policy Implementation*, Honeywood, Dorsey, 1982.

⁴ Williams, W. (1971). *Social policy research and analysis : the experience in the Federal social agencies*. American Elsevier Pub. Co., p. 144.

⁵ Graham, Andrew. (2005). *Pressman/Wildavsky and Bardach: Implementation in the public sector, past, present and future*. Canadian Public Administration. DOI: 10.1111/j.1754-7121.2005.tb02191.x

⁶ GRINDLE, M. (Ed.). (1980). *Politics and Policy Implementation in the Third World*. PRINCETON, NEW JERSEY: Princeton University Press. doi:10.2307/j.ctt1m323qj, pp. 3-19.

To prevent this, and to set a definitive price for commodities, the Agricultural Produce Market Committees (APMCs) were introduced in the 1960s to regulate farm produce. APMC is a legal body constituted by the state government in order to safeguard farmers' interests at large. Specified geographical locations, called mandis, were set up for the farmers to sell their produce to 'licensed' traders. Functions of APMC include, but are not limited to, promoting public-private partnership in agricultural markets, bringing transparency in pricing system and transactions taking place in the market and ensuring payments to the farmers for the sale of agricultural produce within the stipulated time period.

Minimum Support Price (MSP) was brought in response to India's traditional practice of price control, inherited from Allauddin Khilji's reign. Khilji's price control on agricultural commodities ensured that his soldiers, who resided in garrisons outside the cities, would be able to procure necessary commodities at a low price, even in the face of unforeseen ordeals. In the 1960s, Indira Gandhi fell heir to nation-wide political chaos and economic distress after the untimely death of Lal Bahadur Shastri. India was in the throes of massive famines and food shortages, particularly in Bihar (1966–67). It was a matter of immense humiliation for India to feed the masses with the surplus grain that was imported from the US. India was actively looking to shore up its food reserves and prevent shortages and therefore with the USA's help, it brought in reforms necessary for the Green Revolution.

Lyndon Johnson's government persuaded India to move away from price controls since price controls were discouraging the farmers from producing more. Instead, the US argued that giving the farmers a minimum support price and subsidies for water, seeds, technology, etc. increases the farmer's trust in the government, reassures the farmers that their products will be bought and protects them from sudden price crashes in the market. The MSP system finally started in 1966-67 for wheat and was expanded further to include other essential food crops and currently includes a total of 23 crops.

In a decade, India's wheat production doubled and since then, India has only had a wheat surplus. Similarly, paddy began to be grown in massive quantities in Punjab and Haryana due to the availability of water and subsidies, causing both the states to become the 'rice bowl' of India, producing surpluses. Yet in the mandis, kisaan was a price taker, not a price maker. Initially, farmers would get great prices for their grains by the bidding done by traders. However, traders soon began to collude and formed a cartel to decide one price for all farmers. This, coupled with shortages of mandis, became some of the many lacunae that became apparent as the APMC system prevailed.

India entered the process of globalization by 1991, when there was a severe economic crisis in the country. An overview of the Indian agricultural sector indicates that the Indian agriculture growth rate increased initially but the long-term economic condition of the farmers was not satisfactory because input costs were high and output costs low. The monopoly of state government regulated wholesale markets prevented the development of a competitive marketing system in the country. The liberalisation policies adopted by the government of India, and the turning of a blind eye to agriculture, played a dominant role in the agrarian crisis that played out in the ensuing years causing misery and despair among millions of Indian farmers.

It was in December 2000 that an expert committee was set up by the Ministry of Agriculture under the Chairmanship of Shankerlal Guru on 'Strengthening and Developing of Agricultural Marketing'. The idea behind this Committee was to call for ideas to promote agricultural growth and ensure that a greater share of the ultimate price of the agricultural produce goes to farmers. Within this, agricultural marketing became an important component. In the report submitted by the committee in 2001, the Guru Committee made several recommendations, one of which included remodelling the Agriculture Produce Marketing Committees (APMCs). However, it was only in September 2003 that the Model APMC Act was created, in order to reform APMCs across the country.

In the third Swaminathan Report submitted in December 2005, certain observations were made. The report discussed how the APMCs had failed to invest sufficiently in infrastructure at the mandis and had also not played any significant role in bringing better market information to the farmers. Along with discussing the need for reviewing the Essential Commodities Act, the report argued that APMC could be altered to enable free movement of agricultural products between different States. However, as market cess is a major source of revenue for a number of States, it may result in a loss of income to some of them.

In 2006, the Nitish Kumar government in Bihar went on to discontinue APMCs in the state and opened the state to procurement of agricultural produce by private entities. This was followed by Model APMC Rules coming out in 2007, including details of how Market Committees will function (Chapter V), contract farming (Chapter VI), and levy of fees and its collection (Chapter VIII).

As long as India suffered from food shortages, APMCs and MSP were a blessing. However, in the course of time, other states caught up and instead of a deficit, India had massive surpluses. MSP flourished as an idea because it came up in starvation years. Now, millions of metric tonnes of surplus are bought by the Food Corporation of India because there is an MSP and this discourages the farmer from diversifying their crops, because there is guaranteed income on those with an MSP.

In April 2017, the Union Ministry of Agriculture and Farmers' Welfare drafted the Model Agricultural Produce and Livestock Marketing (Promotion & Facilitation) Act, 2017. The law aimed to revamp the hitherto existing legal framework related to the marketing of agriculture produce and replace the APMC Act. Among other things, the Act included e-trading, promotion of the national market for agriculture produce through inter-state trading licence, grading and standardization and quality certification, promotion of direct interface between farmers and processors/exporters/bulk-buyers/end users so as to ensure better deals for producers and consumers, etc.

In September 2020, the Union government passed three heavily contested farm bills in Parliament. The Farmers Produce Trade and Commerce (Promotion and Facilitation) Bill aims to pull apart the current monopoly of the state over trade and distribution. This Act will now permit farmers to sell outside of their designated district's APMC, thereby promoting a direct interface between buyer and seller. The second is the Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Bill and focuses on creating opportunities for farmers to engage in contract farming through verbal contracts. This bill paves the way for farmers to access national and corporate markets. The last is an amendment to the Essential Commodities Act, 1955, which deregulates cereals, pulses, oilseeds, edible oils, onions and potatoes.

Together, the three bills aspire to deregulate the market and liberalise the agrarian sector. The bills bring long-awaited reform to a key segment of the Indian economy. The farmers protesting the bills are those who rely heavily on the APMC-MSP system. For them, the removal of barriers takes away all protections – of an assured price, of dealing with licensed agents, and of dispute settlement by the mandis. There is also the chance of the farmers' limited know-how being exploited by the entry of massive corporations in the market.

4.0 The Politics of Implementation in Farm Laws

From the formulation of the policy to its implementation, the trajectory of politicisation can be charted. There is a correspondence that policies do not fail or prosper on their own; and the major objective of policies is the upliftment of the concerned stakeholders. However, this has not borne fruit. Where do things go downhill then? In simple terms, the progress or regress of a policy rests upon the process of implementation, which by its very nature is political. The process of implementation is very complex and involves the interaction between various actors and levels of department.

The two key aspects that we take into consideration to analyse the politics of implementation are the *actors*, who play a crucial role in the implementation process and the *weaknesses*, which are an intended manipulation by these actors to shrug off the accountability. Mainly, the administrative agencies are the prime actors in policy implementation processes. Other institutions and actors who influence the implementation process are legislature, judiciary, executive (comprising political actors), interest groups, etc. If the ones who shape and participate in the implementation process are the flag bearers of politics, then how can the process be immune. This is the major crux of our analysis.

Public-policy is an extensive exercise that is the domain of interplay of governmental actors as well as non- governmental agencies. In democratic countries like India, it is in the house of Parliament that the specificities and particularities of a policy is thoroughly discussed, debated and deliberated. **The legislature** plays an indirect but a substantive qualitative part in the implementation process. Thus, if the policy is not passed in a fair, impartial and effective way, no matter how sound the policy is, the desired result is far lost in the meadows.

The parliamentary process was snubbed when the historical farm bills were passed. The politics unfurled in two ways:

- By not referring bills to the standing committee,
- The controversial method of voting.

The farmers, since time immemorial, have been a cog in the microscopic plan of winning elections designed by the political parties. And, it all begins in the legislature. A lot of bills have been passed promising better life circumstances, even then the cries of farmers echo amidst the tranquillity. This antique problem is the result of selective deliberation that blatantly ignores the sentiments and concerns of the concerned stakeholders, as apparent in the way the 2020 Farm Bills were passed. The bills, despite the voices of opposition echoing the room of parliament, were not referred to the standing committee for scrutiny. If a bill, of such magnitude, is deferred from being referred to the standing committee, it implies the precipitation of the ruling party, which further implies political maneuvering. The bills, especially the ones that are consequential and climacteric, must be referred to the standing committee, whose primary job is to revise the bills, scrutinise, refine and make it inclusive of the interests of the concerned stakeholders. As pointed out by the former LS secretary general *PDT Acharya*, "*Most of the important Bills should be referred to the committees. That's why these committees were formed. Our experience is that once a Bill goes to a committee, it comes back in a much better form, so you have a better law than what was originally tabled.*"⁷

The tradition of referring bills to standing committees has been a part of our legislation process since 1993. The idea behind this was that it would allow for in-depth examination of the provisions of the bill that would avert any deadlock emanating because of ambiguities or shortcomings identified in the law. Laws are supposed to mirror "the wisdom of legislature" that does involve a careful examination of the provisions. The trend of not referring to bills is not something that is recent. While 71 percent of the bills were referred to a Select Committee in the 15th Lok Sabha (2009-14), only 25 percent were referred to in the 16th Lok Sabha (2014-19). Referring the bills resonates with one of the core principles of democracy of *participation and inclusivity*. It reinforces the legitimacy and constitutionality of the bill as it adds the opinion of the experts pertaining to the domain of agriculture, economy, finance etc.; this helps in assuring the stakeholders.

⁷ Farmers protests: Parliament panel scrutiny could have averted deadlock, say experts. (2021). <https://www.newindianexpress.com/nation/2020/dec/21/farmers-protests-parliament-panel-scrutiny-could-have-averted-deadlock-sayexperts-2239052.html>

In the case pertaining to any farm bill, the element of assurance is of utmost priority given the historical baggage of deception that clouds the minds of the farmers. It preserves constitutional morality and helps in averting the risks of vested interests dominating the tone of the proposed law. Farmers have always been the victim of crony capitalism; their interests have always been lost in the sea of vested interests of their oppressors. Not referring the bill to the standing committees is all but a subtle act of shrugging the burden of answerability and accountability and is the first evidence of politics in the implementation process. A democracy rests on the pillars of criticism. If the pillar is in any way threatened, there is but little time for the foundations to collapse.

Another evidence that manifests politics is the pretermission of yet another crucial parliamentary process. While the world lay silenced due to the coronavirus pandemic, the house of parliament witnessed the unfolding of the chaos due to the way the Farm Bill 2020 was passed. Neither was a vote sought on the resolution, nor the plea of extending the session which is decided by consensus was heard. A ruling, majority party does dominate the house of Parliament, but it is not the parliament. The presence of opposition holds together the essence of parliament. But, there was a conspicuous disregard for this. The bills were passed through a voice vote. The Speaker does hold the discretion of deciding the method of voting, however, they can't overrule the demand of even a single member who calls for division of votes. The tradition of voice-vote comes with the probability of inaccuracy as the speaker weighs the loudness over counting. As per *Rule 252* of the Rajya Sabha rules, if the speaker's decision with respect to a voice-vote is challenged, it is mandatory for the speaker to carry out the process of division. The rule seemed to be ignored when the infamous Farm Bills 2020 were passed. Despite the request for division by the opposition, the voting was done through a voice-vote. This again shows how unfair and partial practices in the legislatures point to politics in implementation. By turning a blind eye to the legitimate demand, the room for politics is created. The Lok Sabha may be the vox populi, but the dangers of majoritarianism are ubiquitous. Precisely why we have an upper house that counters this. Depriving the chance of expressing dissent in the upper house acquaints us with the politics that characterised the whole scenario. This act questions the intention of the government in preserving the constitutional morality and the principle of bicameralism.

The role of legislature and **judiciary** is complementary in nature; in that the power of legislature is kept in check by the power of ‘Judicial Review’ vested with the Indian Judiciary. Additionally, clauses of an Act are invariably subject to judicial interpretation, which may change contextually. These powers reiterate the indisputable role that judicial bodies, including administrative tribunals, play in policy implementation – directly or indirectly. Not to mention, judicial verdicts often pave the way for the direction in which policies must be implemented. Justice H.S. Kapadia, former Chief Justice of India, stated in a speech that, *“In many PILs, the courts freely decree rules of conduct for government and public authorities which are akin to legislation. Such exercises have little judicial function in them. Its justification is that the other branches of government have failed or are indifferent to the solution of the problem.”* The statement solidifies the argument that if the judiciary deems the implementation of a policy or an Act problematic enough, it may interfere and provide recourse. To prove the case in point, recently the Supreme Court responded to the petitions against the Farm Bills, putting the bills on hold and thereby taking charge of their implementation process. Further, a four-member committee has been set up to resolve the impasse. The Court expressed its disapproval with how the Centre was dealing with the ongoing protests and the restraint that has since been exercised by the Centre in dealing with the farmers is a testament to how judicial intervention weighs in on the process of implementation. With every pillar of democracy collapsing on top of each other in the present day India, the role of Judiciary in guarding the common person’s interests and shepherding the legislature and executive in the right direction is of more consequence than ever. These familiarise us with the procedural weaknesses that bespeak of the subtle involvement of politics in the implementation process.

However, Legislature is but the four walls, occupied by the executive i.e. the **political actors** who are the bearers of politics. In the event of this, it then becomes crucial to understand how political actors add the flavour of politics in the implementation process. They belong to different parties and conform to different, diverse ideologies, which decides the tone of the policies. Moreover, the parties and actors are also a part of the larger reality of the polity i.e. election. Every bill is a preparation for winning the next election, thus, it always intends to benefit the specific “vote bank” of the respective parties. It is in this light that we wonder the importance of farmers as a vote bank. While we delve into this, the reality that characterizes the Indian politics i.e. ‘identity’ surfaces.

We cannot evade intersectionality; thus, a farmer also belongs to a particular caste, class, religion etc. It is this identity that is prioritised when seeking votes. This is how political actors play the political card by subverting the real concerns.

The **political parties** seem to lack will or initiative to root out the real concerns. No bill ever tries to understand the gulf between the farm and market or the farmers and the traders. The farm bill 2020 allows the farmers to directly trade with the customers, thus dislodging the role of middlemen. Yet, the threat of being exploited doesn't wither away because the bill never addresses the issues of infrastructural impediments and practicality. Rural infrastructures like warehouses, cold storage facilities or processing units are hardly available in proximity to the small/marginal farmers. Thus, even if the words have changed, the action will be the same. The small farmers will still be at the mercy of the middlemen, who will continue to exploit them.

No government has ever been pro-farmer. Whether it were the UPA or NDA, the farmers have not benefited from the bumper production and marketing because of limited marketing platforms. Food Corporation of India and state government agencies are the main platforms where the farmers sell their agricultural produce but about 69-73% of the production is left with the farmers which is then sold to the middlemen at a price lower than the MSP's. The small and marginal farmers who constitute about 86.2% of all farmers in India are the ones affected the most. Since they do not have large hectares of land or access to government procurement facilities due to cumbersome bureaucratic procedures, low surplus, long distance, lack of transportation etc. Trapped, they sell it to the middlemen. The need of the hour is to establish agri-commodity markets that are easily accessible to the marginal farmers and consumers. This is further exacerbated by lack of independent redressal mechanisms in the recent bills. The basis of dispute resolution relies on the availability of receipt that the farmers might be able to procure and the sub-district magistrate. With redressal mechanisms out of the purview of the civil courts i.e. an independent judiciary, the chances of farmers getting justice becomes minimal. In a tussle, the farmer will always be at a subordinate level because of lack of resources and influence unlike its opposition that has the means to manipulate the judgement. Even in this scenario, it is the marginal farmers who are worse off as they can never ever approach the court because finding customers or a receipt is fiendish because of the cornucopia of impediments that chain their legs.

Moreover, no bill has ever talked about the ecological repercussions and challenges that are now the reality. There are no provisions to address the issue of falling water tables, pesticide overdoses and increasing soil erosion.

This dodgy behaviour indicates the political intention of the government to maintain the status quo, in which the oppressor gets richer while the oppressed remain impoverished. Another emerging feature in Indian administration is the hijacking of the process of policy implementation by the influence of **interest groups**. For the layperson, interest groups form a significant conduit for conveying their needs and demands. Powerful interest groups take advantage of this link and affect the policy implementation process by intervening at various stages in the policy implementation chain, targeting those parts which seem most vulnerable to influence. Even today the streets are brimming with members from scores of farmers' unions such as Rashtriya Kisan Mazdoor Sanghatan, All India Kisan Mazdoor Sabha, Bhartiya Kisan Union, National Alliance for People's Movements, etc. Every interest group has varied demands – while few are marching solely to ensure that MSP is guaranteed regardless of change in the Farm Laws, others want the Farm Bills to be tossed out of the conversation entirely. Taking to streets is a method that guarantees the kind of attention these Unions demand and helps them garner sympathies from the larger public. With the Judiciary putting a stay on the implementation of Farm Bills, all seems to be working in their favour so far. At one point, **community groups and agencies** had also begun exercising major influence on the policy implementation process the world over, as well as in India. In India, the Panchayati Raj institutions and cooperative societies were frequently being used for the implementation of government programs at the grassroots. However, the recent trend in India has been to ensure developmental work is done independent of such ideologically charged institutions.

A tendency to focus on operational convenience rather than on public needs is yet another problem in the context of policy implementation in India and it is symptomatic of an **overlap between program formulation, policy making and policy implementation**. Due to the overlapping functions, not every policy gets the attention it deserves in the implementation process – where theory meets reality. For decades now laws have been passed for agro-development. However, are these laws genuinely catering to the larger demographic of farmers or only to the minority that owns large farm land? The APMC system is lauded for establishing the 'mandi' system to enable the farmers to get the 'right' price for their grain.

Even so, the produce from the vast majority of farmers does not even make it to mandis and is sold to local private traders because of inaccessibility issues. A December 2020 article in India Today elaborates upon this, “Given their small margins, inability to store and transport, and difficulty in waiting, small farmers are even more likely to be selling to local private traders than bigger farmers, who can afford the time and transport that selling to *mandis* requires.”⁸ In the hullabaloo and chaos that follows the passing of a bill, pertinent questions about its implementation are often left unanswered, causing the process of implementation to fail. More often than not, the voices echoing the concerns and legitimate problems are deliberately silenced, rendering the implementation process vulnerable to the dirty game of politics. The uproar amidst which the Farm Bills were passed in Rajya Sabha by ignoring the sanctity of the parliamentary processes, as is elaborated above, is a clear demonstration of the same, where an overlap of functions was used to intentionally manipulate the proceedings to favour a party’s agenda.

5.0 The Three ‘C’s

Crony Capitalism, Cooperative Federalism & Consultative Machinery

In comparing the governance of Indian National Congress in the post-independence era with National Democratic Alliance’s administration, many contrasts and similarities can be drawn. One striking distinction between the two governments is that of political ideology. While INC, although an umbrella party, openly propagated socialism as the way forward for India, the Modi led NDA couldn’t be farther from that stance. In the era when the Centre favoured socialism, efforts were made towards voicing and addressing concerns of those who couldn’t make themselves heard; thus, farmers’ problems were highlighted, their plight was understood and steps were taken in the direction of safeguarding their interests. Introduction of Minimum Support Price (MSP) and the *mandi* system prove the case in point. With NDA passing three contentious Farm Bills in September 2020, one wonders which side of the spectrum this administration leans. Unsurprisingly, ‘**crony capitalism**’ comes to mind. Currently, countless farmers are protesting the three laws that they say will leave them under the heel of capitalists. Ambani and Adani are two industrialists who are infamously close to the Prime Minister and will apparently gain from the passing of the bills.

⁸ Selling to private traders or mandis? Why farmers are on the edge, India Today, (2021). [Selling to private traders or mandis? Why farmers are on the edge](#)

Farmers are of the opinion that the bills, if passed, will eliminate the protections farmers currently have and leave them vulnerable to the exploitation of large corporations, endangering their livelihoods.⁹

The Government is bent on arguing in favour of the bill on the grounds that the removal of restrictions with respect to the mandi system will put farmers directly in touch with private traders thereby putting them in a position to negotiate higher prices for their produce. However, history is proof that trading with private entities does not necessarily ensure economic prosperity for the farmer. The sugarcane industry was privatised in 1998 and Bihar's deregulation of APMC followed in 2006; both were steps towards allowing private traders into agricultural markets. Till date, no significant changes have been observed in either of the contexts on account of the privatisation. *"The sugarcane farmers are still agitating for fair and timely payment of dues and Bihar's agricultural infrastructure has not seen any sizable private investment."*¹⁰ If history is proof that permitting private traders into the agricultural market does not work for the benefit of the majority of farmers, we are compelled to ask, who are these laws really meant to serve? This is not to say that one party is better than the other; after liberalisation even the United Progressive Alliance did nothing of major significance throughout the 2000s to improve the exacerbating condition of the farmers. In looking at the larger picture we cannot help but see a pattern wherein the interests of citizens take a back seat and the dominant ideologies of each party become the driving force behind the implementation process of every policy or act. How do we then expect the implementation of Farm Bills 2020 to go any differently?

The aroma of politics in the implementation of the three bills can be tasted in the spicy concept of **Cooperative Federalism**. Federalism is the key pillar of the vertical division of power in the Indian context. But the nature of federalism is very contentious. Some refer to it as quasi-federal, while others call it cooperative federalism. The ambiguous mention of federalism in the constitution has vacated a room for interpretation. To understand the farm protest and the nature of politics involved, we need to view agriculture in light of the centre-state relations. Agriculture is a state subject which finds its mention at 15 places in the Seventh Schedule of the constitution.

⁹ Sharma, N. (2021). Why Indian farmers believe new laws are rigged to favour India's richest man. [India's protesting farmers think new laws benefit Ambani, Adani — Quartz India](#)

¹⁰ Mandal, M. (2021). India's uninspiring record of deregulating farming could explain why many are worried about new laws. [India's uninspiring record of deregulating farming could explain why many are worried about new laws](#)

There are certain provisions like Entry 6, 7 and 41 that find its place in the concurrent list, where the ruling of the centre takes precedence. And this is where the politics has been facilitated.

The centre passed the three bills by virtue of the existence of entry 33 in the concurrent list that allows it to control the production, supply and distribution of products in trade and commerce related to agriculture alongside the state. The states, unable to exercise their exclusive power, have vehemently opposed the bills with Punjab Chief Minister Capt. Amarinder Singh claiming this to be an attack on the nature of federalism in our country while Rajasthan designating the potential market areas as state-controlled areas. Due to the politics involved at multiple levels, the implementation process has already been thwarted. The technicality of the procedure can't be questioned, but the constitutionality sure can be. The government seemed to twig this provision to benefit their own interest. They undermined the federal nature by not seeking the opinion of the state and the stakeholders. The cooperative federalism now mirrors the aspects of competitive federalism, which is painted with political overtones. The concerns hold validity because of the plethora of precedence. In "State of Rajasthan VS G Chawla", the court used the path of "pith and substance" which indicates that the constitutionality of the act can be upheld if it is mostly covered under one list and the other list has been touched upon only incidentally. In another case of "State of Bihar VS Kameshwar Singh" the court ruled the doctrine of colored legislation which seems to be very relevant in the case of these three bills. The doctrine connoted that you cannot do indirectly what you can do directly, much like the indirect interference and swindling of the provision to authoritatively impose the new farm law at a national level. Furthermore, in accordance with the Union of India VS H.S. Dhillon (1972), the court held that the constitutionality of the act can be challenged if the subject is the matter of the state list or if it violates the fundamental rights doctrine.

Thus, the essence of cooperative federalism has been compromised which is but a resemblance of the political maneuverability bespoken in the implementation. The need is to cooperate, not compete as it speaks in volumes of whose interest is prioritised - the politicians' or the subjects'.

Consultative machinery holds great significance in the policy implementation process. If the process of consultation is taken up seriously during the formulation of the policy, the outcome is more calculated, with proper risk assessment and safety nets in place.

However, the temptation to roll out policies often overtakes the process of information collection and subpar designs are accepted in face of the lack of apposite data. This is followed by policy decisions being made without a thorough analysis of costs, benefits, trade-offs and consequences. Consulting outsiders requires structures which often do not exist and if they do, they are outmoded. In the absence of quality consultative structures, outsiders making themselves heard in the policy implementation process are often single issue advocates, making them liable to the charge of having vested interests, and their views lose credibility. In the absence of such a process for consultation, the consensual approach to policy implementation does not evolve. Parties have been known to wilfully bypass the consultation process to serve their dominant interests. The Narendra Modi government is receiving a lot of censure, by the opposition and farmer unions, for not consulting the concerned entities before passing the bill. Although the Centre has time after time affirmed the civilians that several rounds of consultations were held with the stakeholders before passing the three bills, the Centre's response to a RTI query filed by NDTV has been that the government "does not hold any record in this matter".¹¹ Even the Opposition's demand for referring the bills to a select committee for further scrutiny were blatantly ignored during the voting process. The consultation process being so weak does not only cause civilians to lose confidence in the bill and the government, but also makes implementation onerous due to lack of cooperation from the beneficiaries of the policy itself. The farmers, who the three Farm Bills of 2020 are meant to serve, are out on streets demanding the rescission of the bills. The government is fooling itself if it thinks that the implementation of such a politically motivated bill will be smooth sailing.

6.0 Conclusion

The unfurling of the farmers protest is emblematical of the conviction of the farmers. It displays the grit and determination in response to the intended politicisation of the implementation process carried out by the politicians. The government finds itself ensnared in the web of lies that aims to unshackle the farmers from the age-old exploitation. This exhibits the extent of rigged politics that precludes the materialisation of sound policies. There is no denying the fact that the farm bills 2020 is a departure from the previous conventional laws, and has the intent of being purposive.

¹¹ Were Farmers Consulted Before Farm Laws? "No Record," Says RTI Response, NDTV. (2021). [Were Farmers Consulted Before Farm Laws? No Record. Says RTI Response](#)

But, neither do the bills deal with the core problems that plague the agricultural sector nor does the government take initiative in assuring farmers and gaining their trust. It is in this light, the paper proposes certain reformative solutions that aim at benefitting the farmers, the real stakeholders. These bills need to be read in the larger context of state intervention and public investment in infrastructure and institutions. However, the government's efforts have been disappointing. Ignoring the state in the process has already thwarted the scope of implementation. The policies are sound, but not acceptable to the farmers because of the deep rooted fears they have inherited due to the political nature of the policies. The government must try to address this to end the persisting deadlock even if it means amending the laws and accommodating provisions mandating MSP. Moreover, the dispute resolution must be brought within the ambit of the judiciary which would ensure impartiality and avert the risk of manipulation by the middlemen. Also, it is important to acknowledge that the bills don't rectify the concerns that plague the agricultural sector. The government needs to invest in the infrastructure which will ensure the benefits trickle down to the small and marginal farmers. In other words, instead of dismantling the entire structure, the government must dissect and rectify the loopholes that infest the parts of the whole.

In general, efforts should be made towards widening and enhancing the knowledge base used in policy-making and promoting integration and synthesis. A bottom-down approach is what is needed to actualise the vision. The government needs to prioritise consultation and try to make the decision-making process inclusive by seeking the opinion of the state and stakeholders. By upholding the federal spirit and adopting a participatory approach, the ills of competitive federalism and crony capitalism can be kept at bay. If the policy to be implemented entails adverse effects on interests deeply entrenched then it can be neutralized only by firm and sustained political as well as bureaucratic determination. The cries of the farmers need to be heard, not ignored as some petty political propaganda.

The hole is more gaping than one would imagine. The policies that bureaucrats shape and eulogize are nothing more than food for the elite who already have access to more means and resources than is fair. It is they who ensure that the benefits don't percolate down to the lowest level of farmers, to ensure their power to exploit stands. This is the politics that transpires, preventing the real beneficiaries from tasting the fruits of implementation. The government, which thrives due to politics, has no right to label an ongoing protest as 'political' to avert censure and accountability. It's time the real questions echo to silence the deafening noise of politics that infests the implementation process.

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