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Supreme Court takes up the petitions challenging the constitutionality of farmers laws.



Adv P Wilson [@PWilsonDMK](#) says he is appearing in one of the petitions challenging the Acts.

CJI : All the advocates who appeared yesterday(in PILs against farmers protests) are not seen today except for Mr. Dushyant Tiwari

Dushyant Tiwari : I have impleaded the farmers unions.

Solicitor General : There is a confusion. The first item is the petitions challenging the validity of laws.

CJI : We will not decide the validity of the laws today. The first and the only thing we will decide today is regarding the farmers protest and the fundamental right of citizens to move. The question of validity of laws can wait.

CJI : We will hear Mr. Salve, Mr. Parihar and other petitioners (in PILs against farmers protest)

#FarmersProtest

Salve now makes submissions.

'The petitioner is a citizen residing in Delhi'.

CJI : How is he affected?

Salve : Everybody living in city are affected directly or indirectly.

#FarmersProtest

Salve : I will tell about the indirect impact. Due to the curtailment of movements of goods, there is price rise. Delhi has a population of 2 million plus which cannot sustain itself. All fruits, vegetables coming from across the borders.

#FarmersProtest

Salve : There is a fundamental right to protest. But that has to be balanced with other fundamental rights. Price rise will lead to irreparable loss.

#FarmersProtest #SupremeCourt

CJI : One thing we will make it clear. We recognize the fundamental right to protest against a law. But that cannot affect other fundamental rights and right to life of others.

#FarmersProtest #SupremeCourt

Salve : My fundamental right to speech does not extend to interfering with other's fundamental rights. It is about the contours of the fundamental rights.

#FarmersProtest #SupremeCourt

Salve : No right is absolute. From right to protest to right to movement. The content of right to free speech, it includes the right to no but it cannot extend to right to privacy. Right to protest does not extend to deny others to exercise their rights.

#FarmersProtest

Salve : Fundamental right to protest cannot extend to holding a city to ransom.

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Salve : The Kerala High Court has held so in an excellent judgment. The appeal against it was dismissed by this court in 15 minutes. I had the misfortune of appearing for Kerala Govt in that case. (CPI(M) v Bharat Kumar).

Salve : It is hightime that a declaration comes from this court regarding the contours of right to protest.

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Salve : Today in Covid times if you are increasing the risk of putting my life in danger, You cannot extend this right in doing so.

#FarmersProtest #SupremeCourt

Salve : Unions who are organizing large crowds should be held responsible for the acts of crowds.

He refers to the Bombay High Court judgment imposing fines on Shiv Sena for public damages.

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Salve : Large part of middle class of Delhi lives in Gurgaon area. You cannot interfere with their right to movement to bring the central government to its knees.

#FarmersProtest #SupremeCourt

CJI : Nobody can have a quarrel with your arguments. We recognize that the farmers have a right to protest. But we are on the mode of protesting. We will ask the Union what can be done to alter the nature of protesting which will ensure that rights of others are not affected.

Salve : The government must have a protocol that a person calling for the protests will identify himself who can be held accountable for damages so that an amorphous group of people will not disappear.

#FarmersProtest #SupremeCourt

CJI : Do you know what happened with the Bombay HC judgment against Shiv Sena?

Salve : I think this court did not interfere.

CJI : Was the fine recovered?

Salve : I know that the fine has not been recovered.

CJI : We cannot say that people should deposit money before protesting.

Salve : I am not saying that. I am saying they should identify themselves.

#FarmersProtest #SupremeCourt

Salve : Nobody can say I can do whatever I want in the name of protests. The Court can issue a direction to the unions to cooperate with the government.

#FarmersProtest #SupremeCourt

CJI : The police can also not use violent means.

#FarmersProtest #SupremeCourt

CJI : Purpose of protest can be achieved only if people talk to each other. If the protest has a purpose other than the protest, we wish to facilitate that.

CJI : For that, we are proposing an independent impartial committee before whom both the parties can state their case while the protest goes on and that the committee will give its opinion, which we expect the parties to follow.

CJI : We wish to hear the farmers union on this.

#FarmersProtests #SupremeCourt

Salve : The cause of the protest cannot be protest. The cause of protest is to articulate a view. Protests for the sake of protests are a public nuisance.

CJI : That is exactly the point we make. Protest must be non-violent and about issues.

CJI : In protests, the aggrieved party must be able to articulate their view and the party who is said to have caused the grievance has option to answer. We think this can be done before an independent committee. We will propose names like P Sainath [@PSainath_org](mailto:PSainath@psainath.org)

CJI : In the meanwhile, the protest will continue in a non-violent manner.
Also you(to Attorney General) will not instigate any violence.

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Attorney General : Their demand is to repeal the three laws. For that they have to come to the table and discuss the laws clause by clause. They must be directed to come for discussion. It cannot be like 'repeal or nothing'.

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CJI : We do not think they will accept your outcomes. We do not want them to do that also. That is for the committee to decide.

We saw how successful you have been in negotiations.

#FarmersProtest #SupremeCourt

Attorney General : The damage caused by 22 days of blockade is enormous. People are not able to go for jobs. Ambulances are not permitted to move. Also there is risk of Coronavirus. When protesters go back to their villages, they will spread coronavirus like wildfire.

Attorney General : They cannot say either repeal or will continue indefinitely. They have come prepared for six months. This kind of blockades cannot be permitted.

#FarmersProtest #SupremeCourt

Attorney General: This happens only during a war where you cut off supply etc and block borders.

#FarmersProtest #SupremeCourt

CJI : Has anyone said they will block all roads of Delhi?

SG : Tikri border, Singhu border have been blocked.

#FarmersProtest #SupremeCourt

CJI : It does not matter. We are not on the extent of blocking. It is not as if Delhi is choked. I think Salve has put it bit high.

#FarmersProtest #SupremeCourt

Salve : No my lord. Main arterial roads have been blocked.

Rahul Mehra (@TheRahulMehra for Delhi Govt) : There are more than hundreds of arterial roads. I do not know where these figures are coming. Court should not accept these oral submissions if they are not on affidavit.

Rahul Mehra : This is a mischievous petition. The petitioners have not made Delhi Govt a party.

Solicitor General : This is not a platform for playing politics like Delhi vs Union.

#FarmersProtest #SupremeCourt

Solicitor General : Let there be some persons of eminence who can facilitate a dialogue. It is a question of sitting together with neutral people who can facilitate discussions.

#FarmersProtest #SupremeCourt

CJI now turns to P Chidambaram who appears for State of Punjab.

Chidambaram : State has no objection to Court's suggestion that a group of people can facilitate a dialogue between farmers and Central Govt.

@PChidambaram_IN

Chidambaram : But I have serious serious reservations with what Mr.Salve articulated on what can be done in a democracy. I hope your lordships will not go into those issues.

@PChidambaram_IN

Chidambaram : When massive number of people think that a law is unjust, there will be massive protests. Remember what happened in US against Vietnam war, in Paris.

@PChidambaram_IN

Chidambaram : Farmers have not blocked the roads. Farmers wanted to march to Delhi. Who has stopped them and blocked them? The police has blocked them. We see photos of barricades, containers

@PChidambaram_IN

CJI : It is not for the court to predict if the mob will turn violent. It depends on intelligence reports based on which the police acts. Whether the mob should be allowed to enter arrest must be left to the authorities to decide and not for the court to decide.

Chidambaram says it is not a "mob" but a group of farmers.

CJI : We did not use the term in a pejorative sense.

Chidambaram : It is the police who blocked the roads. Police cannot block the roads and blame farmers.

Chidambaram : Which farmers organization has said that they will block the roads to Delhi? They want to come to Delhi.

@PChidambaram_IN

Chidambaram : We want the Parliament to convene and the Parliamentarians to discuss.

@PChidambaram_IN

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CJI : Let us hear the farmers union now.

Lawyer for Bharathiya Kisan Union(Bhanu) makes submission :

We are living in "Krishi pradhan" country and not "multi national pradhan" country.

Lawyer for BKU : During lockdown, only farmers stopped the starvation of the country and not multi nationals.

CJI : The grievance is that people of Delhi will go hungry if you block the roads.

CJI : You have a right to protest which we are not going to interfere with. You carry on the protest. The purpose of protest must be served to talking to someone. You cannot sit in protest for years.

CJI remarks that the farmers protest in 1997 near Boat Club had the potential to destroy everything but fortunately nothing happened because there was a rift among the unions.

#FarmersProtests #SupremeCourt

CJI : It is not possible for court to determine the no of people who will gather in ram leela maidan. we cannot ask others to determine it too. we leave it for the police, not the govt or the political parties but with police

CJI : We are familiar with the plight of the farmers. We are Indians. We are sympathetic to the farmers. But we are on the manner of protests.

Rahul Mehra [@TheRahulMehra](#) for Delhi Govt seeks to interfere.

SG opposes.

Mehra : The Solicitor General might be thinking Delhi Govt has got nothing to do with the protests happening near Delhi.

CJI asks Mehra to wait and not interfere.

Solicitor General : BKU(Bhanu) may not reflect the views of others. I have instructions on that.

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Omprakash Parihar for petitioner submits that the farmers unions were served.

CJI asks AG : Do you recommend we constituting the committee when they are not represented here?

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CJI : Only thing we can do is to direct the service of notice by tomorrow and list the matter before another bench day after tomorrow.

Petitioner's lawyer submits that the the leaders were refusing to speak when they were contacted in the numbers given by the Solicitor General.

Salve suggest that the court may pass an order directing the authorities and police to ensure that the life in city is not affected by the blockade.

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CJI says that the court can pass such an order only after hearing the unions.

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Salve : If your lordships can spare a day on Saturday or on vacation to hear the matter.

SG also agrees with that.

CJI says he has a function to attend an official function in North East next week.

Salve says the matter need not be heard during regular court hours.

CJI : I don't know if there will be connectivity in the place where I am going. I will ensure that there will be a bench to hear the matter(during vacation).

My colleagues have also commitments. May be it will be an entirely different bench.

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CJI asks Attorney General if the Union can give an commitment that the laws will not be implemented while the court is hearing the matter.

AG expresses difficulty.

CJI asks if the Union can say if no executive action will be taken under the laws to facilitate the negotiations.

AG says he will get back after taking instructions.

Solicitor General says it will be tough.

CJI : If the AG is saying he will get back, why are you preempting.

CJI tells Rahul Mehra(Delhi Govt counsel) : We are not passing any order affecting you. So we are not hearing now.

Mehra : The interests of farmers have to be protected.

CJI says the bench will order only that respondents should be be served and grant liberty to move Vacation bench.

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The judges disappear from the screen.

Attorney General : They have disappeared.

Solicitor General : I think they have risen.

Chidamabaram too comments that the judges have risen.

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