



Protests Against Farm Ordinances

Why in News

Recently, the **Punjab Assembly passed a resolution** and rejected the [Centre's recent farm ordinances](#) and the proposed [Electricity \(Amendment\) Bill 2020](#).

Key Points

▪ Reforms Brought by Centre:

- The ordinances include:
 - Farmers' Produce Trade and Commerce (Promotion and Facilitation) Ordinance, 2020
 - Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Ordinance, 2020
 - Essential Commodities (Amendment) Ordinance, 2020.
- These ordinances were a part of the [third tranche of the economic package](#) announced under [Atmanirbhar Bharat Abhiyan](#) to counter [Covid-19 pandemic](#).
- They are expected to **allow free movement of agricultural produce between states** and let the **farmers decide to whom they want to sell their crops**.
- The **Electricity (Amendment) Bill 2020 centralizes the power sector** through establishment of **Electricity Contract Enforcement Authority**.
 - Recognition of franchisees and sub- licensees under the Bill might open the **sector to private players**.

▪ Criticism:

- **Source of Income for State Governments:** One of the Ordinance prohibits state governments from levying any market fee, cess or levy on farmers, traders, and electronic trading platforms for any trade under the Ordinance. State governments would lose incomes from Agricultural Produce Market Committee-controlled trading.
- **Usurping State Powers:** These ordinances are targeted at usurping state powers, and overriding state laws and market committees.

▪ Punjab's Stand:

- Entry 14 of List II of the Constitution comprises **agriculture as the subject of the states**. Therefore the three ordinances passed by the Centre are against the Constitution of India.
- These ordinances are a direct encroachment upon the functions of the states and against the spirit of [cooperative federalism](#) enshrined in the Constitution.
 - **Cooperative federalism** is defined as administrative cooperation between the Centre & states and among states.

Distribution of Legislative Subjects

- **Article 246** adopts a **threefold distribution of legislative power** between the Union and the states.
- The subject-wise distribution of this power is given in the three lists of the **Seventh Schedule** of the constitution:
 - List-I- the **Union List**
 - List-II- the **State List**
 - List-III- the **Concurrent List**
- **Union List: Parliament has exclusive powers** to make laws with respect to any of the matters enumerated in the Union List.
 - It includes the **matters of national importance** and the matters which require uniformity of legislation nationwide.
 - This list includes **98 subjects** like defence, banking, foreign affairs, currency, atomic energy, insurance, communication, inter-state trade and commerce, census, audit and so on.
- **State List: The state legislature has exclusive powers** (not during emergency) to make laws with respect to any of the matters enumerated in the State List.
 - It includes the **matters of regional and local importance** and the matters which permit diversity of interest.
 - This list includes **59 subjects** like public order, police, public health and sanitation, agriculture, prisons, local government, fisheries, markets, theaters, gambling and so on.
- **Concurrent List: Both, the Parliament and state legislature** can make laws with respect to any of the matters enumerated in the Concurrent List.
 - It includes the **matters on which uniformity of legislation** throughout the country is **desirable but not essential**.
 - This list has at present 52 subjects like criminal law and procedure, civil procedure, marriage and divorce, population control and family planning, electricity, labour welfare, economic and social planning, drugs, newspapers, books and printing press, and others.
- **Other Features:**
 - The power to make laws with respect to **residuary subjects** i.e. the matters which are not enumerated in any of the three lists, is vested in the Parliament.
 - Parliament has power to make laws with respect to any part of the territory of India not included in a state even though that matter is one which is enumerated in the State List.
 - This provision is related to the Union Territories or the Acquired Territories (if any).

[Source: TH](#)

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