

THE PEASANT FARMERS OF INDIA: THE NEED TO CLASSIFY AND RECOGNISE THEIR RIGHTS

*Bhavana Rao**

Abstract

India is the land of farmers. Agriculture being the prime occupation of the masses, the sector consists of a big number of farmers who are either into the agricultural or allied activities. The present legal system consists of the laws which are scattered both in their application and approach to the problems of the farmers in general and small farmers in particular. Some farmers are into industrial labour running the risk of losing their agricultural pattern of living for urban unskilled jobs. Only if there is an appropriate definition of who is a small or marginal farmer, then only the legislations will be able to address the issues of the small and the marginal categories of farmers. The paper seeks to explain that there is not only a need to legally recognise through a legislation that the farmers in India are of many categories, but also that the farmers can benefit only through a separate legislation dedicated entirely to farmers.

I Introduction.....	96-100
Who is a peasant farmer.....	97-100
II General classification of farmers in India.....	100-102
Division of rural peasantry in India.....	101-102
III Rights of peasant farmers under the international regime.....	102-104
IV Rights of peasants in Indian regime.....	104-106
V Legislations under the intellectual property regime.....	106
VI Conclusion.....	106-112

I Introduction

FARMER, THIS one word has various connotations. On the one hand, it pictures a wealthy landowner with a plush farmhouse and a villa in a rural area or a semi urban township, and on the other, it visualises a poor impoverished lot of people, who are at the mercy of the latter, or the society in general. They are either the male or female species of landless working homo-sapiens who never held any land or they possess it in miniscule quantities. There is another variety of farmer who comes somewhere in between. There are some who are farmers, yet have never known how to till or harvest. There are some who are only labouring, yet they are

* LL.M. 2 Year (2013-15) Indian Law Institute.

not farmers according to the widespread meaning. Yet again, there are some, who have hitherto been doing relatively well both economically and financially, yet have been displaced by governmental projects and remain impoverished.¹

A historical example of differentiation is when the word ‘farmer’ was in the early days used to describe a tenant paying a leasehold rent (a farm), often for holding a lord’s manorial demesne. The word later came to be meant any tenant or owner of a big property, though when Gregory King estimated that there were more than one lakh² farmers in the late 17th century he evidently defined them by their tenures, as freeholders were counted separately.³

Who is a peasant farmer

The word peasant is inextricably connected to agricultural work and operations as much as the term worker is referred for workers in industrial operations. With advancements in technology and sophisticated equipments, agricultural and industrial operations though have merged and have got intertwined, but the word peasant is however used for workers in agricultural operations only. There have been differences and divergences in the definition due to the magnificent nature of issues involved in the various nations which have been studied. Until 1965, when Wolf changed the definition of peasant, the term ‘folk’ was used. Later John Duncan Powell gave the definition of peasant society taking a cue from Wolf, Steward, and Wittfogel:⁴

A peasant society is composed of settled rural people, engaged for the most part in agricultural production, whose productive activities and culturally distinct characteristics are influenced, shaped, or determined to a significant extent by powerful outsiders.

Therefore the study of peasants became the study of the villages.⁵ Then the phrase “peasant community” came to the fore.

¹ Guha, A, “The Macro-Costs of Forced Displacement of the Farmers in India: A Micro-Level Study”, 10(3) *EUJR*, 222 (2013).

² Emphasis added.

³ Christopher Dyer, “A Suffolk farmer in the fifteenth century”, 55 (1) *AHR* 1-22 (2007).

⁴ G. Krishnan-Kutty, “Peasantry in India”, 18 (Abhinav Publications, New Delhi, 1986).

⁵ *Ibid.*

In a paper titled “What is a peasant? What are peasantries?”,⁶ the author says that scholars call attention to broad cultural types of peasants, even as some, sought to delineate social structural types, based on whether they had earth rights or, on the other hand, were tenants, sharecroppers or resident labourers on large properties.⁷ Peasants have been distinguished from farmers, since the peasants aim at subsistence and cultivate crops primarily for survival and to sustain their social status rather than to advance the amount of their functions, as was supposedly the case with the latter.⁸ He says that the definition of peasant can be seen from four angles.⁹

Firstly historical definitions, from social set ups where peasants formed an ‘estate-like, caste-like, corporate or subordinated social group’,¹⁰ characterised by specific restrictions on geographical or social mobility, limited rights, and obligations to provide services and perform particular deference behaviours for super-ordinate groups; *Secondly*, social scientific definitions from sociology and anthropology and the interdisciplinary fields of peasant studies and agrarian studies. *Thirdly* the activist definitions engaged by agrarian movements, in particular Via Campesina, and its constituent organizations, that self-identify as “peasants” (or “campesino,” *etc.*) and lastly normative definitions, like those proposed by civil society organizations and by the Advisory Committee of the Human Rights Council. Therefore even the authors writing for the United Nations do not give a single comprehensive definition of the word Peasant or the Peasant farmer.

Yet again, according to the United Nations Food and Agriculture Organisation, the term ‘peasant’ applies to landless, and the following categories of people are considered to be landless and are likely to face difficulties in ensuring their livelihood: agricultural labour households with little or no land, non-agricultural households in rural areas, with little or no land, whose members are engaged in various activities such as fishing, making crafts for the local market, or providing services, and other rural households of pastoralists, nomads,

⁶ Mark Edelman, “What is a peasant? What are peasantries?”, Briefing paper on issues of definition, Prepared for the first session of the Intergovernmental Working Group on a United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, Geneva, July15-19, 2013. See also, www.ohchr.org (last visited on Jan.31 2016).

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.* Emphasis supplied.

¹⁰ *Ibid.*

peasants practicing shifting cultivation, hunters and gatherers, and people with similar livelihoods.¹¹

The Inter-American Committee for Agricultural Development did land tenure studies in Latin American countries in mid 1960s, and classified the farms as “subfamily,” “family,” “multi-family medium,” and “multi-family large.”¹² This classification was based on census data on farm size and on the analysis of how much increase in land could maintain a household at a culturally acceptable standard of living, which remained extremely influential in the social scientists in Latin America and beyond.¹³ A lot of studies have concurred the finding of ICAD that small land holdings used the factor land much more resourcefully and industriously than bulky farms.¹⁴

The ICAD study employed the term “campesino” to refer to indebted labourers who were bound to large estates, but it also used “smallholder” and “farm owner” interchangeably to describe agriculturalists in possession of the smaller categories of farms. The “people of the land” focus is evident in article 1 of its 2009 proposed draft declaration on peasants’ rights:¹⁵

A peasant is a man or woman of the land, who has a direct and special relationship with the land and nature through the production of food and/or other agricultural products. Peasants work the land themselves, rely[ing] above all on family labour and other small-scale forms of organizing labour.¹⁶ Peasants are traditionally embedded in their local communities and they take care of local landscapes and of agro-ecological systems. The term peasant can apply to any person engaged in agriculture, cattle-raising, pastoralism, handicrafts-related to agriculture or a related occupation in a rural area. This includes Indigenous people working on the land.

¹¹ *Supra* note 6.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Art. 1, La Via Campesina Draft Declaration on Peasant Rights, Women and Men, 2009.

¹⁶ *Ibid.*

It looks like it excludes the farmers who passively own lands as farmers where the actual active work of working the lands is done by someone else who can be termed a peasant. There is no clarity in the definition as to whether the marginal and rich farmers are included or not. However this definition seems to be closely connected with that lot of people who are actually doing the agricultural work and not merely participating in agriculture as land owners.

II General classification of farmers in India

Conventionally, the systems of agricultural land tenure which were prevalent in India were the Ryotwari meaning property rights held by the holder, Mahalwari which means community proprietorship and Zamindari that is ownership of several villages by a single family.¹⁷

With the introduction of agrarian reforms such as land ownership ceilings and abolition of the Zamindari, land tenure is now more rational.¹⁸ The average share in India is very little and split into speckled portions. The categories of land holdings can be said to be of five types and depending on this, the farmer can be classified as follows: Marginal holding below 1 hectare, small that is 1 to 2 hectare, semi-medium holding 2 to 4 hectare, medium farmers having a 4 to 10 hectare, and large, 10 hectare and above.¹⁹ Small and marginal farmers play a key role in development and poverty reduction.²⁰ The global experience of growth and poverty reduction shows that GDP growth owing to agriculture is at least twice as effective in reducing poverty as GDP growth originating outside agriculture. Small farmers have a big role in increasing agricultural development and poverty reduction.²¹

According to the Agricultural Census of 2010-11, the operational land holdings²² are declining due to various reasons.²³ In each successive census, the area put for agricultural

¹⁷ Country Pasture Profile for India published by B Misri for the Food and Agricultural Organisation, 1999 edited in October 2006 by S G Reynolds, available at: <http://www.fao.org/ag/agp/AGPC/doc/pasture/forage.htm> last visited on Aug.15, 2015.

¹⁸ *Ibid.*

¹⁹ S. Mahendra Dev, "Working Paper, Small Farmers in India: Challenges and Opportunities", 5 (IGIDR, Mumbai, 2010).

²⁰ Lipton, M. (2006), "Can Small Farmers Survive, Prosper, or be the Key Channel to cut Mass Poverty", 3(1) *JADE* 58-85, 2006.

²¹ *Ibid.*

²² Ministry of Agriculture says that all land which is used wholly or partly for agricultural production and is operated as one technical unit by one person alone or with others without regard to the title, legal form, size or location.

²³ Ministry of Agriculture, Report on Agricultural Census, 2010-11.

operations has been steadily plunging. The average operated size of holding which had been 1.23 hectare in 2005-2006, is now 1.15 hectare at all India level.²⁴

This means to say that the holdings of a farmer are declining due to various reasons. So a marginal farmer can be called a small farmer. There are diverse kinds of farmers, counting the non agricultural farmers in. The small and marginal farmers, cultivating lands of agricultural nature constitute the major chunk of these farmers in India and could be part of any of the classes mentioned by the Ministry of Agriculture referred to in the footnote. No legislation categorises the farmers according to these categories mentioned by the Ministry.²⁵

The main classification for the purpose of this paper will therefore be based on the land holding capacity as well as the fact of land holding of a farmer. The need for definition, classification and the consequential rights being studied here will therefore be based on the classification based the land held by the farmer.

Division of rural peasantry in India

In rural India the peasants may be broadly divided into three categories²⁶ (i) The rich (ii) The middle and (iii) The poor peasants and they hold the following meaning. Rich peasants are proprietors with considerable holding. They perform no field work but supervise cultivation and take personal interest in land management and improvement. They are emerging into a strong capitalist farmer group.²⁷ Middle peasants are landowners of medium size holdings. They are generally self-sufficient. They cultivate the land with family labour. Poor peasants are landowners with holdings that are not sufficient to maintain a family.²⁸ They are forced to rent in other's land or supplement income by working as labourers. They constitute a large segment of the agricultural population.²⁹

Non-cultivating landlords, peasant proprietors and tenants constituted social groups connected with agriculture. The agricultural labourers were and still are broadly of three

²⁴ *Ibid.*

²⁵ According to the Ministry of Agriculture, India, the farmers can be classified according to either classes (marginal, small, semi-medium, medium and large), or social groups (Schedule Castes, Schedule Tribes, others), or gender (male/female), or types of holding (individual, joint and institutional).

²⁶ Puja Mondal, "Social Classes in Rural and Urban India", available at: <http://www.yourarticlelibrary.com/society/social-classes-in-rural-and-urban-india-essay/4362/> (last visited on April 14, 2015).

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

types. Some own or held a small plot of land in addition to drawing their livelihood from sale of their labour. Others were landless and lived exclusively on hiring out their labour. In return for their labour, they were paid wages which are very low. Their condition was far from satisfactory. There was another type of labour class prevailing in many parts of the country. Their status was almost that of bonded or semi-bonded labourer. *Dublas* and *Halis* in Gujarat *Padials* in Tamil Nadu are a few examples of such bonded labour force existing in India. Such labour force exists in some parts even today.³⁰

A lot of studies have been conducted with respect to the agrarian class structure in India including those by Andre Beteille, Hemsal Alavi Daniel Thorner, and A.R. Desai.³¹ T.K. Oommen lists the following five categories. (i) landlords, who have but do not develop land, either providing work for intermediaries or leasing out land. (ii) rich farmers, who look upon agriculture as a business proposition, produce for the market and for profit. Employ wage labour and supervise rather than cultivate. (iii) middle peasants, who cultivate their own land and hire labourers only for certain operations or at certain points of time. (iv) poor peasants, who own small and uneconomic holdings and often have to work as part-labourers or as share-croppers or tenants. (v) landless agricultural workers, who sell their labour and fully depend on the first three categories for their livelihood.³²

III Rights of peasant farmers under the international regime

The degree to which farmers' rights is put into practice in a national set up is not only dependent on preferences and needs within the country.³³ It is also subject to the obligations that the country as a state party has with respect to different international and regional accords or treaties. Thus, harmonisation of farmers' rights is not only important at the national, but also at the international level.³⁴ But what are farmers' rights?

The international treaty does, however, not define farmers' rights. The following is a working definition developed on the basis of the research of the farmers' rights project³⁵ and

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*

³³ Available at: <http://www.farmersrights.org/internationally/index.html> (last on visited on Feb. 8, 2015).

³⁴ *Ibid.*

³⁵ This project is an initiative of a Norway based Research Organisation named Oikos, available at: <http://www.farmersrights.org/index.html> (last visited on Feb. 8, 2015).

can be seen as a lowest common denominator of all stakeholders consulted and all documents and literature surveyed.³⁶

Farmers' Rights consist of the customary rights of farmers to save, use, exchange and sell farm-saved seed and propagating material, their rights to be recognized, rewarded and supported for their contribution to the global pool of genetic resources as well as to the development of commercial varieties of plants, and to participate in decision making on issues related to crop genetic resources.³⁷

The above definition does not talk of the small farmers rights and is restricted to seed and genetic material rights of the farmers. However the paper emphasises on the need, for a definition on peasants and small farmers rights.

The most important international agreements, apart from the International Treaty on Plant Genetic Resources for Food and Agriculture (IT PGRFA), popularly known as the International Seed Treaty, is a comprehensive international agreement in harmony with the Convention on Biological Diversity, the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organization, the Convention of the Union for the Protection of New Varieties of Plants and World Intellectual Property Organization of the United Nations.³⁸ These agreements are interconnected. They act together in a variety of ways in relation to farmers' rights.

The rights of peasants are not specific under international law. However, peasants, similar to all human beings, have advantage of the protection of rights preserved and enlisted by the world documents for the protection of human rights, particularly the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR).

In addition to this universal protection, women peasants as well as indigenous peasants benefit from the protection given by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and by the United Nations Declaration on the Rights of Indigenous Peoples.

The economic, social and cultural rights present in the ICESCR offer considerable protection for peasants' rights. The most important are the right to adequate housing, the right to food and the right to health. The chunk of human rights instruments till date have been

³⁶ *Ibid.*

³⁷ 'Student Paper', Submitted to International Islamic University, Malaysia.

³⁸ *Ibid.*

strongly advocating the importance of human dignity. Article 1 of the Universal Declaration of Human Rights says that³⁹

All human beings are born free and equal in dignity and rights.

All this calls for a special understanding of the position of the small and the marginal farmer whose rights should be protected in order that he being free and equal in dignity and rights should be able to enjoy the same as much as the bigger farmers. This can happen only through separation, segregation and consolidation of the rights of farmers in general and the small farmers in particular within the same legislation.

IV Rights of peasants in Indian regime

The Constitution of India guarantees rights to all and sundry under the tag of a citizen and some rights to all persons. However it does not give any special privileges to farmers. In fact agriculture is kept under the Directive Principles of State Policy. In terms of specific laws the most important legislations in this area include “The Protection of Plant Varieties and Farmers’ Rights Act, 2001”.⁴⁰ Relevant provisions in this Act are the Registration of Plant Varieties and Essentially Derived Variety in chapter three, and the duration and effect of registration and benefit sharing under chapter four. Second, the protection of plant varieties and farmers’ rights rules complement the legislation. And the relevant provisions related to farmers are in chapter three.

The Patents Act, 1970 is another legislation which in chapter two talks of Inventions not patentable. The latest amendment to this Act was in 2005. Then again, is the Seeds Act, 1966, which in section 9, 17 and 24 has provisions affecting the farmers. The Biological Diversity Act⁴¹ has chapter 9 and 10 dealing in a way with farmers. Now let us look at each of these legislations one by one and see if any of these are able to cater to the rights of the smallest of farmers.

The Constitution of India initially did contain a full chapter on fundamental rights, which encompassed the right to property. Just as in the Government of India Act, 1935 was divided into many parts, the freedom to enjoy property (article 19), the freedom from

³⁹ Universal Declaration of Human Rights, 1948, art. 1.

⁴⁰ Act no. 53 of 2001.

⁴¹ The Biological Diversity Act, 2002.

deprivation of property contrary to law (article 31(1)), and the freedom from the compulsory acquisition of property without compensation (article 31(2)).

The Supreme Court of India, in various case laws has extended and reads the 'Fundamental Right to Life and Liberty' in article 21 of the Constitution of India to have a much wider connotation. In this manner, 'farmers' rights' thus should also be developed on a much wider canvass, and should ultimately lead to farmers' real empowerment.⁴²

Indian legal framework has the following important legislations which are the Protection of Plant Varieties and Farmers' Rights, 2001, the Seeds Act, 1966, the Biodiversity Act, 2000 the Land Acquisition Acts and the plethora of Acts related to environment like the Environment Protection Act, 1986 the Forest Act, 1980 and the Water Act, 1974 among others. In this chapter we will be dealing with the most important legislations specifically and the others generally.

The Plant Variety Protection and Farmers' Rights Act (2001), the Patent (Amendment) Act (2002), and the Biological Diversity Act (2002) are the laws are the result of the liberty India had in making its own legislations keeping in mind the interest of the peculiar scheme of things in Indian set up. The foremost Patent (Amendment) Act, 2005 had applied the option in article 27 clause b of the TRIPS agreement to keep out plants from patentability. In contrast, the Plant Variety Protection and Farmers' Rights Act, 2001 provided a method for the safeguarding of plant varieties, which had as its objective at balancing the breeders' and farmers' rights and protecting farmers' self-reliance.⁴³

This Act was primarily based on the international union for Protection of Plant Varieties Convention but had provisions which showed adherence to taking care of the specific situation in India.⁴⁴ It recognised the traditional rights of farmers to save and swap seed, and to share or sell their harvest. The Plant Variety Act, 2001 further provided that the registration of a variety can be denied to protect human life and health.⁴⁵

⁴² *Supra* note 20.

⁴³ *Supra* note 20.

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

Soon plant treatment processes became subject of patents. These processes were patented under the second amendment to the Patents Act, 1970. The production and propagation of genetically engineered plants came to be allowed as inventions within one of the provisions. Therefore the path for utility patenting for genetically engineered crops was opened. And at last in 2004, another amendment and a new Seed Act, 1966 were brought in. Parallel protection of genetically engineered crops through both utility patents and plant breeders' rights, through an amendment which soon was to become the order of the day.

V Legislations under the intellectual property regime

On the occasion of India having ratified the TRIPS documents in 1994, there was on its part a commitment to protect plant varieties via its own *sui generis* legislative policy and legislation avoiding the patents.⁴⁶ The Indian regime on farmers' rights had evolved after a plethora of deliberations, campaigns and public interest litigations by organisations like gene campaign. India's law is unique in that it simultaneously aims to protect both breeders and farmers.⁴⁷

Controversies were brought into international trade discussions during the 80s and the 90s in the meets of General Agreement on Tariffs and Trade, which later became WTO, which is also called the Uruguay round. Arthur Dunkel made a proposal related to granting of intellectual property rights (IPR) to plants and life forms including seeds. The result was TRIPS. Organisations such as NGOs in India were against giving such IPR rights on agricultural biological materials.

The access to the genetic resources in India is regulated by the National Biodiversity Act which based on the Convention on Biological Diversity. Benefit sharing, protection of traditional knowledge and prior informed consent are the key areas which this Act addresses. Also the Geographical Indications Act, 1999 the Patents Amendments Act, 2005 and the Seed Bill have implications for Farmers' Rights in India.⁴⁸

VI Conclusion

The following observations were made

⁴⁶ Available at: <http://genecampaign.org/farmers-rights/> (last visited on Feb. 20, 2016).

⁴⁷ *Ibid.*

⁴⁸ *Supra* note 20.

- i. The legal system is scattered in this regard. All the legislations are talking of farmer as a general category without classifying them on the basis of economic capacity.
- ii. There is no definition of the word peasant farmer. If the most important legislations can define the peasant farmer, then other legislations can draw from it.
- iii. There is no proper classification of the farmers in any of the legislations exception being only some debt relief legislations.
- iv. The large farmer, the marginal and the poor are all bracketed under the same word farmer.
- v. There is an overlap of rural development with agricultural development.

The present legal system consists of the legislations which are scattered both in their application and approach to the problems of the small farmers. Some farmers are into industrial labour running the risk of losing their agricultural pattern of living for urban unskilled jobs. They are those who have not been factored in for their problems to be discussed. However landholding is a big factor which should differentiate the farmers according to economic status. Only if there is a proper definition of who a small and marginal farmer is, can the legislations be able to address the issues of the small and the marginal.

Yes, there is a problem due to clash in the various laws related to farmers. In one legislation, for example in the Seeds Act, 1966 the focus is on the seeds and not on the rights of farmers, in the Plant Varieties Act, 2001 the focus is on the rights of farmers to an extent but largely it deals with the protection of plant varieties. For example if we look at the income tax act, the beneficiaries are only the large land owners who have given up farming on their agricultural lands.

Since there is no classification of the category of the farmers in the legal regime, in spite of the fact that the general terminology used by various ministries involves the use of the words like marginal and small, the legislations themselves do not have any concrete classification. For example, a farmer is a farmer under the Income Tax Act, 1961 or the Plant varieties Act, 2001 in which a farmer can also be a breeder. There are no rich and poor farmers. Only farmers or the rural people in the case of the land acquisition act which has no focus on the rights of farmers but only some exemptions to developmental activities.

There is an overlap in the concept of rural development and the concept of agricultural development. In the agricultural and developmental schemes the rural poor and the farmer somewhere overlap, which is generally a good thing to benefit the farmer to attain sustenance, but he or she moving to the labour market other than farm sector is a worrying trend. Also when there is development there are a lot of stakeholders. The small farmer is always at the receiving end. This stems from not only the land acquisition laws but also from the various IPR laws.

What should be done?

At the outset the most important thing which needs to be done is the incorporation of a legislation squarely related to only farmers without any mention of any other purpose such as the plant varieties or biodiversity. There should be legislation from which all the Acts draw the basic. It should be like a bible only for the farmers. And all laws should flow from it whether in relation to the rural farmer or the well established profit making farmer. Additionally, there should be a convention at the international level. This would entail the responsibility of the governments without giving excuses of fiscal deficit. There is no specific convention for the farmers in the world except some failed or incomplete attempts to declare a few rights internationally. The rights which a farmer needs draw from which category of farmer he belongs to.

The peasant farmer rights need to be formulated and defined more clearly. For example in plant varieties act there should be provision for the protection of the landless farmer. This can happen only if there are special definitions inserted in the definitions clause of the act. This will make it easier to fulfil the other rights under other legislations. It is well known that peasant farmer rights are those that are violated the most. These rights must be taken fully into account whenever the question of the protection of human rights is raised. We have to be clear and strict concerning the implementation of economic, social, cultural rights and a clearer definition of peasant farmer rights whether under the national or international legislations or conventions have to become specific and can only help this process. But to become more specific, the farmers have to be classified according to various categories so that they can benefit from the schemes or their specific rights are fulfilled.

A small farmer may be in need of more benefits for him and his family from the governmental schemes. There could be a positive discrimination on the basis of intelligible

differentia. This would require the separation of farmers under categories. For example, a farmer without land could be entitled to a portion of the governmental land to be lease in to him at subsidised rent, whereas the bigger farmer should pay the income tax as well as the capital tax for the lands owned by him on which he is earning rent as well as the benefits which arise out of land. No doubt, he need to be given tax benefits for holding agricultural lands for cultivation, but the same should depend on how much lands he owns. That is just like the tax slabs meant for the salaried and professionals under the income tax act are being implemented, there is a need to deliver justice to the landless by taxing the rich farmer who is till date exempted from a lot of taxes.

Also the benefits of subsidies and the related governmental schemes are being availed of by the farmer who is capable of availing those schemes, and the capacity of the small farmer has to be worked upon through educating him about his rights and benefits which he can avail. A special card should be given to the landless. Seeing the realities of how many poor are still not able to have *Adhaar* cards, there should be issuance of specific farmer cards to all farmers detailing their economic position. These cards should prove as identification for availing governmental schemes. Internationally there should be a convention related to the peasants. There is the La via Campasina Declaration ⁴⁹which attempted to do this for the first time but still remains a declaration and has no binding value. Also the rights mentioned in it are more general in nature which is in the lines of the ICCPR and the ICEPCR. At least there has been an attempt to write the rights. That is fine as long as there are specific legislations in the countries related to peasant rights. In India we need a specific mechanism which acts as a bible for the farmers rights in India. And from this the rights of the farmers should flow and be protected. There should a comprehensive definition clause of a farmer in this legislation. And it should define classify the farmer as small, medium and big. There should be more objective classification of the farmers of other businesses other than agriculture. Since our focus is on the agricultural peasants, we should envisage a system where these farmers are defined categorically. There should be no caste or religious distinction in this but dalits and tribals should be better taken care of. Gender also should become a good part of the discourse of drafting the legislation as well as the convention.

⁴⁹ Declaration on the rights of peasants and other people working in rural areas, *available at*: <https://viacampesina.net/downloads/PDF/EN-3.pdf> (last visited on Feb. 22, 2016).

In the past, chairman of National Bank for Agriculture and Rural development (NABARD) talked about economy through agriculture on a TV show,⁵⁰ stated that when the states which have shown a growth of 10 percent and above have not grown only due to food grains and therefore this shows that this is because of diversification of agriculture. He suggests that the diversification in this context should be both public as well as private involving bank loans as well as capital formation. Indian banking system should gear up to this. He talks of aggregation of inputs and outputs in the farming sector and farmers should aggregate, either for procurement, cultivation or for the purpose of linking to the markets. The researcher feels that this aggregation can only be a reality if there is a proper definition of and a classification on the basis of land holdings in the rural sector and more particularly the agrarian economy, thus it would involve an umbrella legislation directly linked to the farmers as well as the rights embodied in the same.

In India we can look forward to having more producer companies and producer organisation ,which come together to make agriculture related activities more viable to the smallest of the farmer only through such kind of a legislation for example a legislation which gives cold storage facility as a matter of right even to the smallest of the farmer. The researcher states that objectivity of rights involved is most important at the micro level than just talking of co-operative federalism and centre –state relations. The gram sabha or the gram panchayats should be empowered to bring in an aggregation at the village level and support the small farmers as a group.

At the individual level the researcher ponders on the idea of making peasant farming economically viable. Today the average monthly income of the peasant household is less than Rupees Six thousand and five hundred and therefore the big ticket idea is to make the peasant farming transform to economic farming.⁵¹ This requires that the agricultural credit dispensed through organisations like NABARD and other banks should set the target in terms of the number of farmers rather than the agricultural credit transferred so that the availability of the credit is expanded. Government should prohibit fiscal deficit to shy away from helping the

⁵⁰ CNBC-TV 18 Report.

⁵¹ *R.Ramakumar*, Tata Institute of Social Sciences, in a panel discussion on NDTV.

prices in the farm sector due to calamities or other reasons. M.S Swaminathan says in an interview:⁵²

You and me exist because of sunlight and farmers. Farming is a live giving profession. If farmers themselves take their lives, there is something radically wrong in the society, for example there may be no patta to land, or no access to credit. Both Mahila Kisans and Yuva Kisans should be helped. Gram Sabha and Gram Panchayat should work as a social support system. We need to put faces before figures in the suicides by farmers. These are man-made problems and only men can give solution.

Prime farmland should be declared as special agricultural zones, just like special economic zones have special status and the special agricultural zones should be untouched and should not to other purposes. The approach best suited for a farmer and a small farmer in particular is the human rights based approach.

Following are the propositions which can be done:

- i. Definition of a peasant farmer be formulated as soon as possible.
- ii. Segregate the bigger from the smaller based on this definition.
- iii. A comprehensive legislation dedicated to the farmers only in which the segregation is manifested.
- iv. There should be diversification of agriculture. The diversification in this context should be both public as well as private involving bank loans as well as capital formation. So banking legislations should incorporate these changes.
- v. The gram sabha or the gram panchayats should be empowered to bring in an aggregation at the village level and support the small farmers as a group. This empowerment can be through legislation only.
- vi. The agricultural credit dispensed through organisations like NABARD and other banks should set the target in terms of the number of farmers rather than the total agricultural credit transferred so that the availability of the credit is expanded.

⁵² M S Swaminathan, *Interview on NDTV*.

- vii. Prime farmland should be declared as special agricultural zones. And the land laws should be amended keeping this in mind.

A grove of mangroves for a man of mangroves is what the farmer wants. And this is not possible through compensation schemes. A poor farmer will not know how to spend the money which is being given as a compensation for rehabilitation. Chances are that he will spend the same in non agricultural purposes. He does not know how to invest. What he gets from the government should be in the form of building capacity. Capacity to do better in his own field. That should be a right in the sense of empowerment. A capacity to be able to avail the opportunities given to him. This will entail the need to improve the infrastructure at the agricultural level. And this development based approach should be based on the idea of development of agriculture.

The writer proposes that the legislative framework be such as to include the definition of farmer of each kind and pass on the benefits to the classes. There are a few legislations like the debt relief Act of a few states which classify the farmer.

Also she recommends that the governance model should be one based on the model of sector governance.⁵³ In many successful sector governance models, government is often the catalyst for defining ‘quality’ and putting structures in place that support quality production. Legislation is significant in either establishing the models or in helping to ensure they work in practice and to ensure that there is consistency across policies. For example, designing legislation to ensure effective financial markets are in place, which in turn will determine the model’s access to finance and credit for farmers.

⁵³ IFC, White Paper 2 titled “How can sector governance models drive sustainability performance in small holder dominated agricultural sectors”, 2014.