

Study on the Rights of the Peasant Farmers of India¹Deependra Kushwaha and ²Dr. Amit Kumar¹Research Scholar, Department of Sociology, SunRise University, Alwar, Rajasthan (India)²Associate Professor, Department of Sociology, SunRise University, Alwar, Rajasthan (India)**Corresponding author Email:** deependrakush@gmail.com

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.

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Introduction:

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, relying 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. 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.

India is among the first countries in the world to have passed legislation granting Farmers' Rights in the form of the Protection of Plant Varieties and Farmers' Rights Act, 2001. India's experience is important due to its international contribution to negotiations on Farmers' Rights, its position as a centre of biodiversity, and the complexities of agriculture in India within which the country is attempting to implement these rights. This case study

provides an overview of the state of Farmers' Rights, and opinions of over forty stakeholders in India including farmers, NGOs, industry and government representatives, on the prospects for the further realization of Farmers' Rights. India's law is unique in that it simultaneously aims to protect both breeders and farmers. The study analyses the achievements, barriers and limitations of India's approach. One of the findings is that the attempt to evolve a multiple rights system could pose several obstacles to the utilization and exchange of plant genetic resources among farmers. India has framed a unique legislation, but still faces the task of implementation, without any clear consensus among the various stakeholders on how to achieve these rights. This should serve as a signal internationally that establishing legislation is insufficient to effectively promote Farmers' Rights. An international mechanism is urgently required to promote some level of consensus on defining and implementing these vital rights. If the global community does not face up to the challenge of unambiguously articulating Farmers' Rights, what has been achieved so far in the battle to establish these rights may be lost. Such a loss would be heavy for farmers in India and other developing countries who need Farmers' Rights to protect their livelihoods, secure their access to resources, protect their rights to seeds, and, above all, lift them out of poverty.

The first time Farmers' Rights made an appearance in international public law was at the UN Food and Agriculture Organization (FAO) in 1989 in the midst

of the so-called “seed wars.” Far from states belatedly recognizing the role traditional smallholder farmers have played in producing plant biodiversity over millennia, the recognition of Farmers' Rights constituted a recent instantiation of a deeper and conflictual entwinement of capital with plant genetic resources in which, as this article argues, states have been implicated since the start. In the immediate FAO context, the symbolic recognition of a limited set of rights for traditional, smallholder farmers served as a quid pro quo that made possible the international implementation of the legally binding rights of commercial plant breeders (PBRs). Emerging as a category of private ownership rights in and among a handful of developed countries in 1961, PBRs have spread across the world since then, while Farmers' Rights remain vague: neither the 1989 FAO Resolution¹ nor the subsequent 2001 FAO International Treaty² on plant genetic resources spelled out clearly what Farmers' Rights consisted of, leaving it to national governments to determine their scope and realization. Farmers' Rights are intrinsically linked to plant genetic resources; although underdefined in the 2001 FAO Treaty, measures states are encouraged to take include the protection of traditional knowledge related to plant genetic diversity, the right to share benefits arising from the utilization of plant genetic resources, and rights to save, use, exchange, and sell farm-saved seeds (Art. 9). The Treaty itself does not define the farmers whose rights it recognizes, but these are broadly understood to be smallholder farmers who primarily use, develop, and conserve seeds³ largely outside the purview of the commercial, proprietary seed sector. For our purposes, the term traditional smallholder farmer will be used without assuming or ascribing uniformity to this analytical category. Its membership is crisscrossed by differences in access to land as much as seed use practices; these farmers may or may not own their land and use commercial and/or traditional, saved seeds, but at the very least they have the ability to choose what to grow. Beyond differences related to land ownership and seed use, the composition of the smallholder farmer category is further complicated by gender, race, ethnic, and caste dimensions, among others. As a result, this highly diverse group displays different, changing, and sometimes contradictory ways⁴ of embracing, negotiating, or contesting the relationship between plant genetic resources (hereafter, PGRs) and capitalism.

The peasant farmers of India: the need to classify and recognise their rights

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FARMERS' RIGHTS AND THE DESTRUCTIVE PGRs-CAPITALISM ENTWINEMENT IN HISTORICAL PERSPECTIVE

Plant genetic resources, like other “natural resources,” refer to a specific aspect of nature that has been appropriated for human use. It refers specifically to plant germplasm in which the hereditary material of plant life is contained. A constant feature of human history since the first human communities started domesticating wild plants about 10,000 years ago, the use of PGRs changed radically with the emergence and development of capitalism as a worldhistorical formation from the long 16th century onwards. It could not have been otherwise, if capitalism is properly understood not merely as having an ecological footprint, but as being an ecological regime, that is, a historically specific matrix of institutional mechanisms seeking to stabilize the flow of food, raw material, energy, and labour to centres of accumulation and production (Moore, 2010, 2017a, 2017b). Capitalism here is not just a force acting upon nature, but a way of organizing nature and a historical formation that

develops through the nature–society dialectic (Baglioni & Campling, 2017; Moore, 2010; Smith, 2007). Considerable leaps in capital accumulation have historically occurred under a combination of political power and technological innovations in industry, finance, and agriculture that simultaneously raised productivity and facilitated the appropriation of (human and non-human) nature cheaply or for free: unpaid work by human and non-human natures, nutrients, and energy generated over long geological times in the form of rivers, oil, gas and coal deposits, soils, and forests, as well as other forms of non-human life (Fraser, 2014; Moore, 2010, 2017a). Notably, while otherwise rich in analytical power and an impressive historical range, this account has not focused specifically on PGRs as a particular articulation of human and non-human nature. The aim of this section is to start addressing this omission by demonstrating how the state in general and, whenever relevant, the (post-) colonial state in India and Brazil in particular has since the start facilitated the destructive capitalism–PGRs relationship through focusing on the two key aforementioned state technologies: regulatory (especially property) regimes and techno-scientific regimes. Each of the leaps in capitalist accumulation from the long 16th century onwards necessarily restructured and transformed the dynamics of the capitalist ecological regime worldwide. For instance, the “imperial botanic chess game” that started with the Columbian Exchange during which plant germplasm was appropriated from the New World played a key role in underwriting capital accumulation in Europe at the time (Crosby, 1972; Kloppenborg, 2004), and continues to underwrite advanced economies' success in agricultural markets today.⁶ Moreover, the tropical nature of many PGRs (e.g., sugar, banana, and coffee) determined their lateral move to other colonial possessions where land and labour were cheap or made so through colonial policies (e.g., slavery and land grabs), profoundly transforming them in the process (Crosby, 1972; Mooney, 1983). Of the radical socio-ecological transformations this “botanic chess game” brought about in these territories, the loss of local PGRs and biodiversity is of particular relevance; the immense diversity of

tropical and semi-tropical lands colonized by European states was largely eradicated alongside the highly diverse and resilient indigenous agricultural practices so as to make way for single cash-crop plantations (Dawson, 2016, p. 47). Importantly for our purposes, the appropriation of plant germplasm from the periphery at little or no cost to capital was and remains not only central to the process of accumulation, but also to the process of state formation. State power was and remains central to the creation and appropriation of value. As natural resources circulated across the core-periphery divide, statecraft also developed: modern state's technologies—military, administrative, judiciary, techno-scientific, and so on—were fermented in the uneven geography of colonialism and empire (Parenti, 2015). Capitalism as an ecological regime has since the start been mediated through the modern territorially defined state and through its geopower technologies (Parenti, 2015, 2016). States have always been spatially Janus-faced, looking both inwards and outwards, and anchored simultaneously in the national and the global terrain, a structural and spatial feature that makes state forms historically specific expressions of domestic and global pressures simultaneously (Hobson, 1997). In its continuous drive to adapt and respond simultaneously to such pressures, the state remains one of the central agents that shapes domestic and international socio-ecological institutional forms (Hobson, 1997; Jessop, 2002). Every era of capitalism has been characterized by a specific regime of geopower that, through such institutional forms, made human and non-human nature accessible, legible, measurable, and useable for the purpose of value creation and appropriation (Harris, 2004; Moore, 2017b; Parenti, 2016)

Role of NABARD to improve the socio-economic condition of the farmers':

In the year 1982, NABARD has been launched the farmers club program to spreading the attitude of "development through credit, technology transfer, awareness, and capacity building." Which is about 1.43 lakh all over the country. Few of them are inactive, and some of them have a disability. After that, a fresh up and boost up capacity building program was started to come together. To sustain the farmers' club, all over the country, 106 federation

farmers' club had been joining together about 50 farmers club in several blocks, and side by side, will generate membership about 1000 farmers. These associations had been undertaking financial activities to obtain profits of the economic scale. Since 1982, NABARD supported large numbers of farmers' clubs were set up, various banks, and voluntary organizations. The visit of farmers' experience and meeting, planning, partnership have helped to adopt the technology with availing from the bank as well as the government department, etc. NABARD has also been given awards to the best performing farmer's clubs to encourage them to support the farming community. It was also found NABARD always felicitating the farmers to promote the activity of agronomy and production more. Since the beginning, NABARD has been endorsing the concept of various organizations of farmers in the form of farmer club. Though, to sustenance, these farmers' organizations need a long-term policy.⁷ NABARD has been present 'in the irrigated areas through RIDF interventions' and 'in the Rainfed areas through watershed programs.' NABARD has always encouraged the farmers' group; associations & producer thought the country. During various field studies, it was observed that there are a few invalid and inactive farmers' clubs in the initial years of formation. During the initial stage, after 3 years, more than 50% of farmers' club were absolute and inactive. This scenario, more or less the same in others are also. So, a database will set up to strengthen the active farmers' club. It was revealed that the transformation of the Farmers' club association into a producer organization would construct on the social mobilization of farmers has already been taken place.⁸ The association has required less handholding support for encouraging POs compared to any other intervention. NABARD supported the successful intervention in Chhattisgarh. All stakeholders have been learned through these successful models and scale up the transformation of Farmers' Club federations to Producer Organizations. The farmers' unions and farmers' producer organization were supported by NABARD under the PODF Scheme from 2012-13 to 2013-14. As an example, A association of farmer club has been set up to procuring, processing, and retailing of the seed in Chhattisgarh. The association in the same district and others in the neighboring community is in the process. A study was undertaken to understand the model and to examine the scope of replicating the model in other parts of the country

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