



## An Attribute of Social Security among Farmers in India

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### ABSTRACT

India's economy is heavily dependent on agriculture, both in terms of the employment it creates and its contribution to GDP. A recent economic assessment voiced worry about the declining contribution of capital formation from the agricultural sector to GDP. A research titled "Status Assessment Survey of Farmers" (SAS), which was funded by the Indian government and analysed the situation of farmers for the first time in 2003, revealed the bleak circumstances in which many farmers in India currently find themselves. With an increase in farmer suicide rates in recent years, India has seen a worrisome trend. Newspapers continue to publish daily suicide cases in various sections of the country, reflecting the "crisis in Indian agriculture."

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### INTRODUCTION:

According to the Gita, "he who has no ill will to any being, who is friendly and compassionate, who is free from egoism and self-sense and who is even-minded in pain and pleasure and patient is dear to God." It also claims that the virtues of non-violence, truth, freedom from wrath, renunciation, aversion to finding fault, sympathy for living things, freedom from materialism, kindness, modesty, and traits that a decent human being should possess divinity in humanity<sup>1</sup>.

One of the primary drivers of human settlement is thought to be agriculture. Before agriculture, humans were nomads who moved from place to place in quest of food. They spend some time settling in one location before getting the nourishment they require and moving on. When agriculture was discovered,<sup>1</sup>

they began to settle in one location. As it takes months for the crop to be completely ready for harvest, they began to settle in one location. Communities form as they begin to settle in one location. They began residing in the same location, which aided in the development of society and laid the groundwork for contemporary culture.

To maintain peace and settle any disputes in their society, they needed certain laws and regulations. They began adhering to some fundamental norms, which were passed down from generation to generation and eventually became part of their culture. Eventually, it sparked the creation of the contemporary laws we have today. The main pillar of civilised society was agriculture.<sup>2</sup>

Since Independence, India's agriculture, in particular, has advanced dramatically, which is highly significant. A nation that previously experienced regular food shortages and depended on food imports is now not only self-sufficient, but also essentially a net exporter. Agriculture in particular has gradually transitioned from subsistence to semi-commercial farming, and the old production methods have been replaced by more efficient, technologically driven ones.

### **1. The concept of social justice:**

Social and economic justice is a living idea that gives the rule of law substance. Its importance to the concept of a welfare State.<sup>3</sup> The constitution of India is an example of the factors at play a vital role in socio economic law. the Directive principles of state policy is states that nation's government is based on the fundamental, which also outlines a social, economic, and political justice should provide all institutions a social life. The goal of social justice is the elimination of all disparities and giving all residents access to equal chances in social and economic spheres. The term "Justice"<sup>1</sup> means Justice to the deprived and weaker sections of society bringing an egalitarian order under which opportunities are afforded to the weaker sections of society".<sup>2</sup>

Rousseau describes the Original Civil Society as having differences and inequities that over time grew to be so obscene that a call for social justice was a logical response. In the platitude of philosophers, man is described as a social animal.<sup>4</sup>

The rules of conduct gained political authority when civil society transformed into an administrative entity, and breaking them was made criminally responsible by means of legislative penalties.

The most important contribution Ehrlich made to the sociological school of law was his emphasis on the interaction between law and societal life and his scientific approach to studying law in its social context. His living law theory was a forceful response to analytical positivism. Ehrlich concentrated his efforts on the social role of law. He believed that the goal of law was to achieve social justice.<sup>5</sup>

#### **➤ Social justice in India:**

The position of social justice in India can be understood under following heads<sup>3</sup>:

- (i) The position of Social Justice in ancient time.
- (ii) The position of Social Justice in medieval time.
- (iii) The position of Social Justice in independent India.

#### **➤ The position of Social Justice in ancient time:**

The caste system is the most notable aspect of Indian society. Through the constitutional framework of social structure, the retail classification of several castes as Brahmins, Khastrayas, Vaishayas, and Shudras has benefited and has allowed them to abuse the lower castes. At the top are the Brahmins,

who are mostly priests and scholars. The Kshatriyas, or political leaders and soldiers, come next. They are followed by the Vaishyas, or merchants, and the fourth are the Shudras, who are usually labourers, peasants, artisans, and servants. At the very bottom are those considered the untouchables.<sup>6</sup> These individuals perform occupations that are considered unclean and polluting, such as scavenging and skinning dead animals and are considered outcasts.

➤ **The position of Social Justice in medieval time<sup>1</sup>:**

As a result of its greater geographic reach, the Mughal rule was more powerful than the Sultanate Rule.

The peasantry had previously seen a more powerful state. However, Shivaji's challenges to Mughal control, notably in Deccan, may be considered as a threat to the Mughals' agrarian policy. The opposing forces were once more decentralised and reduced to small war-groups as a result of Shivaji's death. Shivaji's death led to the division of the agrarian society among to oppressive classes i.e. is intermediaries and peasants which further helped in understanding the structure of agriculture of that period.<sup>7</sup>

Agrarian inequality, class relations, and the general character of the political economy of the time were all aspects of the agrarian conditions during the Sultanate's control in Delhi. The political economy of the Sultanate era was characterised by Rai and Rana uprisings. In addition to this, there are certain more factors that require focus.<sup>2</sup>

The four most significant ones were-

- a. the mechanism for collecting taxes,
- b. irrigation techniques and crop patterns,
- c. the presence of feudalism and serfdom,
- d. a specific sort of land tax called Jizia.

➤ **The position of Social Justice in pre-independence.\**

The Sikh revenue system, which itself was based on the Mughal system, served as the model for the British land revenue system. In the Mughal era, it was ideal for the emperor or his representative to collect land revenue from actual soil tillers. However, in reality, this ideal was not always attainable. The local government in various parts of the empire was run by men known as zamindars who collected land tax from actual soil tillers and paid predetermined amounts into the government coffers. With the fall of the Mughal Empire, these revenue farmers gained immense influence, and their demands grew intolerably high.<sup>3</sup>

They persisted with their own revenue policies and methods once Maharaja Ranjit Singh took the throne, despite the fact that they technically fell under his political control. This was done while being respectful of the system he had established.<sup>8</sup>

The majority of people in the Punjab lived in villages and worked primarily in agriculture. The quality of the soil and rainfall were the two key factors affecting agriculture. The Sikh chiefs showed a serious interest in developing improved agricultural policies and exhibited genuine care for the welfare and prosperity of the peasants throughout the Misal period. The kings of the Misals organised free langar to feed the needy in the case of famines brought on by failed crops.

During this time, numerous Acts were passed addressing topics including the abolition of slavery, the prohibition of women and children being exploited in the workplace, agrarian reforms, and the humanization of marriage. The British structured the police force and created a new judicial system.<sup>1</sup>

The British structured the police force and created a new judicial system. The establishment of the Imperial Postal Department and its connections to other provinces. Frontiers for agriculture were expanded. Land revenue was organised within a consistent system. Under British colonial authority, the agrarian heritage of Punjab persisted and, in certain ways, even gained strength. Agrarian debt did occur during the British era, but the colonial government's objective was to defend Punjabi farmers rather than moneylenders, thus it formalised safeguards against farmers' potential debt. British researchers discovered a correlation between the growth of agricultural land and money-lenders. The British enacted the Land Alienation Act of 1900 to address the issue of farmers' mounting debt burdens and stop farmers from selling their land to moneylenders.<sup>2</sup>

After Independence, India followed an agricultural development strategy that focused on self-sufficiency in staple foods like wheat and rice.<sup>9</sup>

### 1. Social Justice under the constitution of India:

The Constitution offer us the proper perspective to understand the significance of social justice as a national objective and its breadth. Former Indian Chief Justice P.N. Bhagwati made the following observation, among other things: "Today a tremendous social revolution is taking place in the judicial process, the law is changing quickly, and the problems of the poor are rising to the fore. For enormous groups of people who are denied access to justice and for whom freedom and liberty have no value, the Court must devise new strategies and innovative new ways.<sup>3</sup> Social justice has been explained by Mr. Justice K. Ramaswamy in, **Consumer Education Research Centre v. Union of India**<sup>1</sup> and observed that, "The Preamble and Article 38 of the Indian Constitution, which is the country's ultimate legislation, define social justice as the cornerstone of a meaningful and dignified existence. The concept of social justice that the Indian Constitution incorporated is one of several concepts that are crucial for the proper development of each citizen's identity. Thus, social justice is a crucial component of justice as a whole. Social justice is a species within the genus justice. Social justice is a dynamic tool to lessen the suffering of the weak Dalits, tribal people, and other disadvantaged groups."<sup>10</sup>

The Apex Court has made significant contributions to the cause of social justice. The public interest in advancing social justice is the judiciary's primary source of power. The country's courts made every effort to assist the underprivileged and to circumvent all legal constraints in order to provide them with justice. Equal compensation for equal work has been acknowledged by the Supreme Court. rights to education, a means of support, and child welfare. Thus, we can conclude that the Supreme Court has been crucial in transforming India into a welfare state and realising the dream of social justice through judicial activism.<sup>11</sup>

#### ➤ Right to life and personal liberty

The right to life is primary because without it, none of the other rights would have any meaning or utility as human rights can only relate to living things. If Article 21 had been interpreted in its original context, there wouldn't have been any Fundamental Rights worth noting. In Article 21 of the Constitution, the term "Life" refers to more than only breathing. It does not imply continual toil or a life of simple animal existence. It has a far broader definition that encompasses rights to a dignified existence, a means of subsistence, health, and clean air, among other things. The right to life is essential

to our survival because without it, we cannot survive. It is the only article in the Constitution that has received the widest possible interpretation.

In the case of **Kharak Singh v. State of Uttar Pradesh**<sup>1</sup> the Supreme Court held that: the term life as here used something more is meant than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. The provision equally prohibits the mutilation of the body by amputation of an arm or leg or the pulling out of an eye, or the destruction of any other organ of the body through which the soul communicates with the outer world.<sup>12</sup>

In **Maneka Gandhi v. Union of India**<sup>2</sup> the Supreme Court gave a new dimension to Art. 21 and held that the right to live the right to live is not merely a physical right but includes within its ambit the right to live with human dignity.

In **Sunil Batra v. Delhi Administration**<sup>3</sup> the Supreme Court reiterated with the approval the above observations and held that the right to life included the right to lead a healthy life so as to enjoy all faculties of the human body in their prime conditions. It would even include the right to protection of a person's tradition, culture, heritage and all that gives meaning to a man's life. It includes the right to live in peace, to sleep in peace and the right to repose and health.<sup>13</sup>

Another aspect of life to dignity is to be found in **Bandhua Mukti Morcha v. Union of India** Characterizing Art. 21 as the heart of fundamental rights, the Court gave it an expanded interpretation. Bhagwati J. observed:

"It is the fundamental right of everyone in this country... to live with human dignity free from exploitation. This right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly clauses (e) and (f) of Article 39 and Articles 41 and 42 and at the least, therefore, it must include protection of the health and strength of workers, men and women, and of the tender age of children against abuse, opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity and no State neither the Central Government nor any State Government-has the right to take any action which will deprive a person of the enjoyment of these basic essentials."<sup>14</sup>

#### ➤ **Right to adequate standard of living;**

As far as fundamental human rights go, the right to an appropriate standard of life is one among them. The right to food, clean drinking water, shelter, and health are its key concerns. These are essential factors that determine a reasonable standard of living. These rights emphasise maintaining a healthy environment and preventing starvation and sickness. Every human being has the right to an appropriate quality of life for his or her own health and that of his or her family. These rights cover necessities including clothing, shelter, access to healthcare, and social services. The right to an adequate standard of living has been violated more extensively and consistently than any other right. The combination of other economic, social, and cultural rights constitutes it in its whole.

In **Peerless General Finance and Investment Co., Ltd., v. Reserve Bank of India**<sup>1</sup> the court has noted the Article 25 of the UDHR while interpreting Art. 21 of the Indian Constitution Article 21 protect the right to life of the individual. The court held that on the basis of article. include the right to live with basic human dignity with the necessities of life such as nutrition, clothing, food, and shelter over the head, facilities for cultural and socio-economic well being of every individual.<sup>15</sup>

### ➤ **Right to Equality and Non-Discrimination:**

International human rights law is based on the fundamental principles of equality and non-discrimination. India must ensure statutory and actual equality and outlaw both direct and inadvertent forms of discrimination. India shall make sure that no component of its policy has the intent or effect of discriminating on the basis of grounds such race, colour, descent, birth, national, ethnic or social origin, religion, and sex in accordance with the human rights treaties to which it is a party.<sup>2</sup>

The farmer suicide epidemic has caste-based components since it affects "lower caste" farmers, who sometimes lack the technical skills required to grow commercial crops because of socioeconomic obstacles.

The government does not officially recognise lower caste farmers as farmers, and as a result, surviving family members are denied compensation when the head of the household commits suicide. Lower caste farmers and their families also suffer from discriminatory laws and policies that prevent them from gaining the title to their land.<sup>1</sup>

### ➤ **Right to Effective Remedy:**

The right to an effective remedy for human rights abuses is established under international human rights law<sup>2</sup>. India has a responsibility to resolve the entire farmer situation. The government is in violation of its commitments under the human rights convention until it conducts an investigation and offers remedies to Indian farmers who are the victims of the various rights abuses mentioned above. This responsibility includes making amends for violations of economic, social, and cultural rights. This remedy could come in the form of restitution, payment, satisfaction, assurances against repeat, or other suitable remedies.<sup>16</sup>

### **CONCLUSION:**

The agrarian crisis and farmer suicides have arisen because a sizable portion of the peasantry lacks excess to accumulate and carry out their increased productivity. Small and marginal farmers have unprofitable land holdings that don't bring in enough money to support their families. A development project that included the introduction of an agriculture system has failed since it was a weaker component. Farmers must be rescued immediately from the grasp of money lenders and commission brokers. Because it is constantly hampered by one or more issues, agriculture in India has never been easy. Farmers' suicides and the agricultural crises are not new.<sup>17</sup>

Even while the constitution and other laws grant farmers a number of social, ethical, and legal liberties, efforts to preserve their human rights have so far been ineffective. Because the laws are insufficient to stop it, as evidenced by the alarmingly high suicide rates among farmers. Something urgently needs to be done to safeguard the farmers' human rights.

Our legislator while consolidating laws should lay emphasis on deteriorating condition of farmers and should come with important legislation specifically focusing on the right of farmers and providing relief to them.<sup>18</sup>

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