

CHAPTER VII

CONCLUSION AND SUGGESTIONS

*"We cannot afford incremental progress in agriculture."*⁶²⁸

This thesis is divided into seven chapters. The 1st chapter deals with Corporatisation of agriculture: Concept, growth, and perspective in which the concept of agriculture as is understood within the legal framework is discussed and also reference made to it's future in the backdrop of corporatisation under the post WTO regime. Chapter 2 is the brief overview of the farmer's rights within the Indian legal framework deals with Rights of the Farmers. Chapter 3 is the Legal framework relating to land: A brief overview which deals with a very important aspect of land i.e. land reform and acquisition of land. The relationship between Acquisition and corporatisation of land and it's impact on Farmer's Right to land is examined under Chapter 4. Acquisition and corporatisation of land gives rise to the issue of displacement, resettlement, and rehabilitation. These matters are dealt with under chapter 5 and deals with Policy relating to these issues of resettlement and rehabilitation and it's impact on Farmer's Right to land; 6th Chapter deals with Impact of corporatisation of seeds and it's impact on farmer's right to seed. Seed is an integral part of agriculture. In Conclusions and suggestions the overall understanding of the issues relating to agriculture and corporatisation is laid down.

Corporatisation of agriculture is a recent phenomena and it manifests in various forms. Sometimes it is an agreement with a farmer to grow a single type of crops and hand over the same to the company at other times the farmers are compelled to purchase seeds from the corporate bodies because the alternative means of the alternative means of production and preservation of seeds

⁶²⁸ Reported in The Hindu: 8th August; 2009 at pg. 15.

doesn't become feasible but the largest challenge is that of the corporatisation of land. The configuration of land changes with land reforms and land acquisition and the status of the farmer changes along with it. These two situations together impact upon agriculture.

In Chapter 1 of this work it is seen that the land holding is fragmented and there is insufficient assistance and limited credit flow. The uncertain weather condition of the country also impact upon the agricultural activities. This results in insecure feeling of the farmers and the corporate bodies move into the vacuum so created with a promise of greater productivity, storage and marketability. The constitutional, statutory and acquired rights of the farmers have been generally dealt with under Chapter 2. It is concluded that marketing hazards storage hazards, middlemen hazards have encouraged corporate bodies to venture into agricultural activities which has led to replacement of traditional agro inputs with chemical inputs. The capital intensive approach replacing labour intensive approach of agriculture leading to ousting of traditional farmers from agricultural activities and there is possibility resulting in food insecurity. The legal framework relation to land including land reform and lands acquisition is dealt with under Chapter 3 enumerating the consequences of land acquisition on one hand and land reforms on the other. Land reform has resulted into the fragmentation and land acquisition has resulted in ousting the farmers from his land. the dual effect of the two poses a severe challenge to agriculture and also gives rise to conflicting issues of inadequate compensation shifting livelihood pattern, uncertain job guarantee, loss of shelter etc. This socio- economic hardship is actually at the cost of farmers where their interests are hardly respected. The close impact study carried out under Chapter 4 shows that though the impact of acquisition is profound and far reaching, neither the government nor the judiciary have been able

to arrive at a policy formulation for protracting the farmer and thereby the agriculture from the trauma of acquisition and displacement. It is indeed disappointing that a country whose backbone is agriculture has not taken sufficient steps for protecting the farmer against the trauma of displacement. The policy relating to rehabilitation and resettlement is closely related to issues of human rights of the farmers and those who are attached with agriculture. The procedure for acquisition and resettlement both must be just fair and equitable. Unfortunately in India, neither policy relating to procedure or resettlement is formulated nor does all of that take place in an ad hoc manner. The government and corporate bodies are not sensitive to acquisition of agricultural land. The fallow land in the state of West Bengal is not used for the purpose of setting up of industrial house but, in many cases multi-crop agricultural lands has been acquired for setting up non-agricultural corporate houses. Balance between private profits, personal initiative and government largesse are very important issues in the land acquisition- corporatisation debate. In this Chapter it is submitted that principle of minimum displacement, non- displacing alternatives and social impact assessment are important requirements. It is necessary to appointment of agricultural ombudsman who will implement these principles in acquisition and corporatisation process. In the last Chapter, the corporatisation of seeds it is concluded that, at present, agriculture is expensive and technology intensive sector. It requires technological inputs in respect of seeds, fertilisers, pesticides etc. This is pushing out small and marginal farmers and paving the way for corporate sector to invest into agriculture.

This is a vicious circle. Corporate sectors investing in agriculture will look for a single type of crop and work at its storage, processing and retailing. This has two impacts. On one hand, the number of

cropping and the variety of cropping is reduced and the second the small and marginal farmer finds himself out of the only livelihood earning avenue he knew. In the long run, this impacts upon the food security and agricultural viability of the country. Perhaps, in future, every country of the world will depend upon another for one type of food or another.

Worst still due to these uncertainties the generation next is not interested in carrying out agriculture. On the one hand, modern agriculture demands formal education and expertise and other other hand, young generation are reluctant to study agriculture because of uncertainties. This country must take immediate and serious note of this dilemma or else we may have food scarcity on the one hand and desertification on the other. No matter how much the non-agricultural corporate sector benefits, the country is heading for food crisis.

Agriculture is often described as the backbone of Indian Economy. It was the predominant sector of India's economy at the time of independence in 1947 with approximately 55% of the share in the GDP and about 70% share in the workforce.⁶²⁹ It complementarily with other sectors has the ability to trigger growth of the economy. The overall economy of the country is very much dependent on the performance of agriculture to a considerable extent. Besides, agriculture is the source of livelihood and food security for a large majority of the vast population of India; it has a special significance for the low income, poor and vulnerable sections of rural society. Thus it may be said that agriculture lies at the core of socio-economic development and progress of Indian society, so a proper policy ensuring the remunerative price for their produce to improve the living standards and welfare of the masses is necessary. If there

⁶²⁹ Ramesh Chand, *India's National Agricultural Policy: A Critique Indian Agricultural Challenges*: CENTAD pg. 19

is a profession in which losses are tolerated, it is only agriculture. Once a farmer is always a farmer. He plucks, grades and markets the produce at a nearby market every day. They suffer mainly due to the increase of the price of the inputs and the marketing of their crops. He finds it difficult to change the profession. But till today, the agriculture is languishing and is treated as a profession of lower sections of the society.

Today, in the midst of the rural indebtedness, hunger, the failure of crops because of spurious fertilizers and pesticides, unseasonal rains, hailstorms or draught across the country the farming community is tightly noosed. It is true that today's agriculture is an expensive and energy intensive technology. It requires high inputs in respect of quality seeds, fertilizers, pesticides, irrigation, farm mechanization etc. which all aim to rob the farming community which is dominated by the small and marginal farmers. The price safety net is one of the most important tools which insulate peasants from the sharp fluctuations in the prices of their commodities in the market, be it domestic or international. There is no mechanism yet to help the poor farmers per se. Still, agriculture has average nearly 4% growth for last five years and there have been four years of bumper harvests plus a 40% rise in the minimum support prices of food grains over last two years.⁶³⁰

Presently, there has been a tendency has been found in the new generation to come out from this profession. They do not like to do farming. This is the picture all over the state from the districts of Coochbehar in the north to Midnapurs in the South. With an expectation to earn more the young generation (better educated) is stepping to the other states even while modern cultivation demands educated class. Again, the farmers especially in the border villages

⁶³⁰ Reported in The Times of India: 27th March, 2009 at pg. 14.

of the district of Murshidabad having their plots located beyond the fence on the Indo- Bangladesh border are stopping to produce crops and turning to the manufacture and smuggling of heroine to feed their families.⁶³¹ The last decade has experienced huge number of farmer suicides. While the number of death recorded in the country is 69,064 in last four years i.e. one farmer commits suicide every 30 minutes.⁶³² Again, due to fourth successive draughts thousands of farmers of Chhattarpur Block in Jharkhand's Palamau district have presented a mass signature for mercy killing to the President Pratibha Patil in June, 2009 to have a respectable death. According to their statement, in the 2006 draught, they sold their bullock cart, goats and other things; in 2007 they sold their lands; in the 2008 draught they forced to see their wives's jewellery.⁶³³ In recent times, in the state of West Bengal this trend has been started (already two farmers one from Khairbari, Jalpaiguri⁶³⁴ and women from Phanshidewa, Darjeeling⁶³⁵ committed suicide) due to the surplus yield fetching low price and thus failure to meet both the ends of agricultural expenses.

Hence, a system is necessary to introduce wherein the peasants got a '*livelihood price*' for their commodities in which the farmers would be allowed to take the price on offer and the rest would be taken care of from either the state budget or from the relevant corporate bodies involved into the sector of retailing of such commodities. At this, the proposed model of corporatisation suggested that for the purpose of agriculture, land must be avoided from being corporatised but to be consolidated. Again, such lands must be used for as much as possible multi cropping purposes. Necessary amendments should be brought on the

⁶³¹ Rajib Chatterjee: The Statesman: 5th October, 2009 at pg. 01.

⁶³² Reported in The Hindu: 26th March, 2009 at pg. 10.

⁶³³ Reported in The Statesman: 29th June; 2009 at pg. 01.

⁶³⁴ Reported in The Times of India: 26th March, 2010 at pg. 13.

⁶³⁵ Reported in The Ananda Bazar Patrika: 2nd April, 2010 at pg. 11.

relevant laws e.g. the Factories Act, 1948; the Maternity Benefit Act, 1961; the Equal remuneration Act, 1976; the Employees State Insurance Act, 1948; the Workmen Compensation Act, 1923. It also requires the introduction of the agricultural tribunal to address the conflicts those arise in the inter- relationships between the farmers as well as the other interests groups for smooth enforcement of the relevant laws on this point. It also requires the boosting of farm productivity and its diversification, pushing up of non- farm sector growth in areas like agro- processing. In addition to these, most importantly, the encouragement of the farmers is necessary. Farmers are encouraged when they get their dues in terms of price of the crops they produce. At this, if the measures are not taken properly, the future generations will show their backs to farming and the country's food security will be at stake. Looking at this trend Prof. M. S. Swaminathan once emphasised⁶³⁶, "to attract youth to the farm sector, they should be given opportunities in such agricultural services as pest control and manufacture of value added products."

The Right to Property actually flowing from Article 300A is a human right.⁶³⁷ Land is one of the most critical and costly input for the setting up of an industry and a farmer has close association with land. For corporatisation of agriculture there should not be acquisition of land but land needs to be acquired where an industrial house is to be set up. Again, for this purpose necessary precaution is to be taken so that the farmer's interest may not be vitiated at the interest of some other section of people. The industrialisation agenda thus, needs to be placed in the larger

⁶³⁶ Reported in the Hindu: 6th January, 2010; at pg. 14.

⁶³⁷ Lachhman Dass v. Jagat Ram (2007) 10 SCC 448.

context of overall public welfare. Again, there is a need to have a balance between private profits, personal initiative, on the one hand and the state or central government's largesse, concessions and public good on the other. In fine, what we want is a 'complete, transparent and flexible land acquisition policy' which can help both the investor and the land owner. The land losers should be rehabilitated with a package which should include- the option of alternative land for land, jobs, share of profits or royalty will be mutually advantageous in long term. Further, industry would like to see a political consensus evolve on the land acquisition issue so that irrespective of which party is in power, the projects without a hitch or political vendetta. A person who is unwilling to part with his land mustn't be evicted at the cost of his livelihood. If he is, there is bound to be trouble.

Due to multiple reasons, food security is greatly challenged. At this, to push up the agricultural production along with the increase of cultivable area, we need to take advantage of the existing and upcoming technology resources like efficient water use, efficient use of fertilisers, better seeds (climate sensitive), and strengthen applied research while ensuring value addition and better post-harvest management. The recent report released by the FICCI⁶³⁸ (Federation of Indian Chamber of Commerce and Industry) calls for a long term strategy that can insulate the agriculture sector from the vagaries of monsoon. It proposes- the strategy should ensure food security by bringing more areas under irrigation, setting up advance weather forecasting systems, investing in farm research and development involving the development of *heat resistant, short duration varieties requiring minimal irrigation* and taking up steps to speed up farm mechanization involving the technology *zero tillage, direct speeding of paddy and other*

⁶³⁸ The FICCI Report on Agriculture, 2009, Reported by Gargi Parsai in the Hindu: 8th October, 2009 at pg. 14.

equipments suitable for rainfed farming conditions etc. To develop the *heat resistant, short duration varieties requiring minimal irrigation* there is the need of working on the genetically modified crops. Thus, regarding the GM crops, there is an urgent need to device a strong coordinating mechanism in the country. At this, a 'National Gene Technology Regulatory System' which will have the overall mandate of regulating the use of biotechnology products, be they plants, microbes, animals or drugs, needs to be established with the Office of the Gene Technology Regulator to protect the health and safety of the people and to protect the environment by identifying and managing risks posed by the gene technology. For this purpose, adequate infrastructure needs to be built up in terms of modern laboratory facilities, training of food inspectors and laboratory personnel; etc.

Suggestions: - Marketing of agricultural produce is the most important activity for the farming community, particularly for those who are small producers and have small surpluses for marketing. To protect the interests of farmers, the Government has promoted organized marketing of agricultural commodities through a network of regulated markets. Hence, the Government may:

1. Frame its own policy to control the supply of seeds and other necessaries like water, manures, equipments with proper testing and the arrangement of training the people with modern techniques of cultivation wherever necessary; can facilitate credits; can initiate direct purchasing of raw agricultural commodities at a price fixed by the experts in the open market through the State run Agricultural Commodities

Marketing Board/ so formed Corporate Body⁶³⁹ and supply the same to the purchasers, be it big private investors (Corporate Bodies) or Retailers in the open market;

2. Can monitor the storage, grading and packaging;
3. Control the payment by the way of cash or kind to the labour and;
4. The Government should appoint the Agricultural Labour Inspector at panchayat level to monitor the conditions of work and protection of workers while engaged in their work, such as working hours, weekly rest, safety, health and welfare,

Regarding the corporatisation of land for non- agricultural purposes, the government and the corporate bodies must pay attention to choose uncultivated, barren, lands. The government should facilitate the necessary infrastructural facilities in those lands. In addition to these, to pave smoother acquisition of land the government may initiate-

1. Prime farmland must be conserved for agriculture except under exceptional circumstances, the appropriate government acquisitioning land should hand over the land to the corporate bodies only when the entire facilities are ready for the 'would be' displaced people. The creation of land bank is a positive step at this end.
2. In cases where the non- corporate bodies to use the land for non- commercial purposes the '*persons interested*' must be provided with land maintaining status quo as much as possible regarding the types of interests they had with the land prior to the acquisition. In addition to these, duly attracting private players to set up the wayside amenities

⁶³⁹ In this regard the strategy laid down under the WB Land Reforms Act, 1955 under the provisions of Share of Produce u/ Sec. 16 of the Act by a bargadar may be followed.

- like- *hotels, parking lots, snack bars, restaurants, restrooms for short stays, petrol pumps and kiosks* along the respective stretches and thereby facilitate the landlosers to get engagements and also giving preferences in setting up of godown, cold chains etc.
3. The present practice of paying a lump sum amount for the land purchased or acquired, the livelihood of the people, basically, who are illiterate, ignorant and dependent on land is taken away, is not safe and unjustified, as they mostly do not know the proper use of this sum of money and hence, to ensure the livelihood security of such people, the government should take steps. Some of the corporate bodies prefer the allotment of share of the relevant company in terms of the compensation to be paid to the displaced. But there is sheer possibility of incurring loss of the investors in the stock as it fluctuates with the Stock markets which a farmer can not bear with. At this, on creation of a separate fund is needed.
 4. The Act doesn't provide the replacement value including the cost of shifting to the persons interested. Hence, a comprehensive policy as suggested may be implemented.
 5. Involvement of Panchayats and the opposition parties in the acquisition process is necessary.
 6. At least one member of the family whose land has been acquired must be provided with job after duly training him in the very project, provided, the very person is lacking the required skill and qualification. The people not being engaged in the establishment should be provided with the commercial site near the project area if they have not shown interests in cultivation.
 7. There is no scheme for providing the alternative land of same nature nearby through a preferential treatment in giving 'Patta' to the people near the project area atleast to the

people who do not have any other skill or who are not willing to involve themselves into some other works by which they can earn livelihood in alternative means.

8. The government following the Norway model should enact the CSR⁶⁴⁰ Act to compel the corporate bodies to undertake social activities of various natures.

Corporatisation of seed has posed many problems. To solve these problems in an efficient way, the followings need to pay great attention-

1. The provision regarding benefit sharing under the PVPFR Act of 2001 should be suitably amended to the provision on lawfully acquired must be amended to acquired by 'prior informed consent' of the Panchayat of the village or head of tribal community, such declaration should be strictly scrutinized.
2. With the Patents Act coming into force and monopolies being legitimised in the form of IPRs, seed prices are spirally increasing which mounts pressure on farmers. This is already seen in the case of the first transgenic crop in India, Bt Cotton. This should be checked.
3. Furthermore, the Seeds Bill is also incompatible with the Environment Protection Act, the Biological Diversity Act and so on. For example, it is the EPA which lays down the procedure for approvals and permissions related to genetically modified organisms. But the current bill seeks to

⁶⁴⁰ Corporate Social Responsibility is the continuing commitment by business houses to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as the local community and society at large.

circumvent those rules by talking about provisional registration for GM varieties.

4. The existing State Level food control systems need to be linked up with the State Biotechnology Coordination Committee (SBCC) and the district level health officials involved in food control activities need to be associated with the District Level Committee (DLC) and it should link up the local bodies even panchayat which will guarantee public involvement in the participation programs.
5. In India the seeds must be successfully gone through multi-locational agronomic trials (*Agronomic Performance*) from the end of parameters like yield, growth, pest/ disease/ drought/ other resistance, quality, global warming etc. undertaken in a scientific manner before the seed is sought to be commercialised.
6. In India there is a need to compulsorily label a food if it contains novel DNA/protein or has altered characteristics. In this regard, the EU model, Chinese model or the African model may be a guide.
7. Transparency in decision making process is essential both at the international and domestic level to satisfy the concerns raised by the Civil Society groups.
8. Accountability and liability should be fixed both in terms of civil and criminal damages against the seed traders.
9. There should be the clear reference to the centres of origin of the crops as per *Article 4* of the Biosafety Protocol.
10. There should be complete ban to the release of GMOs in the vicinity of the centres of origin and organic farm as well as conventional farming.