



FARMERS' RIGHTS AND THE CONSTITUTION

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ABSTRACT

This comprehensive research paper examines the historical evolution and the pre-existing rights of the farmers, tracing them from ancient texts through the medieval colonial period to the modern period. Focusing on farmers' rights, the research explores aspects such as the constitutional validity of the farmer's rights, analysing appropriate Articles. One of the key areas of the paper is an exercise in constitutional validity for farmers' rights and an analysis of relevant provisions under Articles 14, 19, and 21 of the Indian Constitution. Based on secondary sources, statutory legislation, and jurisprudence, the paper places a common and enforceable legal assertion for farmers' rights as a constitutional obligation. The research concludes and maintains that farmers' rights are essential for India's socio-economic being and that an immediate booster dose is essential for aligning policy intentions and legal entitlements.

Keywords: Farmers' Rights, Constitution of India, Validity, Protection.

INTRODUCTION

India is the fifth-largest economy in the world, and agriculture plays a crucial role in its growth. Agriculture or agricultural produce is the backbone of every country because it helps increase GDP, tackle unemployment, etc. Agriculture is a traditional knowledge that has existed since time immemorial and has been passed on from one generation to another. Agrarian society is the indivisible organ of every economy or ecosystem, so in India, it is called the "Aanadata" (the feeder). But constantly exploited by the bourgeoisie and certain institutions. As time passes, development in agriculture occurs, the biotechnology is introduced to grow crops for wealth building. As a result, the commercial seed making takes

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a sudden speed. Then there is the need for the right which guarantees farmers protection, to ease of doing business, and for enjoying liberty and equality. The Constitution of India is the law of the land, and every citizen should abide by it as it ensures the rights of the citizens. However, India lacks a consolidated legal framework that exclusively deals with the rights of farmers. Most of the available rights and provisions are scattered or not known to the citizens or the common masses. It is the foremost aim of this article to mention the farmers' rights available and how the judiciary is implementing them for their enforcement. The farmers' rights must include rights to land tenure, fair compensation, sustainable farming, social welfare, and dignified livelihood for farmers and rural communities. While Article 19, 21 and 300A of the Constitution of India and certain provisions of other acts provide rights to the farmers. The preamble of the Constitution of India offers the foundation stone by recognizing the agrarian communities' right to equality and social justice. In this context, the article critically examines the constitutional, statutory, and moral foundations of farmers' rights in India and argues for a more coherent and enforceable legal framework grounded in constitutional values and agrarian justice.

SHORT STATEMENTS OF THE PROBLEM

- Lack of codification of the statutes in favor of farmers' rights only.
- Fragmented protection is available to farmers' rights.
- Due to the uncertain awareness of farmers' rights in the socio-legal and political field makes them vulnerable.

RESEARCH OBJECTIVE

- To critically evaluate the constitutional and statutory provisions governing farmers' rights in India.
- To evaluate the adequacy of the current statutory and constitutional provisions

RESEARCH QUESTIONS

- What are the rights available to the farmers in India?
- Are those rights sufficient for their protection?

METHODOLOGY

This article is doctrinal and quantitative, adopting the primary and secondary data to examine the evolution and constitutionality of the farmers' rights in India. It also adopts an analytical approach to evaluate statutory and constitutional protections with an emphasis on **Articles 14, 19, 21, and 300A** of the Indian Constitution. The aim is to assess how far Indian law upholds the socio-economic rights of farmers and to identify legal gaps and policy inconsistencies.

EVOLUTION IN LAND REFORM

Ancient period: In Ancient times, land belonged to those who cultivated it; kings were just the administrative overlords, but not the owners of the land. Witnessed in the scriptures like the Manusmriti and Arthashastra, it mentions and recognised private land ownership. Villages were self functioned by the occupation of Agriculture, and farmers got protection as long as they paid the taxes.¹

In the Colonial Period or Rise in Intermediaries: India was, before its independence, ruled by various foreign invaders like the Mughal, Portuguese, and Dutch and majorly by the British. They distributed the land unevenly and exploited the farmers on the land to achieve political as well as social power over them. The following was the land system made by the Britishers in order to curtail private ownership over the land and to involve intermediaries.

The Major Three Reforms during the Colonial Period

- Zamindari system, also known as the Permanent Settlement Act, 1793. It introduced the intermediaries in between the landowners and the East India Company (EIC), mainly in the land of Bihar, Bengal and Orissa. Through this, it collects revenue from farmers for the company.
- In the Ryotwari system, the intermediaries were between the state and the local cultivators (Ryot), as farmers had to pay the tax directly to the state.

¹ Rekha Bandyopadhyay, 'Land System in India: A Historical Review' (1993) 28(52) *Economic and Political Weekly* A149

- The Mahalwari system was introduced by Lord William Bentinck in the Agra and Awadh provinces. The whole village is treated as one unit, and revenue was collected by the head of the village.²

Reforms after Independence: Post-independence marked an important emergence of land reform in India, one of which is the Green Revolution. It focuses on the greater agricultural yield through high-yield technology and a scientifically based mechanism for agriculture. However, the scenario has changed significantly over the last few decades, particularly with the development of agricultural biotechnology. The development in the field of agricultural biotechnology has resulted in the unprecedented growth of commercial seed production. This development was complemented and supported by the evolution of the private property rights regime vis-à-vis plant genetic resources. The concept of plant breeders' rights (PBRs) emerged in this context, which refers to private property rights over plant genetic resources developed by commercial breeders. Generally, the legal consequence of PBRs is that the genetic resources or seed protected by the PBRs can be used only with the proper authorisation of the rights holder. Any kind of unauthorised use will attract legal action against the user.³ The idea of farmers' rights has evolved in this context of the fast development of the legal protection of the commercial breeders' rights in the seeds developed with the help of modern science and technology. While the rights and interests of commercial breeders are recognised and protected under the law, similar efforts taken by farmers for centuries are left legally unrecognised and unprotected. Primarily, it is this asymmetry in recognising the rights of farmers and the farming community at par with the rights of commercial breeders that forms the major rationale behind the legal concept of farmers' rights.⁴

Constitutional Protection

End of colonial rule marked a significant rise in the transformation of the farmer's rights from mere rent-paying tenant to a dignified citizen. It dismantles the exploitative frameworks and aligns with the Constitutional vision of social and economic justice. Though the

² Abhishek Kumar, 'Agrarian Reforms in India' (Desi Kaanoon, 20 April 2023) <https://desikaanoon.in/agrarian-reforms-in-india/> accessed 10 June 2025

³ Sujith Koonan 'Farmers' Rights in India: Assessing Conceptual and Implementation Issues' (2020) 12(1) *Dehradun Law Review* 29

⁴ Carlos M. Correa, Options for the Implementation of Farmers' Rights at the National Level, Trade-related Agenda, Development and Equity (TRADE) Working Paper 8, December 2000, at p 3

constitution does not directly mention farmer's rights but it has been interpreted by the judiciary.

- The framers demonstrated their dedication to ensure every citizen's equality before the law and equal protection under the law by incorporating **Article 14**.
- **Article 19** ensures several essential freedoms for a well-functioning democratic society, including freedom of speech, assembly, association, migration, residence, and occupation. Article 19 was included to allow individuals to participate in democracy, express their views freely, and protest peacefully without being afraid of reprisals. Article 19 plays a crucial role in upholding free speech, facilitating open dialogue, and embracing diversity by preventing censorship and authoritarianism. It enables individuals to champion societal transformation, ensure responsibility among leaders, and foster the development of a vibrant community.
- **Article 21** preserves the intrinsic dignity and worth of individuals by guaranteeing their right to life and personal liberty. The framers sought to ensure that individuals can live with dignity, autonomy, and security, while also protecting them from being unjustly deprived of life or liberty. Article 21 safeguards various freedoms essential for the well-being of individuals and serves as the foundation of human rights legislation in India. It includes rights such as privacy, dignity, and access to basic needs, and a fair trial, safeguarding individuals from the overbearing government and ensuring they can lead content, meaningful lives without arbitrary interference.⁵
- **Article 38** directs the State to strive for a social order in which justice—social, economic, and political shall inform all institutions of national life.
- **Article 39** mandates the equitable distribution of material resources, prevention of concentration of wealth, and assurance of livelihood and means of production to all citizens, including cultivators.
- **Article 43** urges the State to secure a living wage and decent standard of living for all workers, explicitly including those in agriculture.

⁵ Vidhi Malik, The Golden Triangle of the Indian Constitution: Article 14, 19, 21 – A Judicial Perspective' (2024) 4(3) *International Journal of Advanced Legal Research* <https://www.ijalr.in/> 11 June 2025

- **Article 46** enjoins the State to protect the economic and educational interests of weaker sections, including the agrarian poor.
- **Article 31** (before repeal) and now **Article 300A** enabled land acquisition for public purposes. **Abolition of Intermediaries (Zamindars, Jagirdars, Inamdars)**.

SWAMINATHAN COMMISSION REPORT (2006)⁶

Category	Recommendations
1. Legal Entitlements	Enact a Farmers' Rights Act to ensure access to land, water, credit, technology, and insurance. - Provide universal social security (pension, health insurance) to all farm workers.
2. Land and Livelihood	Prevent forced displacement through comprehensive land-use reform and just compensation. - Secure tribal and farmer land rights, ensuring informed consent before acquisition.
3. Minimum Support Price (MSP)	Fix MSP at C2 + 50% (total cost + 50%) to guarantee fair income. - Provide statutory backing to MSP, especially for crops vulnerable to price fluctuations.
4. Resources and Technology	Promote climate-resilient agriculture - Increase access to sustainable farming technologies and practices.
5. Institutional Support	Create Farmers' Commissions at the national and state levels to oversee the implementation and accountability of farmer-focused policies.

COMMENT ON 2020-21 FARM BILL

⁶ Hota, Biswajit & Singh, Shyam & Ph, Singh & Scholar, (2020) Swaminathan Committee Report: An Overview. 6. 626-633

Parliament of India introduced three Farm Bills as follows-

- Farmers Produce Trade and Commerce (Promotion and Facilitation) Bill, 2020
- Farmers (Empowerment and Protection) Agreement of Price Assurance and Farm Services Bill, 2020
- Essential Commodities (Amendment) Bill, 2020

These laws are said to connect farmers closer with the market in terms of where and whom to sell their produce, the ability to store produce, and whether they can enter into contracts with big agri-business-based firms etc.⁷ The *Rakesh Vaishnav v Union of India*⁸ case brought these laws before the Supreme Court, which stayed their implementation in January 2021 without delivering a final ruling. Eventually, due to sustained public pressure and legal uncertainty, all three laws were repealed in 2021. This episode highlighted the deep constitutional and democratic concerns surrounding agricultural reforms, including the federal distribution of legislative powers under Entry 14 and 18 of List II (State List) of the Seventh Schedule, the right to livelihood under Article 21, and the right to protest under Article 19(1) (a) and (b) of the Constitution. Thus, the 2020 Farm Bills remain a crucial reference point in the ongoing legal and policy discourse on farmers' rights in India.

RIGHTS AVAILABLE TO THE FARMERS

Like any other citizens in India, Farmers are avails to the rights available under the legal frameworks mentioned in the constitution and other statutes like the Protection of Plant Varieties and Farmers' Rights Act, 2001 and the Biological Diversity Act, 2002.

Right to Property: Article 300A of the Constitution of India "No person shall be deprived of his property save by authority of law."

Right to Livelihood: Article 21 deals with the right to life and personal liberty (expanded by judicial interpretation to include livelihood)

Right to Fair Compensation: Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 includes section 26 deals with the

⁷ Rohit Saral, Lovepreet and Dhanpreet Kaur Gill, 'Farm Bills 2020: Impact on the Future of Farming: A Review' (2021) 8(2) *International Journal of Research and Analytical Reviews (IJRAR)* <www.ijrar.org> accessed 18 June 2025

⁸ *Rakesh Vaishnav and Others v Union of India and Others* (2021) Writ Petition (Civil) No 1118 of 2020 (SC, 12 January 2021)

determination of market value, section 30 deals with the Award of solatium and sections 31 and 38 deal with the Rehabilitation and Resettlement provisions.

Right to Access Agricultural Resources: Section 24 of the Water (Prevention and Control of Pollution) Act, 1974 deals with Prohibition on use of stream or well for disposal, Section 6 of the Seeds Act, 1966 deals with the notification of kinds or varieties of seeds Section 7: Regulation of sale of seeds.

Right to Freedom of Trade: The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 includes **Section 5** – Pricing of farming produce, **Section 7** – Dispute resolution and the Essential Commodities (Amendment) Act, 2020 promote free trade and reduce stockholding limits.

Right to Information: Right to Information Act, 2005 includes Section 3, Right to Information and Section 4 Obligations of public authorities.

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Right to form Associations: Article 19(1) (c) of the Constitution provides the Right to form associations or unions supported by the Cooperative Societies Act, 1912 and State Cooperative Laws.

Right to Minimum Support Price: MSP is declared annually by the Commission for Agricultural Costs and Prices (CACP) and does not have constitutional backing. It is closely linked to the Agricultural Produce Market Committee (APMC) Acts in states.

Right to Protest: Article 19(1) (a) and 19(1) (b) deal with the Right to freedom of speech and expression and the right to assemble peaceably without arms, subject to reasonable restrictions under Article 19(2).

Right to Environmental Protection: Environment (Protection) Act, 1986 includes Section 3, which deals with the powers of the central government, Section 7, which deals with the Prohibition of emission or discharge of environmental pollutants supported by Article 48A (Directive Principles) for protection and improvement of the environment.

SIGNIFICANCE OF FARMERS' RIGHTS

The farmers are the feeder of the nation who contributes to the wealth building and economy. With the development of technology, the agrarian society is being exploited by the bourgeois class for their benefit. The following are the key features of farmers' rights-

Liberty: Liberty means freedom or autonomy to do something or enjoy as one wish. Laski explains liberty as "Absence of restraints upon the existence of those social conditions which in modern civilisation are a necessary guarantee of individual happiness"⁹. Rousseau said that liberty consists in the obedience of General will. These two quotes of eminent philosophers signify autonomy of livelihood. The agrarian society could not able to do their business if in isolation. Rights and provisions of law guarantee the liberty to the agrarian society which helps them to do business by their own strategy.

Equality: According to Laski, the most influential positive liberal thinker set down the following conditions for equality-

End of special privileges in society.

Adequate opportunities for all to develop the full potential of their personalities.

Access to social benefits for all with no restrictions on any ground like family position or wealth, heredity, etc.

Absence of economic and social exploitation.

The autonomy means to have freedom or decision-making power to live a life with own will. The farmers who used to feed the whole world have right to decide what will he produce, or produce or not. These things give farmer a right to make a profit by the crops with the feasibility. The farmer used to grow crops with which crop they are feasible.

The farmer's rights includes autonomy to sale their crop by their will with any person. The farmers are free to do business with any entity except alien and enemy.

The farmers are protected from getting fake crops, urea, and agricultural related accessories.

The farmer who develop new variety of the crop has right to register it and get patent. And also if any individual, entity, organization claiming the indigenous or local crop as their own invention then they can raise objection as the certain claims are fraud.

⁹ Harold Laski, Liberty in the Modern State (George Allen & Unwin 1930) 42

ANALYSIS

Farmers have contributed to the economy from time immemorial. However, the intermediary systems exploited farmers in the pre-independence era. In post-independence, the Constitution grants some rights to the farmers under Article 14, which provides equality before the law and equal protection. Article 19 (1) g states the right to free trade in any part of India, and Article 300-A advocates the property right. These important articles in the Constitution of India give protection to the agrarian society from discrimination, deprivation and exploitation. There are certain statutory provisions like protection of farmers' rights and the Plant Varieties Act, which includes farmers' rights only related to patents of new varieties and pre-existing plants, seeds, etc. Whereas, in India, there is no specific statute that includes farmers' rights and comprehensive provisions regarding their protection. This uncertainty must lead to ambiguity in deciding matters related to the farmers' rights in specific circumstances. The judiciary has, at times, exhibited delays in adjudicating matters concerning farmers' rights. A notable instance is the case of *Rakesh Vaishnav v. Union of India & Ors.*¹⁰, wherein the Hon'ble Supreme Court issued a stay on the implementation of the three controversial farm laws of 2020. However, the Court has yet to deliver a final verdict on their constitutional validity. Once decided, this case is likely to serve as a landmark judgment in the evolving jurisprudence surrounding farmers' rights in India.

RECOMMENDATION

- The government must issue a GR or an order that mentions the definite rights of the farmers and make sure that it is implemented.
- The term “*public purpose*” in land acquisition laws must be clearly defined to prevent misuse. Often, agricultural land is acquired under this label and later sold to private entities at undervalued prices, violating farmers' rights and public trust.

¹⁰ *Rakesh Vaishnav and Others v Union of India and Others* (2021) Writ Petition (Civil) No 1118 of 2020 (SC, 12 January 2021)