

## Farmer's suicides in India and judicial view

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### Abstract

The farming is very ancient way of occupation in the world. The farmer occupies very pivotal position in the agricultural activity. The farmer is a backbone of any country whether it is developed or developing country may be. The importance of farmers in national development cannot be ignored or separated and in our country around sixty percent of people depend upon the agricultural and allied activities and same percent of national income is generated from this sector. In spite of this the farmers in some part of country have under tremendous strains to due to various reasons like failure of monsoons, heavy debts, poor demand for their produce in market, substandard life styles in villages, heavy competition from fellow farmers from other countries, genetically modified crops, and neglect of successive governments for their welfare. The farming activity is considered as gambling activity as it depends upon various factors like timely arrival of monsoons, generation of investment capital, livestock availability etc., Some segment of farmers due to failure of their crops have attempting suicides across the nation and to stop this tendencies some organizations have approached various judicial authorities. My paper deals with historical perspectives of farmer's suicides, legal aspects of suicides, landmark judgments on suicides and farmers suicide and judicial stand matters etc.

**Keywords:** farmer, suicide, genetically modified crops, judiciary, embarking, Public Interest Litigation, Commission, statutory status, preventive measures, budget

### Introduction

"When tillage begins, other arts follow. The farmers, therefore, are the founders of human civilization"- Daniel Webster <sup>[1]</sup>

The farmer is a backbone of any country whether it is developed or developing country may be. Mahatma Gandhi the father of the nation's rightly remarked that if you want to see the India you should go the village and when the village is full of happiness then only we can see the country is in happiness. The importance of farmers in national development cannot be ignored or separated and in our country around sixty percent of people depend upon the agricultural and allied activities and same percent of national income is generated from this sector. In spite of this the farmers in some part of country have under tremendous strains to due to various reasons like failure of monsoons, heavy debts, poor demand for their produce in market, substandard life styles in villages, heavy competition from fellow farmers from other countries, genetically modified crops and neglect of successive governments for their welfare.

### Historical Perspectives

In view of above reasons they have committing suicides across the country. The National Crime Records Bureau of India in its report of 2014 points out that there were 5650 farmers have ended their life by committing suicides, the highest number of farmers suicide took place in 2004 around 18241 farmers have committed act of suicides, which is 1.4 to 1.8 percent in one lack population <sup>[2]</sup>. This speaks of precarious condition and position of farmers in our country. The farmers suicides are not a new phenomenon which is very much seen in country since British rule, The high land taxes of 1870s, payable in cash regardless of the effects of frequent famines on farm output or productivity, combined with colonial protection of usury, money lenders and landowner rights, contributed to widespread penury and frustration among cotton and other farmers, ultimately leading to Deccan Riots of 1875-1877 <sup>[3-4]</sup>. The

British government enacted the Deccan Agriculturists' Relief Act in 1879, to limit the interest rate charged by money lenders to Deccan cotton farmers, but applied it selectively to areas that served British cotton trading interests <sup>[5]</sup>.

### Legal Aspects of Suicide

The Constitution of India under part third guarantees fundamental rights which are available to all its citizens and the article 21 provides due process of law and right to livelihood. The part III rights are enforceable rights and in addition to these the part IV which are enforceable rights which are popularly called the Directive Principles of State Policy also mandates the State under article 43 to provision for just and humane condition of work, under article 48 organisation of agriculture and animal husbandry. Taking into consideration many schemes have been initiated by the respective governments but those are not meeting the growing demands of farmers.

Before going to embarking upon the apex court stand on the farmers suicide it is high time to know the meaning of suicide, the world famous Merriam Webster Dictionary defines suicide as the act or an instance of taking one's own life voluntarily and intentionally especially by a person of years of discretion and of sound mind. In other words we can say that ending of one's own life on any reason. By act of suicide the persons is completely absolved of liabilities. If a suicide attempt results in failure the law comes into the picture the person attempted to committed suicide is liable for criminal proceedings for his act. The Indian Penal Code of 1860 under Section 309 prohibits attempt to commit suicide, which reads as follows, "Whoever attempts to commit suicide and does any act towards the commission of such offence, shall he punished with simple imprisonment for a term which may extend to one year or with fine, or with both. The above sections has received wide interpretations from different courts in India whether citizens

have right to suicide or not.

### Landmark judgments on Suicide

For the first time in country, the Bombay High Court in *Maruti Shripati Dubal v. State of Maharashtra* <sup>[6]</sup>. The Constitutionality of Section 309 is questioned by the petitioner and the Bombay High Court opined that the above sections ultra vires to the Constitutional principles and struck down the punishment for attempt to suicide.

In *Smt. Gian Kaur v. State of Punjab* <sup>[7]</sup>, the apex court of the land the Supreme Court of India in full bench held that right to suicide is not available under the Constitution of India and section 309 which is available under the statute is within the purview of the Constitution of India and it is reversed the decision of earlier case.

In *Nikil Soni v. Union of India and Others*, the Rajasthan High Court on 10<sup>th</sup> August, 2015 held that even religious based suicides have not allowed in our country as it violates the constitutional principles.

### Farmers Suicides and Judicial Stand

In 2006 in *Sanjeev Bhatnagar v. Union of India and Others*, The Supreme Court of India has issued notices to the Government of India and the governments of Karnataka, Andhra Pradesh, Maharashtra and Kerala on the issue of farmer suicides. A public interest litigation (PIL) before the court is seeking its intervention in reviewing the country's agriculture policy in the face of the increasing number of farm deaths due to poverty and indebtedness. A three-judge bench comprising Chief Justice Y K Sabharwal and Judges C K Thakker and Markandey Katju The court asked the respondents to give reasons as to why adequate preventive measures were not being put in place to end the suicides <sup>[8]</sup>.

In another case, *S. Sundareshan v., Union of India*, the Supreme Court declined to entertain a public interest litigation raising the issue of farmers' suicide in the country and seeking direction for the Centre to implement the recommendation of an expert body to fix minimum support price (MSP) for all agricultural products.

The Court held that "We are not supposed to go into the policy matters. It is for the government to see and take decision," a bench of Chief Justice T S Thakur and Justices AK Sikri and R Banumathi said. The bench said the public interest litigation petitioner has to go before an appropriate authority and make representation.

"These are matters which are between people and the government," the bench observed while wondering at the outset as to "what are we supposed to do for farmers' suicide. What is government supposed to do?" Realizing that the bench was not inclined to issue any direction, advocate P V Yogeshwaram, appearing for scientist S Sunderesan, preferred to withdraw the PIL in which directions were sought for implementation of recommendations of National Commission of Farmers (NCF). The Commission headed by noted agricultural scientist M S Swaminathan had in 2006 come out with a report dealing with several issues including that of farmers' suicide and had proposed slew of measures to check it. The Commission had suggested that there was a need to improve implementation of Minimum Support Price (MSP) and arrangements to be put in place for crops, other than paddy and wheat. It had also said that MSP should be at least 50 per cent more than the weighted average cost of production <sup>[9]</sup>.

In *Jana Vignaya Vedika V. Governments of Telangana State and Andhra Pradesh*, recently the High Court of Judicature slammed both Telangana State and Andhra Pradesh. The High Court also sought the response of both governments on measures taken by them. The bench, which was hearing a Public Interest Litigation petition seeking government to take steps to prevent farmer suicides, and it is held that "you are not taking serious this issue. You are just paying compensation only there are no welfare measures taken by you to prevent suicides of farmers. You have to find facts reasons for agrarian crisis. Why don't you form a committee to find the reasons and solutions," said the bench.

### Conclusions and Suggestions

In spite of intervention from different courts there is dearth of stoppages of farmer suicides across in country more particularly in the Central part. The Central and State governments should sincerely initiate concrete steps for putting full stop to the farmers death for which purpose I am proposing following few suggestions.

1. The Minimum Agricultural Prices Commission should be made as statutory status not only to recommend the minimum prices for agricultural produce but it also should regularly monitor conditions of farmers and their market conditions.
2. The banking establishments should liberally provide agricultural loans with low rate of interest and the repayment of loan period should be flexible basing upon the weather and other conditions.
3. The farmer right to livelihood should be given status of fundamental right by amending the constitution.
4. The farmer rehabilitations centres should be established to give counselling to grief stricken farmers.
5. The central and state governments should prepare and present a separate budget for farmers in annual budgetary process.

If we not take proper measures the precarious farmers may continue to commit suicides in days to come and the status of nations among the world countries diminish and it would automatically effect on socio-economic status of the country. I hereby consider that if the farmers weep it is considered as entire country is weeping.

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