



EVERY THIRTY MINUTES FARMER SUICIDES, HUMAN RIGHTS, AND THE AGRARIAN CRISIS IN INDIA



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The **Center for Human Rights and Global Justice (CHRGJ)** at New York University School of Law was established in 2002 to bring together the law school's teaching, research, clinical, internship, and publishing activities around issues of international human rights law. Through its litigation, advocacy, and research work, CHRGJ plays a critical role in identifying, denouncing, and fighting human rights abuses in several key areas of focus, including: Business and Human Rights; Economic, Social and Cultural Rights; Caste Discrimination; Human Rights and Counter-Terrorism; Extrajudicial Executions; and Transitional Justice. Philip Alston and Ryan Goodman are the Center's Faculty Chairs; Smita Narula and Margaret Satterthwaite are Faculty Directors; Jayne Huckerby is Research Director; and Veerle Opgenhaffen is Senior Program Director.

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EXECUTIVE SUMMARY

It is estimated that more than a quarter of a million Indian farmers have committed suicide in the last 16 years—the largest wave of recorded suicides in human history. A great number of those affected are cash crop farmers, and cotton farmers in particular. In 2009 alone, the most recent year for which official figures are available, 17,638 farmers committed suicide—that’s one farmer every 30 minutes. While striking on their own, these figures considerably underestimate the actual number of farmer suicides taking place. Women, for example, are often excluded from farmer suicide statistics because most do not have title to land—a common prerequisite for being recognized as a farmer in official statistics and programs.

This Report focuses on the human rights of Indian farmers and of the estimated 1.5 million surviving family members who have been affected by the farmer suicide crisis to date. Millions more continue to face the very problems that have driven so many to take their lives. The Report seeks to amplify the many voices calling on the Indian government to act now to put an end to this unmitigated disaster. Farmers in the western state of Maharashtra, for example, now address their suicide notes to the President and Prime Minister, in the hopes that their deaths may force the Indian government to remedy the conditions that have led so many farmers to take their own lives. Rachmandra Raut, who committed suicide in 2010, even went to the trouble of purchasing expensive official stamp paper and—in laying out the reasons for his despair to this official audience—cited two years of successive crop failure and harassment by bank employees attempting to recover his loans.

Affected farmers and their families are among the victims of India’s longstanding agrarian crisis. Economic reforms and the opening of Indian agriculture to the global market over the past two decades have increased costs, while reducing yields and profits for many farmers, to the point of great financial and emotional distress. As a result, smallholder farmers are often trapped in a cycle of debt. During a bad year, money from the sale of the cotton crop might not cover even the initial cost of the inputs, let alone suffice to pay the usurious interest on loans or provide adequate food or necessities for the family. The only way out might be to take on more loans and buy more inputs, which in turn can lead to even greater debt. Indebtedness is a major and proximate cause of farmer suicides in India. Many farmers, ironically, take their lives by ingesting the very pesticide they went into debt to purchase.

The magnitude of the number of Indian farmers who have committed suicide must not overwhelm the fact that an intensely individual tragedy lies behind each and every one of these deaths. The effects of this tragedy haunt the families of these casualties of India’s agrarian crisis in ways that are impossible to escape—families inherit the debt, children drop out of school to become farmhands, and surviving family members may themselves commit suicide out of sheer desperation. The Indian government’s response to the crisis—largely in the form of limited debt relief and compensation programs—has, by and large, failed to address the magnitude and scope of the problem or its underlying causes.

This Report focuses primarily on the human rights of cotton farmers in India. The government has long been alerted to the cotton farmer suicide crisis, yet has done little to adequately respond. Cotton is a cash crop, which makes it vulnerable to the global market. Cotton also exemplifies India’s general shift toward cash crop cultivation, a shift that has contributed

significantly to farmer vulnerability, as evidenced by the fact that the majority of suicides are committed by farmers in the cash crop sector. The cotton industry, like other cash crops in India, has also been dominated by foreign multinationals that promote genetically modified seeds and exert increasing control over the cost, quality, and availability of agricultural inputs.

This Report and its concluding policy recommendation are based on interviews with actors in India who have been working on agrarian issues related to farmer suicides for extensive periods of time. It also draws on and analyzes official government statistics on farmer suicides and surveys extensive academic literature and media investigations of farmer suicides in India. The Report's analysis of the human rights implications of the crisis—and the Indian government's attendant human rights obligations—are based on CHRGI's expertise in international human rights law, as well as its longstanding work on human rights in India.

As noted throughout this Report, taking the steps necessary to prevent farmer suicides and ensure farmers' rights is not just a matter of sound policy or basic humanity for the Indian government; it is also a matter of hard legal obligation. India is a State Party to multiple international human rights treaties and has consistently been put on notice by United Nations bodies that the human rights of farmers are at stake. As detailed in this Report, a number of human rights are deeply affected by this crisis, including the rights to: life, health, water and food, an adequate standard of living, equality and non-discrimination, and the right to an effective remedy. India is obligated to respect, protect, and fulfill these rights, which includes an obligation to ensure that corporations and other business enterprises are not interfering with the enjoyment of human rights. Businesses must also, as a baseline, respect the human rights of Indian farmers, and should address adverse human rights impacts stemming from their activities.

It is neither inevitable, nor lawful, that the conditions which have led to this wave of suicides continue. The Indian government can, and must, act to put an end to this tragedy.



© P. Sainath/The Hindu: A portrait of Ramachandra Raut and his widow. Raut, a cotton farmer from Maharashtra who committed suicide in 2010, addressed his suicide note to the Indian Prime Minister and President.

I. INTRODUCTION

Indian farmers in the western state of Maharashtra now address their suicide notes to the Prime Minister and President, hoping that their words will affect circumstances facing their fellow farmers.¹ P. Sainath, the rural affairs editor for the English-language daily *The Hindu*, and one of the foremost experts on the agrarian crisis in India, explains the circumstances of one such farmer in the following way:

Seeking authenticity for his letter to the Prime Minister and the President, Ramachandra Raut composed it with care on Rs.100 non-judicial stamp paper. Then he added a few more addressees, including his village *sarpanch* [village head] and the police, in the hope that it got home someplace. Then he killed himself. A mere digit in the nearly 250 farm suicides that hit Vidarbha in four months; but a villager desperate to be heard on the reasons for his action: “The two successive years of crop failure is the reason.” Yet, “bank employees came twice to my home to recover my loans.”²

As Kishor Tiwari, head of the farmers’ rights group Vidarbha Jan Andolan Samiti (Peoples’ Protest Forum), explains: “These notes are the last cry of despair of people trying to tell their government the reasons for agrarian distress.”³

The Vidarbha region of India’s Maharashtra state is seen as the epicenter of a farmer suicide crisis that has gripped India’s cash crop farmers for more than a decade.⁴ Statistics compiled by the Indian government reveal that 241,679 farmers in India committed suicide between 1995 and 2009.⁵ According to P. Sainath—who has documented the crisis since it first started—the 2010 figures will likely bring this number up to more than 250,000.⁶ He adds:

Reflect on this figure a moment. It means over a quarter of a million Indian farmers have committed suicide since 1995. It means the largest wave of recorded suicides in human history has occurred in this country in the past 16 years. It means one-and-a-half million human beings, family members of those killing themselves, have been tormented by the tragedy. While millions more face the very problems that drove so many to suicide. A way out that more and more will consider as despair grows and policies don’t change.⁷

In 2009 alone, the most recent year for which official figures are available, 17,638 farmers committed suicide⁸—that’s one farmer every 30 minutes.⁹ As explained in Section III of this Report, these figures also considerably underestimate the actual number of farmer suicides taking place as they rely on a restricted definition of who qualifies as a farmer.¹⁰ Significantly, the farmer suicide rate continues to be hauntingly high,¹¹ even as the total number of farmers in the country is shrinking. According to national census figures, between 1991 and 2001, eight million Indians left farming.¹² While forthcoming data from the 2011 census will provide updated figures for the total number who have left farming since 2001, there is no indication that this move away from farming has declined in any way.¹³

These farmers and their families are among the victims of India’s longstanding agrarian crisis—a crisis that demands the attention of the Indian government, which, to date, has failed to

meet its obligation to ensure farmers' human rights.¹⁴ This Report focuses primarily on the human rights of cotton farmers in India for several reasons. First, records show that the suicide rates are highest where cotton production is highest.¹⁵ Second, though the Indian government has long been alerted to the cotton farmer suicide crisis,¹⁶ it has failed to respond with solutions that adequately address the issue.¹⁷ Third, cotton is a cash crop, which makes it particularly vulnerable to fluctuations in the global market. Cotton also stands in as a prime example of India's general move away from food production toward cash crop cultivation,¹⁸ a shift that has contributed significantly to farmer vulnerability,¹⁹ as evidenced by the fact that the majority of suicides are committed by farmers in the cash crop sector.²⁰ Finally, the cotton industry, like other cash crops in India,²¹ is one that has been dominated by foreign multinationals.²²

The magnitude of the number of Indian farmers who have committed suicide must not eclipse the fact that an intensely individual tragedy lies behind each and every one of these deaths. These tragedies haunt the families of the casualties of India's agrarian crisis in ways that are inescapable. As noted by P. Sainath, for Kambalai, a Dalit woman farmer in her mid-sixties and widow of a farmer who took his own life, "(s)uicide is not about the dead. It's about the living."²³

Surviving family members of suicide victims would no doubt agree. Nanda Bhandare, for instance, lives with her mother-in-law and two children in a one-room house. They are cotton farmers. "We won't earn even 10,000 rupees (US\$250) a year from our seven acres," she says. Her husband committed suicide in 2008. Her son and daughter dropped out of school at ages 12 and 10, respectively, to help their mother on the farm.²⁴ Ganesh Diliprao Kale was 13 years old when his father committed suicide in Maharashtra in 2009. His uncles have also committed suicide and Ganesh now works the family's farm.²⁵ Rekha Thag's two children were in school when she was kicked out by her in-laws after her husband committed suicide. Her father also committed suicide.²⁶

As described above, the financial struggles associated with these deaths do not end with the farmer's suicide. In many cases, the surviving family must shoulder the debt, often forcing children to leave school in order to further support the family.²⁷ Other farmers' families may have to rely on the farm for money, buying even more seeds in the hopes of a successful harvest, and become trapped in debt themselves.²⁸ Surviving widows, who often inherit their husbands' debt, may also take their own lives out of similar desperation.²⁹

India's cotton farmer suicide crisis is complex as are its causes and effects. The manifestation of the crisis also varies from state to state. This Report focuses on prominent causes, patterns, and impacts that have been observed in many states in India. A number of studies reveal that indebtedness is a major and proximate cause of farmer suicides in India.³⁰ As explained in Section II of this Report, the opening of Indian agriculture to the global market and the increasing role of multinational agribusiness giants in cotton production have increased costs, while reducing yields and profits for many farmers, to the point of great financial and emotional distress. Section III provides an overview of the government's response to the crisis, and the ways in which these responses have, by and large, failed to address the magnitude and scope of the problem. Section IV then details the human rights impacts of the crisis and the corresponding human rights obligations incumbent on both the government and private businesses to address these impacts. Finally, Section V concludes with policy recommendations addressed to the Indian government.

II. INDIA'S COTTON SECTOR

A. ECONOMIC REFORMS AND INDIA'S COTTON SECTOR

The current issues facing India's cotton sector are both linked to, and stem from, a broader agrarian crisis that has its roots in policies implemented by the Indian government more than two decades ago. While these policies have helped usher in dramatic economic growth, this growth has been unevenly distributed, largely benefiting the nation's elite, while the majority continues to endure grinding poverty.³¹

During the 1990s, the World Bank, the International Monetary Fund (IMF), and other international financial institutions (IFIs) encouraged India to adopt new economic policies premised on trade liberalization, structural adjustment, and privatization.³² The stated goal of such policies was to promote rapid economic development within India.³³ Complying with these proposals, India opened its markets to both global trade and an influx of multinational corporations.³⁴ The implementation of these IFIs-approved policies, which focused on the withdrawal of the State from economic sectors,³⁵ also resulted in the abolition of Indian agricultural subsidies that had supported farmers for decades.³⁶

As a result of economic reforms, Indian cotton farmers were thrust into competition with the international market, making them extremely vulnerable to the price volatility of the global market.³⁷ As new economic policies integrated India into the global market, the resultant devaluation of the Indian rupee dropped prices and increased demand for Indian crops.³⁸ To capitalize on this potential source of revenue, the Indian government urged farmers to switch to cash crop cultivation as India quickly redeveloped its agricultural sector to be export-oriented.³⁹ Cash crops, such as cotton, can lead to short-term revenue gain but are ultimately subject to high levels of price volatility.⁴⁰ India's sudden switch to cash crop cultivation led to an oversaturation of the global market with cotton exports, and, in turn, a depression of cotton prices for these farmers.⁴¹

Furthermore, Indian cotton farmers were made to compete with foreign entrants into the Indian domestic market.⁴² These entrants, mostly from developed countries, were able to quickly and effectively gain market share in India due to two factors: one, the price of their products was set artificially low as a result of agricultural subsidies in their home countries;⁴³ and two, the Indian government's removal of quotas, duties, and tariffs on imports made it cheaper for these entrants to import their products into the country.⁴⁴

Ironically, as mentioned above, agricultural subsidies—which before would have provided a safety net for Indian cotton farmers in just such a precarious situation—had been done away with under the very same policies that placed farmers in this precarious position.⁴⁵ An attendant problem was that of minimum support prices (prices at which the government buys crops in the event that the market price falls below said minimum support price). In the case of cotton, the government had—until 2008—allowed its minimum support prices to lag far behind the rising costs of inputs, i.e. seeds, fertilizers, pesticides, and labor.⁴⁶ In a country where farmers had previously relied on the continued agricultural assistance of the state, this sudden withdrawal of the Indian government's agricultural support sent many farmers into a tailspin of debt.⁴⁷

In order to compete on the global market, then, Indian cotton farmers desperately turned to using new, higher-priced inputs, which incorporate innovative, but expensive, biotechnology and which came with the promise of producing higher yields and providing greater resistance against pests.⁴⁸ However, such inputs often fail to live up to these promises, driving farmers into further debt as they fail to produce enough crop to make up for rising input costs.⁴⁹ These inputs, sold by foreign multinational corporations, became available only after Indian markets were opened up under economic reforms.⁵⁰

Despite these problems, the Indian government has continued to encourage farmers to switch to cash crops.⁵¹ Though India is currently one of the world's leading cotton producers and exporters,⁵² like most cash crop commodity markets, the cotton market has become increasingly commercialized, and is dominated by a small group of multinational corporations⁵³ that exert increasing control over the cost, quality, and availability of agricultural inputs.⁵⁴ In addition, in a cotton market where a corporate middleman ferries farmers' products to the global market,⁵⁵ even those farmers who see high crop yields may not benefit from the prices their crops eventually fetch in the market. Furthermore, this market commercialization contributes to continually unpredictable price volatility.⁵⁶ Finally, it is important to note that, although the focus here is on cotton, the general problems described continue to be a major concern for all Indian cash crop farmers⁵⁷ for whom "investment in agriculture has collapsed," leading to increased "[p]redatory commercialization of the countryside."⁵⁸

B. MULTINATIONAL CORPORATIONS AND INDIA'S COTTON SECTOR

Multinational agribusiness corporations took advantage of India's new market liberalization and structural adjustment policies by aggressively promoting the introduction of genetically modified⁵⁹ seeds into Indian agriculture.⁶⁰ As a result, in 2002, the Genetic Engineering Approval Committee ("GEAC") approved Monsanto's Bollgard Bt cotton,⁶¹ which is genetically modified to produce *Bacillus thuringiensis* toxin. The toxin is an insecticide that is supposed to kill American Bollworm, a common cotton pest in India.⁶² Since then, the GEAC has approved hundreds of additional variants of Bt cotton produced by a variety of corporations.⁶³

A majority of cotton farmers in India invested in this new, genetically modified cotton, as evidenced by the rapid increase in Bt cotton cultivation. In just one year, from 2005 to 2006, the number of hectares under Bt cotton cultivation jumped 260 percent from 1.26 million to 3.28 million hectares.⁶⁴ By 2009, 85 percent of cotton produced in India was Bt cotton; in the states of Maharashtra, Andhra Pradesh, and Madhya Pradesh, the figure is as high as 95 percent.⁶⁵ These farmers believed that genetically modified pesticide in the seed would allow the cotton crop to survive bollworm infestations,⁶⁶ resulting in higher yields, decreased instances of crop failure⁶⁷ and, ultimately, in greater economic security for their families.

For farmers such as Vithal Bhindarwa, however, investing in Bt cottonseeds did not lead to economic security. Hoping to provide a better life for his wife and children, Bhindarwa purchased these higher-priced seeds through loans in excess of Rs. 28,000 [worth US\$566 by 2008 standards]⁶⁸ both from the State bank and from private moneylenders. When his crop failed in 2008 as a result of unpredictable weather conditions, Bhindarwa was unable to pay back his loans and took his own life by swallowing rat poison, leaving his 22-year-old son, Gajanan, as the head of the family.⁶⁹ Bhindarwa's story is not uncommon: for too many farmers, investing in Bt cottonseeds has not led

to greater financial security, but has instead contributed to their financial distress. The reason, as explained below, is that Bt cottonseeds demand even more of two resources that are already scarce for many farmers: money and water.

Bt cottonseeds often cost at least double what non-Bt seeds cost and there are reports of Bt cottonseeds costing up to ten times as much.⁷⁰ Furthermore, the multinationals that sell these Bt



© P. Sainath/The Hindu: Nallapa Reddy, jailed in Andhra Pradesh for failing to repay his bank loan in 2007.

cottonseeds only allow them to be sold as hybrid cultivars,⁷¹ which prevents farmers from replanting seeds the following year.⁷² To afford such expensive yearly inputs, many farmers have to take out extensive—and often multiple—loans.⁷³ Many smallholder farmers resort to community moneylenders, who oftentimes charge usurious interest rates.⁷⁴

With such high capital outlays and interest rates, the farmers are then under tremendous pressure to generate higher yield just to recoup costs. In practice, however, generating high yields with Bt cottonseeds requires much higher amounts of water than other cotton cultivars.⁷⁵ For farmers who lack access to proper irrigation and whose farms are primarily rain-fed, the crop often fails.⁷⁶ In fact, 65 percent of India's cotton farms are rain-fed.⁷⁷ This lack of access to water is often an insurmountable hurdle for smallholder farmers. For example, farmer Nallappa Reddy stated that he had “[sunk] 32 borewells in ten

acres within four or five years.”⁷⁸ When they failed, and Reddy was unable to pay back his loans, he was—in a revival of a previously discarded practice—jailed as a result of his debts.⁷⁹

Even where the drilling of bore wells succeeds and water is available, rampant groundwater usage for agriculture threatens to deplete water tables, resulting in greater water scarcity in the long

term.⁸⁰ Drought also contributes to lower yields and exacerbates an already precarious situation, especially when irrigation is either insufficient or non-existent.⁸¹ This shortcoming of Bt cotton has become particularly salient in the past decade, as drought seasons and erratic rain patterns have parched cotton crops across India.⁸² Ultimately, a lack of access to water and the resultant lower yields mean that farmers are unable to cover their input costs or interest rates—a problem that will likely be exacerbated in the future as India privatizes water and irrigation pathways, potentially further restricting farmers' access to water.⁸³

The fact that Bt cottonseed requires more water is not being communicated effectively to farmers.⁸⁴ According to investigative journalist, Trevor Aaronson, “[a]lthough boxes of Bt cotton have a warning label that instructs farmers to use the seed only in irrigated fields, the warning is in English, which few farmers can read.”⁸⁵ English is not commonly spoken, and therefore readable by a vast majority of the Indian population.⁸⁶ Additionally, while farmers traditionally selected cultivars based on personal experience and observation, multinational corporations have spurred the adoption of Bt cottonseed by setting up demonstrations on large, well-irrigated farms that are more likely to have successful Bt cotton yields.⁸⁷ Such demonstrations are attended by input dealers (who may have a profit-driven conflict of interest) and by groups of farmers. These groups then disseminate information about this agricultural technology to other farmers.⁸⁸ As a result, farmers may have little to no ability to properly vet the claims about this agricultural technology. The problem is compounded by the fact that agricultural training extension services, which may provide farmers with better information about Bt cottonseeds, are a very small source of agricultural technology information.⁸⁹ Finally, the information that farmers have may be skewed by the allegedly deceptive advertising practices of multinationals.⁹⁰

Despite the number of issues outlined above, the continual adoption of Bt cotton might be propelled by the fact that there is much advertising of Bt cotton, despite the lack of scientific consensus on its efficacy.⁹¹ Specifically with cotton, multinational corporations and their Indian subsidiaries and licensees have come to dominate the cottonseed market through such aggressive marketing.⁹² Moreover, the option to purchase non-Bt cottonseeds no longer exists in many regions. According to some accounts of the crisis, non-GM seeds have been banned from government seed banks.⁹³ Thus, in many regions, repurchasing Bt cottonseeds every year has become the farmer's only option.⁹⁴

The agribusiness firm Monsanto has been particularly vocal in responding to concerns about its products. For instance, it has asserted that critics are “misinformed,”⁹⁵ adding that claims linking Bt cotton and farmer suicides are “unfounded”⁹⁶ and part of a “visceral smear campaign.”⁹⁷ Instead, Monsanto has pointed to reports that link farmer suicides to other factors such as alcoholism and “endowment obligations for the marriage of daughters.”⁹⁸ Monsanto has also stated that “[f]armers in India have found success with Bollgard [and, w]e have many repeat customers and many new ones there every year,”⁹⁹ asking further: “if Bt cotton were the root cause of suicidal tendencies, then why is it that Indian farmers represent the fastest-growing users of biotech crops in the world?”¹⁰⁰ Monsanto's methodology in evaluating this success has, however, been criticized as relying too heavily on the experience of farmers who can afford adequate irrigation systems and who make up a minority of cotton farmers.¹⁰¹ Finally, Monsanto has concluded that “[f]armer suicide has numerous causes with most experts agreeing that indebtedness is one of the main factors,”¹⁰² adding that it believes that “the economic benefits from Bt cotton [such as “attaining better yields, earning bigger

returns on their investment and using less pesticide”] may be the key to reversing the tragic statistics.”¹⁰³

III. FARMER SUICIDES AND INDIAN GOVERNMENT INACTION

As described above, a combination of India’s economic reforms, the influence of multinationals in the cotton farming sector, and poor climate conditions have all led to a deepening agrarian crisis. As a result, smallholder farmers are trapped in a cycle of debt. During a bad year, money from the sale of the cotton crop might not cover even the initial cost of the inputs, let alone be sufficient for paying the usurious interest on loans or provide adequate food or necessities for the family.¹⁰⁴ The only way out might be to take on yet more loans and buy yet more inputs, which in turn can lead to even greater debt. As noted above, indebtedness is a leading factor in farmer suicides.¹⁰⁵ The farmer may see little hope in this situation and, ironically, many take their lives by ingesting the very pesticide which they went into debt to purchase.¹⁰⁶

Farmer indebtedness is put in even starker relief, and poses an even more insurmountable burden, when said farmers have daughters whose marriages require the payment of dowries to the husband’s family. Farmers who pay these dowries fall further into debt—or face the social stigma of being unable to pay—and may commit suicide as a result.¹⁰⁷ Even more startlingly, in Andhra Pradesh, unmarried daughters, wracked with guilt over their fathers’ deaths, have committed suicide themselves.¹⁰⁸ Finally, when husbands commit suicide, they not only leave their wives with their debt but also with the responsibility to marry off their daughters. As farmer-activist Sunanda Jayaram has noted, “There are debts hanging on [women’s] heads which they did not incur. There are daughters whose marriages are pending. The pressure is unending.”¹⁰⁹

As noted above and in Section I, the ripple effects of farmer suicides are great—surviving family members inherit the debt, children drop out of school to become farmhands,¹¹⁰ and widows and unmarried daughters may themselves commit suicides in despair.¹¹¹ As explained below, the Indian government has, by and large, failed to address the scope and far-reaching impact of these suicides.

A. UNDER-COUNTING SUICIDE RATES: FAILURES OF INFORMATION

Farmer suicide counts have been tragically high in the states of Maharashtra, Andhra Pradesh, Karnataka, Chhattisgarh, Madhya Pradesh, Tamil Nadu, and West Bengal.¹¹² These states are among the highest cotton producing states in the country.¹¹³ In Andhra Pradesh alone, at least 17,775 farmers committed suicide between 2002 and 2009.¹¹⁴ There, Bt cotton crops generated much lower yields than non-Bt cotton crops for smallholder farmers during years with drought.¹¹⁵ The use of Bt cottonseed, contrary to advertising, also failed to reduce pesticide usage for many farmers.¹¹⁶ Moreover, high seed prices raised the farmers’ input costs, while sale prices remained low.¹¹⁷ In the state of Maharashtra, more than 2,500 farmers committed suicide each year between 2002 and 2009.¹¹⁸ As P. Sainath noted, mortuaries in Maharashtra have been exempted from electricity cuts in order to sustain the high number of post-mortems for farmer suicides.¹¹⁹

The main source of data for farmer suicides, India’s National Crime Bureau,¹²⁰ underrepresents the actual magnitude of farmer suicides. Although by its count the numbers already are

high, by relying on a restricted definition of who qualifies as a farmer, it fails to adequately capture the full extent of the problem.¹²¹ For example, to qualify as a farmer for the purposes of being counted in records of farmer suicides, the individual must have the title to his or her land.¹²² In practice this systematically ignores women farmers who, despite performing a large amount of agricultural work,¹²³ may not have title to the farm on which they work. In the same way, Dalit (so-called untouchables) and Adivasi (tribal community) farmer suicides may also be insufficiently reflected in official data, as most do not have a clear title to the land they are farming.¹²⁴ In a tragic twist, family members of farmers who have committed suicide—who themselves take over farming land, and subsequently commit suicide because of debt—may also not be counted as farmer suicides, if the title has not been formally passed on to them.¹²⁵ Tenant farmers may likewise not be counted as farmers for the purposes of the National Crime Bureau.¹²⁶

The lack of a coherent approach to counting the actual number of farmer suicides goes beyond the official discrepancies noted above. The data that exists disaggregates suicide data by profession, but does not account for the type of crop planted, whether the crop is genetically modified, caste of the farmer, or land size.¹²⁷ All of these factors would seem to be relevant in formulating a response to the rash of farmer suicides in India. Until there is a sustained effort to determine exactly how many actual farmers have committed suicide, combined with an effort to determine precisely the kinds of farming they were engaged in, it is unlikely that there will be a complete understanding of the magnitude of agrarian crisis.

As described below, in addition to failing to adequately capture the extent of the problem, government programs aimed at addressing the crisis have also fallen drastically short.

B. DEBT RELIEF AND COMPENSATION PROGRAMS: FAILURES OF TEMPORARY RELIEF

Following years of inaction, the farmer suicide crisis generated some political responses at both the national and state level. These responses, primarily in the form debt waiver and compensation programs, ostensibly aimed to alleviate the proximate cause of farmer suicides: indebtedness.¹²⁸ As described below, a number of affected farmers and families fall outside the purview of these programs. Those who do qualify often find that the relief is inadequate to address either the enormity of the debt or the loss of a family member.

In 2006, the national government flagged funds from the Prime Minister's Relief Fund to relieve farmers of debt,¹²⁹ but there has been little enthusiasm about its results.¹³⁰ In 2008 the Finance Minister enacted the Agricultural Debt Waiver and Debt Relief Scheme.¹³¹ The scheme provided debt waivers for marginal and small farmers, defined as owning two or fewer hectares of land.¹³² For other farmers, the relief scheme provided a 25 percent debt relief.¹³³ Many farmers, who own more than two hectares but still suffer from extreme indebtedness, were unable to pay the remaining 75 percent needed to qualify for the program. In either case, the scheme only applied to loans from banks and not to loans from informal moneylenders.¹³⁴ Farmers who took out loans from moneylenders to pay for expensive inputs are excluded from the government's assistance program.¹³⁵ An additional important shortcoming of the debt waiver scheme is that it did not distinguish between irrigated and non-irrigated land. In practice, well-irrigated—but smaller—plots of land would do better, and hence its owners would be better off than those on larger, non-irrigated plots owned by poorer farmers with greater debts. Perversely, the debt waiver program rewarded the former and not the latter.¹³⁶

State governments have also attempted to provide debt relief or compensation to family members of suicide victims; such plans have met with limited success.¹³⁷ The Government of Karnataka initiated both a loan waiver scheme and a ban on exorbitant interest rates.¹³⁸ Other states, such as Andhra Pradesh, have provided compensation packages to families of suicide victims.¹³⁹ In many cases, compensation given to the surviving families is simply funneled back to creditors,¹⁴⁰ who are often private, predatory moneylenders.¹⁴¹ Such was the case for Jayalakshamma of Karnataka state, whose husband committed suicide in 2003 and who now tends to her farm with her young son.¹⁴² She works 12-hour days on the farm and, in the off-season, as a laborer making Rs.35—less than US\$1, a day.¹⁴³ Most of the compensation money she received went to paying off her husband's debts.¹⁴⁴ The State provides her with rice, but only a small amount—amounting to less than what a prisoner would get.¹⁴⁵



© P. Sainath/The Hindu: Jayalakshamma, of Karnataka state, posing with the portrait of her husband who committed suicide in 2003. Jayalakshamma tends to her farm with her young son and works as a laborer earning less than US\$1 a day. Most of the compensation money she received from the government went to paying off her husband's debts.

In other cases, surviving family members may not qualify for compensation. Maharashtra state, for example, offers Rs. 1 lakh (US\$2243) compensation, but only under the following conditions: first, the farmer must have owned title to the land; second, the farmer must have been indebted when the suicide occurred; and third, the indebtedness must be the proximate cause of the suicide.¹⁴⁶ The first condition in particular has served to disqualify a number of families. The story of Kalavati Bandurkar, as reported in 2007, is a case in point. Kalavati's husband committed suicide as a result of crop failure and debt.¹⁴⁷ She is a mother of nine, a grandmother of five, and runs a nine-acre farm, in addition to working the land of others.¹⁴⁸ Kalavati never received compensation from the government after her husband's suicide because the land her family cultivated was leased and not owned. As a result, her husband's death was not recognized as a farmer suicide and therefore did not qualify for compensation.¹⁴⁹ Kalavati's story is not unique¹⁵⁰ and serves to underscore the inadequacy of the government's response. As the neighbors of Digambar Agose, who committed suicide in 2005, joked: "We can't even commit suicide in peace...not without reading those forms the officials have created to see that we get it right."¹⁵¹

In addition to not being recognized as farmers, women farmers face other forms of discrimination that are not accounted for by government programs. Shahnaz Karim Khan, a farmer who has been responsible for managing her family's land since her husband fell sick four years ago, explains that, "a woman without a man does not get loans, labour, credit, anything. No one trusts a woman."¹⁵² Sainath states that there are particular harms that result from this discrimination:

[o]n the one hand the high registration costs, lack of acquaintance with official procedures, and corruption all make getting land registered in their own names an uphill task for women, while on the other, the lack of official property rights makes it impossible for them to access official credit for their farming activities.¹⁵³

The impact of this discrimination is severe. Despite the fact that “close to a fifth of all rural households in India are female-headed”¹⁵⁴ women have little access to government programs and few have title to land.¹⁵⁵ To cite one study by Oxfam India, in Uttar Pradesh “less than 1% [of women] have participated in government training programs, 4% have access to institutional credit and only 8% have control over agricultural income.”¹⁵⁶

C. ENTRENCHED STRUCTURAL HARMS: LACK OF LONG-TERM RELIEF

As described above, government interventions designed to provide monetary compensation or debt relief have met with limited success and, in many cases, have not reached those in greatest need. Though the Indian government has developed financial assistance programs for the families of suicide victims, such programs have been sporadically implemented and have served merely as short-term solutions, reaching no more than an estimated ten percent of families affected.¹⁵⁷

The Indian government has also done little to address underlying factors that have contributed to the crisis, including farmers’ lack of access to irrigation and rural credit. As of 2008, India had not invested in the improvement of irrigation infrastructures, to the continued detriment of farmers who rely on erratic rain patterns to irrigate their crops;¹⁵⁸ this problem is compounded with Bt cottonseeds, which, as explained above, require more water than non-Bt cotton.¹⁵⁹ More recent reports indicate that this continues to be a problem.¹⁶⁰ Banks, which are important sources of credit, have also moved out of rural, agrarian regions.¹⁶¹ Although farmers’ credit sources vary from state to state,¹⁶² the farmers who do depend on rural banks are feeling the effects of the ten percent decline of rural banks nationwide in the past decade,¹⁶³ a problematic trend that the Indian government has failed to address. Additionally, despite problems related to cost and water use for Bt cottonseeds, the Indian government has facilitated their promotion¹⁶⁴ and continues to take steps to facilitate the eradication of generic, reusable seeds.¹⁶⁵ Some state governments have initiated investigations into the causes of farmer suicides,¹⁶⁶ but far more is clearly needed.

The unwillingness of the Indian government to invest in irrigation, improve the availability of rural credit, or provide farmers with more seed purchasing options is symptomatic of a broader concern: lack of adequate investment in agriculture.¹⁶⁷ As noted above, the Indian government’s withdrawal from the agricultural sector has led to increased corporatization of the sector and to farmers incurring greater and greater debt.¹⁶⁸ The problems inherent in such a reorientation of the agricultural sector are further exacerbated by the Indian government’s continued promotion of cash crop cultivation.¹⁶⁹

As noted by agricultural expert Vijay Jawandhia, “Farmers cannot fight two enemies, the climate and unpredictable markets, without help from the government.”¹⁷⁰ As the following section details, the Indian government clearly needs to do more to live up to its international law obligations to ensure farmers’ human rights.

IV. HUMAN RIGHTS IMPLICATIONS AND OBLIGATIONS

India's agrarian crisis has multiple human rights dimensions. Among the most visible is the impact of the crisis on the human rights of Indian farmers. Widespread farmer suicides also signal a crisis of failure on the part of the Indian government to live up to its obligations to respect, protect, and fulfill human rights, as required under international human rights law.¹⁷¹

The following section offers an overview of the human rights dimensions of farmer suicides in India. The human rights framework provided below was developed through analysis of international human rights law, interpretations by international treaty bodies, and statements by United Nations special procedures mechanisms. The framework is not exhaustive; rather, it represents several of the most pertinent rights of cotton farmers, as well as other farmers who are affected by this agrarian crisis.

As noted in section C below, India must abide by concrete legal obligations under international human rights law to guarantee the rights of its farmers. This section begins by detailing the multiple arenas in which international bodies, charged with monitoring India's compliance with international human rights law, have called India's attention to farmer suicides as a major human rights concern. It then outlines India's general human rights obligations. Finally, it discusses the particular rights implicated by the farmer suicide crisis in India.

A. INDIA'S HUMAN RIGHTS REVIEW

On several occasions, international human rights bodies have called on the Indian government to address farmer suicides as a pressing human rights concern. While India has at times responded constructively to these calls, it has yet to fulfill the commitments it has made to these bodies.

India is a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR).¹⁷² In 2008, the Committee on Economic, Social, and Cultural Rights ("the ESCR Committee")—the U.N. body responsible for monitoring States' compliance with the ICESCR—raised serious concerns about the increasing incidence of suicide among farmers. Specifically, and in the context of its review of India's implementation of the rights contained in the ICESCR, the Committee stated the following:

The Committee is deeply concerned that the extreme hardship being experienced by farmers has led to an increasing incidence of suicides by farmers over the past decade. The Committee is particularly concerned that the extreme poverty among small-hold farmers caused by the lack of land, access to credit and adequate rural infrastructures, has been exacerbated by the introduction of genetically modified seeds by multinational corporations and the ensuing escalation of prices of seeds, fertilisers and pesticides, particularly in the cotton industry... The Committee urges the State party, in addition to the full implementation of the planned farmer debt waiver programme, to take all necessary measures to address the extreme poverty among small-holding farmers and to increase agricultural productivity as a matter of priority...¹⁷³

In 2008, India also appeared before the U.N. Human Rights Council as part of the Universal Periodic Review process, an important human rights procedure in which States review one another's human rights records.¹⁷⁴ The Human Rights Council explicitly called India's attention to the suicides of Indian farmers as a human rights issue.¹⁷⁵ During an interactive dialogue, in which countries were able to comment and ask questions on the state of human rights in India, India responded to questions about poverty and human rights by stating the following:

[Other countries] had referred to India's phenomenal growth but rightly raised questions about whether this was an all inclusive growth and if the gulf between the rich and poor is not growing. This is one of the greatest concerns of India and every effort is made to ensure there is no disparity between the rich and the poor. Recently, in the budget presented by the Finance Minister, India decided to write off US\$15 billion worth of farmers' debt. This is one of the largest schemes undertaken by any government to promote the welfare of its farmers. However, this was not a one-time exercise. India is committed to make sustained efforts and coordinated programmes.¹⁷⁶

Contrary to its statement before the Human Rights Council, and despite the specific recommendations of the ESCR Committee, the Indian government has not adequately made a "sustained effort" to ease the plight of India's cotton farmers. As described in Section III—and as analyzed below—relief programs have proven inadequate and have left a number of affected families out of their limited purview. Moreover, the government has not instituted additional debt waiver programs since the 2008 program cited above. The government has also failed to address underlying factors, including removal of subsidies, improvement of irrigation, and access to rural credit. It has also failed to regulate the activities of multinationals that are affecting farmers' human rights in profound ways.¹⁷⁷ Out of all of these failures, perhaps the most troubling factor is the evident hollowness of the Indian government's claim to be making efforts to ensure that "there is no disparity between the rich and the poor."¹⁷⁸ To cite one case in point, in comparison to the US\$15 billion farmers' debt waiver in 2008, the Indian government has written off a total of US\$84 billion in corporate income taxes since 2005.¹⁷⁹ Furthermore, nationalized banks continuously write off bad debt that is owed to them by better-off corporations and "small numbers of rich businessmen."¹⁸⁰

The list of rights included below is not meant to be exhaustive but is rather intended to raise awareness about how some core human rights are being affected by the farmer suicide crisis in India. Our analysis covers the failure of the Indian government to respect and guarantee various rights and to protect farmers' rights from third-party actors, including its unwillingness to either regulate the Bt cotton industry or adequately address the underlying causes of farmer indebtedness and suicide.

B. INDIA'S HUMAN RIGHTS OBLIGATIONS

India is a State-Party to a number of major human rights treaties. Of particular relevance to this issue are the following:

- The International Covenant on Civil and Political Rights (ICCPR)¹⁸¹
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)¹⁸²

- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)¹⁸³
- The Convention on the Rights of the Child (CRC)¹⁸⁴
- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)¹⁸⁵

India is duty-bound by all of the above-listed human rights treaties. It is also one of the founding members of the International Labour Organization (ILO) and has subsequently ratified many ILO Conventions, including four of the eight “Core Conventions.”¹⁸⁶

Under international human rights law, India has a duty to *respect*, *protect*, and *fulfill* human rights.¹⁸⁷ The duty to respect is essentially a duty of non-interference with existing access to rights.¹⁸⁸ The duty to protect entails an obligation to ensure that third-party, non-state actors, including corporations and other business enterprises, are not interfering with the enjoyment of a particular human right.¹⁸⁹ The duty to fulfill includes the duty to *facilitate* and in some cases *provide* human rights.¹⁹⁰ Inherent in these obligations is the duty to provide an effective remedy when human rights violations have taken place.¹⁹¹ That there are multiple levels of governance—including state and national structures—capable of treating the human rights abuses suffered by Indian farmers, does not lessen the obligations on the national government under international human rights law; federalism is not an excuse for the non-performance of obligations under international human rights law, and a national government must still *respect*, *protect*, and *fulfill* its human rights obligations.¹⁹²

India is obligated to progressively realize the rights contained in the International Covenant on Economic, Social and Cultural Rights.¹⁹³ While the ICESCR allows for “progressive realization,”¹⁹⁴ India has an immediate obligation to: ensure non-discrimination in the provision of economic, social and cultural rights; and take immediate steps toward the realization of these rights.¹⁹⁵ The economic, social and cultural rights also include a “minimum core” of attendant obligations that India must realize as soon as possible.¹⁹⁶ Additionally, India may not engage in conduct that causes this realization of human rights to regress.¹⁹⁷

Under the duty to protect, India must exercise *due diligence* to ensure that non-state actors—such as corporations—are not interfering with individual rights.¹⁹⁸ This includes a duty to investigate all instances in which a private individual or corporation may be interfering with farmers’ rights,¹⁹⁹ and taking steps to remedy violations that have taken place.²⁰⁰ In situations in which the rights violations are egregious, obvious, and clearly part of a systemic pattern, the Inter-American Court of Human Rights has reasoned that the obligation to investigate also requires a State to investigate how individual rights violations relate to this larger pattern,²⁰¹ and to take significant steps accordingly. Such reasoning should form the basis for India’s investigations of the violations of Indian farmers’ rights and should also inform the steps that India would take to remedy such violations.

International human rights law additionally recognizes that States must pay heightened attention to members of vulnerable populations. Specific covenants protect those members of the population that might suffer from discrimination, including on the basis of sex or caste.²⁰² With respect to the economic, social and cultural rights, the ESCR Committee has reasoned that as a general matter particularly vulnerable persons must receive increased protection during times of

economic depression.²⁰³ The Committee has specifically identified rural farmers in India among those deserving of heightened scrutiny and human rights protection.²⁰⁴

Finally, although international human rights law traditionally imposes obligations on States, corporate actors also bear some responsibility. Under the “Protect, Respect, Remedy” framework,²⁰⁵ originally proposed by the U.N. Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, and approved by the Human Rights Council in 2008,²⁰⁶ corporations and other business enterprises must, as a baseline expectation, *respect* human rights.²⁰⁷ This responsibility to respect means that businesses should “avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved.”²⁰⁸ Businesses should also “[s]eek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.”²⁰⁹ To meet these requirements, businesses must also exercise due diligence to “become aware of, prevent and address adverse human rights impacts.”²¹⁰ Furthermore, the obligation for businesses to respect human rights extends both to the effects of direct activities as well as, sometimes, to the conduct of actors over whom the business has leverage.²¹¹ Additionally, corporations cannot act in complicity with third parties, whether State or non-state actors, who are committing human rights violations.²¹² Though the subsequent section explains how the Indian government has failed in its obligations to respect, protect, and fulfill the human rights of its citizens, corporate actors, in accordance with the above framework, also have an obligation to respect the human rights of Indian farmers. These obligations are highlighted, where relevant, below.

C. THE HUMAN RIGHTS OF INDIAN FARMERS

The farmer suicide crisis in India implicates the right to life; the right to an adequate standard of living; the right to work; the right to food; the right to water; the right to health; and the right to an effective remedy, among other rights. Here, as in many contexts, these rights are inexorably linked as the violation of one informs the violation of the other.²¹³ In addition, ensuring one right will help to ensure the protection of the others. The following provides an outline of the legal underpinnings of each right and how each is affected by the current crisis.

1. THE RIGHT TO LIFE

The ICCPR affirms that “[e]very human being has the inherent right to life” and obligates States to ensure that “[n]o one shall be arbitrarily deprived of his life.”²¹⁴ States that have ratified the ICCPR, such as India,²¹⁵ are obligated to respect, protect, and fulfill the right to life. Under the duty to *respect*, India must also avoid taking steps which would erode the conditions necessary for Indian farmers to enjoy the inherent right to life. Under the duty to *protect*, India must ensure that third party actors, including businesses, do not interfere with the enjoyment of this right.²¹⁶

The obligation to fulfill the enjoyment of the inherent right to life requires States to take a number of positive measures. The Human Rights Committee—the UN body responsible for monitoring States’ compliance with the ICCPR—has noted that the phrase “‘the inherent right to life’ cannot properly be understood in a restrictive manner.”²¹⁷ It has encouraged States to take action to, among other things, “reduce infant mortality and to increase life expectancy, especially in

adopting measures to eliminate malnutrition and epidemics,”²¹⁸ suggesting that a State’s obligation to undertake positive measures should be read broadly.

As a prerequisite to implementing these positive measures, States must also gather information necessary to fully inform the design and implementation of such programs. Other human rights bodies have explicitly addressed the need for States to pursue investigations into the causes of systemic suicides among parts of the State’s population. In particular, the ESCR Committee has encouraged particular States to take measures to document cases of suicide or reported suicides, among vulnerable members of their populations, including children and adolescents²¹⁹ in order to develop preventive policies designed to reduce incidences of suicide. The U.N. Special Rapporteur on violence against women, its causes and consequences has similarly recommended that law enforcement authorities investigate with particular diligence the suicides of women and girls.²²⁰

India has fallen far short of its obligations to respect, protect, and fulfill Indian farmers’ right to life. First, official data collection on farmer suicides is both incomplete and inadequate: it undercounts the numbers and discounts entire categories of farmers who have committed suicide by employing restrictive definitions of who constitutes a “farmer”; and it does not disaggregate figures or collect data in a manner that helps identify key issues and patterns.²²¹ As noted above, information gathering is a crucial element of the obligation to fulfill the inherent right to life, as it informs the kinds of positive measures that India must take under the ICCPR.

As described in Section III, the measures India has taken to date in the form of compensation and debt relief—measures which are in part informed by an inaccurate assessment of the scope of the problem—fail to adequately respond to the crisis or ensure the inherent right to life of surviving family members.²²² Positive measures must comprehensively address the systemic nature of the crisis; the Indian government has simply not attempted this sort of systemic change.

2. THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

The crisis of farmer suicides in India demonstrates that the rights of farmers and their families to an adequate standard of living are not being observed. Under the ICESCR, the Indian government is obligated to “recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing, housing, and to continuous improvement of living conditions,”²²³ and to “take appropriate steps to ensure the realization of this right.”²²⁴

The Indian government has not taken appropriate steps to ensure the realization of the right to an adequate standard of living. A host of factors outlined above²²⁵ leads farmers into insurmountable debt, crushing their opportunities to enjoy the right to an adequate standard of living or provide for the basic living needs of their families.²²⁶ Kishor Tiwari states flatly that the cotton farmer “is not earning anything.”²²⁷ According to a government survey cited to in 2007, Vidarbha cotton farmers are suffering net losses from their crops while the costs of food, education, and health care have all increased.²²⁸

The Indian government’s failure to address the rash of farmer suicides is prominent in the context of its obligations under the right to an adequate standard of living. As noted above, the suicide epidemic has been going on for more than a decade, yet the government has done little to

intervene and regulate the corporations that are contributing to this crisis. Nor has it taken adequate steps to address other underlying causes, such as the removal of subsidies and the lack of general support to the farming sector.²²⁹ The few programs that the government has created, such as debt forgiveness, have not addressed the root of the problem and have failed to protect this right for the majority of farmers affected.²³⁰ Moreover, the government has failed to adequately regulate the activities of multinationals in the cotton sector.²³¹ Businesses also have obligations to respect human rights in these circumstances.²³²

Furthermore, the right to an adequate standard of living is being neglected in those instances where families are saddled with debt when farmers commit suicide. For widows like Nirmala Mandaukar, whose husband committed suicide after his crops failed twice, losing her husband also meant losing her land and home, and being unable to pay school expenses for her children.²³³ India has particular obligations to protect the rights of women and children under CEDAW²³⁴ and CRC²³⁵ to “ensure to such women the right... to enjoy adequate living conditions”²³⁶ and to “take appropriate measures to assist parents and others responsible for the child to implement this right... and... in case of need [to] provide material assistance and support programmes.”²³⁷ The farmer’s debt often transfers to his widow and children, whose only means of subsistence may be begging or working as farm laborers, neither of which covers their daily living costs, let alone the needs of debt repayment.²³⁸ According to Vijay Jawandhia, a farmers’ leader from Vidarbha, Maharashtra, the children of farmers “are inheriting debt, distress and emotional upheavals.”²³⁹ In failing to both provide adequate material assistance in the form of support programs, or address the underlying causes of the crisis, the government is not upholding the rights of farmers and their families to an adequate standard of living.

3. THE RIGHT TO FOOD

The right to food is guaranteed under the ICESCR, which includes both the “fundamental right of everyone to be free from hunger”²⁴⁰ as well as the broader right to adequate food.²⁴¹ India also has “a core obligation to take the necessary action to mitigate and alleviate hunger.”²⁴² This includes providing special programs for socially vulnerable groups²⁴³ and directly providing this right when individuals are unable to enjoy this right by their own means.²⁴⁴ This broader right to adequate food entails “[t]he availability of food in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture,”²⁴⁵ as well as the accessibility of food: “[e]conomic accessibility implies that personal or household financial costs associated with the acquisition of food for an adequate diet should be at a level such that the attainment and satisfaction of other basic needs are not threatened or compromised... [and p]hysical accessibility implies that adequate food must be accessible to everyone...”²⁴⁶ High input costs, combined with lower yields decreases the income of farmers, thereby making it more difficult for them to afford food.²⁴⁷ Furthermore, when debt leads a farmer to commit suicide, surviving family members inherit the debt, while losing a primary income-earner, making it even more difficult to afford sufficient and nutritious food.²⁴⁸ India has clearly failed to respond to the food needs of its struggling farmers and the surviving families of suicide victims.²⁴⁹

Also under the ICESCR, India must act to “improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources.”²⁵⁰ By encouraging farmers to switch toward cash crop cultivation, the Indian government promotes a

move away from domestic food cultivation.²⁵¹ As evidenced above, India's economic reforms have led to the development of an agrarian system that devalues food-related farming and undermines food security, in violation of the right to food.

4. THE RIGHT TO WATER

The right to water is explicitly and implicitly guaranteed under international human rights treaties²⁵² and was also recently affirmed by a U.N. General Assembly resolution.²⁵³ As a State Party to the ICESCR, India is obligated to “ensure access to the minimum essential amount of water... [and] physical access to water facilities or services that provide sufficient, safe and regular water”²⁵⁴ and to “ensure that there is adequate access to water for subsistence farming.”²⁵⁵ India has not taken steps to increase access to water for farmers in need, in direct contravention to its human rights obligations. To the contrary, farmers' access to water is likely to become even more restricted in the future, as India moves toward privatizing water and irrigation pathways.²⁵⁶

The obligations of the State extend to protecting against infringement on water rights by third parties.²⁵⁷ Bt cottonseeds require more water than traditional seeds, thereby putting a strain on already-scarce water resources.²⁵⁸ As a result, water may be funneled away from personal needs and food production toward irrigating crops. Farmers are also not adequately informed of the increased water needs of Bt cotton by the companies that market the seeds.²⁵⁹ This lack of information leads to crop failure. Businesses should likewise respect human rights and refrain from taking steps that would interfere with enjoyment of those rights.²⁶⁰

5. THE RIGHT TO HEALTH

India is obligated to recognize “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”²⁶¹ The right to health includes “underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions, and access to health-related education and information.”²⁶² Additionally, it requires the availability and accessibility of “[f]unctioning public health and health-care facilities, goods and services, as well as programmes.”²⁶³ The U.N. General Assembly adds that “[a]ll persons have the right to the best available mental health care, which shall be part of the health and social care system.”²⁶⁴

The shocking scale of farmer suicides points to the existence of systemic problems—both in the agricultural sector and beyond—that are adversely affecting the mental health of farmers on an epidemic scale. The Indian government's failure to acknowledge and respond to this crisis with adequate care is infringing on farmers' rights to the highest attainable standard of health. Indeed, the World Health Organization (WHO) has expressed concerns about the farmer suicides that are occurring in India.²⁶⁵

In addition, India is obligated to recognize the “right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health.”²⁶⁶ The mental and physical health of children is severely compromised when a family member commits suicide and children are forced to work. According to child psychologist Dr. Shailesh Pangaonkar, “[E]arly maturing of children, who haven't had time to mourn the loss of their fathers, could lead to a subtle depression throughout their lives[, and they need] education, cultural

involvement and economic stability, for healthy growth[.]”²⁶⁷ India is falling far short of its obligation to protect the right to health of children, its most vulnerable citizens.

Finally, recognizing the right to the highest standard of attainable health would benefit Indian farmers in additional ways. Healthcare costs are also one of the major contributors to farmer indebtedness, adding to the spiral of debt that leads to suicides, as described above.²⁶⁸

6. THE RIGHT TO EQUALITY AND NON-DISCRIMINATION

Non-discrimination and equality are fundamental principles of international human rights law.²⁶⁹ India must guarantee both formal and substantive equality and prohibit both direct and indirect discrimination.²⁷⁰ Pursuant to the human rights treaties to which India is a party, India must ensure that no aspect of its policy has the purpose or effect of discriminating on the basis of, *inter alia*, grounds such as race, color, descent, birth, national, ethnic or social origin, religion, and sex.²⁷¹ The CERD Committee—the U.N. body responsible for monitoring States’ compliance with ICERD—has made it clear that the prohibition of discrimination on the basis of “descent” includes a prohibition of discrimination on the basis of caste.²⁷² Under ICERD, India is obligated to guarantee equality in the enjoyment of civil, political, economic, social and cultural rights.²⁷³ The treaties also provide that States must prohibit—and take steps to prevent—discrimination by both State officials and organs and by private parties.²⁷⁴

Research indicates that the farmer suicide crisis has caste-based dimensions in that “lower-caste” farmers, who often lack the necessary technical knowledge to cultivate commercial crops due to socio-economic barriers, may be hit particularly hard by the Bt cotton-debt crisis.²⁷⁵ “Lower-caste” farmers and their families also suffer from discriminatory laws and policies that prevent them from gaining the title to their land; farmers who do not have title to the land they farm are not officially considered farmers by the government and, thus, surviving family members are deprived of compensation when the head of the household commits suicide.²⁷⁶ Other forms of discrimination may also be at play on grounds prohibited by international human rights law. The Indian government should take steps to both understand the role that discrimination may play, and take affirmative steps to prevent, investigate, and redress this discrimination.

The Indian government is also obligated to take all appropriate measures to eradicate discrimination against women and to take special measures to ensure substantive equality for women.²⁷⁷ CEDAW also acknowledges the “particular problems faced by rural women”²⁷⁸ and requires that India:

shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right...[t]o have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes[.]”²⁷⁹ States must also “eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women...[t]he right to bank loans, mortgages and other forms of financial credit.”²⁸⁰

Throughout India, many women farmers are unable to obtain title to land.²⁸¹ As a result, women are deprived of agricultural assistance and if women commit suicide, their surviving family members are unable to receive compensation from the government, since it does not constitute an official “farmer suicide.”²⁸² Furthermore, women without land titles are unable to access official lines of credit.²⁸³

By excluding women farmers from the farmer suicide count, the Indian government is also, unable to assess the particular rights violations of women farmers. As has been noted by the CEDAW Committee—the U.N. body responsible for monitoring States’ compliance with CEDAW—“statistical information is absolutely necessary in order to understand the real situation of women.”²⁸⁴ The Indian government has also failed to adopt temporary special measures to address disadvantages women face as a result of discrimination, in particular in the area of loans and credit.²⁸⁵ These measures are particularly important for rural women as they are “subject[] to multiple discrimination.”²⁸⁶ India is failing to meet the requirements of CEDAW to eliminate discrimination against women and ensure equality, particularly in the case of rural women.

7. THE RIGHT TO AN EFFECTIVE REMEDY

International human rights law establishes the right to an effective remedy for human rights violations.²⁸⁷ India is under an obligation to ameliorate the farmer crisis as a whole. The government must investigate and provide remedies to Indian farmers who are suffering the numerous rights violations discussed above; it is in breach of its human rights obligations until such remedies are provided.²⁸⁸ This obligation extends to the redress of economic, social and cultural rights violations.²⁸⁹ This redress may take the form of “restitution, compensation, satisfaction or guarantees of non-repetition” or other adequate forms of reparation.²⁹⁰ The right to an effective remedy is of particular significance for Indian cotton farmers whose rights are increasingly affected by multinational corporations. The Indian government is obligated to provide Indian farmers and their families with access to legal redress for such harms.²⁹¹ Some initial suggestions on providing essential remedies are provided in the next section of this Report.

V. RECOMMENDATIONS AND CONCLUDING OBSERVATIONS

The unabated rate of farmer suicides in India today demonstrates the ongoing failure of current government solutions. According to Professor K. Nagaraj, economist and author of the biggest study on Indian farmer suicides,²⁹² “[t]hat these numbers are rising even as the farmer population shrinks, confirms the agrarian crisis is still burning.”²⁹³ India must act now to respond to this crisis and adhere to its human rights obligations.

The Center for Human Rights and Global Justice calls upon the Indian government to take active steps to comply with its obligations under international human rights law and to respond to the ongoing crisis of farmer suicides. These recommendations do not exhaust the government’s obligations under international human rights law, especially given the complexity of problems faced by smallholder farmers, as well as the under-investigated complications associated with genetically modified plants.

A. RECOMMENDATIONS

The recommendations below are informed by conversations with activists and scholars, as well as by extensive desk research, CHRGI's expertise on international human rights law, and the Center's longstanding work on human rights in India.

CHRGI calls on the Indian government to:

- Investigate and address the effects of economic reforms, including the corporatization of agriculture, on cotton farmers and other cash crop farmers. The government must take into account its various international human rights law obligations when conducting these investigations, and must act immediately to address areas where its present economic policies—including its support or acquiescence in the corporatization of farming—are incompatible with its human rights obligations.²⁹⁴
- Address the recommendations of the officially constituted National Commission on Farmers and place an Action Taken Report on these recommendations.²⁹⁵
- Take steps, in line with both of the recommendations above, to revitalize the agricultural sector in a manner that puts farmers' human rights at the center of government policies and programming, including, but not limited to:
 - Ensuring greater access to official credit in rural areas and facilitating expanded access to credit for all populations, including women and other marginalized farmers.²⁹⁶
 - Evolving just and equitable mechanisms to ensure farmers' access to water, including irrigation water.²⁹⁷
 - Implementing public provisioning of affordable inputs, such as seeds, pesticides, and fertilizer; facilitating the availability of traditional seeds through community-managed "Seed Villages"; and improving farmer yields by setting up "Seed Technology Training Centres."²⁹⁸
- Conduct extensive statistical and qualitative research into the farmer suicide situation and tailor government programs accordingly:
 - The national government should work with state governments to: develop uniform methodologies for monitoring farmer economics, health, and suicide rates in order to provide complete data on agrarian conditions; and ensure that relevant suicides are not being excluded because of restrictive definitions of who is and is not a farmer.

- Statistics should include data on farmers who may not have title to their land, including women, Dalit and Adivasi farmers, or tenant farmers. The Indian government should additionally investigate and address specific problems faced by marginalized farmers, in particular problems related to land registration and access to credit.
- Statistics also should include data on land-holding size, seed usage, agricultural input (fertilizer and pesticides, etc.) usage, and the farmers' economic situation.
- Ensure that funds from compensation schemes designed to assist family survivors of suicide victims are sufficient, reach all affected families, and are distributed in a timely and thorough manner.
- Ensure access in rural communities to proper health care services, including counseling services. These services should be attentive to the unique needs of small-scale farmers and family survivors of suicide victims.
- Implement and enforce laws that appropriately regulate multinational and domestic agribusiness firms. Regulations should address the human rights impacts of agribusiness firms on smallholder farmers and should require that all instructions and warnings related to special conditions required by the seed be fully explained and understood by purchasing farmers.

CHRGJ additionally calls on agribusinesses, domestic or foreign, operating in India's agricultural sector to ensure that their practices comport with their responsibilities under the "Protect, Respect, and Remedy" framework described above.²⁹⁹ In particular businesses should:

- Respect human rights by ensuring that the products and services they provide do not infringe on the human rights of Indian farmers.³⁰⁰
- Exercise due diligence by continually assessing and monitoring the human rights impacts of their products and services.³⁰¹
- Take steps to address situations where human rights impacts are discovered, including by revising their practices to take account of the human rights of Indian farmers.³⁰²

B. CONCLUDING OBSERVATIONS

As this Report makes clear, the agrarian crisis and the resulting suicides of farmers in India are serious human rights issues. Leading human rights bodies have confirmed this general assertion and have called attention to the need to address the issue in India in human rights terms.³⁰³ These links have also been made in very strong terms by Indian civil society. The Peoples Forum for UPR [Universal Periodic Review] in India, for example, has stated that Indian farmer suicides implicate the inherent right to life of Indian farmers.³⁰⁴ The U.N. Human Rights Council called India's

attention to this assertion during India's UPR process.³⁰⁵ Navdanya, a network of organic farmers and seed keepers, made similar claims before the ESCR Committee,³⁰⁶ and the Committee similarly noted its concerns.³⁰⁷

At this point, India's pledge to take steps to remedy the problems associated with these suicides rings hollow at best.³⁰⁸ The frequency of farmer suicides in India continues unabated and India has neither taken sufficient steps to address the underlying causes, nor sufficiently regulated the activities of multinationals who increasingly exercise tremendous control over multiple aspects of India's cotton and other cash crop sectors.³⁰⁹ In addition, the Indian government is approving field trials of other GM crop varieties.³¹⁰ The Indian government must put in place a stronger regulatory framework before more varieties are approved in order to ensure that farmers' rights are protected. It is neither inevitable, nor lawful, that the conditions that have led to this wave of suicides should continue. The Indian government should act now to implement the recommendations outlined above in order to put an end to this unnecessary tragedy.

EVERY THIRTY MINUTES

FARMER SUICIDES, HUMAN RIGHTS, AND THE AGRARIAN CRISIS IN INDIA

An estimated quarter of a million Indian farmers have committed suicide since 1995—the largest wave of recorded suicides in human history. In 2009 alone, 17,638 Indian farmers committed suicide—that’s an average of one suicide every 30 minutes. These farmers and their families are among the victims of India’s longstanding agrarian crisis. Over the past two decades, economic reforms and the opening of Indian agriculture to the global market have increased costs, while reducing yields and profits for many farmers, to the point of great financial and emotional distress. As a result, smallholder farmers are often trapped in a cycle of insurmountable debt, leading many to take their lives out of sheer desperation.

Every Thirty Minutes: Farmer Suicides, Human Rights, and the Agrarian Crisis in India focuses on the impact of the agrarian crisis on the human rights of cotton farmers in India. The cotton industry, like other cash crops in India, has been dominated by foreign multinationals that promote genetically modified cottonseed and exert increasing control over the cost, quality, and availability of agricultural inputs.

The Indian government’s responses to the crisis have failed to address the magnitude of the problem, or its underlying causes. In this Report, the Center for Human Rights and Global Justice presents an international human rights law-based analysis of the crisis and calls on India to act immediately to respect, protect, and fulfill farmers’ human rights, and to ensure that agribusinesses are not interfering with the enjoyment of these rights.

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Babytai Bais, with a photo of her husband, Chhatar Singh Bais, who committed suicide in Maharashtra in 2007.

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Cotton Picking in India

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