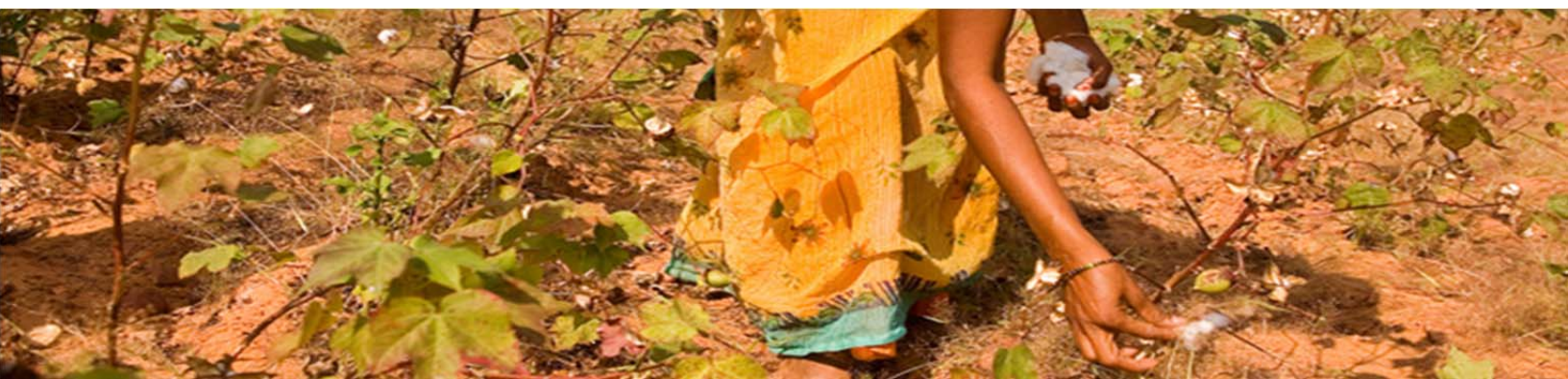




# EVERY THIRTY MINUTES FARMER SUICIDES, HUMAN RIGHTS, AND THE AGRARIAN CRISIS IN INDIA



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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.

The **International Human Rights Clinic (IHRC)** at New York University School of Law provides high quality, professional human rights lawyering services to community-based organizations, nongovernmental human rights organizations, and intergovernmental human rights experts and bodies. The Clinic partners with groups based in the United States and abroad. Working as researchers, legal advisers, and advocacy partners, Clinic students work side-by-side with human rights advocates from around the world. The Clinic is directed by Professor Smita Narula of the NYU faculty; Amna Akbar is Senior Research Scholar and Advocacy Fellow; and Susan Hodges is Clinic Administrator.

All publications and statements of the CHRGJ can be found on its website: [www.chrgj.org](http://www.chrgj.org)

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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.

These 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. Often the only way out is 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 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 recommendations 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 CHRGGJ'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.<sup>1</sup> 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.”<sup>2</sup>

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.”<sup>3</sup>

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.<sup>4</sup> Statistics compiled by the Indian government reveal that 241,679 farmers in India committed suicide between 1995 and 2009.<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

In 2009 alone, the most recent year for which official figures are available, 17,638 farmers committed suicide<sup>8</sup>—that’s one farmer every 30 minutes.<sup>9</sup> 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.<sup>10</sup> Significantly, the farmer suicide rate continues to be hauntingly high,<sup>11</sup> 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.<sup>12</sup> 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.<sup>13</sup>

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.<sup>14</sup> 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.<sup>15</sup> Second, though the Indian government has long been alerted to the cotton farmer suicide crisis,<sup>16</sup> it has failed to respond with solutions that adequately address the issue.<sup>17</sup> Third, cotton is a cash crop, which makes it particularly vulnerable to fluctuations in the global market. Cotton also stands as a prime example of India's general move away from food production toward cash crop cultivation,<sup>18</sup> a shift that has contributed significantly to farmer vulnerability<sup>19</sup> as evidenced by the fact that the majority of suicides are committed by farmers in the cash crop sector.<sup>20</sup> Finally, the cotton industry, like other cash crops in India,<sup>21</sup> is one that has been dominated by foreign multinationals.<sup>22</sup>

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."<sup>23</sup>

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.<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup>

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.<sup>27</sup> Even more reliant on the farm than ever, these young farmers begin buying even more seeds in the hopes of a successful harvest, and become trapped in debt themselves.<sup>28</sup> The surviving widow, who often inherits her husband's debt, may also take their own lives out of similar desperation.<sup>29</sup>

India's cotton farmer suicide crisis, like its causes and effects, is complex. 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.<sup>30</sup> 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.<sup>31</sup>

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.<sup>32</sup> The stated goal of such policies was to promote rapid economic development within India.<sup>33</sup> Complying with these proposals, India opened its markets to both global trade and an influx of multinational corporations.<sup>34</sup> The implementation of these IFIs-approved policies, which focused on the withdrawal of the State from economic sectors,<sup>35</sup> also resulted in the abolition of Indian agricultural subsidies that had supported farmers for decades.<sup>36</sup>

As a result of economic reforms, Indian cotton farmers were thrust into competition with the international market, making them extremely vulnerable to price volatility.<sup>37</sup> 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.<sup>38</sup> To capitalize on this potential source of revenue, the Indian government urged farmers to switch to cash crop cultivation, and India quickly redeveloped its agricultural sector to be export-oriented.<sup>39</sup> Cash crops, such as cotton, can lead to short-term revenue gain but are ultimately subject to high levels of price volatility.<sup>40</sup> 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.<sup>41</sup>

Furthermore, Indian cotton farmers were made to compete with foreign entrants into the Indian domestic market.<sup>42</sup> 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;<sup>43</sup> 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.<sup>44</sup>

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.<sup>45</sup> 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.<sup>46</sup> 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.<sup>47</sup>

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

Despite these problems, the Indian government has continued to encourage farmers to switch to cash crops.<sup>51</sup> Though India is currently one of the world's leading cotton producers and exporters,<sup>52</sup> like most cash crop commodity markets, the cotton market has become dominated by a small group of multinational corporations<sup>53</sup> that exert increasing control over the cost, quality, and availability of agricultural inputs.<sup>54</sup> In addition, in a cotton market where a corporate middleman ferries farmers' products to the global market,<sup>55</sup> even those farmers who see high crop yields may not benefit from the prices their crops eventually fetch in the market.<sup>56</sup> 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 farmers<sup>57</sup> for whom "investment in agriculture has collapsed," leading to increased "[p]redatory commercialization of the countryside."<sup>58</sup>

## **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 modified<sup>59</sup> seeds into Indian agriculture.<sup>60</sup> As a result, in 2002, the Genetic Engineering Approval Committee ("GEAC") approved Monsanto's Bollgard Bt cotton,<sup>61</sup> 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.<sup>62</sup> Since then, the GEAC has approved hundreds of additional variants of Bt cotton produced by a variety of corporations.<sup>63</sup>

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.<sup>64</sup> 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.<sup>65</sup> These farmers believed that genetically modified pesticide in the seed would allow the cotton crop to survive bollworm infestations,<sup>66</sup> resulting in higher yields, decreased instances of crop failure<sup>67</sup> 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 [US\$566 in 2008]<sup>68</sup> 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.<sup>69</sup> 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.<sup>70</sup> 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,<sup>71</sup> which prevents farmers from replanting seeds the following year.<sup>72</sup> To afford such expensive yearly inputs, many farmers have to take out extensive—and often multiple—loans.<sup>73</sup> Many smallholder farmers resort to community moneylenders, who oftentimes charge high interest rates.<sup>74</sup>

With such high capital outlays and interest rates, the farmers are then under tremendous pressure to generate higher yields just to recoup costs. Generating high yields with Bt cottonseeds also requires much higher amounts of water than other cotton cultivars.<sup>75</sup> For farmers who lack access to proper irrigation and whose farms are primarily rain-fed, the crop often fails.<sup>76</sup> In fact, 65 percent of India's cotton farms are rain-fed.<sup>77</sup> This lack of free 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.”<sup>78</sup> 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.<sup>79</sup>

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.<sup>80</sup> Drought also contributes to lower yields and exacerbates an already precarious situation,

especially when irrigation is either insufficient or non-existent.<sup>81</sup> 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.<sup>82</sup> 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.<sup>83</sup>

The fact that Bt cottonseed requires more water is not being communicated effectively to farmers.<sup>84</sup> 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.”<sup>85</sup> English is not commonly spoken as a first language, and is not readable by a vast majority of the Indian population.<sup>86</sup> 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.<sup>87</sup> Such demonstrations are attended by input dealers (who may have a profit-driven conflict of interest) only and by small groups of farmers. These groups then disseminate information about this agricultural technology to other farmers.<sup>88</sup> 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.<sup>89</sup> Finally, the information that farmers have may be skewed by the allegedly deceptive advertising practices of multinationals.<sup>90</sup>

Despite the number of issues outlined above, the adoption of Bt cotton is propelled by the fact that there is much advertising of Bt cotton, despite the lack of scientific consensus on its efficacy.<sup>91</sup> Multinational corporations and their Indian subsidiaries and licensees have come to dominate the cottonseed market through such aggressive marketing.<sup>92</sup> 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.<sup>93</sup> Thus, in many regions, repurchasing Bt cottonseeds every year has become the farmer's only option.<sup>94</sup>

The agribusiness firm Monsanto has been particularly vocal in responding to concerns about its products. For instance, it has asserted that critics are “misinformed,”<sup>95</sup> adding that claims linking Bt cotton and farmer suicides are “unfounded”<sup>96</sup> and part of a “visceral smear campaign.”<sup>97</sup> Instead, Monsanto has pointed to reports that link farmer suicides to other factors such as alcoholism and “endowment obligations for the marriage of daughters.”<sup>98</sup> 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,”<sup>99</sup> 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?”<sup>100</sup> 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.<sup>101</sup> Finally, Monsanto has concluded that “[f]armer suicide has numerous causes with most experts agreeing that indebtedness is one of the main factors,”<sup>102</sup> 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.”<sup>103</sup>

### **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.<sup>104</sup> 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.<sup>105</sup> 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.<sup>106</sup>

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.<sup>107</sup> Even more startlingly, in Andhra Pradesh, unmarried daughters, wracked with guilt over their fathers' deaths, have committed suicide themselves.<sup>108</sup> 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.”<sup>109</sup>

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,<sup>110</sup> and widows and unmarried daughters may themselves commit suicides in despair.<sup>111</sup> 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.<sup>112</sup> These states are among the highest cotton producing states in the country.<sup>113</sup> In Andhra Pradesh alone, at least 17,775 farmers committed suicide between 2002 and 2009.<sup>114</sup> There, Bt cotton crops generated much lower yields than non-Bt cotton crops for smallholder farmers during years with drought.<sup>115</sup> The use of Bt cottonseed, contrary to advertising, also failed to reduce pesticide usage for many farmers.<sup>116</sup> Moreover, high seed prices raised the farmers' input costs, while sale prices remained low.<sup>117</sup> In the state of Maharashtra, more than 2,500 farmers committed suicide each year between 2002 and 2009.<sup>118</sup> 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.<sup>119</sup>

The main source of data for farmer suicides, India's National Crime Bureau,<sup>120</sup> underrepresents the actual magnitude of farmer suicides. Although by its count the numbers are already high, by relying on a restricted definition of who qualifies as a farmer, it fails to adequately capture the full extent of the problem.<sup>121</sup> 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.<sup>122</sup> In

practice this systematically ignores women farmers who, despite performing a large amount of agricultural work,<sup>123</sup> 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.<sup>124</sup> 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.<sup>125</sup> Tenant farmers may likewise not be counted as farmers for the purposes of the National Crime Bureau.<sup>126</sup>

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.<sup>127</sup> 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 the impact of the 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, aimed to alleviate the proximate cause of farmer suicides: indebtedness.<sup>128</sup> As described below however, 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,<sup>129</sup> but there has been little enthusiasm about its results.<sup>130</sup> In 2008 the Finance Minister enacted the Agricultural Debt Waiver and Debt Relief Scheme.<sup>131</sup> The scheme provided debt waivers for marginal and small farmers, defined as owning two or fewer hectares of land.<sup>132</sup> For other farmers, the relief scheme provided a 25 percent debt relief.<sup>133</sup> 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.<sup>134</sup> Farmers who took out loans from moneylenders to pay for expensive inputs are excluded from the government's assistance program.<sup>135</sup> 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 these 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.<sup>136</sup>

State governments have also attempted to provide debt relief or compensation to family members of suicide victims; such plans have met with limited success.<sup>137</sup> The Government of Karnataka initiated both a loan waiver scheme and a ban on exorbitant interest rates.<sup>138</sup> Other states, such as Andhra Pradesh, have provided compensation packages to families of suicide victims.<sup>139</sup> In many cases, compensation given to the surviving families is simply funneled back to creditors,<sup>140</sup> who are often private, predatory moneylenders.<sup>141</sup> 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.<sup>142</sup> 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.<sup>143</sup> Most of the compensation money she received went to paying off her husband's debts.<sup>144</sup> The State provides her with rice, but only a small amount—amounting to less than what a prisoner would get.<sup>145</sup>



© 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.<sup>146</sup> 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.<sup>147</sup> She is a mother of nine, a grandmother of five, and runs a nine-acre farm, in addition to working the land of others.<sup>148</sup> 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.<sup>149</sup> Kalavati's story is not unique<sup>150</sup> 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."<sup>151</sup>

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."<sup>152</sup> P. 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.<sup>153</sup>

The impact of this discrimination is severe. Despite the fact that “close to a fifth of all rural households in India are female-headed”<sup>154</sup> women have little access to government programs and few have title to land.<sup>155</sup> 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.”<sup>156</sup>

### **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.<sup>157</sup>

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;<sup>158</sup> this problem is compounded by Bt cottonseeds, which, as explained above, require more water than non-Bt cotton.<sup>159</sup> More recent reports indicate that this continues to be a problem.<sup>160</sup> Banks, which are important sources of credit, have also moved out of rural, agrarian regions.<sup>161</sup> Although farmers’ credit sources vary from state to state,<sup>162</sup> 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,<sup>163</sup> 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 promotion<sup>164</sup> and continues to take steps to facilitate the eradication of generic, reusable seeds.<sup>165</sup> Some state governments have initiated investigations into the causes of farmer suicides,<sup>166</sup> 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.<sup>167</sup> 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.<sup>168</sup> 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.<sup>169</sup>

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

## **IV. HUMAN RIGHTS IMPLICATIONS AND OBLIGATIONS**

India's agrarian crisis has multiple human rights dimensions. 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.<sup>171</sup>

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.

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).<sup>172</sup> 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...<sup>173</sup>

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.<sup>174</sup> The Human Rights Council explicitly called India's attention to the suicides of Indian farmers as a human rights issue.<sup>175</sup> 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.<sup>176</sup>

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.<sup>177</sup> 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."<sup>178</sup> 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.<sup>179</sup> Furthermore, nationalized banks continuously write off bad debt that is owed to them by better-off corporations and "small numbers of rich businessmen."<sup>180</sup>

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)<sup>181</sup>
- The International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>182</sup>
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>183</sup>
- The Convention on the Rights of the Child (CRC)<sup>184</sup>

- The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)<sup>185</sup>

India is 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.”<sup>186</sup>

Under international human rights law, India has a duty to *respect, protect, and fulfill* human rights.<sup>187</sup> The duty to respect is essentially a duty of non-interference with existing access to rights.<sup>188</sup> 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.<sup>189</sup> The duty to fulfill includes the duty to *facilitate* and in some cases *provide* human rights.<sup>190</sup> Inherent in these obligations is the duty to provide an effective remedy when human rights violations have taken place.<sup>191</sup> 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.<sup>192</sup>

India is obligated to realize the rights contained in the International Covenant on Economic, Social and Cultural Rights.<sup>193</sup> While the ICESCR allows for “progressive realization,”<sup>194</sup> 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.<sup>195</sup> The economic, social and cultural rights also include a “minimum core” of attendant obligations that India must realize as soon as possible.<sup>196</sup> Additionally, India may not engage in conduct that causes this realization of human rights to regress.<sup>197</sup>

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.<sup>198</sup> This includes a duty to investigate all instances in which a private individual or corporation may be interfering with farmers’ rights,<sup>199</sup> and to take steps to remedy violations that have taken place.<sup>200</sup> 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,<sup>201</sup> 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.<sup>202</sup> 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.<sup>203</sup> The Committee has specifically identified rural farmers in India among those deserving of heightened scrutiny and human rights protection.<sup>204</sup>

Finally, although international human rights law traditionally imposes obligations on States, corporate actors also bear some responsibility. Under the “Protect, Respect, Remedy” framework,<sup>205</sup> 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,<sup>206</sup> corporations and other business enterprises must, as a baseline expectation, *respect* human rights.<sup>207</sup> 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.”<sup>208</sup> 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.”<sup>209</sup> To meet these requirements, businesses must also exercise due diligence to “become aware of, prevent and address adverse human rights impacts.”<sup>210</sup> 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.<sup>211</sup> Additionally, corporations cannot act in complicity with third parties, whether State or non-state actors, who are committing human rights violations.<sup>212</sup> 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 others.<sup>213</sup> 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.”<sup>214</sup> States that have ratified the ICCPR, such as India,<sup>215</sup> are obligated to respect, protect, and fulfill the right to life. Under the duty to *respect*, India must 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.<sup>216</sup>

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.”<sup>217</sup> 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,”<sup>218</sup> 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 adolescents,<sup>219</sup> 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.<sup>220</sup>

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"; also it does not disaggregate figures or collect data in a manner that helps identify key issues and patterns.<sup>221</sup> 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.

Second, 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.<sup>222</sup> 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 right of farmers and their families to an adequate standard of living is 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,"<sup>223</sup> and to "take appropriate steps to ensure the realization of this right."<sup>224</sup>

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 above<sup>225</sup> 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.<sup>226</sup> Kishor Tiwari states flatly that the cotton farmer "is not earning anything."<sup>227</sup> 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.<sup>228</sup>

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.<sup>229</sup> 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.<sup>230</sup> Moreover, the government has failed to adequately regulate the activities of multinationals in the cotton sector.<sup>231</sup> Businesses also have obligations to respect human rights in these circumstances.<sup>232</sup>

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.<sup>233</sup> India has particular obligations to protect the rights of women and children under CEDAW<sup>234</sup> and CRC<sup>235</sup> which require States to “ensure to such women the right... to enjoy adequate living conditions”<sup>236</sup> 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.”<sup>237</sup> 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.<sup>238</sup> According to Vijay Jawandhia, a farmers’ leader from Vidarbha, Maharashtra, the children of farmers “are inheriting debt, distress and emotional upheavals.”<sup>239</sup> In failing to both provide adequate material assistance in the form of support programs and 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”<sup>240</sup> as well as the broader right to adequate food.<sup>241</sup> India also has “a core obligation to take the necessary action to mitigate and alleviate hunger.”<sup>242</sup> This includes providing special programs for socially vulnerable groups<sup>243</sup> and directly providing this right when individuals are unable to enjoy this right by their own means.<sup>244</sup> 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,”<sup>245</sup> 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...”<sup>246</sup> High input costs, combined with lower yields, decreases the income of farmers, thereby making it more difficult for them to afford food.<sup>247</sup> 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.<sup>248</sup> India has clearly failed to respond to the food needs of its struggling farmers and the surviving families of suicide victims.<sup>249</sup>

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.”<sup>250</sup> By encouraging farmers to switch toward cash crop cultivation, the Indian government promotes a move away from domestic food cultivation.<sup>251</sup> 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 treaties<sup>252</sup> and was also recently affirmed by a U.N. General Assembly resolution.<sup>253</sup> 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”<sup>254</sup> and to “ensure that there is adequate access to water for subsistence farming.”<sup>255</sup> India has not taken steps to increase access to water for farmers in need, in direct contravention of 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.<sup>256</sup>

The obligations of the State extend to protecting against infringement on water rights by third parties.<sup>257</sup> Bt cottonseeds require more water than traditional seeds, thereby putting a strain on already-scarce water resources.<sup>258</sup> 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.<sup>259</sup> This lack of information leads to crop failure. Businesses should likewise respect human rights and refrain from taking steps that would interfere with the enjoyment of those rights.<sup>260</sup>

#### **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.”<sup>261</sup> 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.”<sup>262</sup> Additionally, it requires the availability and accessibility of “[f]unctioning public health and health-care facilities, goods and services, as well as programmes.”<sup>263</sup> 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.”<sup>264</sup>

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.<sup>265</sup>

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.”<sup>266</sup> 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[.]”<sup>267</sup> 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.<sup>268</sup>

## 6. THE RIGHT TO EQUALITY AND NON-DISCRIMINATION

Non-discrimination and equality are fundamental principles of international human rights law.<sup>269</sup> India must guarantee both formal and substantive equality and prohibit both direct and indirect discrimination.<sup>270</sup> 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.<sup>271</sup> 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.<sup>272</sup> Under ICERD, India is obligated to guarantee equality in the enjoyment of civil, political, economic, social and cultural rights.<sup>273</sup> The treaty also provides that States must prohibit—and take steps to prevent—discrimination by both State officials and organs and by private parties.<sup>274</sup>

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.<sup>275</sup> “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.<sup>276</sup> Other forms of discrimination may also be at play on grounds prohibited by international human rights law. The Indian government should both take steps to understand the role that discrimination may play, and take affirmative action 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.<sup>277</sup> CEDAW also acknowledges the “particular problems faced by rural women”<sup>278</sup> and requires that India:

[S]hall 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[.]<sup>279</sup>

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.”<sup>280</sup>

Throughout India, many women farmers are unable to obtain title to land.<sup>281</sup> 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.”<sup>282</sup> Furthermore, women without land titles are unable to access official lines of credit.<sup>283</sup>

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.”<sup>284</sup> 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.<sup>285</sup> These measures are particularly important for rural women as they are “subject[] to multiple discrimination.”<sup>286</sup> 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.<sup>287</sup> 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.<sup>288</sup> This obligation extends to the redress of economic, social and cultural rights violations.<sup>289</sup> This redress may take the form of “restitution, compensation, satisfaction or guarantees of non-repetition” or other adequate forms of reparation.<sup>290</sup> 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.<sup>291</sup> 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,<sup>292</sup> “[t]hat these numbers are rising even as the farmer population shrinks, confirms the agrarian crisis is still burning.”<sup>293</sup> 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, CHRJ's expertise on international human rights law, and the Center's longstanding work on human rights in India.

CHRJ 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.<sup>294</sup>
- Address the recommendations of the officially constituted National Commission on Farmers and place an Action Taken Report on these recommendations.<sup>295</sup>
- 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.<sup>296</sup>
  - Evolving just and equitable mechanisms to ensure farmers' access to water, including irrigation water.<sup>297</sup>
  - 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."<sup>298</sup>
- 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.<sup>299</sup> 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.<sup>300</sup>
- Exercise due diligence by continually assessing and monitoring the human rights impacts of their products and services.<sup>301</sup>
- 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.<sup>302</sup>

## **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.<sup>303</sup> 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.<sup>304</sup> The U.N. Human Rights Council called India's attention to this assertion during India's UPR process.<sup>305</sup> Navdanya, a network of organic farmers and seed keepers, made similar claims before the ESCR Committee,<sup>306</sup> and the Committee similarly noted its concerns.<sup>307</sup>

At this point, India's pledge to take steps to remedy the problems associated with these suicides rings hollow at best.<sup>308</sup> 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.<sup>309</sup> In addition, the Indian government is approving field trials of other GM crop varieties.<sup>310</sup> 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.

<sup>1</sup> P. Sainath, *Men of Letters, Unmoved Readers*, THE HINDU, May 6, 2010, available at <http://www.thehindu.com/opinion/columns/sainath/article422651.ece>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Vidarbha, Maharashtra, a locus of cotton production, is thus a sort of epicenter of the crisis. Srijit Mishra, *Agrarian Distress and Farmers' Suicides in Maharashtra*, in *AGRARIAN CRISIS IN INDIA* 126, 133 (D. Narasimha Reddy & Srijit Mishra eds., 2009) ("The plight of Western Vidarbha [in Maharashtra] is in some sense linked with that of cotton or rather its declining profitability because of increasing costs and relatively lower yields.").

<sup>5</sup> This figure is collated from data available from the National Crime Records Bureau, a division of the Ministry of Home Affairs. See Ministry of Home Affairs, National Crime Records Bureau, *Accidental Deaths and Suicides in India Reports for previous years*, [http://ncrb.nic.in/ads\\_i/main.htm](http://ncrb.nic.in/ads_i/main.htm) (last visited May 7, 2011) [hereinafter NCRB] (providing reports for 1995-2008); MINISTRY OF HOME AFFAIRS, NAT'L CRIME RECORDS BUREAU, *ACCIDENTAL DEATHS AND SUICIDES IN INDIA 2009* (2009) [hereinafter NCRB 2009], available at <http://ncrb.nic.in/CD-ADSI2009/ADSI2009-full-report.pdf> (providing 2009 data).

<sup>6</sup> P. Sainath, *Of luxury cars and lowly tractors*, THE HINDU, Dec. 27, 2010, available at <http://www.thehindu.com/opinion/columns/sainath/article995828.ece> (explaining that although official data is only available until 2009, "we can assume that 2010 has seen at least 16,000 farmers' suicides. (After all the yearly average for the last six years is 17,104)."). For more on yearly averages, see *infra* note 11.

<sup>7</sup> *Id.*

<sup>8</sup> NCRB 2009, *supra* note 5, at 200-201 (the table is independently available at <http://ncrb.nic.in/CD-ADSI2009/table-2.6.pdf>).

<sup>9</sup> The exact figure is one suicide every 30.26 minutes and is derived from the total number of farmer suicides in 2009. *Id.*

<sup>10</sup> See *infra* Section III.

<sup>11</sup> From 1995-2001, there were on average 15,693 suicides per year. In 1997, the number of farmer suicides was 13,662. NAT'L CRIME RECORDS BUREAU, *ACCIDENTAL DEATHS AND SUICIDES IN INDIA 1997* 138 (1997), available at [http://ncrb.nic.in/ads\\_i/data/ADSI1997/home.htm](http://ncrb.nic.in/ads_i/data/ADSI1997/home.htm) (the table is independently available at [http://ncrb.nic.in/ads\\_i/data/ADSI1997/table-18.pdf](http://ncrb.nic.in/ads_i/data/ADSI1997/table-18.pdf)). In 1998, the number of farmer suicides was 16,015. NAT'L CRIME RECORDS BUREAU, *ACCIDENTAL DEATHS AND SUICIDES IN INDIA 1998* 132 (1998), available at [http://ncrb.nic.in/ads\\_i/data/ADSI1998/home.htm](http://ncrb.nic.in/ads_i/data/ADSI1998/home.htm) (the table is independently available at [http://ncrb.nic.in/ads\\_i/data/ADSI1998/table-18.pdf](http://ncrb.nic.in/ads_i/data/ADSI1998/table-18.pdf)). In 1999, the number of farmer suicides was 16,082. NAT'L CRIME RECORDS BUREAU, *ACCIDENTAL DEATHS AND SUICIDES IN INDIA 1999* 136 (1999), available at [http://ncrb.nic.in/ads\\_i/data/ADSI1999/home.htm](http://ncrb.nic.in/ads_i/data/ADSI1999/home.htm) (the table is independently available at [http://ncrb.nic.in/ads\\_i/data/ADSI1999/table-18.pdf](http://ncrb.nic.in/ads_i/data/ADSI1999/table-18.pdf)). In 2000, the number of farmer suicides was 16,603. NAT'L CRIME RECORDS BUREAU, *ACCIDENTAL DEATHS AND SUICIDES IN INDIA 2000* 134 (2000), available at [http://ncrb.nic.in/ads\\_i/data/ADSI2000/home.htm](http://ncrb.nic.in/ads_i/data/ADSI2000/home.htm) (the table is independently available at [http://ncrb.nic.in/ads\\_i/data/ADSI2000/table-18.pdf](http://ncrb.nic.in/ads_i/data/ADSI2000/table-18.pdf)). In 2001, the number of farmer suicides was 16,415. NAT'L CRIME RECORDS BUREAU, *ACCIDENTAL DEATHS AND SUICIDES IN INDIA 2001* tbl. 2.6 (2001), available at [http://ncrb.nic.in/ads\\_i/data/ADSI2001/home.htm](http://ncrb.nic.in/ads_i/data/ADSI2001/home.htm) (the table is independently available at [http://ncrb.nic.in/ads\\_i/data/ADSI2001/Atable%202-6.htm](http://ncrb.nic.in/ads_i/data/ADSI2001/Atable%202-6.htm)). From 2002-2009, the average was 17,220. National Crime Records Bureau, *supra* note \_\_, In 2002, the number of farmer suicides was 17,971. NAT'L CRIME RECORDS BUREAU, *ACCIDENTAL DEATHS AND SUICIDES IN INDIA 2002* tbl. 2.6 (2002) [hereinafter NCRB 2002], available at [http://ncrb.nic.in/ads\\_i/data/ADSI2002/home.htm](http://ncrb.nic.in/ads_i/data/ADSI2002/home.htm) (the table is independently available at [http://ncrb.nic.in/ads\\_i/data/ADSI2002/atable%202.6.pdf](http://ncrb.nic.in/ads_i/data/ADSI2002/atable%202.6.pdf)). In 2003, the number of farmer suicides was 17,164. NAT'L CRIME RECORDS BUREAU, *ACCIDENTAL DEATHS AND SUICIDES IN INDIA 2003* tbl. 2.6 (2003) [hereinafter NCRB 2003], available at [http://ncrb.nic.in/ads\\_i/data/ADSI2003/home.htm](http://ncrb.nic.in/ads_i/data/ADSI2003/home.htm) (the table is independently available at [http://ncrb.nic.in/ads\\_i/data/ADSI2003/atable%202.6.pdf](http://ncrb.nic.in/ads_i/data/ADSI2003/atable%202.6.pdf)). In 2004, the number of farmer suicides was 18,241. NAT'L CRIME RECORDS BUREAU, *ACCIDENTAL DEATHS AND SUICIDES IN INDIA 2004* tbl. 2.6 (2004) [hereinafter NCRB 2004], available at [http://ncrb.nic.in/ads\\_i/data/ADSI2004/home.htm](http://ncrb.nic.in/ads_i/data/ADSI2004/home.htm) (the table is independently available at [http://ncrb.nic.in/ads\\_i/data/ADSI2004/atable%202.6.pdf](http://ncrb.nic.in/ads_i/data/ADSI2004/atable%202.6.pdf)). In 2005, the number of farmer suicides was 17,131. NAT'L CRIME RECORDS BUREAU, *ACCIDENTAL DEATHS AND SUICIDES IN INDIA 2005* tbl. 2.6 (2005) [hereinafter NCRB 2005], available at [http://ncrb.nic.in/ads\\_i/data/ADSI2005/home.htm](http://ncrb.nic.in/ads_i/data/ADSI2005/home.htm) (the table is independently available at [http://ncrb.nic.in/ads\\_i/data/ADSI2005/atable%202.6.pdf](http://ncrb.nic.in/ads_i/data/ADSI2005/atable%202.6.pdf)). In 2006, the number of farmer suicides was 17,060. NAT'L CRIME RECORDS BUREAU, *ACCIDENTAL DEATHS AND SUICIDES IN INDIA 2006* tbl. 2.6 (2006) [hereinafter NCRB 2006], available at [http://ncrb.nic.in/ads\\_i/data/ADSI2006/home.htm](http://ncrb.nic.in/ads_i/data/ADSI2006/home.htm) (the table is independently available at

<http://ncrb.nic.in/adsi/data/ADSI2006/Table-2.6.pdf>). In 2007, the number of farmer suicides was 16,632. NAT'L CRIME RECORDS BUREAU, ACCIDENTAL DEATHS AND SUICIDES IN INDIA 2007 tbl. 2.6 (2007) [hereinafter NCRB 2007], available at <http://ncrb.nic.in/adsi/data/ADSI2007/home.htm> (the table is independently available at <http://ncrb.nic.in/adsi/data/ADSI2007/Table-2.6.pdf>). In 2008, the number of farmer suicides was NAT'L CRIME RECORDS BUREAU, ACCIDENTAL DEATHS AND SUICIDES IN INDIA 2008 201 (2008) [hereinafter NCRB 2008], available at <http://ncrb.nic.in/ADSI2008/ADSI2008-full-report.pdf> (the table is independently available at <http://ncrb.nic.in/ADSI2008/table-2.6.pdf>). In 2009, there were 17,368 farmer suicides. NCRB 2009, *supra* note 5, at 200-201 (the table is independently available at <http://ncrb.nic.in/CD-ADSI2009/table-2.6.pdf>).

<sup>12</sup> See K. NAGARAJ, MADRAS INST. OF DEV. STUD., FARMERS' SUICIDES IN INDIA: MAGNITUDES, TRENDS, AND SPATIAL PATTERNS 8-9 (Mar. 2008), available at [http://www.macrosan.org/anl/mar08/pdf/Farmers\\_Suicides.pdf](http://www.macrosan.org/anl/mar08/pdf/Farmers_Suicides.pdf) (noting that the population of farmers in India has decreased, based on the 1991 and 2001 census). See also *Little done for Farm Sector*, THE HINDU, Feb. 20, 2011, <http://www.hindu.com/2011/02/20/stories/2011022063990500.htm> (quoting P. Sainath) ("Mr. Sainath said that the steady exodus from the agricultural sector could be gauged by the fact that in 1991, there were 111.3 million farmers in the country. But in 2001, the number of farmers came down to 103 million. This meant that eight million farmers had left the agrarian sector in 10 years."). Some researchers interpret the stable number of farmer suicides to mean that the situation for farmers has not worsened. See, e.g., GUILLAUME P. GRUERE ET AL., INT'L FOOD POL'Y RES. INST. (IFPRI), IFPRI DISCUSSION PAPER 00808: BT COTTON AND FARMER SUICIDES IN INDIA: REVIEWING THE EVIDENCE 6 (Oct. 2008), available at <http://www.ifpri.org/sites/default/files/pubs/pubs/dp/ifpridp00808.pdf>.

<sup>13</sup> P. Sainath, *Farm Suicides: A Twelve Year Saga*, THE HINDU, Jan. 25, 2010, <http://www.thehindu.com/opinion/columns/sainath/article94324.ece> ("Between just the Census of 1991 and that of 2001, nearly 8 million cultivators quit farming. A year from now, the 2011 Census will tell us how many more quit in this decade. It is not likely to be less."). Professor K. Nagaraj has explained extensively the reasons to assume a continuing decline in the farming population:

[I]t is very likely that... the number of farmers in the country, would have in fact declined after 2001. In fact going by the Census data for 1991 and 2001 there was a decline in the number of cultivators.... [W]e would claim that these trends, if anything, would have got strengthened after 2001 given the deep agrarian crisis that the country has witnessed during this period. While we do not have direct evidence to support this contention, indirect, circumstantial evidence does exist. The Situation Assessment Survey of Farmers of the National Sample Survey, done in its 59th round during the year January-December 2003 reported that as many as 40 percent of the farmers did not like farming and 'were of the opinion that, given a choice, they would take up some other career' (National Sample Survey, 2005; p11); 27 percent found it 'not profitable', another 8 percent reported that it is 'risky' and another 5 percent did not like it for 'other reasons'. Given such a huge disaffection with the occupation – the farm crisis obviously is a factor behind it – it would be a safe guess that a number of farmers would have given up their vocation in search of livelihood through other occupations.

NAGARAJ, *supra* note 12, at 8-9.

<sup>14</sup> See *infra* Section IV.

<sup>15</sup> The six states with the highest area under cotton production are Maharashtra, Gujarat, Andhra Pradesh, Madhya Pradesh, Punjab, and Karnataka. Cotton Corporation of India, Ltd., Area, Production and Productivity of Cotton (State-Wide): 2010-11, <http://www.cotcorp.gov.in/statistics.asp> (last visited Apr. 14, 2011). The six states with the highest number of farmer suicides are Maharashtra, Andhra Pradesh, Karnataka, Chhattisgarh/Madhya Pradesh, Tamil Nadu, West Bengal, and Kerala. See *infra* note 112; NCRB 2009, *supra* note 5, at 242 (indicating that, in 2009, there had been 896 farmer suicides in Kerala).

<sup>16</sup> See Neelima Deshmukh, *Cotton Growers: Experience from Vidarbha*, in AGRARIAN CRISIS AND FARMER SUICIDES 175, 185 (R.S. Deshpande & Saroj Arora eds., 2010) ("Cotton has become the deciding factor of politics in Maharashtra... In response to the ever swelling number of suicides by the farmers of Vidarbha, Prime Minister, Dr Manmohan Sing visited the affected area along with his entourage on 1 July 2006[.]").

<sup>17</sup> See *infra* Section III.C.

<sup>18</sup> *Agrarian Distress and Farmers' Suicides in Maharashtra*, *supra* note 4, at 133.

<sup>19</sup> See text accompanying *infra* notes 37-44.

<sup>20</sup> Although the Indian National Crime Records Bureau does not keep track of whether farmers who committed suicide were cultivating cash crops or food crops, P. Sainath has marshaled evidence that suggests the majority of farmer suicides occur in the cash crop sector. See P. Sainath, *Neo-Liberal Terrorism in India: The Largest Wave of Suicides in History*, COUNTERPUNCH, Feb. 12, 2009, available at <http://www.counterpunch.org/sainath0212009.html> ("What do the farm suicides have in common? Those who have taken their lives were deep in debt—peasant households in debt doubled in

the first decade of the neoliberal ‘economic reforms,’ from 26 per cent of farm households to 48.6 per cent. We know that from National Sample Survey data. But in the worst States, the percentage of such households is far higher. For instance, 82 per cent of all farm households in Andhra Pradesh were in debt by 2001-02. Those who killed themselves were overwhelmingly cash crop farmers—growers of cotton, coffee, sugarcane, groundnut, pepper, vanilla. (Suicides are fewer among food crop farmers—that is, growers of rice, wheat, maize, pulses.)”). See also P. SAINATH, INDIA INT’L CENTRE, OCCASIONAL PUBLICATION NO. 22: AGRARIAN CRISIS AND FARMERS SUICIDE (2010) (on file with author) (“The second common fact between the states where the suicides are taking place is that they are regions of highly commercialized cash crop agriculture—such as vanilla, coffee, pepper, cotton, primarily cotton—and cash crop farmers are the primary victims.”); NAGARAJ, *supra* note 12, at 25–26 (“The cash crops in the region [in and around Vidarbha]—like cotton—are largely cultivated under poor agronomic conditions, with low levels of irrigation. This type of diversity—dictated by backwardness and adversity—hardly makes for any stability; if anything, it adds to instability and vulnerability.”).

<sup>21</sup> See *infra* Section II.A.

<sup>22</sup> See BHAGIRATH CHOUDHARY & KADAMBINI GAUR, INT’L SERV. FOR THE ACQUISITION OF AGRI-BIOTECH APPLICATIONS, BT COTTON IN INDIA: A COUNTRY PROFILE 4-5 (2010), available at [http://www.isaaa.org/resources/publications/biotech\\_crop\\_profiles/bt\\_cotton\\_in\\_india-a\\_country\\_profile/download/Bt\\_Cotton\\_in\\_India-A\\_Country\\_Profile.pdf](http://www.isaaa.org/resources/publications/biotech_crop_profiles/bt_cotton_in_india-a_country_profile/download/Bt_Cotton_in_India-A_Country_Profile.pdf) (purporting that adoption of Bt cotton in India is 85 percent of cotton area farmed).

<sup>23</sup> P Sainath, *Suicides are about the living, not the dead*, THE HINDU, May 21, 2007, available at <http://www.thehindu.com/2007/05/21/stories/2007052103541100.htm>.

<sup>24</sup> Jaideep Hardikar, *Two Villages, Two Very Different Stories*, IPS, Mar. 21, 2008, <http://ipsnews.net/news.asp?idnews=41679>.

<sup>25</sup> Jaideep Hardikar, *Farm Suicides Turn Children Into Farmers*, IPS, June 10, 2009, <http://ipsnews.net/news.asp?idnews=47158>.

<sup>26</sup> P. Sainath, *Contest Elections? Sure, On Our Issues*, THE HINDU, Apr. 13, 2009, available at <http://www.hindu.com/2009/04/13/stories/2009041355450800.htm>.

<sup>27</sup> P. Sainath, *Farmer’s Diet Worse than a Convict’s*, THE HINDU, May 29, 2007, available at <http://www.hindu.com/2007/05/29/stories/2007052902231100.htm>.

<sup>28</sup> Andrew Malone, *The GM genocide: Thousands of Indian farmers are committing suicide after using genetically modified crops*, DAILY MAIL, Nov. 3, 2008, available at <http://www.dailymail.co.uk/news/worldnews/article-1082559> (recounting the story of a woman whose husband’s transferred debt may prevent her children from attending school and may leave the family homeless); Amy Waldman, *Debts and Drought Drive India’s Farmers to Despair*, N.Y. TIMES, June 6, 2004, available at <http://www.nytimes.com/2004/06/06/world/debts-and-drought-drive-india-s-farmers-to-despair.html> (indicating that farmers who commit suicide leave their families with debt); *Farm Suicides Turn Children Into Farmers*, *supra* note 25 (“thousands of cotton farmers have taken their lives due to mounting debts and a dramatic decline in farm incomes over the past decade or so, and their children have stepped into their shoes.”).

<sup>29</sup> “You’re looking at someone - you’re making eye contact with a woman in this household where there’s been a suicide, her husband has taken his life; after doing this for years, you know that she is also planning to take her life. There is not a thing you can offer her by way of genuine solace or comfort.” NERO’S GUEST: THE AGE OF INEQUALITY (Deepa Bhatia dir., 2009) (quoting P. Sainath).

<sup>30</sup> See SRIJIT MISHRA, INDIRA GANDHI INST. OF DEV. RES., MUMBAI, RISKS, FARMERS’ SUICIDES AND AGRARIAN CRISIS IN INDIA: IS THERE A WAY OUT? 7 (Sept. 2007), available at <http://www.igidr.ac.in/pdf/publication/WP-2007-014.pdf> (describing a study in Vidarbha wherein 96 of 111 farmers who committed suicide were indebted); R.S. Deshpande & Khalil Shah, *Globalisation, Agrarian Crisis and Farmers’ Suicides*, in AGRARIAN CRISIS AND FARMER SUICIDES, *supra* note 16, at 118, 134 (identifying indebtedness as the main reason behind farmer suicides, especially in Karnataka). See also *infra* Sections II.B., III. But see NAGARAJ, *supra* note 12, at 27 (“Often there is an attempt to isolate a single factor – like say indebtedness – to claim that either that is the major cause underlying farm suicides, or that – in the absence of any strong correlation between spatial incidences in farm suicides and indebtedness – it in fact is not a causative factor at all. Such attempts we believe are simplistic and miss the basic point that mono-causal explanations of suicides, including farm suicides, are totally inadequate.”).

<sup>31</sup> Jason Motlagh, *India’s Debt-Ridden Farmers Committing Suicide*, SAN FRANCISCO CHRON., Mar. 23, 2008, available at [http://articles.sfgate.com/2008-03-22/news/17168778\\_1\\_suicides-farmers-interest-rates](http://articles.sfgate.com/2008-03-22/news/17168778_1_suicides-farmers-interest-rates). (“While India’s economy surges forward on the crest of globalization, thousands of farmers are taking their own lives every year to escape mounting debt and an uncertain future.”); Smita Narula, *Equal by Law, Unequal by Caste: The “Untouchable” Condition in Critical Race Perspective*, 255 WISCONSIN INT’L. L.J. 284 (2008), available at [http://papers.ssrn.com/sol3/Delivery.cfm/SSRN\\_ID1275789\\_code419245.pdf?abstractid=1273803&mirid=1](http://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID1275789_code419245.pdf?abstractid=1273803&mirid=1)



(“Unprecedented economic growth has coincided comfortably with a post-reform reversal in poverty reduction trends.”).

<sup>32</sup> See D. Narasimha Reddy & Srijit Mishra, *Agriculture in the Reforms Regime*, in *AGRARIAN CRISIS IN INDIA*, *supra* note 4, at 3, 19-21 (describing the various areas in which the IMF and World Bank pushed liberalization in India); CHRISTIAN AID, *THE DAMAGE DONE: AID, DEATH, AND DOGMA* 16-19 (2005), available at [http://www.christianaid.org.uk/Images/damage\\_done.pdf](http://www.christianaid.org.uk/Images/damage_done.pdf) (describing the liberalization agenda of the World Bank, World Trade Organization, and International Monetary Fund); Narula, *supra* note 31, at 283-285 (describing the hallmarks of India’s economic reforms).

<sup>33</sup> See CHRISTIAN AID, *supra* note 32, at 17 (noting that these policies were first encouraged in response to India’s fiscal crises in the 1980s).

<sup>34</sup> See FoodFirst Information and Action Network (FIAN), *Parallel Report: The Right to Adequate Food in India* 15 (2008), available at [http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/ParallelReport\\_India\\_FIAN.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/ParallelReport_India_FIAN.pdf) (“In 1998, the World Bank’s structural adjustment policies forced India to open up its seed sector to global corporations [like Cargill, Monsanto, and Syngenta].”); CHRISTIAN AID, *supra* note 32, at 17-19 (explaining that the effects of these new policies included a sudden throwing of India into the global market and the rapid saturation of the Indian market with foreign corporations).

<sup>35</sup> See CHRISTIAN AID, *supra* note 32, at 17-18 (noting that the World Bank’s structural adjustment plan for India “envisage[d] a withdrawal of the state from key industrial, economic and agricultural sectors to be replaced by private corporations.”).

<sup>36</sup> Narula, *supra* note 31, at 284; Somini Sengupta, *On India’s Farms, a Plague of Suicide*, N.Y. TIMES, Sept. 19, 2006, available at <http://www.nytimes.com/2006/09/19/world/asia/19india.html>; CHRISTIAN AID, *supra* note 32, at 18.

<sup>37</sup> See *Agriculture in the Reforms Regime*, *supra* note 32, at 26 (“With the removal of [quantitative restrictions] and with the fall in the global cotton prices in 2001-5, India has turned into an importer of cotton, which depressed domestic prices of cotton and has been the cause of serious losses to cotton farmers.”); RISKS, FARMERS’ SUICIDES AND AGRARIAN CRISIS IN INDIA: IS THERE A WAY OUT?, *supra* note 30, at 15 (“[A] matter of increasing concern is the price volatility because of increasing integration with the global market, particularly, for crops like cotton . . . .”); Neelima Deshmukh, *Cotton Growers: Experience from Vidarbha* in *AGRARIAN CRISIS AND FARMER SUICIDES*, *supra* note 16, at 175, 178 (“[P]oor farmers are unable to compete with those capable of selling their better quality cotton to the ginning factories of the Maharashtra State from Sudan, Egypt and Israel at much lower rates.”); CHRISTIAN AID, *supra* note 32, at 17; Motlagh, *supra* note 31 (“Such price volatility [in agricultural markets] is a function of globalization, most critics say—and is especially unstable for cotton farmers.”).

<sup>38</sup> CHRISTIAN AID, *supra* note 32, at 16.

<sup>39</sup> *Id.* at 16-17. As evidence of this switch, the total area of the country’s farmland growing cotton increased by 20.9 percent from 1998 to 2008, while the area for wheat increased by only 12.7 percent and for rice by only 6.5 percent in that same time period. Ministry of Statistics and Programme Implementation, India, Table 8.2: Area under Principal Crops, [http://mospi.nic.in/Mospi\\_New/upload/statistical\\_year\\_book\\_2011/SECTOR-2-AGRICULTURE%20SECTOR/CH-08-AGRICULTURE/Table-8.2.xls](http://mospi.nic.in/Mospi_New/upload/statistical_year_book_2011/SECTOR-2-AGRICULTURE%20SECTOR/CH-08-AGRICULTURE/Table-8.2.xls) (last visited Apr. 27, 2011).

<sup>40</sup> CHRISTIAN AID, *supra* note 32, at 17. This fact continues to create problems for Indian farmers today. For example, in the state of Kerala, most crops are cash crops and “[a]ny volatility in the global prices [which are controlled by a handful of corporations] of coffee, pepper, tea, vanilla, cardamom or rubber will affect the State.” *Of luxury cars and lowly tractors*, *supra* note 6.

<sup>41</sup> See *Agrarian Distress and Farmers’ Suicides in Maharashtra*, *supra* note 4, at 133; See also United Nations Conference on Trade and Development (UNCTAD), INFOCOMM, Cotton: Prices, <http://www.unctad.org/infocomm/anglais/cotton/prices.htm> (last visited May 10, 2011) (“Prices performance was more robust in the following years, with prices reaching the highest peak at 92.4 US cents/lb in 1994/95. This upward movement was recorded in conjunction with a steady decrease in cotton production in a number of countries (whose supply levels were closely linked to cotton quotations). In the first half of the 1990s, production of raw cotton dropped sharply in South America (it divided by 1.5), as the cotton area reduced in size. However, this regional slowdown in production was compensated by huge increases in the largest producing countries... which has been going on until early 2000s.... This overcompensation along with only a slight increase in demand... led the price to reduce by more than half between 1994/95 (92,4 US cents/lb) and 2001/02 (41,9 US cents/lb).”).

<sup>42</sup> See Sengupta, *supra* note 36 (observing that “15 years of economic reforms have opened Indian farmers to global competition... .”); Neelima Deshmukh, *Cotton Growers: Experience from Vidarbha*, *supra* note 16, at 190.

<sup>43</sup> The United States is an excellent example of this phenomenon. As one of the largest cotton producers in the world, it provides its cotton farmers with agricultural subsidies that allow these farmers to then sell their cotton at substantially decreased prices in foreign markets. Without such subsidies, U.S. cotton farmers would likely have to set prices that are

more in line with what a truly free market would dictate. Motlagh, *supra* note 31; Int'l Cotton Advisory Comm., *The New ICAC Cotton Price Forecasting Model*, 60 COTTON: REV. OF THE WORLD SITUATION 20 (July-August 2007), available at [http://www.icac.org/econ\\_stats/price\\_model/documents/e\\_icac\\_price\\_model\\_2007\\_review\\_article.pdf](http://www.icac.org/econ_stats/price_model/documents/e_icac_price_model_2007_review_article.pdf) (noting that “[t]he impact of U.S. cotton subsidies on world cotton prices is a contentious issue.”); Cotton: Prices, *supra* note 41 (“cotton-pricing mechanisms are affected by government support programmes, especially in the United States”).

<sup>44</sup> CHRISTIAN AID, *supra* note 32, at 17. Specific to cotton, in July 2008, “the Indian government abolished the duty on cotton imports into the country boosting imports to 130,000 tons in 2008/09.” INT’L COTTON ADVISORY COMM., COTTON FACT SHEET: INDIA 1 (May 19, 2009), available at [http://www.icac.org/econ\\_stats/country\\_facts/e\\_india.pdf](http://www.icac.org/econ_stats/country_facts/e_india.pdf).

<sup>45</sup> Sengupta, *supra* note 36; CHRISTIAN AID, *supra* note 32, at 18.

<sup>46</sup> See S. Galab, E. Revathi & P. Prudhvikar Reddy, *Agrarian Distress and Farmers’ Suicides in Andhra Pradesh*, in AGRARIAN CRISIS IN INDIA, *supra* note 4, at 164, 169 (noting that in 2004, 55 percent of farmers in districts in Andhra Pradesh and Karnataka could not get minimum support prices); U.S. DEP’T OF AGRIC., FOREIGN AGRIC. SERVICE, GLOBAL AGRICULTURE INFORMATION NETWORK REPORT: INDIA COTTON AND PRODUCTS - 2008 4 (Nov. 28, 2008), available at <http://www.fas.usda.gov/gainfiles/200811/146306615.pdf> (noting that India, in 2008, raised minimum support prices by 26-48 percent for various cotton varieties). Complaints about India’s 2008 subsidy have been registered in the U.S. David Bennett, *NCC: India distorts cotton trade*, DELTA FARM PRESS, May 7, 2009, <http://deltafarmpress.com/cotton/ncc-india-distorts-cotton-trade>.

<sup>47</sup> Waldman, *supra* note 28.

<sup>48</sup> See, e.g., GREENPEACE INDIA & THE CEN. FOR SUSTAINABLE AGRIC., *MARKETING OF BT COTTON IN INDIA: AGGRESSIVE, UNSCRUPULOUS, AND FALSE... 4* (Sept. 20, 2005), available at <http://www.greenpeace.org/india/Global/india/report/2005/9/marketing-of-bt-cotton-in-indi.pdf> (finding that “[advertising] posters had farmers claiming very good yields from growing Bt Cotton.”); 3D, *Trade-related intellectual property rights, trade and the right to food: India 3-4* (2008), available at [http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/3DIndia\\_2008.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/3DIndia_2008.pdf) (“The company [Monsanto] asserted that the Bt variety of cotton seed can result in higher yield than the hybrid indigenous variety of cotton seeds. Further, Monsanto said that by using Bt cotton variety farmers may no longer have to expend on spraying pesticides to ward off pests and this in turn would save them significant costs. Thus, cotton farmers in India shifted gradually to Bt cotton variety.”). See also *infra* note 92.

<sup>49</sup> See GREENPEACE INDIA, *supra* note 48, at 1 (observing that, as regards the advertising of Bt cotton, “Many promises are made that are not fulfilled on the ground as evidenced by both official and independent reports.”); Sengupta, *supra* note 36 (“Changes brought on by 15 years of economic reforms have opened Indian farmers to global competition and given them access to expensive and promising biotechnology, but not necessarily opened the way to higher prices, bank loans, irrigation or insurance against pests and rain.”).

<sup>50</sup> See FIAN, *supra* note 34, at 15 (“In 1998, the World Bank’s structural adjustment policies forced India to open up its seed sector to global corporations [like Cargill, Monsanto, and Syngenta]. The global corporations changed the input economy overnight.”).

<sup>51</sup> OCCASIONAL PUBLICATION NO. 22, *supra* note 20 (observing that “the promise of more attractive prices has moved millions of Indian farmers from food crop to cash crop in the last twenty years.”).

<sup>52</sup> UNCTAD, INFOCOMM, Cotton: Market, <http://www.unctad.org/infocomm/anglais/cotton/market.htm> (last visited May 7, 2011); COTTON FACT SHEET: INDIA, *supra* note 44, at 1 (“As of 2008/09, India is the 2nd largest cotton producer and consumer. Cotton is one of the principal crops of the country and is the major raw material for the domestic textile industry.”).

<sup>53</sup> See OCCASIONAL PUBLICATION NO. 22, *supra* note 20 (noting that farmers have been moved to a “higher cost economy [and are] locked [ ] into an incredible global volatility of global prices that are controlled by a handful of transnational corporations.”); INT’L TRADE CENTRE, COTTON EXPORTER’S GUIDE ch. 1 (2010), available at <http://www.cottonguide.org/the-world-cotton-market/the-importance-of-cotton-in-world-trade> (noting that, even though “cotton represents a very small share of world trade in terms of value... [with] cotton ranked 170th [on UNCTAD export statistics by product] on average 2004/05 values, accounting for 0.11% of world product exports in 2005 (\$11.4 billion)... The cotton export market is relatively concentrated[, w]ith an index value of 0.386 in 2005,... [ranking] twenty-first among all commodities according to the concentration index calculated by UNCTAD[.]”). In 2010-11, there were over 25 million tons of cotton produced worldwide. Cotton: Market, *supra* note 52. However, there were only 17 companies that then produced an output of at least 200,000 tons a year. UNCTAD, INFOCOMM, Cotton: Companies, <http://www.unctad.org/infocomm/anglais/cotton/companies.htm>. Notably, none of these companies is located in India. *Id.* In fact, of all the cotton companies listed on the UNCTAD website that have an output of at least 20,000 tons, only four are located in India. *Id.*

<sup>54</sup> See *infra* Section II.B.

<sup>55</sup> According to UNCTAD's conceptualization of the world cotton chain, there is always at least one other actor between the producer, or farmer, and user, or consumer. In those cases, there is an agent. More commonly, however, there are at least two other actors between the producer and user: domestic ginnery central, private ginneries, or a central marketing company; a merchant, with the possibility of a broker agent beforehand; and an agent or central buying organization. Of these combinations, the only two-actor scenario is: producer; central marketing company; central buying organization; user. See UNCTAD, INFOCOMM, Cotton: Chain, <http://www.unctad.org/infocomm/anglais/cotton/chain.htm> (last visited May 7, 2011).

<sup>56</sup> See, e.g., Press Release, Int'l Cotton Advisory Comm., Cotton Prices Retreat due to Slowing Demand (May 2, 2011), available at [http://www.icac.org/cotton\\_info/publications/press/2011/pr\\_may\\_2011\\_survey.pdf](http://www.icac.org/cotton_info/publications/press/2011/pr_may_2011_survey.pdf) (reporting that, in less than two months, from March 8 to April 28, 2011, the price for cotton fell from \$2.44 to \$1.73 per pound). This is largely due to the fact that, unlike most commodities, cotton does not have a reliable global futures market. As a result, worldwide cotton prices are often set by actual and short-term contract transactions. Therefore, the small group of multinationals that dominate the cotton market are able, through their market-leading transactions, to influence cotton prices. Cotton: Price, *supra* note 41. An additional problem is the fact that, because so few countries are responsible for the vast majority of cotton output, any changes, however minor, in their domestic cotton markets and policies drastically affect world cotton prices. For example, according to UNCTAD, "[w]ith one fourth of global output, cotton stocks, and consumption, China plays a major role in cotton, affecting the movements in prices." *Id.*

<sup>57</sup> See *supra* note 51.

<sup>58</sup> P. Sainath, *Ways of Seeing*, SEMINAR J., 2009, available at [http://www.india-seminar.com/2009/595/595\\_p\\_sainath.htm](http://www.india-seminar.com/2009/595/595_p_sainath.htm).

<sup>59</sup> In this Report, the generic term 'genetically modified' is used to mean the more specific term 'transgenic,' which denotes the transfer of a gene from one organism to another. Dictionary.com, transgenic, <http://dictionary.reference.com/browse/transgenic> (last visited May 5, 2011).

<sup>60</sup> See generally GREENPEACE INDIA, *supra* note 48 (describing in detail the aggressive advertising strategies utilized by Monsanto and other foreign multinational companies to market Bt cotton). See also *infra* note 92.

<sup>61</sup> Indian GMO Research Information System, *Yearwise List of Commercially Released Varieties of Bt Cotton Hybrids by GEAC* (2010), [http://igmoris.nic.in/files/Final\\_commercially\\_approved.pdf](http://igmoris.nic.in/files/Final_commercially_approved.pdf). Bt cottonseeds with Monsanto's Bt genes constitute the 83 percent of cultivars approved for sale by the Genetic Engineering Approval Committee; genes produced by China Academy of Sciences constitute a further 11 percent; and India's IIT Kharagpur's genes constitute 5 percent (as of August 2009). B. M. Khadi, Dean, Post Graduate Studies, University of Agricultural Sciences, Dharwad, Karnataka, India, *Present Status of Bt Cotton in India* 4 (2011), [http://www.icac.org/tis/regional\\_networks/asian\\_network/meeting\\_5/documents/papers/PapKhadiB1.pdf](http://www.icac.org/tis/regional_networks/asian_network/meeting_5/documents/papers/PapKhadiB1.pdf).

<sup>62</sup> National Centre for Integrated Pest Management, *Bacillus thuringiensis*, <http://www.ncipm.org.in/bacillus-thuringiensisgalleria.htm> (last visited May 5, 2011) (listing the American Bollworm as one of the main target pests for *Bacillus thuringiensis*); Pest Control (India) Pvt. Ltd., Know your pest: American Bollworm, <http://www.pestcontrolindia.com/know-your-pest/pest/insect-agricultural-pests-american-bollworm-13-21-26.aspx> (last visited May 5, 2011) (calling the American Bollworm "a serious pest of cotton" in India).

<sup>63</sup> In the nine years since the first approval of Bt cotton, the Committee has approved 808 additional cultivars. *Yearwise List of Commercially Released Varieties of Bt Cotton Hybrids by GEAC*, *supra* note 61.

<sup>64</sup> 3D, *supra* note 48, at 4.

<sup>65</sup> CHOUDHARY & GAUR, *supra* note 22, at 4-5; *Agriculture in the Reforms Regime*, *supra* note 32, at 15 ("The shift to high value but high-risk hybrid and GM crops is also accompanied by increasing exposure to market dependence for seeds[.]").

<sup>66</sup> See Kalyan Ray, *Bt Cotton Bubble Set to Burst: Experts*, DECCAN HERALD, Nov. 16, 2006, available at <http://www.gmwatch.org/latest-listing/1-news-items/6238-bt-cotton-bubble-set-to-burst-experts-14112006> (noting that "the success of Bt cotton relies on its pesticide-producing capabilities"); 3D, *supra* note 48, at 4 (2008), available at [http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/3DIndia\\_2008.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/3DIndia_2008.pdf) (explaining that Monsanto promoted Bt cotton by relying on its ability to "ward off pests"); Malone, *supra* note 28 (reporting that genetically modified cotton varieties were marketed as being immune to agricultural pests, and noting that "GM salesmen and government officials had promised farmers that [GM seeds] were 'magic seeds' - with better crops that would be free from parasites and insects."). Monsanto continues to market its seeds as pest-resistant, claiming that the newer-generation Bollgard II trait is capable of affording farmers "season long control of a broad spectrum of worm pests, which allows growers to reduce or even eliminate sprays for worms[.]" Monsanto, Genuity Bollgard II Cotton, <http://www.monsanto.com/products/Pages/genuity-bollgardII-cotton.aspx> (last visited Apr. 13, 2011). Bollgard II is sold in India and indeed has surpassed Bollgard I, the first generation of Bt cotton, in terms of cultivation acreage by a ratio of 2.5:1. Monsanto, Investor Relations, *Reference Resource: Monsanto Supplemental Information for Investors as of Monsanto*

*Second-Quarter 2011 Earnings* 7 (Apr. 6, 2011), available at <http://www.monsanto.com/SiteCollectionDocuments/investor-supplemental-toolkit.pdf>.

<sup>67</sup> See 3D, *supra* note 48, at 3-4 (“The company [Monsanto] asserted that the Bt variety of cotton seed can result in higher yield than the hybrid indigenous variety of cotton seeds. Further, Monsanto said that by using Bt cotton variety farmers may no longer have to expend on spraying pesticides to ward off pests and this in turn would save them significant costs. Thus, cotton farmers in India shifted gradually to Bt cotton variety.”).

<sup>68</sup> This conversion is based on the exchange rate between the U.S. dollar and the Indian rupee on December 6, 2008, which was .02023:1. XE, USD Rate Table (December 6, 2008), [http://www.xe.com/ict/?basecur=USD&historical=true&month=12&day=6&year=2008&sort\\_by=name&image.x=50&image.y=7](http://www.xe.com/ict/?basecur=USD&historical=true&month=12&day=6&year=2008&sort_by=name&image.x=50&image.y=7) (last visited May 5, 2011). This date was chosen because Bhindarwa committed suicide in December 2008. Trevor Aaronson, *The Suicide Belt*, Columbia City Paper, Nov. 9, 2009, <http://www.columbiacitypaper.com/2009/11/10/the-suicide-belt/>.

<sup>69</sup> Aaronson, *supra* note 68.

<sup>70</sup> See Sengupta, *supra* note 36 (“The modified seeds can cost nearly twice as much as ordinary ones, and they have nudged many farmers toward taking on ever larger loans, often from moneylenders charging exorbitant interest rates.”); Malone, *supra* note 28 (“Village after village, families told how they had fallen into debt after being persuaded to buy GM seeds instead of traditional cotton seeds. The price difference is staggering: ₹10 for 100 grams of GM seed, compared with less than ₹10 for 1,000 times more traditional seeds.”); ABDUL QAYUM & KIRAN SAKKHARI, DECCAN DEV. SOC’Y, BT COTTON IN ANDHRA PRADESH: A THREE-YEAR ASSESSMENT 21 (2005), available at [http://www.grain.org/research\\_files/BT\\_Cotton\\_-\\_A\\_three\\_year\\_report.pdf](http://www.grain.org/research_files/BT_Cotton_-_A_three_year_report.pdf) (finding that, in 2004-05, farmers paid on average Rs.1600/acre for Bt cottonseed versus Rs.500/acre for non-Bt cottonseed); 3D, *supra* note 48, at 4 (“Mahyco Monsanto Biotech is now [in 2008] charging 1850 Rs per 450 gram pack of Bt cotton seeds as compared to Rs 38 charged in China for the same quantity. In India, the price for non-Bt cotton variety is at Rs 450 to 500.”). Note that some heavily-affected states have limited the price of Bollgard II Bt cotton to Rs.840/acre. However, this is still a large increase over the price of non-Bt cottonseeds. K. V. Kurmanath, *AP fixes royalty for Monsanto cotton seed*, HINDU BUS. LINE, May 4, 2010, available at <http://www.thehindubusinessline.in/bline/2010/05/04/stories/2010050450881700.htm>.

<sup>71</sup> Hybrid cultivars are cottonseeds that contain one each of a genetically-modified and a non-genetically-modified gene. The crop that results has the genetically modified trait (i.e. Bt toxin), but planting the saved seed will result in a mix of Bt and non-Bt plants, so farmers have to re-purchase the seeds if they want a Bt crop. All Bt cottonseed in India is sold as a hybrid cultivar. *Yearwise List of Commercially Released Varieties of Bt Cotton Hybrids by GEAC*, *supra* note 61.

<sup>72</sup> *Id.* There is also an additional concern that these multinationals, which have been known to require farmers to enter into legal agreements that prohibit them from saving and replanting genetically modified seeds, will engage in the same practice in India. 3D, *supra* note 48, at 4 (“Besides, controlling the price of patented transgenic seeds, companies selling GM seeds typically require farmers to sign an agreement with the company. Such agreements contain provisions that allow the farmer to use only the company-prescribed fertilizer in order to get a good yield and may also prohibit the farmer from saving and re-sowing the transgenic seeds.”). As an example, Monsanto makes it clear that “[g]rowers who wish to purchase and use our patented seed must have a signed and valid Monsanto Technology/Stewardship Agreement.” Monsanto, Seed Patent Protection, <http://www.monsanto.com/ourcommitments/Pages/seed-patent-protection.aspx> (last visited May 5, 2011). The 2010 Monsanto Technology/Stewardship Agreement, which grants a limited license, imposed the following stipulations on grower-farmers wishing to use any of Monsanto’s genetically modified seeds: “[t]o use Seed containing Monsanto Technologies solely for planting a single commercial crop”; “[n]ot to save or clean any crop produced from Seed for planting and not to supply Seed produced from Seed to anyone for planting other than to a Monsanto licensed seed company”; and “[n]ot to transfer any Seed containing patented Monsanto Technologies to any other person or entity for planting.” Additionally, under the agreement, the grower-farmer agrees “[t]o identify and allow Monsanto and its representatives access to land farmed by or at the direction of Grower (including refuge areas) and bins, wagons, or seed storage containers used or under the control or direction of Grower, for purposes of examining and taking samples of crops, crop residue or seeds located therein.” Monsanto Company, 2010 Monsanto Technology/Stewardship Agreement (Limited Use License), available at <http://www.doeblers.com/08/2010%20Monsanto%20Technology%20Stewardship%20Agreement%20-%20Downloadable%20version.pdf> (the contract is made available online by Doebler’s PA Hybrids, Inc., which is licensed to sell Monsanto seeds). According to some sources, the imposition of these contracts is already a problem in India. See, e.g., Aaronson, *supra* note 68 (“[U]nlike with traditional seeds, farmers aren’t able replant seeds harvested from the crop. Doing so... would violate a farmer’s legal agreement with the seed company[.]”).

<sup>73</sup> See, e.g., QAYUM & SAKKHARI, *supra* note 70, at 21 (finding that, in 2004, farmers across the board that planted Bt cotton spent more money on total input costs than farmers that did not plant Bt cottonseed); Sengupta, *supra* note 36 (“The modified seeds can cost nearly twice as much as ordinary ones, and they have nudged many farmers toward taking

on ever larger loans[.]”); Aaronson, *supra* note 68 (“Despite the high costs...Indian farmers...take out loans and buy the genetically modified cotton seed.”).

<sup>74</sup> See, e.g., *Agrarian Distress and Farmers’ Suicides in Andhra Pradesh*, *supra* note 46, at 191-93 (demonstrating that small farmers overwhelmingly have to turn to non-institutional lending sources in Andhra Pradesh); Waldman, *supra* note 28 (“In part, the suicides reflect a rural culture in which excess indebtedness becomes a mark of shame, which private moneylenders and public creditors milk to try to collect.”); Sengupta, *supra* note 36 (quoting Chandrakant Agarwal, a “veteran moneylender”) (“The modified seeds can cost nearly twice as much as ordinary ones, and they have nudged many farmers toward taking on ever larger loans, often from moneylenders charging exorbitant interest rates...‘Many moneylenders have made a whole lot of money,’”) Justin Huggler, *India acts over suicide crisis on farms*, THE INDEP., July 2, 2004, available at <http://www.independent.co.uk/news/world/asia/india-acts-over-suicide-crisis-on-farms-551762.html> (noting that moneylenders charging exorbitant rates are adding to the indebtedness of farmers); Aaronson, *supra* note 68 (“To purchase Bt cotton, the farmer must take out a seed loan from the State Bank of India. If the crop fails due to a poor monsoon — a noteworthy potential given Bt cotton’s design for use in irrigated fields — the farmer will not be able to pay back the loan and will be denied a second loan. The farmer then will turn to an unregulated private moneylender who charges usurious rates, sometimes as high as 100 percent. A second crop failure, or even an underperforming crop, can place the farmer in a hole so deep that many turn to suicide.”).

<sup>75</sup> SUMAN SAHAI, INFOCHANGE INDIA, BT COTTON: WHAT’S THE FUSS ABOUT? (Mar. 2007), available at <http://infochangeindia.org/agriculture/analysis/bt-cotton-what-s-the-fuss-about.html>; Malone, *supra* note 28; Devinder Sharma, *Suicides on the farm: The collapse of green revolution*, DECCAN HERALD, July 31, 2004, available at <http://web.archive.org/web/20060825035948/http://www.deccanherald.com/deccanherald/july312004/top.asp>. For empirical evidence of Bt cotton’s need for more water, see, e.g., QAYUM & SAKKHARI, *supra* note 70, at 21 (showing that Bt yields per acre were greatly decreased without irrigation: for small, medium, and large farmers without irrigation, Bt cotton yields/hectare decreased by 30.2, 39.1, and 54.5 percent, respectively, while for non-Bt crops, lack of irrigation decreased yields for small, medium, and large farmers by 11.6, 12.9, and 35.1 percent, respectively); GRUÈRE ET AL., *supra* note 12, at 35 (noting that studies have found that Bt cotton performs better under irrigated conditions).

<sup>76</sup> SRIJIT MISHRA ET. AL, INDIRA GANDHI INST. OF DEV. RES., SUICIDE OF FARMERS IN MAHARASHTRA: BACKGROUND PAPERS (SUBMITTED TO THE GOVERNMENT OF MAHARASHTRA) 26 (Jan. 26, 2006), available at [http://www.igidr.ac.in/suicide/BackgroundPapers\\_SFM\\_IGIDR\\_26Jan06.pdf](http://www.igidr.ac.in/suicide/BackgroundPapers_SFM_IGIDR_26Jan06.pdf) (“Nearly 97 percent of the cotton cultivated in Maharashtra is unirrigated while in states such as Punjab and Haryana, the entire area under cotton is unirrigated.”). See also Sengupta, *supra* note 36 (“Nearly 60 percent of Indian agriculture still depends entirely on the rains[.]”); Waldman, *supra* note 28 (“Most states spend the bulk of their budgets on debt interest and salaries, which has left almost nothing to invest in irrigation. Ninety percent of this district [in Andhra Pradesh] is unirrigated, and thus depends on rain for water.”).

<sup>77</sup> COTTON FACT SHEET: INDIA, *supra* note 44.

<sup>78</sup> P. Sainath, *Jailhouse talk: a fate worse than debt*, THE HINDU, May 5, 2007, <http://www.hindu.com/2007/05/05/stories/2007050507911100.htm>.

<sup>79</sup> *Id.* Similarly, Boya Madhiletti, a farmer who tried to kill himself, was jailed on charges of attempting suicide, a crime in India. Ironically, his attempted suicide received far more attention from government officials than when he was seeking help with his debts. P. Sainath, *Farm suicides: look to helpline, land in jail*, THE HINDU, Mar. 16, 2006, <http://www.hindu.com/2006/03/16/stories/2006031607401100.htm>.

<sup>80</sup> See *Agriculture in the Reforms Regime*, *supra* note 32, at 8 (“Dependence on groundwater has emerged as the single largest source of irrigation, with all its accompanying problems of serious risks to farmers’ investments and degradation of environment.” Two-thirds of India’s irrigation is via wells and tube wells, which drain groundwater); *Agrarian Distress and Farmers’ Suicides in Andhra Pradesh*, *supra* note 46, at 168 (describing how in Warangal, Andhra Pradesh, overuse of bore wells in the hopes of finding water depleted the water table until it was 240 feet below surface level, and that farmers, desperate for water for their water-intensive crops, have seen expenditures on bore wells intensify their indebtedness).

<sup>81</sup> See QAYUM & SAKKHARI, *supra* note 70, at 21 (finding that in 2004, in Andhra Pradesh, during a drought year, Bt cotton performed more poorly than non-Bt cotton for un-irrigated small, medium, and large farmers, as well as for irrigated small farmers); 3D, *supra* note 48, at 4 (pointing out that “[w]hile Bt variety of cotton seeds resulted in high yield in the initial years of its introduction, the yields gradually started to taper off and failed miserably in later years...[because] Bt cotton seeds were not suited to varied weather conditions prevalent in India.”); P. Sainath, *A Fading Cotton Bumper Crop*, THE HINDU, Nov. 25, 2006, available at <http://www.hindu.com/2006/11/25/stories/2006112502891100.htm> (quoting a report from the Divisional Commissioner, Amravati as finding that, “In rain-fed conditions, Bt cotton has not paid good returns.”). The reason for these lower yields is that Bt cotton generally requires proper irrigation systems to achieve its prime yield outputs. See

Aaronson, *supra* note 68 (noting that “boxes of Bt cotton have a warning label that instructs farmers to use the seed only in irrigated fields”); GRUÈRE ET AL., *supra* note 12 (hypothesizing that climatic factors, such as drought, may have played a role in poor performance of Bt cottonseeds in Andhra Pradesh and Maharashtra, but not disaggregating yields by Bt versus non-Bt crops).

<sup>82</sup> See, e.g., QAYUM & SAKKHARI, *supra* note 70, at 9 (describing how in the 2002 *Kharif* (cotton season), there was a severe drought in Andhra Pradesh, followed by a fairly good monsoon season in 2003-04, and then a return to droughts that plagued the region again in 2004-05).

<sup>83</sup> OCCASIONAL PUBLICATION NO. 22: AGRARIAN CRISIS AND FARMERS SUICIDE, *supra* note 20 (noting that India is “in the process... of privatizing water and privatizing irrigation water. Laws have already been passed in several states.”).

<sup>84</sup> BASARAJ M. KHADI ET AL., CENT. INST. FOR COTTON RESEARCH, NAGPUR, INDIA, IMPACT OF BT-COTTON ON AGRICULTURE IN INDIA 4 (n.d.), available at <http://www.icac.org/meetings/wrc/wrc4/presentations/data/papers/Paper2138.pdf> (“Farmers need to be educated that water... management [is] extremely critical to get the best performance from Bt-cotton.”).

<sup>85</sup> See, e.g., Aaronson, *supra* note 68.

<sup>86</sup> According to the Central Intelligence Agency (CIA) World Factbook, 41 percent of the India population identifies Hindi as their primary language; 8.1 percent, Bengali; 7.2 percent, Telugu; 7 percent, Marathi; 5.9 percent, Tamil; 5 percent, Urdu; 4.5 percent, Gujarati; 3.7 percent, Kannada; 3.2 percent, Malayalam; 2.8 percent, Punjabi; 1.3 percent, Assamese; 1.2 percent, Maithili; and 5.9 percent, other (leaving about 3.2 percent undefined). Central Intelligence Agency, The World Factbook: India, <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>. Additionally, of the 28 states in India, only six identify English as an official language; none of these six are among the six states with the highest cotton cultivation area. Wikipedia, Languages with official status in India, Table: States, [http://en.wikipedia.org/wiki/Languages\\_with\\_official\\_status\\_in\\_India](http://en.wikipedia.org/wiki/Languages_with_official_status_in_India) (last visited May 9, 2011). Furthermore, as of 2010, the adult literacy rate in India was only 62.8 percent. UN DEV. PROGRAMME (UNDP), HUMAN DEVELOPMENT REPORT 2010: THE REAL WEALTH OF NATIONS: PATHWAYS TO DEVELOPMENT 194 (2010), available at [http://hdr.undp.org/en/media/HDR\\_HDR\\_2010\\_EN\\_Complete\\_reprint.pdf](http://hdr.undp.org/en/media/HDR_HDR_2010_EN_Complete_reprint.pdf). This data is based on information provided by the UN Educational, Scientific, and Cultural Organization. UNDP, India: Country profile of development indicators, <http://hdrstats.undp.org/en/countries/profiles/IND.html> (last visited May 9, 2011). Just eight out of 28 states, including four of the six states with the highest area under cotton production (see *supra* note 15) account for nearly 70 percent of all illiterates in the country. K.K. Pant, *Literacy on the Rise, 11th Plan Targets 80%*, INDIA POST, Sept. 4, 2008, available at <http://www.theindiapost.com/2008/09/04/literacy-rate-on-the-rise-11th-plan-targets-80/>. The four cotton-producing states in this group are: Madhya Pradesh, Andhra Pradesh, Karnataka, and Maharashtra. The other four of the eight are: Uttar Pradesh, Bihar, Rajasthan, and West Bengal. *Id.*

<sup>87</sup> See Glenn Stone, *Agricultural Deskillling and the Spread of Genetically Modified Cotton in Warangal*, 48 CURRENT ANTHROPOLOGY 67, 72 (2007), available at <http://stopogm.net/sites/stopogm.net/files/WarangalStone.pdf> (“[F]or instance, companies often donate seeds to selected farmers for demonstration... The company may then bus in farmers to inspect the field, enticing them with a spread of food.”); GREENPEACE INDIA, *supra* note 48, at 5 (reporting on the existence of ‘Bollgard Clubs,’ which are meant to serve as word-of-mouth marketing for Bt cotton, and that “[s]ignboards of member farmers spreading the message of Bollgard appear all over many villages here [in Tamil Nadu].”). Certain farmers may also have conflicts of interest, as Greenpeace India and the Centre for Sustainable Agriculture found that multinationals were paying farmers commissions for promoting Bt cotton to other farmers in their villages. *Id.* at 3.

<sup>88</sup> E. Revathi & Shaik Galab, *Economic Reforms and Regional Disparities, in AGRARIAN CRISIS AND FARMER SUICIDES*, *supra* note 16, at 192, 196.

<sup>89</sup> For example, extension services provide only 9 percent of the agricultural technology information in Andhra Pradesh. *Economic Reforms and Regional Disparities*, *supra* note 88, at 196.

<sup>90</sup> Greenpeace India and the Centre for Sustainable Agriculture reportedly found several instances of farmers, whose photos had been used in conjunction with supposedly fake quotes about successful Bt cotton yields, “aghast that the company [Monsanto and Mayhco] [was] misusing the photos that were taken from [them] in this manner.” GREENPEACE INDIA, *supra* note 48, at 4.

<sup>91</sup> Glenn Stone, *Field Versus Farm in Warangal: Bt Cotton, Higher Yields, and Larger Questions*, 39 WORLD DEV. 387, 388 (2011), available at [http://www.sciencedirect.com/science?\\_ob=MIimg&\\_imagekey=B6VC6-51BPDR8-1-9&\\_cdi=5946&\\_user=142623&\\_pii=S0305750X10001737&\\_origin=gateway&\\_coverDate=03%2F31%2F2011&\\_sk=999609996&view=c&wchp=dGLbVtb-zSkzk&md5=d196e5500a00ca5e7000e09e82f14d5e&ie=/sdarticle.pdf](http://www.sciencedirect.com/science?_ob=MIimg&_imagekey=B6VC6-51BPDR8-1-9&_cdi=5946&_user=142623&_pii=S0305750X10001737&_origin=gateway&_coverDate=03%2F31%2F2011&_sk=999609996&view=c&wchp=dGLbVtb-zSkzk&md5=d196e5500a00ca5e7000e09e82f14d5e&ie=/sdarticle.pdf).

<sup>92</sup> CHOUDHARY & GAUR, *supra* note 22, at 4-5. See also Malone, *supra* note 28 (“Shankara [an Indian farmer], like millions of other Indian farmers, had been promised previously unheard of harvests and income if he switched from farming with traditional seeds to planting GM seeds instead... Village after village, families told how they had fallen into debt

after being persuaded to buy GM seeds instead of traditional cotton seeds..."); Aaronson, *supra* note 68 ("Despite the high costs of Bt cotton and the problems associated with the seed, advertising campaigns and government promotion of Monsanto's technology initially helped persuade Indian farmers to take out loans and buy the genetically modified cotton seed."); Sengupta, *supra* note 36 ("[F]rustration is building in India with American multinational companies peddling costly, genetically modified seeds. They [the American multinational companies] have made deep inroads in rural India..."). According to Greenpeace India and the Centre for Sustainable Agriculture, Monsanto and other multinationals have advertised Bt cotton through the holding of parties "with dancer girls," bundling Bt cottonseeds with free pesticides, and enlisting the endorsements of such influential individuals as popular Bollywood actor Nana Patekar and religious leader Sant Satyapal Maharaj. See generally GREENPEACE INDIA, *supra* note 48.

<sup>93</sup> See Malone, *supra* note 28.

<sup>94</sup> See 3D, *supra* note 48, at 4 ("As more and more farmers began to use Bt cotton seeds from Monsanto, they were no longer left with their own indigenous variety of cotton seeds. And as a result of increased demand for Bt cotton variety, seed dealers have moved to sell more Bt cotton seeds than local or non-Bt variety of cotton..."); Jaideep Hardikar, *Bt-ing the farmers!*, INDIA TOGETHER, July 2, 2007, <http://www.indiatogether.com/2007/jul/agr-btvidarb.htm> ("[A]s the fresh sowing season starts, worrying signs are already evident. Beleaguered cotton farmers, already steeped in debt, have little choice but to opt for the more-expensive Bt (genetically modified) cotton this season. Inputs dealers say that there is hardly any hybrid variety available in the market this year.").

<sup>95</sup> *Indian Farmers Target Monsanto*, BBC NEWS, Sept. 11, 2003, available at [http://news.bbc.co.uk/2/hi/south\\_asia/3099938.stm](http://news.bbc.co.uk/2/hi/south_asia/3099938.stm). Monsanto asserts that "[t]he activists' reports largely ignore many complex cultural, environmental and economic factors and instead try to provoke an emotional reaction to shift blame towards biotech." Monsanto: Beyond the Rows, Indian Farmer Suicide – The Bottom Line (Mar. 26, 2009), <http://www.monsantoblog.com/2009/03/26/indian-farmer-suicide-the-bottom-line/> (last visited Apr. 14, 2011).

<sup>96</sup> Aaronson, *supra* note 68 (quoting Sekhar Natarajan, Monsanto's India Region Lead at that time).

<sup>97</sup> Monsanto: Beyond the Rows, *supra* note 95.

<sup>98</sup> See *id.* ("Furthermore, in October 2008, the International Food Policy Research Institute [IFPRI] released a study called 'Bt Cotton and Farmer Suicide in India'... Unlike the claims by anti-biotech groups, the IFPRI study provides a deep analysis of other key factors that played a prominent role in Indian debt such as: a lack of formal budget management training; no formal credit institutions; loan interest rates of 20-30 percent; no debt relief laws for farmers; the unwitting purchase of imitation biotech seed from sham artists; crop failures due to poor weather; lack of an irrigation systems [*sic*]; lack of alternative sources of income outside of agriculture; and personal debts such as endowment obligations for the marriage of daughters and/or family medical bills."); *id.* ("Bt cotton has been given an unfair reputation when the true culprit is a smorgasbord of repairable socio-economic problems in India."). According to investigative journalist Trevor Aaronson, Monsanto itself commissioned the IFPRI study, along with "fund[ing two other] studies attempting to prove the company isn't responsible for the suicides. Those studies linked farmer suicides to a variety of social ills, including alcoholism, gambling and the use of credit to finance weddings and dowries." Aaronson, *supra* note 68.

<sup>99</sup> Monsanto, Farmer Suicides in India – Is There a Connection with Bt Cotton?,

<http://www.monsanto.com/newsviews/Pages/india-farmer-suicides.aspx> (last visited Apr. 14, 2011). See also Monsanto: Beyond the Rows, *supra* note 95 ("In summary, according to press reports farmers are attaining better yields, earning bigger returns on their investment and using less pesticide—which ultimately allows them to afford a much better quality of life for their families.").

<sup>100</sup> Monsanto: Beyond the Rows, *supra* note 95.

<sup>101</sup> Aaronson, *supra* note 68.

<sup>102</sup> Monsanto, Farmer Suicides in India, *supra* note 99. See also Aaronson, *supra* note 68 ("Today, according to one of Monsanto's own studies, 95 percent of farmers in India have expenditures greater than income.").

<sup>103</sup> Monsanto: Beyond the Rows, *supra* note 95.

<sup>104</sup> In Andhra Pradesh, for example, in 2002 and 2004, many farmers spent more on purchasing inputs than they could make from selling their cotton. Many Bt cotton and non-cotton farmers alike ended up in negative income for the year, but the extra Rs.1000/acre cost for Bt cottonseeds exacerbated an already bad situation. In the most extreme example, in 2004-05, rainfed farmers who planted non-Bt cottonseed had an average return of Rs.3267/acre, whereas those who planted Bt cottonseed lost Rs.719/acre. It should be noted, of course, that results varied for different types of farmers, and that a single study does not represent the entirety of farmers in India. QAYUM & SAKKHARI, *supra* note 70, at 21. Because of the agrarian crisis, many farmers are unable to generate as much income as they need to consume. In 2003, small and marginal farmers had lower monthly incomes than they spent on day-to-day requirements. RISKS, FARMERS' SUICIDES AND AGRARIAN CRISIS IN INDIA: IS THERE A WAY OUT?, *supra* note 30, at 5. More recent suicides confirm this basic trend. Aaronson, *supra* note 68.

<sup>105</sup> See *supra* note 30.

<sup>106</sup> See Malone, *supra* note 28 (“Shankara [Mandaukar], respected farmer, loving husband and father, [took] his own life... facing the loss of his land due to debt, he drank a cupful of chemical insecticide. Unable to pay back the equivalent of two years’ earnings, he was in despair. He could see no way out.”).

<sup>107</sup> The Maharashtra state government, after conducting a study on the issue, found that “[t]he tension of finding a groom for their [the farmers’] daughters has emerged as a contributing cause to the spate of farmers’ suicides.” *Farm Suicides Turn Children Into Farmers*, *supra* note 25.

<sup>108</sup> P. Sainath, *Unwilling parents, unvarying orphans*, THE HINDU, June 22, 2007, available at <http://www.thehindu.com/2007/06/22/stories/2007062250091100.htm>.

<sup>109</sup> *Farmer’s diet worse than a convict’s*, *supra* note 27.

<sup>110</sup> See *supra* Section I.

<sup>111</sup> *Id.*

<sup>112</sup> For example, in 2009, there were 2,872 farmer suicides in Maharashtra, comprising 20.1 percent of all suicides in that state; there were 2,414 farmer suicides in Andhra Pradesh, comprising 16.6 percent of all suicides in that state; there were 2,282 farmer suicides in Karnataka, comprising 18.7 percent of all suicides in that state; there were 1,802 farmer suicides in Chhattisgarh, comprising 30.6 percent of all suicides in that state; there were 1,395 farmer suicides in Madhya Pradesh, comprising 15.3 percent of all suicides in that state; there were 1,080 farmer suicides in Tamil Nadu, comprising 7.3 percent of all suicides in that state; and there were 1,054 farmer suicides in West Bengal, comprising 7.2 percent of all suicides in that state. NCRB 2009, *supra* note 11, at 242 (the table is independently available at <http://ncrb.nic.in/CD-ADSI2009/table-2.11.pdf>). See also NAGARAJ, *supra* note 12, at 13 (“[T]he top five states in terms of the number of farm suicides in 2001 – viz., Maharashtra, Karnataka, Andhra Pradesh and Chhattisgarh and Madhya Pradesh – account for nearly two-thirds (63 percent) of the suicides in the country.”).

<sup>113</sup> Gujarat, Maharashtra, Andhra Pradesh, Madhya Pradesh, and Punjab are largest producers of cotton in India. Table 8.2: Area Under Principal Crops, *supra* note 39; Area, Production and Productivity of Cotton, *supra* note 15. In Maharashtra, Gujarat, and Madhya Pradesh, almost all farms are rain-fed, making them more vulnerable to Bt cotton failures. *Cotton Growers: Experience from Vidarbha*, *supra* note 16, at 181. Finally, the states in which there is the greatest amount of area given over to cultivation of cotton experience the greatest number of farmer suicides. See *supra* note 15 and accompanying text (noting that the greatest magnitude of farmer suicides is located in states dedicating the greatest amount of space to cotton).

<sup>114</sup> This number has been calculated according to information available from the National Crime Records Bureau. In 2002, there were 1,896 farmer suicides in Andhra Pradesh. NCRB 2002, *supra* note 11, at 248 (the table is independently available at <http://ncrb.nic.in/adsidata/ADSI2002/atable%202.11.pdf>). In 2003, there were 1,800 farmer suicides in Andhra Pradesh. NCRB 2003, *supra* note 11, at 243 (the table is independently available at <http://ncrb.nic.in/adsidata/ADSI2003/atable%202.11.pdf>). In 2004, there were 2,666 farmer suicides in Andhra Pradesh. NCRB 2004, *supra* note 11, at 242 (the table is independently available at <http://ncrb.nic.in/adsidata/ADSI2004/atable%202.11.pdf>). In 2005, there were 2,490 farmer suicides in Andhra Pradesh. NCRB 2005, *supra* note 11, at 242 (the table is independently available at <http://ncrb.nic.in/adsidata/ADSI2005/atable%202.11.pdf>). In 2006, there were 2,607 farmer suicides in Andhra Pradesh. NCRB 2006, *supra* note 11, at 242 (the table is independently available at <http://ncrb.nic.in/adsidata/ADSI2006/Table-2.11.pdf>). In 2007, there were 1,797 farmer suicides in Andhra Pradesh. NCRB 2007, *supra* note 11, at 242 (the table is independently available at <http://ncrb.nic.in/adsidata/ADSI2007/Table-2.11.pdf>). In 2008, there were 2,105 farmer suicides in Andhra Pradesh. NCRB 2008, *supra* note 11, at 242 (the table is independently available at <http://ncrb.nic.in/ADSI2008/table-2.11.pdf>). In 2009, there were 2,414 farmer suicides in Andhra Pradesh. NCRB 2009, *supra* note 5, at 242 (the table is independently available at <http://ncrb.nic.in/CD-ADSI2009/table-2.11.pdf>).

<sup>115</sup> See QAYUM & SAKKHARI, *supra* note 70 at 12 (finding that in 2002-03, non-Bt cotton farmers on average made Rs.5368/acre while Bt cotton farmers lost Rs.1295/acre); *id.* at 15 (finding that in 2003-04, large farmers earned more per acre by planting Bt while small and medium farmers earned more by planting non-Bt); *id.* at 21 (finding that in 2004-05, irrigated small farmers, rainfed small farmers, rainfed medium farmers, and rainfed large farmers benefited from planting non-Bt cottonseed vs. Bt cottonseed [-886 vs. -1207; 3267 vs. -719; 1733 vs. -2051; 2455 vs. -1155 Rs./acre, respectively], while irrigated medium farmers benefited from planting Bt cottonseed, with a gross return of 1111 Rs./acre vs. -222 Rs./acre for non-Bt cotton).

<sup>116</sup> See QAYUM & SAKKHARI, *supra* note 70, at 14-15, 21 (finding that in Andhra Pradesh in 2002-03 and 04-05, the cost of pest control did not significantly decrease, though in 2003-04 the cost of pest control was lower for Bt cotton farmers). Part of this increased cost appears to be opportunistic resurgences by sucking pests. *Id.* at 16.

<sup>117</sup> See discussion of Qayum & Sakkhari study, *supra* note 104.



<sup>118</sup> In 2002, there were 3,695 farmer suicides in Maharashtra. NCRB 2002, *supra* note 11, at 248 (the table is independently available at <http://ncrb.nic.in/adsi/data/ADSI2002/atable%202.11.pdf>). In 2003, there were 3,836 farmer suicides in Maharashtra. NCRB 2003, *supra* note 11, at 243 (the table is independently available at <http://ncrb.nic.in/adsi/data/ADSI2003/atable%202.11.pdf>). In 2004, there were 4,147 farmer suicides in Maharashtra. NCRB 2004, *supra* note 11, at 242 (the table is independently available at <http://ncrb.nic.in/adsi/data/ADSI2004/atable%202.11.pdf>). In 2005, there were 3,926 farmer suicides in Maharashtra. NCRB 2005, *supra* note 11, at 242 (the table is independently available at <http://ncrb.nic.in/adsi/data/ADSI2005/atable%202.11.pdf>). In 2006, there were 4,453 farmer suicides in Maharashtra. NCRB 2006, *supra* note 11, at 242 (the table is independently available at <http://ncrb.nic.in/adsi/data/ADSI2006/Table-2.11.pdf>). In 2007, there were 4,238 farmer suicides in Maharashtra. NCRB 2007, *supra* note 11, at 242 (the table is independently available at <http://ncrb.nic.in/adsi/data/ADSI2007/Table-2.11.pdf>). In 2008, there were 3,802 farmer suicides in Maharashtra. NCRB 2008, *supra* note 11, at 242 (the table is independently available at <http://ncrb.nic.in/ADSI2008/table-2.11.pdf>). In 2009, there were 2,872 farmer suicides in Maharashtra. NCRB 2009, *supra* note 5, at 242 (the table is independently available at <http://ncrb.nic.in/CD-ADSI2009/table-2.11.pdf>).

<sup>119</sup> NERO'S GUEST, *supra* note 29 (quoting P. Sainath).

<sup>120</sup> See generally NCRB, *supra* note 5.

<sup>121</sup> The problems related to the National Crime Records Bureau statistics in part stem from the fact that the Bureau collects statistics that are collected by state governments. NAGARAJ, *supra* note 12, at 3–4.

<sup>122</sup> *Debt burden more on women: P. Sainath*, THE HINDU, Mar. 1, 2011, available at <http://www.thehindu.com/news/cities/Chennai/article1498597.ece>. (“[W]omen farmers who do the bulk of the work in the fields, and are driven to suicide by poverty and loans they could never repay... are not considered farmers because the land is not in their name, and in most States they do not have land rights.”).

<sup>123</sup> According to Oxfam India, “[w]omen cultivators and agriculture laborers perform about 70% of all the agriculture activities – yet their valuable contribution is ignored and they are not acknowledged as farmers.” Oxfam International, India: Women Farmers Persevere, <http://www.oxfam.org/en/development/india/women-farmers-persevere> (last visited Apr. 24, 2011). In the words of a senior government official, “In both social and official perception... the farmer is a landed male with a patta. Women do not fit in that category. Their property rights do not exist in practice. And men do not accept them as farmers. They are seen, at best, as farmers’ wives.” P. Sainath, *How the better half dies*, INDIA TOGETHER, Aug. 2004, available at <http://www.indiatogether.org/2004/aug/psa-womenfarm.htm>.

<sup>124</sup> *Debt burden more on women: P. Sainath*, *supra* note 122.

<sup>125</sup> *Id.* (“Suicide by the elder son of a family who took over the land of his father, and his debts too, is not counted either, for the same reason that the land is not in his name.”); NAGARAJ, *supra* note 12, at 3-4 (“The title to land was taken as the criterion for identifying the farmer and this often left out a genuine farmer from the count... so also [might] a farmer [be excluded from the count of farmer suicides] if the title was in his father’s name.”).

<sup>126</sup> NAGARAJ, *supra* note 12, at 3-4 (“Our experience during our field visits in Andhra Pradesh as a member of the Farmers’ Commission set by the state government in 2004 was that the police often adopted a rather strict and stringent definition of a farmer in identifying a farm suicide. The title to land was taken as the criterion for identifying the farmer and this often left out a genuine farmer from the count. For example, a tenant farmer who leased in land and hence did not have a title to the land could be denied the status of a farmer...”). Evidence of undercounting might be seen not only in the statistics of the National Crime Bureau, but also in official policy statements. For example, in the same week, Union Agriculture Minister Sharad Pawar asserted that there had been six suicides in Vidharba between January and May of 2010. On the same day, Chief Minister Ashok Chavan put the number over the same time at 343. See P. Sainath, *How To be an Eligible Suicide*, THE HINDU, May 13, 2010, available at <http://www.thehindu.com/opinion/lead/article428367.ece>

<sup>127</sup> See, e.g., NCRB 2009, *supra* note 5, at iii (listing the tables included within the report, none of which disaggregates the data by caste, planted crop, etc.).

<sup>128</sup> For one example of the national government response, see Press Release, Press Info. Bureau, Gov. of India, Govt. to Launch Special Rehabilitation Package to Mitigate the Distress of Farmers in 31 Districts in 4 States (Jul. 6, 2006), available at <http://www.pib.nic.in/newsite/erelease.aspx?relid=18666>. For an example of a state government response taking the form of compensation, see *Farmer’s diet worse than a convict’s*, *supra* note 27.

<sup>129</sup> Press Release, *supra* note 128.

<sup>130</sup> *Agrarian Distress and Farmers’ Suicides in Maharashtra*, *supra* note 4, at 155-156 (describing the shortcomings of the Prime Minister’s National Relief Fund and Maharashtra’s suicide compensation fund).

- <sup>131</sup> India Development Gateway, Agricultural Debt Waiver and Debt Relief Scheme 2008: § 1.1, <http://www.indg.in/agriculture/rural-employment-schemes/agricultural-debt-waiver-and-debt-relief-scheme-2008> (last visited Apr. 21, 2011)
- <sup>132</sup> *Id.*, §§ 3.5-3.6.
- <sup>133</sup> *Id.*, § 6.1.
- <sup>134</sup> *Id.*, § 4.1.
- <sup>135</sup> *See id.*, § 2.1 (limiting “[t]he Scheme...[to] cover direct agricultural loans extended to ‘marginal and small farmers’ and ‘other farmers’ by Scheduled Commercial Banks, Regional Rural Banks, Cooperative Credit Institutions (including Urban Cooperative Banks) and Local Area Banks” with no mention of those farmers who had received loans from other sources, including moneylenders.).
- <sup>136</sup> *See generally* P. Sainath, *Oh! What a lovely waiver*, THE HINDU, Mar. 10, 2008, *available at* <http://www.hindu.com/2008/03/10/stories/2008031055091100.htm> (discussing the fact that no distinctions were made between dryland and other farmers across, or within, regions).
- <sup>137</sup> *Agrarian Distress and Farmers’ Suicides in Maharashtra*, *supra* note 4, at 155-156 (describing the shortcomings of the Prime Minister’s National Relief Fund and Maharashtra’s suicide compensation fund).
- <sup>138</sup> *Globalisation, Agrarian Crisis and Farmers’ Suicides*, *supra* note 30, at 144.
- <sup>139</sup> Huggler, *supra* note 74. *See also* Aaronson, *supra* note 68 (noting that “the number of farmer suicides in India spiked in 2006, and has remained steady since, following implementation of a government program to pay as much as 10,000 rupees in compensation to families affected by farmer suicide. Suddenly, indebted cotton growers were worth more as corpses than as patriarchs.”).
- <sup>140</sup> *See* P. Sainath, *In Yavatmal, Life Goes On*, THE HINDU, Jun. 13, 2007, *available at* <http://www.hindu.com/2007/06/13/stories/2007061301671100.htm> (describing how Saraswati Amberwar’s Rs. 1 lakh compensation was wiped out by debt).
- <sup>141</sup> *See supra* note 74. *See also* Waldman, *supra* note 28 (“They [the money lenders] wanted a piece of the government aid likely to be provided the family.”).
- <sup>142</sup> *Farmer’s diet worse than a convict’s*, *supra* note 27.
- <sup>143</sup> *Id.*
- <sup>144</sup> *Id.*
- <sup>145</sup> *Id.*
- <sup>146</sup> *Agrarian Distress and Farmers’ Suicides in Maharashtra*, *supra* note 4, at 155-56.
- <sup>147</sup> P. Sainath, *Farming — It’s What They Do*, THE HINDU, May 24, 2007, *available at* <http://www.hindu.com/2007/05/24/stories/2007052402321100.htm>.
- <sup>148</sup> *Id.*
- <sup>149</sup> *Id.*
- <sup>150</sup> *See* Section III.A.
- <sup>151</sup> As quoted in *How to be an eligible suicide*, *supra* note 126.
- <sup>152</sup> Aparna Pallavi, *When the one who dies is a woman*, INDIA TOGETHER, Sept. 18, 2007, *available at* <http://www.indiatogether.com/2007/sep/agr-womensui.htm>.
- <sup>153</sup> *Id.*
- <sup>154</sup> *How the better half dies*, *supra* note 123.
- <sup>155</sup> *When the one who dies is a woman*, *supra* note 152.
- <sup>156</sup> Oxfam International, *supra* note 123.
- <sup>157</sup> *See* P. Sainath, Rural Affairs Editor, *The Hindu*, Lecture delivered to the Editorial Staff of *The Nation* (Apr. 14, 2011) (on file with author). *See also* INDIA SOC. INST., HUMAN RIGHTS DOCUMENTATION: AGRICULTURE-FARMER SUICIDE 2009 7 (2009), *available at* [http://www.isidelhi.org.in/hrnews/HR\\_THEMATIC\\_ISSUES/Agriculture/Agriculture-2009.pdf](http://www.isidelhi.org.in/hrnews/HR_THEMATIC_ISSUES/Agriculture/Agriculture-2009.pdf) (“Badal blamed the Union for the spiraling problem of farm-indebtedness, especially in the wake of reports that “only 7% farmers in Punjab had benefited from the Rs 71,000-debt waiver scheme”); INDIA SOC. INST., HUMAN RIGHTS DOCUMENTATION: AGRICULTURE-FARMER SUICIDE 2010 4 (2010), *available at* [http://www.isidelhi.org.in/hrnews/HR\\_THEMATIC\\_ISSUES/Agriculture/Agriculture-2010.pdf](http://www.isidelhi.org.in/hrnews/HR_THEMATIC_ISSUES/Agriculture/Agriculture-2010.pdf) (noting that in Maharashtra “among the 1,246 suicides in 2007, only 337 cases were found to be eligible for compensation as per the definition laid down by government, and decided by a district-level committee.”). The government’s rural loan reduction program does not reach farmers whose credit was obtained from moneylenders, and thus does not provide relief to the farmers that require it most. *See Small farmers greet loan waiver with skepticism*, REDIFF INDIA ABROAD, Mar. 5, 2008, *available at* <http://www.rediff.com/money/2008/mar/05farm.htm> (noting the “bitterness among farmers who have been left out of the [loan waiver program] owing to the size of their land-holdings... or because they have borrowed from money-lenders and other informal sources.”); P. Sainath, *Farm Suicides: A 12-year saga*, INDIA TOGETHER,

Feb. 3, 2010, available at <http://www.indiatogether.org/2010/feb/psa-suicides.htm> (noting that money available for debt relief was only available to farmers with loans from banks, and not loans from moneylenders, which is particularly ironic, as the poorest farmers would have been those without access to credit, who would therefore have borrowed from money-lenders.).

<sup>158</sup> See ActionAid, *Shadow Report on Government of India's II, III, IV & V Combined Report on ICESCR* ¶ 44 (2008), available at [http://www2.ohchr.org/english/bodies/cescr/docs/cescr40/ActionAid\\_India.pdf](http://www2.ohchr.org/english/bodies/cescr/docs/cescr40/ActionAid_India.pdf)

(“Even where the impoverished have a small holding, there has not been enough support through assured irrigation, institutional credit and infrastructural support to make cultivation viable.”).

<sup>159</sup> See *supra* Section II.B.

<sup>160</sup> See Pradip Kumar Maitra, *Four Farmers Commit Suicide on Maharashtra Day*, HINDUSTAN TIMES, May 2, 2011, available at <http://www.hindustantimes.com/Four-farmers-commit-suicide-on-Maharashtra-Day/Article1-692393.aspx> (citing Kishor Tiwari, who has been documenting the agrarian crisis, as noting that suicides have been continuing in part because “grossly inadequate irrigation facilities in the region as well as an erratic monsoon and fluctuating market dynamics have aggravated the crisis.”).

<sup>161</sup> *Neo-Liberal Terrorism in India: The Largest Wave of Suicides in History*, *supra* note 20 (“[T]he neoliberal model that pushed growth through one kind of consumption also meant re-directing huge amounts of money away from rural credit to fuel the lifestyles of the aspiring elites of the cities (and countryside, too). Thousands of rural bank branches shut down during the 15 years from 1993-2007[.]”).

<sup>162</sup> S.L. Shetty, *Agricultural Credit and Indebtedness*, in AGRARIAN CRISIS IN INDIA, *supra* note 4, at 61, 71.

<sup>163</sup> *Agricultural Credit and Indebtedness*, *supra* note 162, at 77.

<sup>164</sup> People’s Collective for Economic, Social, and Cultural Rights, *Divided Destinies, Unequal Lives: Economic, Social and Cultural Rights and the Indian State* 51 (2008), available at <http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/PeoplesCollectiveIndia.pdf> (noting that, “Deregulation of the seed industry, allow MNCs like Monsanto to create seed monopolies and sell unregulated and untested seeds to farmers. Deregulation has also resulted in drastic rise in the price of seed.”). According to Suman Sahai, farmer advocate and founder of the Gene Campaign, there exists “the perception that the government was adamant about pushing the Mahyco-Monsanto hybrids at all costs” arising from allegations that the government was restricting credit to Monsanto seed purchases and in some cases making Monsanto seed purchase mandatory. Suman Sahai, *BT Cotton: Confusion Prevails*, 37 ECON. & POL. WKLY. 1973, 1974 (May 25, 2002), available at <http://www.jstor.org/stable/4412151?origin=JSTOR-pdf>.

<sup>165</sup> 3D, *supra* note 48, at 6 (noting that the Seed Bill of 2004 would further restrict Indian farmers’ abilities to save their own seed by introducing mandatory licensing requirements, which would in turn benefit those that already hold patents on seeds, including multinational companies like Monsanto).

<sup>166</sup> See, e.g., SUICIDE OF FARMERS IN MAHARASHTRA: BACKGROUND PAPERS, *supra* note 76, at 26 (reporting to, and commissioned by, the government of Maharashtra, on the causes of cotton farmer suicides in the state).

<sup>167</sup> See OCCASIONAL PUBLICATION NO. 22, *supra* note 20 (“Let me briefly summarise the reasons for the agrarian crisis—which is a lot bigger than just farmers’ suicides—so far. One: the withdrawal of the state from sectors that matter to poor people... Two: huge expenditure cuts, especially in the social sector. Three: slashing of subsidies and support to people who badly need it... Five: the unprecedented rise of corporate power... Seven: a mindless deregulation of agriculture and the privatization of just about everything[.]”). As the Special Rapporteur on the right to food, whose mandate includes a broader focus on agriculture, has observed, inadequate investment in agriculture is a worldwide issue. See Special Rapporteur on the right to food, *Report of the Special Rapporteur on the right to food, Olivier De Schutter: Building resilience: a human rights framework for world food and nutrition security*, ¶ 8, delivered to the 9th Session of the Human Rights Council, U.N. Doc. A/HRC/9/2 (Sept. 8, 2008), available at <http://www.srfood.org/images/stories/pdf/officialreports/or1-a-1-hrc-9-23final-eng.pdf> (noting that “investment in agriculture... has been neglected for many years both in the definition of priorities of official development assistance and in national budgets[.]”). The Special Rapporteur cautions that “investment [in agriculture] should be guided by the need to promote sustainable forms of agricultural production, benefiting small-holders who are most in need of support, and where the impact on poverty alleviation will be greatest.” *Id.*

<sup>168</sup> See *supra* Section II.A; *Ways of seeing*, *supra* note 58. See also OCCASIONAL PUBLICATION NO. 22, *supra* note 20 (“What does today’s farmer control? What does he or she own other than the land? Which sector of farming do they exercise control over? Seed? No. Seed is controlled by a handful of corporations. Not fertilizer. That is controlled by a handful of very large corporations. Not pesticides. That is also in the hands of corporations.”).

<sup>169</sup> See *supra* Section II.A.

<sup>170</sup> *Two Villages, Two Very Different Stories*, *supra* note 24.

<sup>171</sup> See Office of the High Commissioner for Human Rights, International Human Rights Law,

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalLaw.aspx> (last visited Apr. 12, 2011) (“The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights.”).

<sup>172</sup> India acceded to the ICESCR on April 10, 1979. UN Treaty Collection, ICESCR, [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&lang=en) (last visited Apr. 12, 2011).

<sup>173</sup> U.N. Econ. & Soc. Council [ECOSOC], Comm. on Econ., Soc. & Cultural Rights, *Consideration of Reports Submitted Under Articles 16 & 17 of the Covenant: Concluding Observations of the Committee on Economic, Social, and Cultural Rights: India*, ¶¶ 29, 69, U.N. Doc E/C.12/IND/CO/5 (May 2008), available at

<http://www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.IND.CO.5.doc>. The relationship between extreme poverty and human rights has also been addressed by U.N. human rights experts. In 2008, for example, the U.N. Independent Expert on Human Rights and Extreme Poverty underscored the relationship between poverty and human rights, noting that “Poverty can be both a cause and a result of human rights denials,” and that “while the non-fulfillment of human rights often causes poverty, poverty in many cases is a cause of human rights violations.” Independent Expert on the question of human rights and extreme poverty, *Report of the Independent Expert on the question of human rights and extreme poverty, Magdalena Sepúlveda Carmona*, ¶ 11, delivered to the 63rd Session of the U.N. General Assembly, U.N. Doc A/63/274 (Aug. 13, 2008), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N08/459/30/PDF/N0845930.pdf?OpenElement>. The Independent Expert added that, “The protection of human rights is instrumental to the reduction of extreme poverty.” *Id.*

<sup>174</sup> Office of the High Commissioner for Human Rights, Universal Periodic Review, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMain.aspx> (last visited May 4, 2011).

<sup>175</sup> Human Rights Council, Working Group of the Universal Periodic Review, *Compilation prepared by the office of the High Commissioner for Human Rights, in accordance with paragraph 15(b) of the annex to Human Rights Council Resolution 5/1, India*, ¶ 40, U.N. Doc. A/HRC/WG.6/1/IND/3 (Mar. 6, 2008), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/113/17/PDF/G0811317.pdf?OpenElement>.

<sup>176</sup> Human Rights Council, Working Group of the Universal Periodic Review, *Report of the Working Group of the Universal Periodic Review: India*, ¶ 72, U.N. Doc. A/HRC/8/26 (May 23, 2008), available at <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/8/26&Lang=E>.

<sup>177</sup> See *supra* Section III.C.

<sup>178</sup> *Report of the Working Group of the Universal Periodic Review: India*, *supra* note 176, ¶ 72. The discrepancy in the distribution of wealth in India, and the fact that the suicides of agricultural workers point to the impacts of this discrepancy, is an important point. See also Mallika Kaur, *The Paradox of India's Bread Basket: Farmer Suicides in Punjab*, 25 FLETCHER J. HUMAN SECURITY 39, 40 (2010), available at

[http://fletcher.tufts.edu/praxis/archives/xxv/XXV\\_article3\\_Mallika\\_IndiaBreadbasket\\_FINAL.pdf](http://fletcher.tufts.edu/praxis/archives/xxv/XXV_article3_Mallika_IndiaBreadbasket_FINAL.pdf) (“Farmer suicides in Punjab expose the extreme rural plight that is otherwise shadowed by the prevalent narrative of “India Rising”—the billion-strong nation of India as one of the world’s fastest-growing economies.”).

<sup>179</sup> P. Sainath, *Corporate socialism's 2G orgy*, THE HINDU, Mar. 7, 2011, available at <http://www.thehindu.com/opinion/columns/sainath/article1514987.ece> (“In six years from 2005 – 06, the Government of India wrote off corporate income tax worth Rs 3,74,937 crore...in successive Union budgets.”). The “crore” unit equals ten million, which in turn converts to the US\$84 billion figure quoted above.

<sup>180</sup> *Oh! What a lovely waiver*, *supra* note 136 (“Between 2000 - 04, banks wrote off over Rs 44,000 crores (US\$9.8 billion). Mostly, this favoured a tiny number of wealthy people.”).

<sup>181</sup> India acceded to the ICCPR on April 10, 1979. UN Treaty Collection, ICCPR, [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en) (last visited Apr. 12, 2011).

<sup>182</sup> See *supra* note 172.

<sup>183</sup> India signed CEDAW on July 30, 1980, and ratified it on July 9, 1993. UN Treaty Collection, CEDAW, [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-8&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en) (last visited Apr. 12, 2011).

<sup>184</sup> India acceded to the CRC on December 11, 1992. UN Treaty Collection, CRC, [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&lang=en) (last visited Apr. 12, 2011).

<sup>185</sup> India signed ICERD on March 2, 1967, and ratified it on December 3, 1968. UN Treaty Collection, ICERD, [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-2&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&lang=en) (last visited Apr. 12, 2011).

<sup>186</sup> These eight conventions are also known as the ILO's "Fundamental Human Rights Conventions" and "cover[] subjects that are considered as fundamental principles and rights at work: freedom of association and the effective recognition of the right to collective bargaining; the elimination of all forms of forced or compulsory labour; the effective abolition of child labour; and the elimination of discrimination in respect of employment and occupation." ILO, Conventions and Recommendations, <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm> (last visited Mar. 15, 2011). The four Core Conventions that India has ratified are: C29: Forced Labour Convention, 1930; C105: Abolition of Forced Labour Convention, 1975; C100: Equal Remuneration Convention, 1951; and C111: Discrimination (Employment and Occupation) Convention, 1958. ILO, ILOLEX: Ratifications of the Fundamental human rights Conventions by country, <http://www.ilo.org/ilolex/english/docs/declworld.htm> (last visited Mar. 15, 2011).

<sup>187</sup> See *supra* note 171.

<sup>188</sup> *Id.*

<sup>189</sup> See, e.g., ECOSOC, Comm. on Econ., Soc. & Cultural Rights, *General Comment No. 12: The Right to Adequate Food*, ¶ 15, U.N. Doc. E/C.12/1999/5 (May 12, 1999), available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/3d02758c707031d58025677f003b73b9?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/3d02758c707031d58025677f003b73b9?Opendocument) ("The obligation to protect requires measures by the State to ensure that enterprises or individuals do not deprive individuals of their access to adequate food."); *Maastricht Guidelines on Violations of Economic, Social, and Cultural Rights*, 20 HUM. RIGHTS Q. 691, 694, ¶ 6 (1998) [hereinafter *Maastricht Guidelines*], available at <http://www.jstor.org/stable/pdfplus/762783.pdf> ("The obligation to protect requires States to prevent violations of such rights by third parties."); *id.* at 698, ¶ 18 ("The obligation to protect includes the State's responsibility to ensure that private entities or individuals, including transnational corporations over which they exercise jurisdiction, do not deprive individuals of their economic, social and cultural rights. States are responsible for violations of economic, social and cultural rights that result from their failure to exercise due diligence in controlling the behaviour of such non-state actors.").

<sup>190</sup> See, e.g., *General Comment No. 12: The Right to Adequate Food*, *supra* note 189, ¶ 15 ("The obligation to fulfil (facilitate) means the State must pro-actively engage in activities intended to strengthen people's access to and utilization of resources and means to ensure their livelihood, including food security. Finally, whenever an individual or group is unable, for reasons beyond their control, to enjoy the right to adequate food by the means at their disposal, States have the obligation to fulfil (provide) that right directly.").

<sup>191</sup> International Covenant on Civil and Political Rights [ICCPR], art. 2(3), Dec. 16, 1966, 999 U.N.T.S. 171, available at <http://www2.ohchr.org/english/law/pdf/ccpr.pdf>.

<sup>192</sup> See, e.g., CTR. FOR HUMAN RIGHTS & GLOBAL JUSTICE, RIGHTS WITHIN REACH 9 (2010), available at <http://www.chrgj.org/projects/docs/rightswithinreach.pdf> (citing Human Rights Comm., *General Comment No. 31: Nature of the General Legal Obligation on State Parties to the Covenant*, ¶ 4, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (May 26, 2004), available at <http://www.unhcr.org/refworld/pdfid/478b26ae2.pdf>) ("Much attention has focused on proposals regarding Nepal's federal structure and on the creation of individual states to protect the rights of marginalized groups. Regardless of what form of State structure is ultimately adopted, Nepal's obligation to respect, protect, and fulfill human rights extends to all levels of government—national, regional, and local.").

<sup>193</sup> International Convention on Economic, Social, and Cultural Rights [ICESCR], art. 2(1), Dec. 16, 1966, 993 U.N.T.S. 3, available at <http://www2.ohchr.org/english/law/pdf/cescr.pdf>.

<sup>194</sup> For an interpretation of the legal obligations of Article 2(1), see generally ECOSOC, Comm. on Econ., Soc. & Cultural Rights, *General Comment No. 3: The nature of States parties obligations (Art. 2, para. 1 of the Covenant)*, U.N. Doc. E/1991/23 (Dec. 14, 1990), available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/94bdbaf59b43a424c12563ed0052b664?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/94bdbaf59b43a424c12563ed0052b664?Opendocument).

<sup>195</sup> *Id.*, ¶¶ 1-2; ECOSOC, Comm. on Econ., Soc. & Cultural Rights, *General Comment No. 20: Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)*, ¶ 7, U.N. Doc. E/C.12/GC/20 (July 2, 2009), available at <http://www2.ohchr.org/english/bodies/cescr/docs/E.C.12.GC.20.doc>; ICESCR, *supra* note 193, art. 2(2); Comm. on the Elimination of Racial Discrimination, *General Recommendation No. 14: Definition of racial discrimination (Art., par. 1)*, ¶ 2, U.N. Doc A/48/18 (Mar. 22, 1993), available at <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/d7bd5d2bf71258aac12563ee004b639e?Opendocument>; Human Rights Comm., *General Comment No. 18: Non-Discrimination*, ¶ 7, U.N. Doc. HRI\GEN\1\Rev.1 (Nov. 10, 1989), available at <http://www.unhchr.ch/tbs/doc.nsf/0/3888b0541f8501c9c12563ed004b8d0e?Opendocument>; Special Rapporteurs on the topic of discrimination based on work and descent, *Final Report of Mr. Yozo Yokota and Ms. Chin-Sung Chung, Special Rapporteurs on the topic of discrimination based on work and descent: Annex: Draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent*, ¶ 18, delivered to the 11th Session of the Human Rights Council, U.N. Doc. A/HRC/11/CRP.3 (May 18, 2009), available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/11session/CRP/A-HRC-11-CRP3.pdf>.

<sup>196</sup> *General Comment No. 3*, *supra* note 194, ¶ 10.

<sup>197</sup> *See id.*, ¶ 9 (“any deliberately retrogressive measures in that regard [in contrast to progressive realization] would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources.”).

<sup>198</sup> *See* sources cited *supra* note 189. *See also* I/A Court H.R., Vélásquez Rodríguez v. Honduras, Judgment of July 29 1989, Series C, No. 4, paras. 172, 176, *available at* [http://www1.umn.edu/humanrts/iachr/b\\_11\\_12d.htm](http://www1.umn.edu/humanrts/iachr/b_11_12d.htm).

<sup>199</sup> *See, e.g.*, Vélásquez Rodríguez, *supra* note 198, ¶ 176 (“The State is obligated to investigate every situation involving a violation of the rights protected by the Convention.”).

<sup>200</sup> *Id.*, ¶ 172.

<sup>201</sup> I/A Court H.R., Gonzalez et al. v. Mexico (“Cotton Field”), Judgment of Nov. 16, 2009, Series C, No. 205, paras. 364–70, *available at* [http://www.corteidh.or.cr/docs/casos/articulos/seriec\\_205\\_ing.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_205_ing.pdf).

<sup>202</sup> India signed ICERD on March 2, 1967, and ratified it on December 3, 1968. UN Treaty Collection, ICERD, *supra* note 185. India signed CEDAW on July 30, 1980, and ratified it on July 9, 1993. UN Treaty Collection, CEDAW, *supra* note 183. Additional conventions, such as the Convention on the Rights of Persons With Disabilities (CRPD) and the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (“Migrant Workers Convention”), also protect those who might be marginalized on account of disability, or their status as migrants. India signed the CRPD on March 30, 2007, and ratified it on October 1, 2007. UN Treaty Collection, CRPD, [http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15&chapter=4&lang=en](http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en) (last visited April 28, 2011). India has not, however, signed or ratified the Migrant Workers Convention. UN Treaty Collection, International Convention on the Protection of the Rights of All Migrant Workers and Their Families, [http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-13&chapter=4&lang=en](http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-13&chapter=4&lang=en) (last visited April 28, 2011).

<sup>203</sup> *General Comment No. 3*, *supra* note 194, ¶ 12. Especially vulnerable members of the population include, in the Committee’s view, the disabled (ECOSOC, Comm. on Econ. Soc. & Cultural Rights, *General Comment No. 5: The Rights of Persons with Disabilities*, ¶ 9, U.N. Doc. E/1995/22 (Dec. 9, 1994), *available at* <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/4b0c449a9ab4ff72c12563ed0054f17d?Opendocument>), the elderly (ECOSOC, Comm. on Econ. Soc. & Cultural Rights, *General Comment No. 6: The economic, social, and cultural rights of older persons*, ¶ 17, U.N. Doc. E/1996/22 (Dec. 8, 1995), *available at* <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/482a0aced8049067c12563ed005acf9e?Opendocument>), and the homeless (ECOSOC, Comm. on Econ. Soc. & Cultural Rights, *General Comment No. 4: The right to adequate housing (Art. 11(1))*, ¶ 13, U.N. Doc. E/1992/23 (Dec. 13, 1991), *available at* <http://www.unhchr.ch/tbs/doc.nsf/%28Symbol%29/469f4d91a9378221c12563ed0053547e?Opendocument>).

<sup>204</sup> *Consideration of Reports Submitted Under Articles 16 & 17 of the Covenant*, *supra* note 173, ¶ 29.

<sup>205</sup> *See generally* Special Representative on the issue of human rights and transnational corporations and other business enterprises, *Protect, Respect and Remedy: A Framework for Business and Human Rights: Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie, delivered to the 8<sup>th</sup> Session of the Human Rights Council*, U.N. Doc. A/HRC/8/5 (Apr. 7, 2008) [hereinafter *Protect, Respect and Remedy*], *available at* <http://www.reports-and-materials.org/Ruggie-report-7-Apr-2008.pdf> (presenting the new framework to the Human Rights Council).

<sup>206</sup> Ruggie has since introduced Guiding Principles for the framework. These Guiding Principles, scheduled for approval by the Human Rights Council in June 2011, offer a set of practical recommendations for the implementation of the framework. In other words, the Guiding Principles explain, through greater analysis and reasoning, how the “Protect, Respect, Remedy” framework can and should be applied. *See generally* Special Representative on the issue of human rights and transnational corporations and other business enterprises, *Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie: Guiding Principles on Business and Human Rights: Implementing the “Protect, Respect and Remedy” Framework*, delivered to the 17<sup>th</sup> Session of the Human Rights Council, U.N. Doc. A/HRC/17/31 (Mar. 21, 2011) [hereinafter *Guiding Principles*], *available at* <http://www.business-humanrights.org/media/documents/ruggie/ruggie-guiding-principles-21-mar-2011.pdf>.

<sup>207</sup> *See Protect, Respect and Remedy*, *supra* note 205, ¶¶ 9, 54–55.

<sup>208</sup> *Guiding Principles*, *supra* note 206, ¶ 6, Annex ¶ 11.

<sup>209</sup> *Id.*, Annex ¶ 13.

<sup>210</sup> *Protect, Respect and Remedy*, *supra* note 205, ¶ 56. In order to perform adequate due diligence, companies should: adopt human rights policies, which must be integrated throughout the company; conduct human rights impact assessments of their proposed plans “to address and avoid potential negative human rights impacts on an ongoing basis”; track human rights compliance performance; and facilitate “initiatives [that] can promote [the] sharing of information, improvement of tools, and standardization of metrics” on a global scale.” *Id.*, ¶¶ 60–64. Furthermore, “[f]or the substantive content of

the due diligence process, companies should look, at a minimum, to the international bill of human rights [i.e. the Universal Declaration of Human Rights, as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights] and the core conventions of the ILO, because the principles they embody comprise the benchmarks against which other social actors judge the human rights impacts of companies.” *Id.*, ¶ 58. Furthermore, according to the guiding principles that are awaiting approval by the Human Rights Council, “[a]ddressing adverse human rights impacts requires taking adequate measures for their prevention, mitigation and, where appropriate, remediation.” *Guiding Principles*, *supra* note 206, Annex ¶ 11; *see also id.*, Annex ¶¶ 13, 17.

<sup>211</sup> *Protect, Respect and Remedy*, *supra* note 205. ¶¶ 68, 72 (noting that the responsibility to exercise leverage is not engaged in all circumstances but rather “depends on the potential and actual human rights impacts resulting from a company’s business activities and the relationships connected to those activities.”).

<sup>212</sup> *Id.*, ¶ 73.

<sup>213</sup> Comm’n on Human Rights, *Question of the Realization in all Countries of the Economic, Social and Cultural rights Contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and Study of Special Problems which the Developing Countries Face in their Efforts to Achieve these Human Rights*, ¶ 4(d), U.N. Doc. E/CN.4/RES2001/30 (Apr. 20, 2001), available at [http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN\\_4-RES-2001-30.doc](http://ap.ohchr.org/documents/E/CHR/resolutions/E-CN_4-RES-2001-30.doc) (reaffirming “the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms.”).

<sup>214</sup> ICCPR, *supra* note 191, art. 6.

<sup>215</sup> *See supra* note 181.

<sup>216</sup> For more on the “respect, protect, fulfill” framework, see *supra* Section IV.B.

<sup>217</sup> Human Rights Comm., *General Comment No. 6: The right to life (art. 6)*, ¶ 5 (Apr. 30, 1982) [hereinafter *General Comment No. 6: The right to life*], available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/84ab9690ccd81fc7c12563ed0046fae3?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/84ab9690ccd81fc7c12563ed0046fae3?OpenDocument).

<sup>218</sup> *Id.*, ¶ 5.

<sup>219</sup> *See, e.g.*, ECOSOC, Comm. on Econ., Soc. & Cultural Rights, *Report on the Twenty-Second, Twenty-Third, and Twenty-Fourth Sessions*, ¶ 273, U.N. Doc. E/C.12/2000/21 (2001), available at <http://www.unhcr.org/refworld/pdfid/45c30b2e0.pdf> (remarking on Mongolia’s report to the committee: “The challenges faced by the State party include...child suicide...The Committee is concerned that there is no policy response to address increasing substance abuse and child and adolescent suicide.”); ECOSOC, Comm. on Econ., Soc. & Cultural Rights, *Report on the Twentieth and Twenty-First Sessions*, ¶ 117, U.N. Doc. E/C.12/1999/11 (2000), available at [http://www.unhchr.ch/tbs/doc.nsf/0/48caae1c5c49824c802568e300333c37/\\$FILE/G0041210.pdf](http://www.unhchr.ch/tbs/doc.nsf/0/48caae1c5c49824c802568e300333c37/$FILE/G0041210.pdf) (remarking on Denmark’s report to the committee: “The Committee encourages the Government to continue its efforts to combat the problem of youth suicide and it recommends that statistical data be collected and that thorough and targeted studies be conducted on the extent, the causes and the consequences of this problem.”); ECOSOC, Comm. on Econ., Soc. & Cultural Rights, *Report on the Fourteenth and Fifteenth Sessions*, ¶ 318, U.N. Doc. E/C.12/1996/6 (1997), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G97/161/19/PDF/G9716119.pdf?OpenElement> (remarking on Finland’s report to the committee: “The Committee encourages the Government to continue its efforts to combat the problems of alcoholism, domestic violence, child and adolescent suicide and child abuse and it recommends that statistical data be collected and that thorough and targeted studies be conducted on the extent, the causes and the consequences of such problems. The Committee particularly draws the attention of the authorities to the importance to be given to detection measures and preventive policies.”).

<sup>220</sup> *See, e.g.*, Special Rapporteur on violence against women, its causes and consequences, *Yakin Erturk: Addendum: mission to Turkey*, ¶ 79, delivered to the 4th Session of the Human Rights Council, U.N. Doc. A/HRC/4/34/Add.2 (Jan. 5, 2007), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/100/90/PDF/G0710090.pdf?OpenElement> (recommending that the Turkish government “[e]nsure that the law enforcement authorities investigate suicides, accidents and other violent deaths of women and girls with particular diligence. In all cases of suicides, accidents or other violent deaths involving women and girls, a full-scale medical autopsy performed by specialized forensic experts should be required.”).

<sup>221</sup> *See supra* Section III.A.

<sup>222</sup> *See supra* Sections III.B-C.

<sup>223</sup> ICESCR, *supra* note 193, art. 11(1). *See also* Universal Declaration of Human Rights [UDHR], art. 25(1), G.A. Res. 217A, at 71, U.N. GAOR, 3d Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 10, 1948), available at <http://www.un.org/en/documents/udhr/index.shtml> (“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”).

<sup>224</sup> ICESCR, *supra* note 193, art. 11(1).

<sup>225</sup> See *supra* Section II.

<sup>226</sup> Malone, *supra* note 28.

<sup>227</sup> *Vidarbha Farmers' Suicides Inspire Highway Blockade Across India*, ENVTL. NEWS SERVICE, Oct. 3, 2007, <http://www.ens-newswire.com/ens/oct2007/2007-10-03-01.asp>.

<sup>228</sup> *Id.*

<sup>229</sup> See *supra* Sections III.B-C. More specifically, on the removal of subsidies, see Sengupta, *supra* note 36; *supra* Section II.A. On failing to regulate corporations in India, see *Yearwise List of Commercially Released Varieties of Bt Cotton Hybrids by GEAC*, *supra* note 61 (on the approval of hundreds of Bt cotton varieties; *supra* Section II.B (on the widespread adoption of Bt cotton). On the failure of India to change course with respect to structural changes in its agrarian economy, see *supra* Section IV.A (contrasting one-time relief policies with the lack of structural changes).

<sup>230</sup> *Farm Suicides: A 12-year saga*, *supra* note 158.

<sup>231</sup> See *supra* note 164.

<sup>232</sup> *Protect, Respect and Remedy*, *supra* note 205, ¶¶ 9, 54-55.

<sup>233</sup> Malone, *supra* note 28.

<sup>234</sup> See Convention on the Elimination of All Forms of Discriminations against Women [CEDAW], art. 14(2), Dec. 18, 1979, 1249 U.N.T.S. 13, available at <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> (“States Parties 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: . . . (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”).

<sup>235</sup> See Convention on the Rights of the Child [CRC], art. 27, Nov. 20, 1989, 1577 U.N.T.S. 3, available at <http://www2.ohchr.org/english/law/pdf/crc.pdf> (“States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development” . . . (3) States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.”).

<sup>236</sup> CEDAW, *supra* note 234, art. 14(2).

<sup>237</sup> CRC, *supra* note 235, art. 27(1).

<sup>238</sup> Malone, *supra* note 28; *Farm Suicides Turn Children Into Farmers*, *supra* note 25.

<sup>239</sup> *Farm Suicides Turn Children Into Farmers*, *supra* note 25.

<sup>240</sup> ICESCR, *supra* note 193, art. 11(2).

<sup>241</sup> *Id.*, art. 11(1).

<sup>242</sup> *General Comment No. 12*, *supra* note 189, ¶ 6.

<sup>243</sup> *Id.*, ¶ 13.

<sup>244</sup> *Id.*, ¶ 12.

<sup>245</sup> *Id.*, ¶ 8.

<sup>246</sup> *Id.*, ¶ 13.

<sup>247</sup> See *supra* Section II.B.

<sup>248</sup> *Farm Suicides Turn Children Into Farmers*, *supra* note 25.

<sup>249</sup> In its recommendations after India's most recent period State report submission under the ICESCR, the ESCR Committee “[drew] the attention of the State party [India] to para. 19 of the Committee's General Comment No.12 on the right to adequate food (1999).” *Consideration of Reports Submitted Under Articles 16 & 17 of the Covenant*, *supra* note 173, ¶ 69. Paragraph 19 enumerates, non-exhaustively, the “[v]iolations of the right to food [that] can occur through the direct action of States or other entities insufficiently regulated by States.” *General Comment No. 12*, *supra* note 189, ¶ 19. The violations listed include: “the formal repeal or suspension of legislation necessary for the continued enjoyment of the right to food; denial of access to food to particular individuals or groups, whether the discrimination is based on legislation or is pro-active; the prevention of access to humanitarian food aid in internal conflicts or other emergency situations; adoption of legislation or policies which are manifestly incompatible with pre-existing legal obligations relating to the right to food; and failure to regulate activities of individuals or groups so as to prevent them from violating the right to food of others, or the failure of a State to take into account its international legal obligations regarding the right to food when entering into agreements with other States or with international organizations.” *Id.*

<sup>250</sup> ICESCR, *supra* note 193, art. 11(2)(a).

<sup>251</sup> See CHRISTIAN AID, *supra* note 32, at 17 (finding that, after the implementation of new economic policies, “[f]armers were encouraged to shift from growing a mixed bag of traditional subsistence crops to concentrating on single cash crops.”); Special Rapporteur on the right to food, *Report of the Special Rapporteur on the right to food*, Olivier De Schutter:



*Building resilience: a human rights framework for world food and nutrition security*, 41, delivered to the 9<sup>th</sup> Session of the Human Rights Council, U.N. Doc. A/HRC/9/23 (Sept. 8, 2008), available at <http://www.srfood.org/images/stories/pdf/officialreports/or1-a-1-hrc-9-23final-eng.pdf> (noting the problematic existence of a “current situation in which, due to the significant purchasing power of consumers in industrialized countries, [there is] a competition...between the production of food for local consumption in developing countries and the production of [crops]...for other uses in industrialized countries. This is...a...phenomenon...which is linked to the problem of cash crops in general[.]”). Additionally, as the Special Rapporteur on the right to food has pointed out, “the progressive switch to more intensive forms of agricultural production, with the attendant environmental impacts and negative consequences for global warming,...[is] a trend which is encouraged by the specialization of countries in cash crops for exports.” Special Rapporteur on the right to food, *Background document prepared by the UN Special Rapporteur on the Right to Food, Mr. Olivier De Schutter, on his mission to the World Trade Organization (WTO), presented to the Human Rights Council in March 2009 (background study to UN doc. A/HRC/10/005/Add.2)* 17 (Jan. 1, 2009), available at <http://www.srfood.org/images/stories/pdf/otherdocuments/9-srreportmissionwto-1-09.pdf>.

<sup>252</sup> The right to water is explicit in CEDAW and the CRC. See CEDAW, *supra* note 234, art. 14(2) (“States Parties 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:... (h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.”); CRC, *supra* note 235, art. 24(2): “States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:... (c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution.”). The right to water is also implicit in the ICESCR. See ECOSOC, Comm. on Econ., Soc. & Cultural Rights, *General Comment No. 15: The right to water (arts. 11 and 12 of the International Covenant on Economic, Social and Cultural Rights)*, ¶ 3, U.N. Doc. E/C.12/2002/11 (Jan. 20, 2003), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/402/29/PDF/G0340229.pdf?OpenElement> (“Article 11, paragraph 1, of the Covenant specifies a number of rights emanating from, and indispensable for, the realization of the right to an adequate standard of living... The right to water clearly falls within the category of guarantees essential for securing an adequate standard of living, particularly since it is one of the most fundamental conditions for survival... The right to water is also inextricably related to the right to the highest attainable standard of health (art. 12, para. 1) and the rights to adequate housing and adequate food (art. 11, para. 1).”).

<sup>253</sup> Human Rights Council, *Human rights and access to safe drinking water and sanitation*, ¶ 3, U.N. Doc. A/HRC/15/L.14 (Sept. 24, 2010), available at <http://daccess-dds-ny.un.org/doc/UNDOC/LTD/G10/163/09/PDF/G1016309.pdf?OpenElement> (“Affirms that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and inextricably related to the right to the highest attainable standard of physical and mental health, as well as the right to life and human dignity.”).

<sup>254</sup> *General Comment No. 15*, *supra* note 252, ¶ 37.

<sup>255</sup> *Id.*, ¶ 7.

<sup>256</sup> OCCASIONAL PUBLICATION NO. 22: AGRARIAN CRISIS AND FARMERS SUICIDE, *supra* note 20 (noting that India is “in the process... of privatizing water and privatizing irrigation water. Laws have already been passed in several states.”).

<sup>257</sup> See *General Comment No. 15*, *supra* note 252, ¶ 23 (“The obligation to *protect* requires State parties to prevent third parties from interfering in any way with the enjoyment of the right to water. Third parties include individuals, groups, corporations and other entities as well as agents acting under their authority. The obligation includes, inter alia, adopting the necessary and effective legislative and other measures to restrain, for example, third parties from denying equal access to adequate water; and polluting and inequitably extracting from water resources, including natural sources, wells and other water distribution systems.”); *id.*, ¶ 44(b) (“Violations of the obligation to protect follow from the failure of a State to take all necessary measures to safeguard persons within their jurisdiction from infringements of the right to water by third parties”).

<sup>258</sup> Malone, *supra* note 28; Sengupta, *supra* note 36 (“Nearly 60 percent of Indian agriculture still depends entirely on the rains”).

<sup>259</sup> See *supra* Section II.B.

<sup>260</sup> See *Protect, Respect and Remedy*, *supra* note 205, ¶¶ 9, 54-55. See also *supra* note 205 and accompanying text; *Guiding Principles*, *supra* note 206, ¶ 13 (“The responsibility to respect human rights requires that business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; (b) Seek 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.”). This is, essentially, deception by omission, and under the Guiding Principles for the “Protect, Respect, Remedy” framework,

omissions are included under the definition of business “activities” that may adversely impact human rights. *Guiding Principles*, *supra* note 206, ¶ 13.

<sup>261</sup> ICESCR, *supra* note 193, art. 12.

<sup>262</sup> ECOSOC, Comm. on Econ., Soc. & Cultural Rights, *General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12)*, ¶ 4, E/C.12/2000/4 (Aug. 11, 2000), *available at* <http://www.unhcr.org/refworld/pdfid/4538838d0.pdf>.

<sup>263</sup> *Id.*, ¶ 12(a).

<sup>264</sup> G.A. Res. 46/119, principle 1(1), U.N. Doc. A/Res/46/119 (Dec. 17, 1991), *available at* <http://www.un.org/documents/ga/res/46/a46r119.htm> (entitled, “Principles for the protection of persons with mental illness and the improvement of mental health care”).

<sup>265</sup> See Ramya Kanna, *Spate of farmers’ suicides in India worrying WHO*, THE HINDU, Oct. 15, 2006, *available at* <http://www.hindu.com/2006/10/15/stories/2006101514820800.htm>. Then-Director of the WHO Department of Mental Health and Substance Dependence, Benedetto Saraceno, expressed concern about the farmer suicides in India, which he believes are the result of “[u]ndiagnosed and untreated depression, along with catastrophic social circumstances and easy access to methods of suicide.” Saraceno stated that “[t]he WHO was working on putting on the agenda of the Indian Government the need to reduce access to the usual methods of suicide [namely pesticide ingestion]” noting that for example, “[s]ome methods adopted worldwide that seemed to have worked included making it difficult to open bottles of pesticide and reducing the toxicity.” *Id.*

<sup>266</sup> CRC, *supra* note 235, art. 24(1).

<sup>267</sup> *Farm Suicides Turn Children Into Farmers*, *supra* note 25.

<sup>268</sup> *Little done for Farm Sector*, *supra* note 12 (“Health is one of the major causes for the bankruptcy of farmers in the country.”); *In Yavatmal, life goes on*, *supra* note 140 (reporting the story of Saraswati Amberwar, who stated that she and her family were spending an exorbitant amount on her daughter’s illnesses, and that “We’ve sold off several acres and some cattle over these years to cope. But farming gets costlier and more difficult.”).

<sup>269</sup> ICCPR, *supra* note 191, art. 2(1) (“Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”); ICESCR, *supra* note 193, art. 2(2) (“The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”); International Convention on the Elimination of All Forms of Racial Discrimination [ICERD], art. 1(1), Mar. 7, 1966, 660 U.N.T.S. 195, *available at* <http://www2.ohchr.org/english/law/pdf/cerd.pdf> (“In this Convention, the term ‘racial discrimination’ shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life); *id.*, art. 1(4) (“Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.”); CRC, *supra* note 235, art. 2(1) (“States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”); CEDAW, *supra* note 234, art. 2 (“States Parties condemn discrimination against women in all its forms...”).

<sup>270</sup> *General Recommendation No. 14*, *supra* note 195; *General Comment No. 18*, *supra* note 195, ¶ 7. Direct discrimination occurs when a policy or measure has the purpose of discriminating against a particular group; indirect discrimination occurs when a measure is neutral on its face but has a disparate effect on a particular group.

<sup>271</sup> UDHR, *supra* note 223, art. 2; ICERD, *supra* note 269, arts. 1, 2, 5; ICESCR, *supra* note 193, arts. 2(2), 3; ICCPR, *supra* note 191, arts. 2(1), 3, 24(1); CRC, *supra* note 235, art. 2; CEDAW, *supra* note 234, arts. 1, 2, 11(2); *General Comment No. 20*, *supra* note 195, ¶¶ 29, 30, 32-34.

<sup>272</sup> See Comm. on the Elimination of Racial Discrimination, *General Recommendation No. 29: Article 1, paragraph 1 of the Convention (Descent)*, ¶ 1, U.N. Doc. A/57/18 (Nov. 1, 2002), *available at* [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/f0902ff29d93de59c1256c6a00378d1f?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/f0902ff29d93de59c1256c6a00378d1f?Opendocument) (“*Strongly reaffirming* that discrimination based on ‘descent’ includes discrimination against members of communities based on

forms of social stratification such as caste and analogous systems of inherited status which nullify or impair their equal enjoyment of human rights[.]”).

<sup>273</sup> ICERD, *supra* note 269, art. 5.

<sup>274</sup> See *id.*, art. 2(1)(b), (d); Comm. on the Elimination of Racial Discrimination, *General Recommendation No. 20: Non-discriminatory implementation of rights and freedoms (Art. 5)*, U.N. Doc. A/51/18 (Mar. 15, 1996), available at [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/8b3ad72f8e98a34c8025651e004c8b61?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/8b3ad72f8e98a34c8025651e004c8b61?Opendocument); *General Recommendation No. 29*, *supra* note 272, ¶ 6; *Draft UN Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent*, *supra* note 195, No. 10. See also *General Comment No. 31*, *supra* note 192, ¶ 8 (pointing out that under the ICCPR, “[t]here may be circumstances in which a failure to ensure Covenant rights as required by article 2 would give rise to violations by States Parties of those rights, as a result of States Parties’ permitting or failing to take appropriate measures or to exercise due diligence to prevent, punish, investigate or redress the harm caused by such acts by private persons or entities.”).

<sup>275</sup> See B.B. Mohanty, ‘We are Like the Living Dead’: Farmer Suicides in Maharashtra, Western India, 32 J. OF PEASANT STUD. 243, 259 (2005), available at

<http://www.informaworld.com/smpp/ftinterface~db=all~content=a714004004~fulltext=713240930> (citing Gail Omvedt, *Dalit Suicides?*, THE HINDU, Apr. 24, 1999) (“[T]he problem facing small farmers from the lower castes is simply stated. The cultivation of cotton requires extensive knowledge that was virtually new to such producers, not least because more than 58 per cent of them had been engaged in this highly competitive commercial economic activity for less than five years. Elsewhere in Maharashtra the same kind of difficulty has surfaced, in the shape of lower caste farmers being driven to suicide due to crop losses resulting from inadequate technical knowledge about the growing of commercial crop[.]”).

<sup>276</sup> *Debt burden more on women: P. Sainath*, *supra* note 122.

<sup>277</sup> CEDAW, *supra* note 234, arts. 1-4. CEDAW forbids “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women... on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.” *Id.*, art. 1. It further allows for “temporary special measures aimed at accelerating de facto equality between men and women.” *Id.*, art. 4.

<sup>278</sup> *Id.*, art. 14(1),

<sup>279</sup> *Id.*, art. 14(2).

<sup>280</sup> *Id.*, art. 13(b).

<sup>281</sup> *When the one who dies is a woman*, *supra* note 152.

<sup>282</sup> *Id.*

<sup>283</sup> *Id.*

<sup>284</sup> Comm. on the Elimination of Discrimination against Women, *General Recommendation No. 9: Statistical data concerning the situation of women* (1989), available at

<http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom9>.

<sup>285</sup> Comm. on the Elimination of Discrimination against Women, *General recommendation No. 25, on article 4, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, on temporary special measures*, ¶ 38 (2004), available at [http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(English\).pdf](http://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(English).pdf).

<sup>286</sup> *Id.*

<sup>287</sup> Under ICCPR Article 2(3), India undertakes: “(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted.” ICCPR, *supra* note 191, art. 2(3). See also *General Comment No. 31*, *supra* note 192, ¶ 15 (“Article 2, paragraph 3, requires that in addition to effective protection of Covenant rights States Parties must ensure that individuals also have accessible and effective remedies to vindicate those rights. Such remedies should be appropriately adapted so as to take account of the special vulnerability of certain categories of person, including in particular children. The Committee attaches importance to States Parties’ establishing appropriate judicial and administrative mechanisms for addressing claims of rights violations under domestic law. The Committee notes that the enjoyment of the rights recognized under the Covenant can be effectively assured by the judiciary in many different ways, including direct applicability of the Covenant, application of comparable constitutional or other provisions of law, or the interpretive effect of the Covenant in the application of national law. Administrative mechanisms are particularly required to give effect to the general obligation to investigate allegations of violations promptly, thoroughly and

effectively through independent and impartial bodies. National human rights institutions, endowed with appropriate powers, can contribute to this end. A failure by a State Party to investigate allegations of violations could in and of itself give rise to a separate breach of the Covenant. Cessation of an ongoing violation is an essential element of the right to an effective remedy.”).

<sup>288</sup> See *supra* note 287. See also, e.g., Vélásquez Rodríguez, *supra* note 198, ¶ 172 (“The State is obligated to investigate every situation involving a violation of the rights protected by the Convention.”).

<sup>289</sup> See *General Comment No. 3, supra* note 194, ¶ 5 (“Among the measures which might be considered appropriate, in addition to legislation, is the provision of judicial remedies with respect to rights which may, in accordance with the national legal system, be considered justiciable. The Committee notes, for example, that the enjoyment of the rights recognized, without discrimination, will often be appropriately promoted, in part, through the provision of judicial or other effective remedies. Indeed, those States parties which are also parties to the International Covenant on Civil and Political Rights are already obligated (by virtue of arts. 2 (paras. 1 and 3), 3 and 26) of that Covenant to ensure that any person whose rights or freedoms (including the right to equality and non-discrimination) recognized in that Covenant are violated, “shall have an effective remedy” (art. 2 (3) (a)). In addition, there are a number of other provisions in the International Covenant on Economic, Social and Cultural Rights, including articles 3, 7 (a) (i), 8, 10 (3), 13 (2) (a), (3) and (4) and 15 (3) which would seem to be capable of immediate application by judicial and other organs in many national legal systems. Any suggestion that the provisions indicated are inherently non-self-executing would seem to be difficult to sustain.”); ECOSOC, Comm. on Econ., Soc. & Cultural Rights, *General Comment No. 9: The Domestic Application of the Covenant*, ¶ 2, U.N. Doc. E/C.12/1998/2 (Dec. 3, 1998) (“[ICESCR] norms must be recognized in appropriate ways within the domestic legal order, appropriate means of redress, or remedies, must be available to any aggrieved individual or group, and appropriate means of ensuring governmental accountability must be put in place.”). For a consideration of India’s obligation to provide remedies for violations of the ICESCR in relation to the situation of farmer suicides, see *Consideration of Reports Submitted Under Articles 16 & 17 of the Covenant, supra* note 173, ¶ 69.

<sup>290</sup> See, e.g., *General Comment No. 14, supra* note 262, ¶ 59 (“Any person or group victim of a violation of the right to health should have access to effective judicial or other appropriate remedies at both national and international levels. All victims of such violations should be entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition.”); *General Comment No. 15, supra* note 252, ¶ 55 (“Any persons or groups who have been denied their right to water should have access to effective judicial or other appropriate remedies at both national and international levels (see para. 4 of general comment no. 9 (1998) on domestic application of the Covenant, and principle 10 of the Rio Declaration on Environment and Development)...All victims of violations of the right to water should be entitled to adequate reparation, including restitution, compensation, satisfaction or guarantees of non-repetition.”); ECOSOC, Comm. on Econ., Soc. & Cultural Rights, *General Comment No. 16 (2005): The equal right of men and women to the enjoyment of all economic, social and cultural rights (art. 3 of the International Covenant on Economic, Social and Cultural Rights)*, ¶ 21, U.N. Doc. E/C.12/2005/ (Aug. 11, 2005), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G05/435/39/PDF/G0543539.pdf?OpenElement> (“The obligation to fulfil requires States parties to take steps to ensure that in practice, men and women enjoy their economic, social and cultural rights on a basis of equality. Such steps should include: (a) To make available and accessible appropriate remedies, such as compensation, reparation, restitution, rehabilitation, guarantees of non-repetition, declarations, public apologies, educational programmes and prevention programmes.”). But see *General Comment No. 9, supra* note 289, ¶ 9 (“there are some obligations, such as (but by no means limited to) those concerning non-discrimination, in relation to which the provision of some form of judicial remedy would seem indispensable in order to satisfy the requirements of the Covenant. In other words, whenever a Covenant right cannot be made fully effective without some role for the judiciary, judicial remedies are necessary.”).

<sup>291</sup> See, e.g., *Protect, Respect and Remedy, supra* note 205, ¶¶ 82-103; ICCPR, *supra* note 191, art. 2(3)(a) (“Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity...”).

<sup>292</sup> See generally NAGARAJ, *supra* note 12.

<sup>293</sup> P. Sainath, *17,368 farm suicides in 2009*, THE HINDU, Dec. 27, 2010, available at <http://www.thehindu.com/opinion/columns/sainath/article995824.ece>.

<sup>294</sup> As a State Party to multiple international human rights treaties, India must fulfill its obligations under these treaties. Alternative obligations are not an excuse for non-performance of human rights obligations. See generally Smita Narula, *The Right to Food: Holding Global Actors Accountable Under International Law*, 44 COLUM. J. OF TRANSNAT’L L. 641, 742 (2006) (“Member states [of international financial institutions] do not leave their human rights obligations at the door when entering these corridors of power.”).

<sup>295</sup> The National Commission on Farmers was convened by the Indian government in 2004 and was led by M.S. Swaminathan. Sharad Joshi, *National Commission on Farmers, at last*, THE HINDU, Mar. 3, 2004, available at <http://www.thehindubusinessline.in/2004/03/03/stories/2004030300160800.htm>. The Commission presented recommendations to Union Agriculture Minister Sharad Pawar in 2006. *Swaminathan Commission calls for farmers' policy*, THE HINDU, Apr. 14, 2006, available at <http://www.hindu.com/2006/04/14/stories/2006041410371700.htm>. To date, it appears that there has been no attempt to implement the recommendations contained in the Commission's report, nor does it appear that the Indian government has officially published the full report. The government has also not tabled an "Action Taken Report" with regard to the Commission's recommendations, which it is required to do. A version of the recommendations is available as a synopsis. See GOV. OF INDIA, MINISTRY OF AGRIC., NAT'L COMM'N ON FARMERS (NCF), SYNOPSIS OF NCF REPORT (Oct. 2006), available at [http://www.indianfarmers.org/publication\\_books/Synopsis%20of%20NCF%20Report.pdf](http://www.indianfarmers.org/publication_books/Synopsis%20of%20NCF%20Report.pdf). A more complete version of the fifth and final report is also available. See NCF, SERVING FARMERS AND SAVING FARMING (Oct. 2006), available at <http://krishakayog.gov.in/revdraft.pdf>.

<sup>296</sup> SERVING FARMERS AND SAVING FARMING *supra* note 295, at 24-25.

<sup>297</sup> *Id.* at 6-8.

<sup>298</sup> *Id.* at 17.

<sup>299</sup> *Protect, Respect, and Remedy*, *supra* note 205; *Guiding Principles*, *supra* note 206.

<sup>300</sup> *Guiding Principles*, *supra* note 206 ¶ 6, Annex ¶ 11.

<sup>301</sup> *Protect, Respect and Remedy*, *supra* note 205, ¶¶ 56, 63.

<sup>302</sup> *Guiding Principles*, *supra* note 206 ¶ 6, Annex ¶ 19.

<sup>303</sup> *Consideration of Reports Submitted Under Articles 16 & 17 of the Covenant*, *supra* note 173, ¶ 69 ("The Committee urges [India], 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, by *inter alia*: developing the rural infrastructures including irrigation as part of the *Bharat Nirman* programme; providing financial and other forms of assistance to families of suicide victims; ensuring that the existing agricultural insurance schemes, including the Crop Insurance Scheme and the Calamity Relief Fund, are fully implemented and are accessible to all farmers; providing state subsidies to enable farmers to purchase generic seeds which they are able to re-use, with a view to eliminating their dependency on multinational corporations. The Committee also recommends the State party to review the Seed Bill (2004) in light of its obligations under the Covenant and draw the attention of the State party to para. 19 of the Committee's General Comment No.12 on the right to adequate food (1999).").

<sup>304</sup> Peoples Forum for UPR in India, *India: Stakeholders Report Under the UPR 3* (2007), available at <http://www.achrweb.org/UN/HRC/UPR-India.pdf> ("The denial and deprivation of the economic, social and cultural rights also led to violations right to life through suicide, hunger and starvation. A staggering 89,362 farmers committed suicide between 1997 and 2005. Since 2002, there has become one suicide every 30 minutes.").

<sup>305</sup> *Compilation prepared by the office of the High Commissioner for Human Rights*, *supra* note 175, ¶ 40.

<sup>306</sup> Navdanya, *Social Human Rights in India 1* (2008), available at <http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/GMOsIndia40.doc>.

<sup>307</sup> *Consideration of Reports Submitted Under Articles 16 & 17 of the Covenant*, *supra* note 173, ¶¶ 29, 69.

<sup>308</sup> See *supra* notes 178-180 and accompanying text (discussing the discrepancy between one-time agrarian debt relief program and corporate tax and loan forgiveness in India).

<sup>309</sup> Bt cotton continues to be sold in India, including in newer varieties. For example, as noted above, Monsanto continues to market and sell its Bt cotton in India, transitioning from the first-generational Bollgard I to the newer-generation Bollgard II. See *supra* note 66.

<sup>310</sup> For example, India has approved field trials for GM rubber. K.S. Sudhi, *GM rubber: MoEF proposes field trials for 14 years*, THE HINDU, Jan. 6, 2011, available at <http://www.thehindu.com/sci-tech/agriculture/article1035719.ece>.