



INTERNATIONAL LAW  
JOURNAL

---

**WHITE BLACK  
LEGAL LAW  
JOURNAL**  
**ISSN: 2581-  
8503**

*Peer - Reviewed & Refereed Journal*

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

[WWW.WHITEBLACKLEGAL.CO.IN](http://WWW.WHITEBLACKLEGAL.CO.IN)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal

– The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK  
LEGAL

## **EDITORIAL TEAM**

### **Raju Narayana Swamy (IAS ) Indian Administrative Service officer**



Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) ( with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and a

professional diploma in Public Procurement from the World Bank.

### **Dr. R. K. Upadhyay**

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.





## **Senior Editor**

### **Dr. Neha Mishra**



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

### **Ms. Sumiti Ahuja**

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi, Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



### **Dr. Navtika Singh Nautiyal**

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of Law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.

## **Dr. Rinu Saraswat**



Associate Professor at School of Law, Apex University, Jaipur,  
M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

## **Dr. Nitesh Saraswat**

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



## **Subhrajit Chanda**



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

## ***ABOUT US***

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

# **VOICES FROM THE FIELDS: EXPLORING THE CONTEXT OF FARMER'S PROTESTS OF 2024 & ANALYZING THE INTERSECTION OF FARMERS' RIGHTS TO FREEDOM OF SPEECH AND EXPRESSION WITH JURISPRUDENTIAL NOTIONS OF RIGHTS AND DUTIES**

AUTHORED BY - DARSHEEN KAUR THAPAR & FALGUNI SHARMA

School of Law, Manav Rachna University

## **Abstract**

*The research paper on Voices from the fields: Exploring Farmer's Protests of 2024 in the context of Farmer's protests of 2024 and Farmer's Right of freedom of Speech and Expression investigates the Farmer's Protests of 2024 which became a significant socio-political phenomenon, garnering global attention and stirring arguments over farmer's rights, government policies, and the exercise of fundamental freedom. This research study seeks to give a complete examination of the contextual issues surrounding the protests, as well as to investigate the interaction of farmer's rights to free speech and expression with jurisprudential ideas of rights and duties. This multidisciplinary study will first contextualize the 2024 Farmer's Protests, taking into account the historical, economic, and political conditions that contributed to its genesis. It will illuminate the grievances, demands, and motivations driving the farmer's collective activities by evaluating primary sources, media accounts, and scholarly literature, providing a deeper picture of the demonstration's dynamics. Furthermore, this study will critically evaluate state authorities' responses to the Farmer's Protests, measuring the efficacy of legal frameworks, governmental policies, and law enforcement methods in maintaining both public order and individual liberty. Also, it will look at the ethical dimensions of farmers' rights in relation to their responsibilities as citizens, taking into account the broader consequences of practicing free speech and expression in a democracy. It aims to shed light on the difficulties of current social activity and its consequences for democracy and governance by investigating the relationship between farmer's rights, jurisprudential principles and ethical.*

**Keywords:** *farmers' protest, minimum support prices, right to expression, Indian agriculture, government response, political context, economic context, jurisprudence.*



## **Introduction**

The 2024 Indian farmers' protest is the second round of continuous protests and road blockades organized by farmers in the northern states of Punjab and Haryana, with the main demand being a legal framework that guarantees MSP for all agricultural produce. The rallies are similar to those held by farmers in 2021, which caused Prime Minister Narendra Modi to do a rare U-turn and scrap agricultural reform regulations. However, the farmers claim that their promises have been broken and they will not return until their demands are addressed. The farmer's protest in India in 2024 is a movement that demands guaranteed crop prices and the expansion of the minimum purchase price system to all farm produce not only vital commodities. Farmer's have also asked for doubling their income and for debt waivers Individual rights and responsibilities are frequently intertwined with pressing socio economic and political challenges in modern cultures. One such issue that has lately gained traction is the dispute over farmers' rights to free speech and expression. The purpose of this research study is to investigate this connection, namely how farmers' rights to free speech and expression connect with jurisprudential concepts of rights and duties. The agriculture sector, as the backbone of the Indian economy, carries tremendous socioeconomic and political weight. Farmers, as the key stakeholders in this sector, play an important role in food production and security. However, they frequently encounter a variety of obstacles, including as land rights concerns, agricultural policies, and market volatility, all of which can have an influence on their livelihood and well-being. Farmers may organize and participate in protests or demonstrations in reaction to perceived grievances in order to express their displeasure and seek restitution.

The exercise of freedom of speech and expression, which is recognized as a fundamental right in numerous legislative frameworks and international human rights agreements, is at the heart of these protests. Farmers have the ability to voice their concerns, question government decisions, and demand responsibility. However, the exercise of this right may be limited or restricted, especially if it conflicts with other rights or public interests. Jurisprudential theories give a framework for comprehending the nature and scope of rights and responsibilities in society. From natural law theories emphasizing intrinsic human rights to legal positivism's emphasis on rights as creations of legal systems, numerous perspectives shed light on the philosophical underpinnings of rights debate. Furthermore, the concept of duties complements the concept of rights by emphasizing the reciprocal obligations that individuals have toward one another and society as a whole.



## **Key Factors Leading to the Farmer's Protest**

The key factors leading to the 2024 farmers' protests in India include the following:

- 1. Minimum Support Price (MSP):** Farmers are demanding legal guarantees of a minimum support price (MSP) as a safety net for the farming community. This demand has been a central issue in the farmers' protests, as they believe that the MSP system protects them from price volatility and ensures a fair income for their produce, the Government promised to provide a legal guarantee of MSP (Minimum Support Price) for all crops during the 2014 Lok Sabha election campaign, which would cover all costs and 50 per cent margin as per the Swaminathan Committee formula.

The Punjab Mandi Board data shows a difference between the government's Minimum Support Prices (MSP) and the actual prices received by farmers in Punjab for various crops. For example, in the 2021-22 marketing year, maize was sold to private players for Rs 500-1,815 per quintal, despite the government announcing an MSP of Rs 1,870 per quintal. Similarly, in 2023-24, private players purchased Bajra at Rs 1,650 per quintal, versus the MSP of Rs 2,500 per quintal.

The data also shows that farmers have primarily sold their produce to private dealers at rates lower than the MSP for crops like as arhar, moong, and mash. According to Punjab Mandi Board data, farmers in Punjab prefer to stay in the wheat-paddy cycle and are hesitant to switch crops due to the disparity between published MSPs and actual prices. Farmers are demanding a law from the Centre to assure guaranteed MSP, while only wheat and paddy are now procured by government agencies in Punjab. The data highlights the difficulty farmers in Punjab experience in securing fair pricing for their produce, as well as the necessity for policy initiatives to address these issues.

- 1. Debt Waivers:** Farmers are also requesting exemptions of existing loans, which are frequently a source of misery and can lead to farmer suicide owing to crop failures and financial troubles. According to the most recent data on farmer suicide in India, there were 10,281 suicides in 2019, representing a modest decline from 2018. This figure remains high, with an average of more than ten suicides per day or 5760 suicides per year between 2017 and 2018.

The National Crime Records Bureau (NCRB) of India revealed that 296,438 Indian farmers committed suicide between 1995 and 2016. The primary causes of farmer suicide are debt, crop loss, and harassment by moneylenders. According to NCRB data, the number of farmer suicides has remained high over the last six years, with 5,600 farmers committing suicide in 2014 and 5,500 in 2020.

The NCRB classifies suicides in the farming sector into two categories: farmers/cultivators and agricultural laborers. A farmer/cultivator is defined as someone who works in agriculture and cultivates their own land. According to official figures from Uttar Pradesh, 398 farmers and 731 farm laborers died by suicide in the last six years.

However, the government's commitment to debt relief has been limited, with only two statewide loan waiver schemes in place since independence, one in 1990 and the other in 2008. The Agricultural and Rural Debt Relief Scheme (ARDRS), inaugurated in 1990 by the VP Singh-led National Front cabinet, was the first central government-led loan waiver scheme, benefiting 3.2 crore farmers and eliminating one-third of outstanding farm loans.

The second central waiver, issued in 2008 by the Manmohan Singh-led UPA I government, cost more than Rs 52,000 crore. Despite appeals for debt relief and concerns about the impact of debt on farmers, the government's operations on debt waivers have been limited, with loan waivers largely being used by state governments for political gains.

**3. Compensation for 2020-2021 Protests:** Farmers are seeking recompense for those who died during the

2020-2021 protests, with an estimated 750 martyrs killed throughout the conflict. Farmers are seeking recompense for those who perished during the 2020-2021 protests, with an estimated 750 martyrs.

According to statistics obtained by The Indian Express, details of 220 farmers/farm laborers who died during the agitation have been verified in Punjab, with 203 (92%) from the Malwa region, 11 (5%) from Majha, and 6 (2.7%) from Doaba.

Furthermore, the Samyukta Kisan Morcha, the entity leading the farmer protest, has stated the figure as being over 670 deaths, emphasizing the sacrifices made by these individuals during the

protest.

**4. Privatization of the Electricity Sector:** Farmers are protesting against the proposed privatization of the electrical sector since state governments now offer subsidized electricity to farmers, which help to reduce input costs. The current state of electrical sector privatization in India is the subject of much controversy and contention. The Indian government has advocated for privatization to improve the operational and financial performance of energy distribution firms (discoms). The administration has received criticism from a variety of stakeholders, including farmers, laborers, and unions, who are concerned about how privatization may affect subsidized electricity for farmers and the overall operation of the power sector.

The Electricity Amendment Bill, a fundamental component of the privatization attempts, has been delayed and opposed in Parliament. The measure intends to increase efficiency and effectiveness in the distribution industry by allowing private participation. However, there have been concerns voiced about the absence of extensive conversations with stakeholders, as well as the potential effects of privatization for users, particularly farmers who rely on subsidized electricity.

The debate focuses on issues such as anticipated power tariff increases, the impact on electrical workers, the role of regulatory organizations, and the overall ramifications for consumers and the general public.

**5. Dismissal of a Federal Minister:** The rallies call for the expulsion of a federal politician whose son is accused of running over farmers in Uttar Pradesh, escalating the farmers' outrage and calls for justice.

**6. Implementation of Promises:** Farmers are demanding for the implementation of promises made by the BJP administration in 2021, believing that BJP-ruled states are attempting to put back the repealed farm legislation through the backdoor.

**7. Agricultural Issues Committee:** The BJP government established a committee to handle farming difficulties, but it did not include officials from Punjab, Haryana, and Uttar Pradesh, which are key grain producers. The group has made little progress, leaving farmers to continue dealing with long-term issues including debt, crop failures, and climate change.

**8. Common Agricultural Policy:** They say that the EU's trade pact with Mercosur, which would lower agricultural tariffs, will exacerbate their plight. The EU Common Agricultural Policy (CAP) has historically contained a large portion of its budget for agriculture, but these funds have



increasingly gone to the larger landowners, leaving farmers at the mercy of mega-grocery chains and other transnational agro-corporate firms that pay farmers devastatingly low prices for their goods over time.

### **Government's Stance**

It is the State's duty to adopt laws that enhance the welfare of its citizens, while preserving their rights to livelihood, dignity, and participation in the process of decision-making.

The Indian government has proposed a number of measures to address farmer concerns, including purchasing entire quantities of certain crops at minimum support prices (MSPs) over the next five years, guaranteeing MSP purchases for farmers who diversify away from paddy and wheat, and entering into five-year contracts with farmers to purchase cotton produce.

These policies are intended to control food inflation, benefit consumers, and assure fair prices for farmers, while also addressing concerns about excessive water consumption and soil fertility in the wheat-paddy farming cycle. Farmers continue to want a legal guarantee for MSP and the Swaminathan formula for calculating it, as well as a promise that all crops will be purchased at MSP. Despite the government's efforts to provide alternatives the farmers remain steadfast in their demand. The BJP Government has taken several policy decisions and initiatives to increase the income of farmers in India like Pradhan Mantri Kisan Samman Nidhi Yojana (PM-KISAN), Pradhan Mantri Fasal Bima Yojana, PMAASHA scheme, etc.

The government's right of reasonable restriction if the citizens fail to perform their duty or exceed their duty- The government is preventing farmers from accessing Delhi owing to the Red Fort tragedy in 2021. Thousands of farmers stormed the Mughal-era Red Fort complex in the national capital, killing at least one person and clashing with police who shot tear gas. The farmers were opposing the repeal of new farm legislation, but their actions at the Red Fort violated the parameters of their protest. The government's decision to restrict their admission into Delhi was required to maintain peace and order and avert additional violence.

The right to peaceful protest is guaranteed by Article 19(1)(b) of the Indian Constitution, which states: "All citizens shall have the right to assemble peaceably and without arms." This right is also

recognized as part of Article 21 of the Constitution (Iftexhar Zakee Shaikh v State of Maharashtra). However, these rights are not absolute and may be subject to reasonable limitations.

The phrase 'reasonable constraints' suggests that a limitation imposed on a person in the exercise of a right should not be arbitrary or excessive, but should be commensurate to the goal sought to be achieved.

The methodology for determining reasonable constraints is not consistent and differs from statute to law. The limits must not jeopardize the public interest or the rights and freedoms of others. The Supreme Court has ruled that the term 'reasonable restriction' cannot be reduced to a single definition, and the criteria will differ from case to case.

The reasonable limitations/restrictions are mentioned in Article 19(2) as follows:

Sovereignty and integrity of India, security of the State, friendly relations with foreign states, public order, decency or morality, contempt of court, defamation, incitement to an offence, or for protecting the interests of any Scheduled Tribe.

The restrictions should be based on sound reasoning arising out of legislative deliberations and should not be of an excessive nature so as to harm the public interest.

### **IS THE FREEDOM OF SPEECH AND EXPRESSION OF FARMER'S BEING AFFECTED?**

The government's tactics to repress dissent amid the ongoing farmers' demonstrations in India are having an impact on farmers' freedom of speech and expression. The Indian government has tried a variety of measures to suppress free expression, including as detaining journalists, freezing Twitter accounts, and restricting access to specific websites and social media platforms.

The right to peaceful protest is not explicitly stated as a fundamental right in the Indian Constitution; however, the right to freedom of speech and expression, as well as the right to peaceful assembly, are enshrined in the Constitution and frequently interpreted to include the right to peaceful protest. Article 19(1)(b) of the Indian Constitution guarantees the right to peaceful protest. It states: "All citizens shall have the right to assemble peaceably and without arms." This right is also recognized as part of Article 21 of the Constitution (Iftexhar Zakee Shaikh v State of Maharashtra) However, these rights are not

absolute and may be subject to reasonable limitations.

The Caravan, India's foremost investigative magazine, was restricted on Twitter after it covered the farmer's demonstrations. Vinod K. Jose, the magazine's executive editor, was already facing sedition and other accusations against himself, the magazine's proprietors, and a freelance journalist. The clampdown was triggered by the death of Navneet Singh, a protester, on January 26, when the mainly peaceful gatherings became violent. Farmer leaders decried the violence but refused to cancel the demonstration. According to authorities, no shots were fired, and Singh died after his tractor overturned. His family claimed he was fatally shot. Several media outlets, including The Caravan, have covered their story. Ministers accused journalists and a major opposition parliamentarian of inciting hatred.

Elon Musk's X, formerly known as Twitter, said that it removed several accounts and posts related to India's ongoing farmer protests to comply with government orders this week, while emphasizing that the company "disagrees" with these measures. Media watchdogs and rights groups, including Human Rights Watch, the Editors Guild of India, and Reporters Without Borders, have characterized the Indian government's activities as censorship and an attempt to impose their own narrative. The government's approach to the farmer demonstrations has also been condemned for being intolerant and infringing the freedom of speech and expression provided by Article 19(1)(a) of the Indian Constitution.

To keep demonstrators out of the city, police have barricaded roadways with cement blocks, metal containers, and barbed wire, and they have used tear gas, shotguns loaded with metal pellets, and drones to disperse gatherings and medical camps. The authorities have also threatened to remove demonstrators' passports and visas, and they have used drones and tear gas shells to disperse protests and medical camps. The Haryana government imposed temporary restrictions on internet services in seven districts in an apparent attempt to prevent demonstrators from communicating and organizing.

To summarize, the government's measures to repress dissent amid the ongoing farmers' demonstrations in India are having an impact on farmers' freedom of speech and expression. The Indian government has tried a variety of measures to suppress free expression, including as detaining journalists, freezing Twitter accounts, and restricting access to specific websites and social media platforms. These efforts have been condemned by media watchdogs and rights groups as censorship



and an attempt to impose their own narrative.

According to the 2020 UN guidance on "less-lethal weapons" in law enforcement, "multiple projectiles fired at the same time are inaccurate, and their use cannot comply with the principles of necessity and proportionality." Metal pellets fired from shotguns should never be utilized.

During the 2019 Lok Sabha election campaign, The Congress party's manifesto for the 2019 Lok Sabha elections pledged to give a "legal guarantee of minimum support prices (MSP) announced as recommended by the Swaminathan Commission" to farmers whereas the BJP's 2019 manifesto also included promises related to the Minimum Support Price (MSP) as part of its agricultural agenda. However, the government has yet to fulfill this pledge, and agricultural MSPs are still not based on the Swaminathan formula of C2+50%. Farmers' demand for a law guaranteeing MSP for crops is a critical financial lifeline for farmers facing market uncertainty, and it was also one of the protest demands four years ago.

In accordance with Article 19(2) of the Indian Constitution, reasonable limitations can be placed on the fundamental liberties protected by Article 19(1), which include the freedom of speech and expression, the right to peaceful assembly without the need for force, the right to organize associations or unions, the freedom to move around India without restriction, and the right to live and settle anywhere in the nation. Article 19(2) allows for reasonable limits to be imposed in the interests of India's sovereignty and integrity, state security, friendly relations with foreign governments, public order, decency or morality, or contempt of court, defamation, or incitement in the context of Indian farmer protests.

- The use of tear gas, the imprisonment of farmers
- The barricading of entry points to the city
- The use of rubber bullets by security forces has led to severe injuries, including protestors losing eyesight.
- Use of Captive Bolt Pistols
- Detentions of Farmers
- Internet Shutdowns
- The use of drones during the 2024 farmers' protest in India is a big milestone. The Haryana government used drones to target and disperse farmers who attempted to cross border

barricades and travel to Delhi for a planned protest. These drones were armed with tear gas launchers, which were originally intended to protect international borders with Pakistan and Bangladesh. The drones, made by Drone Imaging and Information Service of Haryana Limited (DRIISHYA), were deployed to launch several tear gas shells to suppress the protesting farmers at the Shambhu border. Furthermore, farmers engaging in the protest have challenged security forces' cutting-edge equipment with makeshift measures such as flying kites to ensnare police drones carrying tear gas canisters. This makeshift armory, which included kites, served as a sort of protection against the drones employed by security authorities to disperse the protesting farmers. The use of drones in this protest has elicited imaginative solutions from farmers, highlighting a distinct dynamic in the ongoing protests.

These limits cannot be regarded reasonable because there is no violence on the part of the farmers. Even if the limits are imposed owing to the Red Fort incident in 2021, they cannot be justified on any basis.

## **CONCEPT OF RIGHT AND DUTY**

Jurisprudence explores the intricate relationship between rights and duties, recognizing that they are often interdependent and complementary. While individuals possess rights, they also have corresponding duties that accompany those rights. For example, the right to free speech implies a duty not to infringe upon the free speech rights of others, to use speech responsibly, and to respect laws that regulate speech to ensure public order and prevent harm.

The Farmer's Protests in India in 2024 is an intriguing case study for investigating the interplay of rights and duties in the setting of sociopolitical movements. Farmers were at the heart of these rallies, affirming their right to free speech and expression while demanding changes to agricultural legislation they saw as detrimental to their livelihoods. However, the exercise of these rights raised ethical and legal concerns about the roles of both the protestors and the state.

**Farmers' Right to Free Speech and Expression:** The protests highlighted farmers' fundamental rights to express their discontent and participate in peaceful assembly, as guaranteed by the Indian Constitution and international human rights agreements. Farmers tried to exercise their rights by

mobilizing in large numbers and participating in public demonstrations to demand legislative changes and ensuring their opinions were heard by legislators and the general public.

**Protestor's Duties:** In addition to asserting their rights, protestors also have a responsibility to maintain public order, respect the rights of others, and follow the rule of law. This includes peaceful protests, avoiding violence or disruptions to public life, and working constructively with authorities to resolve problems via communication and negotiation.

The Supreme Court in *People's Union for Civil Liberties (PUCL) v. Union of India* (2019) ruled that, while citizens have the right to protest peacefully, they also have a responsibility to respect the rights of others and avoid causing inconvenience or injury to public or private property.

The court underscored the necessity of balancing the freedom to demonstrate with the duty to maintain public order and safety, as well as the need for protestors to act responsibly and within the confines of the law.

**State's Responsibility:** At the same time, the State is responsible for upholding people's rights, including those of the farmers who participated in the protests. This included assuring the protection of demonstrator's free speech and assembly, supporting peaceful protests, and reacting to grievances in accordance with democratic norms. However, the State also has a duty to maintain peace and order, which occasionally led to tensions between protecting demonstrator's rights and limiting potential disturbances or incidents of violence. In the decision of *Himat Lal K. Shah v Commissioner of Police, Ahmadabad* (1973) the Supreme Court ruled that peaceful and non-violent protests are necessary for the operation of democracy and are protected by the fundamental right to free speech and expression. The court highlighted that restriction on the right to protest must be reasonable and implemented in the interest of public order, rather than to stifle legitimate criticism.

**Legal Framework and Policy Reforms:** The protests spurred a reassessment of existing agricultural legislation and policy frameworks, raising concerns about their compliance with constitutional safeguards and international human rights norms. This emphasized the state's duty to adopt laws that enhance the welfare of its citizens, especially farmers, while preserving their rights to livelihood,



dignity, and participation in the process of decision-making.

### **Critical Analysis**

The BJP and Congress 2019 manifestos featured promises about the Minimum Support Price (MSP) as part of their agricultural agendas. Some of the key promises made by the BJP in its manifesto included achieving the target of doubling farmers' income by 2022, enabling the creation of 10,000 new Farmer Producer Organizations, ensuring adequate market avenues for the realization of MSP through e-NAM, GrAMs, and the Pradhan Mantri AASHA Yojana, working towards ensuring that maximum farmers get income support under the Pradhan Mantri Kisan Samman Nidhi Yojana, and launching a pension scheme for small and marginal farmers

The PM-KMY's success rate in delivering social security to small and marginal farmers is not stated directly. The available data focuses on the number of farmers who have enlisted in the plan and the benefits for which they are eligible. To measure the PM-KMY's efficacy in attaining its goal, it is vital to examine the registered farmers' socioeconomic status, access to financial resources and overall satisfaction with the scheme.

The Government has taken several steps to fulfill its promise of doubling farmers' income by 2022. However, it is important to note that there have been concerns about the effectiveness of these measures i.e. Pradhan Mantri Kisan Samman Nidhi Yojana (PM-KISAN), Pradhan Mantri Fasal Bima Yojana, Minimum Support Prices (MSPs) in achieving the goal of doubling farmers' income by 2022. A standing committee study claims that between 2015–16 and 2018–19, farmer's income decreased in several states, and since 2015–16, the yearly rise in farmers' income has only been 2.8%, less than the 3.5% growth observed in the preceding ten years. Despite these obstacles, the government has continued to undertake a variety of measures to assist farmers and increase their revenue.

The e-NAM has effectively integrated 1000 mandis across 18 states and three union territories, with 1.76 crore farmers and traders signed up for the network. As of July 19, 2022, 5.7 crore metric tons and over 14 crore items totaling Rs. 1.9 lakh crore had been exchanged via e-NAM. In February 2023, the Central Government approved the integration of 101 APMC mandis with the electronic platform e-NAM.

The PM-AASHA project, developed in partnership with the states, has aided in crop purchase at MSP, ensuring equitable compensation for farmers. The approach has also helped farmers minimize crop costs, increasing their long-term profitability.

The PM-AASHA initiative has benefited approximately 1.66 crore farmers, accounting for almost 11% of all Indian farmers. The PM-AASHA initiative has been successful in giving financial help to farmers in distress due to crop failure while also ensuring equitable and remunerative prices for their produce. However, there are challenges such as limited infrastructure, operational difficulties, administrative overhead, market distortions, resource allocation, and reliance on government intervention for price stability and income security.

The government has proposed acquiring whole quantities of masoor, urad, arhar, maize, and cotton at MSP throughout the country over the next five years, but only from farmers who diversify away from paddy and wheat. This strategy is part of the government's ongoing efforts to achieve pulse self-sufficiency and secure produce procurement at the MSP or market price, whichever is higher, using a newly constructed portal. The objective is to break the vicious cycle of wheat-paddy agriculture, reduce the load on the government, for which pulse prices have been a constant source of stress, and benefit both farmers and the government while also helping consumers.

However, there are fears that these measures may not only be unsuccessful, as the government cannot acquire all commodities at MSP or force the private sector to do so, but it would also maintain the status quo in Punjab, where wheat-paddy production is causing excessive water use and soil fertility loss. As a result, a complete solution would address the underlying reasons of the agricultural crisis, such as a lack of access to agricultural financing, the need to diversify away from water-intensive crops, and the need for a more fair and sustainable agriculture policy.

In conclusion, while MSP is a vital tool for protecting farmers from market changes, its implementation may not be economically or practically possible.

A better alternative would be to extend PM-KISAN and eventually eliminate MSP, while ensuring

farmers receive direct income support. Direct income support would allow farmers to make choices based on market price signals, while shielding them from wild variations in agriculture that render them vulnerable to losses.

A price stability fund is a technique used by governments to control the price volatility of important commodities, particularly food. The government should focus more on improving and implementing such a fund.

Another option is to incorporate SDGs into MSP policy while taking into account the environmental and social consequences of crop production. This could assist in addressing worries regarding agricultural overproduction and its effects on the environment while also advancing sustainable farming practices.

The government should take immediate steps to dismiss the federal minister whose son was suspected of running his car over farmers in Uttar Pradesh, which has further stoked the farmers' fury and calls for justice and compensation to the families of farmer's who lost their family members due to the violence during protest.

Both parties' manifestos for the upcoming Lok Sabha elections include MSP-related pledges. The Congress has given a legal guarantee for Minimum Support Prices (MSP), whereas the BJP has pledged to boost crop MSP and start a Krishi Infrastructure Mission.

The Krishi Infrastructure Mission aims to develop farming as the primary source of economic activity by focusing on risk mitigation, promoting agri-business entrepreneurship, giving states autonomy and flexibility in planning, assisting farmers in increasing their income, lowering farmers' risks, and empowering youth through skill development and innovation. This mission aims to strengthen the agricultural sector, increase productivity, and ensure higher returns on agricultural produce by focusing on technology adoption, value chain addition, and income generation through activities such as mushroom cultivation, integrated farming, and floriculture.

On the other hand, the farmer's must not be too rigid on their demand of MSP and both the government and farmer's must try to find a middle ground to chart a course towards a resilient and

equitable agricultural system.

These limits cannot be regarded reasonable because there is no violence on the part of the farmers. Even if the limits are imposed owing to the Red Fort incident in 2021, they cannot be justified on any basis.

## **CONCLUSION**

Finally, our research article delves into the complex interaction of farmers' rights to free speech and expression with jurisprudential concepts of citizens' rights and duties to the government. We got vital insights into the complex dynamics affecting the discourse surrounding farmer demonstrations and the larger movement for agricultural justice by conducting a thorough investigation of legal frameworks, landmark cases, and philosophical perspectives.

Our investigation demonstrated that the right to peaceful protest is not only an essential component of democratic governance, but also a manifestation of individuals' intrinsic dignity and agency in society. Farmers, as main stakeholders in the agriculture industry, have a valid claim to this freedom, which serves as a powerful tool for expressing dissent and seeking restitution and making authority accountable. However, this right is not absolute and must be weighed against conflicting interests such as public order, safety, and the rights of others.

Jurisprudential theories have given a theoretical foundation for comprehending the nature and scope of rights and obligations in society. Diverse perspectives provide useful insights into the philosophical underpinnings of rights discourse, ranging from natural law doctrines emphasizing intrinsic human rights to legal positivism's focus on rights as creations of legal systems. Furthermore, the concept of duties complements the concept of rights by emphasizing the reciprocal obligations that individuals have toward one another and society as a whole.

We have investigated the responsibility of both citizens and the government in the context of farmer protests using a jurisprudential perspective. During demonstrations, citizens must exercise their rights responsibly, respect the rights of others, and follow the rule of law. At the same time, the government has a duty to defend and facilitate the exercise of fundamental rights, including the right to peaceful protest, while maintaining public order, safety, and the rule of law, as well as implementing policies



that benefit farmers.

As we explore the difficulties of the junction of farmers' rights and jurisprudential concepts of rights and obligations, it becomes clear that genuine progress toward agricultural justice necessitates a comprehensive approach.

This includes not only legal reforms and policy measures, but also a commitment to promoting discussion, empathy, and mutual respect in society. We may work toward a more inclusive, egalitarian, and democratic society by respecting farmers' dignity and agency and protecting their rights within a framework of reciprocal responsibility.

Finally, our research paper, "Voices from the Fields: Exploring the Context of Farmer's Protests of 2024 & Analyzing the Intersection of Farmers' Rights to Freedom of Speech and Expression with Jurisprudential Notions of Rights and Duties," provided a comprehensive examination of the multifaceted landscape of farmer protests and their intersection with jurisprudential principles.

We can create a more just society by embracing the concepts of democracy, justice, and human dignity.

## **References**

[HTTPS://MANDIBOARD.NIC.IN/](https://mandiboard.nic.in/)

[HTTPS://WWW.NITI.GOV.IN/SITES/DEFAULT/FILES/2024-01/MILLET-COMPENDIUM.PDF](https://www.niti.gov.in/sites/default/files/2024-01/millet-compendium.pdf)

[HTTPS://WWW.USNEWS.COM/NEWS/WORLD/ARTICLES/2024-02-15/KITES-BATTLE-DRONES-AS-FARMERS-TAKE-ON-POLICE-DURINGINDIA-PROTESTS](https://www.usnews.com/news/world/articles/2024-02-15/kites-battle-drones-as-farmers-take-on-police-during-india-protests)

[HTTPS://THEDIPLOMAT.COM/2024/02/THE-ECONOMICS-BEHIND-INDIAS-FARMERS-PROTEST/](https://thediplomat.com/2024/02/the-economics-behind-indias-farmers-protest/)

[HTTPS://WWW.NCBI.NLM.NIH.GOV/PMC/ARTICLES/PMC8611596/](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8611596/)

[HTTPS://INDIANEXPRESS.COM/ARTICLE/INDIA/RECORD-FARMERS-DEATH-PROTEST-](https://indianexpress.com/article/india/record-farmers-death-protest-)

[COMPENSATION-PARLIAMENT-](#)

[7650247/](#)

[HTTPS://THEDIPLOMAT.COM/2024/02/THE-ECONOMICS-BEHIND-INDIAS-FARMERS-PROTEST/](https://thediplomat.com/2024/02/the-economics-behind-indias-farmers-protest/)

[HTTPS://WWW.CSIS.ORG/EVENTS/REPORT-LAUNCH-INDIAS-PRIVATE-POWER-MARKET](https://www.csis.org/events/report-launch-indias-private-power-market)

[HTTPS://TIMESOFINDIA.INDIATIMES.COM/CITY/MANGALURU/PROTEST-AGAINST-POWER-SECTOR-PRIVATISATIONMOVETOMORROW/ARTICLESHOW/104997618.CMS](https://timesofindia.indiatimes.com/CITY/MANGALURU/PROTEST-AGAINST-POWER-SECTOR-PRIVATISATIONMOVETOMORROW/ARTICLESHOW/104997618.cms)



W H I T E   B L A C K  
L E G A L