

INDIA'S CONTRACT FARMING LAWS 2020 FROM ECONOMIC JUSTICE PERSPECTIVE: A BRIEF ANALYSIS

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ABSTRACT

India's central legislature recently, enacted three laws, popularly known as 'Agro-reform Laws, 2020' or 'Farm Laws, 2020'. I will be called it as Argo-Reform legal Trilogy. This Trilogy is enacted with intention to promote agricultural growth globally and to benefit the farmers, by promoting and facilitating agricultural produce through inter-alia, infusion of capital from private sector. My focal point for analysis was whether an invitation to capitalist economy will bring economic justice to the farmers' community or class? My interest was to uncover the conceptional aspect behind this codification. As per my understanding, this legal trilogy consists of all the factors aiming for global growth and development of India's farm sector by promoting and inviting the private sector investment into farming sector. Contract farming is not new to the India's soil. Many Indian farmers have been into it much prior to the enactment of the aforesaid statutes however, this is for the first time, the contract-farming has been so legislatively dressed-up. Therefore, I wanted to explore on the idea that whether the 'contract farming laws' could actually be the road to justice for those seekers of economic justice? And if yes, then, to what extent? The main purpose of this paper is to understand and to analyse the intersectional relation between the laws of contract farming, 2020 and the economic justice rooted in the constitution. The paper shall draw on observations based on doctrinal research with the help of primary and secondary data inter-alia, international conventions, academics theories, policies, statutory materials and court decisions. This research shall contribute in understanding the effectiveness and limitations in implementing the agro statutes with economic justice standpoint made so far.

Keywords: Farm laws, 2020, Economic Justice, John Rawls, Nozick, contract farming

INTRODUCTION

India's central legislature recently, enacted three laws, popularly known as 'Agro-reform Laws, 2020' or 'Farm Laws, 2020' with intent to promote agricultural growth globally and to benefit the farmers, by promoting and facilitating agricultural produce through inter-alia, infusion of capital from private sector. The Acts are (1) The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 (**Farm trade Act, 2020**), (2) The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 (**FAPA & FS Act, 2020**) and (3) The Essential Commodities (Amendment) Act, 2020 (**ECA Act, 2020**). From the collective reading of the preamble of all the three farm laws, 2020, the legislature's aim and objective behind these laws appears to be to provide a viable environment to all the stakeholders of agro-sector starting from the farm producers to end consumers. These laws intent to provide inter-alia, competitive alternative trading channels; efficient transport; barrier free inter-State and intra-State trade and commerce; framework for electronic trading and national framework on contract farming with main aim to protect and empowers farmers and to provide them remunerative price for their agricultural produce. However, these laws are yet to see the light of the day as their enforcement has been put on hold by the Supreme Court of India on 12th January, 2021 amidst widespread farmer protest.

Discussing the timelines, reasons and status of this widespread protest is not within the scope of this paper, therefore, I will leave this topic here with this following briefest details i.e., the protest is majorly on the premise that these Agro-reform laws, 2020 would gradually lead to such situation where (i) corporate giants will dictate terms and farmers will end-up getting less or negligible price; (ii) farmers will lost their lands in the hands of corporation or any other; (iii) the farmers, particularly the small and marginal farmers will lost the Minimum Support Price (MSP) benefit they have currently; (iv) Farmers will not get an assured price due to disbanding of the present market (mandi) system and (v) commission agents will be out of business. The government has been trying to assure them. It is stated by the government that these laws are intended to help small farmers who do not have means to bargain for their produce to get a better price or to invest in technology to improve the productivity of farms. It has assured on MSP and land ownership and is projecting these reformative laws as growth accelerator of the agro-sector.

Presently, the constitutional validity of these farm laws is debatable and sub-judice before the Supreme Court. The main argument is, the enactments are products of colourable legislation or pith and substance and thus it is an attack on the federalist tenets embedded in Indian constitution, to which the Indian government has its own defence. Judicial scanning to declare whether they are validly constituted or are ultra-vires laws is not the scope of this paper rather I am writing this paper, assuming the reform laws as constitutionally valid.

Focal point for my analysis is, whether an invitation to capitalist economy will bring economic justice to the farmers' community or class? My interest is to uncover the conceptional aspect behind this codification. Agriculture in India is largely, a subject of private sector domain with some exceptions like, involvement of union and state governments directly or through other state machineries or corporations in granting subsidies, waving of debts, purchasing crops at MSP, loan facilities, crops insurances, state markets etc. and other ancillary and consequential tasks related to farm produce. However, the undisputed fact is, the farmers at large, do the labour, infused capital and produce crops for their livelihood and being members of 'we the people of India', they have every right to seek justice- social, economic and political. It is also undeniable fact that through these codifications, the apparent intention of the legislature is to provide, to the small and marginal farmers in particular and all the stakeholders in general, an equal opportunity to grow and further to bring uniformity without much disturbance to the present diversity, for overall economic growth and development of Agro-sector in India. Here, one is entitled for and another is intended for, so it would be interesting to analyse whether these two positives get the justice as apparently, they destined for through this agro-reform trilogy.

As per my understanding of this agro-reform trilogy, the 'contract farming' under **FAPA & FS Act, 2020**, is the nucleus of these laws, which consists of all the factors aiming for global growth and development of India's farm sector. The **FAPA & FS Act, 2020**, formally, promotes and invites the private sector investment into farming sector. I am saying 'formally', because the contract farming as such is not new to the India's soil. Many Indian farmers have been into it much prior to the enactment of the aforesaid statutes however, this is for the first time, the contract-farming has been so legislatively dressed-up. Therefore, the interesting fact will be, to know, whether the 'contract farming laws' could actually be the road to justice for those seekers of economic justice? And if yes, then, to what extent? To understand and to

analyse the intersectional relation between the laws of contract farming, 2020 and the economic justice rooted in the constitution, this paper is divided into four sections, and first section is introductory one. Second section is titled Economic Justice; third section is Contract farming and fourth section is conclusion.

ECONOMIC JUSTICE

Economics is not just about money; it is about making or weighing different choices or alternatives. It is more than numbers. Finance is one of the subsets of economics which is evident from the admitted facts. It is indisputably, involved in and it has been playing a major impactful role in many other fields which includes the field of law, sociology, psychology, mathematics, statistics, social and political science and philosophy and business. Some of the selective concerned areas of the economics is manufacturing, production, distribution, investment, savings, money and banking systems, domestic and international trade and commerce, industrialisation, urbanization, social and economic welfare laws and related government policies. In other words, it is one of the important institutions to understand various factors like, wealth, poverty, growth, trade, income, prices, open markets and monopolies and various legal issues including understating economic justice.

Positive economists look economics as a positive science, they said, economics should not select an end, but remain neutral, and simply point out the means by which the ends can be achieved. It explains what actually happens and not what ought to happen. Whereas, the economists who argues, economics cannot be separated from its normative facets i.e., what ought to be, favour, economics as a normative science. The basis of the argument is that the economics concerned with human welfare especially in the modern era where almost every nation aspiring to be a welfare state.

According to Lionel Robbins (Robbins, n.d.), economics is the studies of human behaviour as a relationship between given ends and scarce means. The term ‘economics’, was coined by Alfred Marshall, when he used this word as alternative of ‘political economy’ in his book principles of Economics. According to him, economics is a study of mankind vis-à-vis a study of wealth. He connected economics to consumption, production, exchange and distribution of

wealth by men engaged in the ordinary business of life. Thomas Carlyle's economics is 'dismal science' as according to him it is about running out of resources and inevitability of declining of life; and, for John Stuart Mill, it is an institution which explains the reasons behind being rich nations and others as poor nations. Wikipedia's Economics is the social science that studies how people interact with value; in particular, the production, distribution and consumption of goods and services. It focuses on the behaviour and interactions of economic agents and how economies work. It is the study of scarcity, the study of how people use resources and respond to incentives, or the study of decision-making.

In sum, the majority of economic thinkers have defined the economics as the study of the causes of material and non-material welfare or as the science of wealth or human capability of dealing with problem of scarcity of resources and adaptability of alternative uses. Economics, studies the relation between supply and demand of a good on one hand and the price and income impact on the other hand. It can be a study of income distribution and its redistribution or it can be a study of how and what one gains from trade and commerce. Therefore, it can be inferred that the basic fundamental of economics is to search, research, and design or to develop the methods for effective and efficient use of resources to meet private and public goals. And, perhaps, this is the reasons why economists have categorized themselves into various sub-fields such as, micro economists, macroeconomists, industrial economists, financial economists, public finance economists, international economists and labour economists. I tried to find a sub-field of legal or law economists, but so far, I did not come across such economist, though, there exist, law and economics, where, the philosophers, economists, lawyers, academicians and thinkers have been predominantly analysing various economic theories from the standpoint of legal doctrines and laws enacted.

Law and justice are closely related terms. Achieving justice is often regarded as the main aim or function of the law; an ultimate goal towards which the law should strive. Martin Luther King Jr. had said, "one has a moral responsibility to disobey unjust laws". It shows that justice is also an output of interrelation of law and morality. Academicians, research scholars, judges, legislatures, executives, lawyers, individuals and society at large; all have different perceptions and understanding of the term justice. Justice is a dynamic concept and therefore, there cannot be a single or a static kind of concept. For instance, the natural law school of jurisprudence believes that justice means the implementation of religious laws. On the other hand, justice

means the implementation of concepts like equality and liberty as per modern jurisprudence. In the most common terms, justice represents what is just or right. Justice means being just, fair, impartial and right. Actually, it is a term which is capable of multiple interpretations and definitions however, the basic and essential facet is, it should be just. So, the justice either social, political or economic, the essence or the requirement is presence of the just. The concept of the just or right has been reflected in the fields of various economic works like, welfare economics which seeks to construct a view of individual and group welfare which is tantamount to a vision of economic justice or what is desirable for the economy.

Economic justice is a moral imperative. It can be considered as a component of social justice and welfare economics. Economic justice is the idea of an economy to be fairer, if desires to be more successful. It is a set of principles, which creates an environment where everyone gets equal opportunity and to establish a material foundation of which people can achieve creative, dignified and productive life. The whole concept of economic justice is basically, the idea of overall economic prosperity.

John Rawls (Rawls, April 1958) distinguished the concept of justice from fairness. According to him, the fundamental idea in the concept of justice is fairness. He considered justice only a virtue of social institutions or practice. He further argued that the principles of justice are formulating restrictions as to how practices may define positions and offices, and assign thereto powers and liabilities, rights and duties. He said that justice is one of many virtues of social institutions, it may be antiquated, inefficient, degrading or any other things without being unjust. He explained the concept of justice by forming two principles which express three ideas: liberty, equality and reward for services contributing to the common goods. The two principles of justice propounded by Rawls were- *“(I) each person participating in a practice, or affected by it, has equal right to the most extensive liberty compatible with a like liberty for all; and (II) inequalities are arbitrary unless it is reasonable to expect that they will work out for everyone’s advantage, and provided the position and offices to which they attach, or from which they may be gained, are open to all.”*

Rawls’ theory of justice favours distribution-based concept of economic justice. His theory primarily, supports the egalitarian principles. Egalitarian principle based on the idea of equality in the distribution of social benefits and burdens. Rawls in his book, *A Theory of Justice*,

contended that all economic goods and services should be equally distributed except in those cases where an unequal distribution would actually work to everyone's advantage, especially to the benefit of the worst off in society. To explain his theory, he created a conceptual device and called it "veil of ignorance" (Rawls, 1999) which prevents people from being unjust. In other words, the veil of ignorance prevents people from promoting principles of justice which are biased. His theory makes equality a basic characteristic of the original position from which the social contract is formed. He argued that equal distribution cannot be justified as the sole moral principle. He rejected the theory of radical egalitarianism, according to whom, distribution of burdens and benefits in a society are just to the extent they are equal, and deviations from absolute equality in distribution can be determined to be unjust without consideration of the respects in which the members of the society may differ. Rawls was of the view that first part of his second principle known as "difference principle" was formulated to justify those inequalities which are result of maximal enhancement of the position of the representative of least advantaged person. The difference principle rests on the view that undeserved inequalities call for redress. He cited an example of inequalities of birth, historical circumstances, and natural endowment being undeserved, need to be compensated. In order to compensate them, society should give more attention to those naturally disadvantaged persons, for instance, by spending greater resource on their education or in improving their standard of life.

Another prevalent theory based on distribution concept of justice, is the libertarian theory. This theory concentrates on individual rights to liberty. Libertarian's rules and procedures for ensuring recognition of rights of liberty in economic justice or practice are different. It advocates for individual freedom to contribute in economic activities. The libertarian theorists maintain that people should receive economic benefits in proportion as they freely contribute to their production. They reject the egalitarian patterns of distribution. They say, people may be entitled to equal treatment under the law as a morally significant respects but it would be a basic violation of justice to regard people as a priori deserving of equal economic returns.

Nozick, in his book (Nozick, 1974), has emphasised on the role of individual rights in a libertarian theory of justice. According to him, the state should have minimum interference and therefore, state's action is justified only when it protects the fundamental rights or entitlements

of its citizens. His entitlement theory presents social justice in terms of fundamental rights and three principles i.e., acquisition, transfer and rectification.

Theories of distributive justice emphasize on equal access to primary goods through egalitarian approach; rights to social and economic liberty by libertarians; a mixed use of such criteria so that public and private utilities are maximised by utilitarian theorists and emphasize on need by Marxist theorists. (Beauchamp, 1982)

Between the concept of economic justice and its implementation in a free society, there are four determining factors- (i) there is a parliament or assembly for law making wherein, the law proceeds as per the policy and constitutional aims and its implementation rests upon the executive bodies; (ii) area associated more or less with law for instance, labor-management agreements which is based on enabling legislation for enforcement; (iii) role of social sciences in arriving at applications which contributes to economic justice with great deal as they involved in functions like, fact-gathering, its interpretation, testing areas of theory and experience; and (iv) the role of virtue in translating the principle of justice or the requirement of just law into practice (Mckee, 1979).

The central problem of economic justice is the just allocation of the benefits derived from the human resources. According to Serge-Christophe Kolm, normative economics and the economics justice are built upon the normal ideas of justification, liberties, equalities, rights, powers, needs, legitimacies, responsibilities, etc. he concluded that use of priori ideas of social welfare, social ordering, sums of utilities, cardinal utilities and the like, lack meaningfulness and hence can be neither specified nor, indeed, understood (Kolm, 1995).

Robin Hahnel, argues in favour of distribution according to effort or sacrifice in comparison to the contribution-based concept of economic justice. To get possible answers to the question as what reasons for different compensation are morally compelling and what reasons carry no more weight, gave three distributive maxims i.e., (i) to each according to the value of the contribution of her human and physical capital; (ii) to each contributing to the value of the contribution of only her human capital; and (iii) to each according to her sacrifice or effort. Hahnel conceded that the degree of inequality is far greater in private enterprise economics that permit people to accumulate vastly unequal ownership over nonhuman productive assets,

similarly, income inequalities due to unequal human productive assets are inequitable for the same reasons. Therefore, the only conceivable way to eliminate such inequalities is to base benefits on sacrifice rather than contribution (Hahnel, 2003).

Edmund Phelps, in his article, *Economic Justice and the Spirit of Innovation, 2009*, has noted shortcoming of Rawls' theory. Phelps pointed out that Rawls has not given place to anything other than the distribution of material goods. He leaves out self-discovery, adventure and leaping into the unknown.

Regarding capitalist economy, he argued that it is wrongheaded to maintain that a good society could be one that stifles challenge and personal growth. He acknowledged and endorsed that the economists have tried hard to explain to the public that capitalism produces more engagement, exhilaration, and fulfilment than any alternative has done so far. They also explain that trumpeting free markets are also not a correct approach as it is highly fallible system capable of breakdowns. He further holds that capitalism has now been acknowledged for the fact that even in the midst of 1930s depression, it was creating unprecedented, unimagined level of productivity and wage rates for long time. In fact, some philosophers are suggesting that capitalism has outlived its usefulness and thus pursuit of new goals require another system. Phelps concluded that well-functioning capitalism, where it is attainable, is of undimmed value because it allows human beings to realize their true nature as creators and innovators (Phelps, 2009).

The World Bank and IMF have adopted a “quasi- prioritarian” approach to international economic justice, prioritizing the eradication of global poverty as a direct policy objective. As the World Bank puts it, “Poverty reduction is the most urgent task facing humanity today.” IMF also expected by its member states to be “more pro-poor.” The underlying argument is that rich polities have a duty to assist the least advantaged countries so that they may help their least advantaged persons. When poor countries come to the IMF for aid, they are required to present “poverty reduction” strategies as a condition for fresh loans. The IMF's low interest lending facility for low-income countries seek to increase the amount of public spending so long as such high spending results in an increase in expenditures that are deemed to be “pro-poor” under the Poverty Reduction and Growth facility (PRGF) (Kapstein, 2004).

Research from the IMF shows that redistributing income from the richest to the poorest in society actually boosts growth because poorer people are more likely to spend in the economy (Justice, 2017)

Organisation for Economic Co-operation and Development (OECD) and the International Monetary Fund (IMF), has found that economies with more equal distributions of income and wealth tend to have stronger and more stable paths of economic growth than those with greater inequality (Justice, 2018)

Recently, IPPR Commission on Economic Justice, in its final report, 2018¹⁰ conceded that the British economy is not serving the society well, and needs fundamental reform. The commission recommended to place idea of economic justice as a fundamental approach for reform. The key points recommended for reformation includes, economy to be more dynamic, competitive and sustainable, where high innovation and high productivity will lead to better jobs with higher wages; it must distribute its rewards fairly in all parts of the country means to benefit those who currently have fewer life chances and lower incomes; fair distribution must be wired into the structure of the economy; and redistribution.

The commission clearly observed that in building a just economy, society needs to confront the concentrations of economic and political power both in the private sector and in the state. An economic policy should be aim for both prosperity and justice where prosperity means the quality and security of work as well as income; time with family and community as well as money; and the common good as well as individual wellbeing. The Commission recommended six principles of economic justice to secure to all people, places and generations share in prosperity i.e., Firstly, in any advanced economy, economic justice must mean no-one living in absolute poverty; Secondly, economic justice requires that everyone should be treated with dignity in their economic life; Thirdly, no group in society should be systematically or institutionally excluded from economic reward; Fourthly, economic justice means narrowing inequalities of wealth, income and power over time; Fifthly, economic justice means that no places should be left behind and Sixthly, economic justice means looking after the future as well as the present.

In sum, economic justice is the idea that the economy will be more successful if it is just and fairer because just economy upholds fair trade, decent working conditions and human rights

wherever it reaches to secure economic justice. The goal of the economic justice is to create opportunities for all.

Economic Justice under Indian Constitution: Preamble considered as soul of the Indian Constitution. It enunciates that it is the obligation upon the state to secure to all its subject social, economic and political justice. Constitution provides provisions which secure economic justice for its citizen as a part of fundamental rights, directive principle of state policy and other legal rights, interest and entitlements. The main objective of the economic justice is to create such environment wherein, everyone gets equal opportunity to live a dignified and productive life without any discrimination.

Fundamental rights provided in the third Part of the Indian Constitution. The first Articles enshrined therein which ensures the economic justice is Article 14 of the Constitution. Article 14 declares that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India; followed by Article 16 which ensures equality of opportunity in public employment irrespective of their religion, race, caste, sex, descent, place of birth and residence. Similarly, Article 19(1)(g) declares that all the citizens shall have the rights to practise any profession, or to carry on any occupation, trade or business. However, the same is subject to Article 19(6), which allows the State to impose just and reasonable restriction in the interest of the general public. What constitutes reasonable restriction? It has not been defined in the Constitution, however, Indian judiciary has time and again laid down the same through various judicial pronouncements. It has laid down the limit to which extent a restriction can be imposed by the State. Reasonableness of restrictions may vary from case to case as it depends upon facts and circumstances of a case, therefore, there cannot be a strait jacket formula. However, the basic facet is that the restrictions must not be arbitrary.

In a case titled as Chintaman Rao v. state of Madhya Pradesh cited at AIR 1951 SC 118, the Supreme Court of India held that the reasonable restrictions connotes that the limitation imposed on a person in enjoyment of the right should not be arbitrary or of an excessive nature beyond what is required in the interest of the public. The word reasonable implies intelligent care and deliberation, that is, the choice of a course which reason dictates legislation which arbitrarily or excessively invades the right cannot said to contain the quality of reasonableness

and unless it strikes the proper balance between the freedom guaranteed by Article 19 (1) (g) and the social control permitted by Article 19(6), it must be held to be wanting in that quality.

When the street hawkers claim the right under Article 19(1)(g) to carry on their trade on public streets, the Supreme Court of India held that no one has a right to do business so as to cause annoyance or inconvenience to members of public. Public streets are meant for use by the general public; they are not meant to facilitate the carrying on of private trade or Business. It further held that there cannot be any right to carry on trade or business mentioned under Article 19 (1) (g) on street pavements. They are meant for use by pedestrians, these pavements cannot be used in any other manner. The Court held that the street hawkers do not have a fundamental right to occupy a particular place on the pavement where they can squat and do business. However, striking the balance of economic justice, the court directed the executives to create hawking zones in the city where licenses should not be refused to a Hawker [Bombay Hawakers Union v. Bombay Municipal Corporation cited at AIR 1985 SC 1206 and Sodan Singh v. New Delhi Municipality, cited at AIR 1989 SC 1988]

Article 23 of the Constitution declares rights in favour of the people against exploitation. It prohibits human forced labour and bonded labour. Prohibiting forced labour means no one has the right to force anyone to render his service without any remuneration. Bonded labour means where a person is bonded to provide labour to another for years and years until a debt is supposed to be wiped out. Forced or bonded labour exploits the weaker section of the society which ultimately leads to economic injustice to the exploited people. Justice Bhagwati cited the example of forced labour in the following words: *“Where a person is suffering from hunger or starvation, when he has no means to feed his wife and children or even to hide their nakedness, where utter poverty has broken his back and forced him into the state of helplessness. In such kind of situations if any time of work comes his way irrespective of its remuneration, he has to accept it because he is not in the position to bargain with the employer. And in doing so he would be not acting as a free agent but under such compulsion of economic circumstances and the labour or service provided by him would be clearly Forced Labour”* [People’s Union for Democratic Rights vs. Union of India, cited at (1982) 3 SCC 235.

The Supreme Court of India, pronounced and declared that every form of forced labour is prohibited. It held that a forced labour arises from different forms “The word ‘Force’ must

therefore be construed to include not only physical or legal force but also force arising from compulsion of economic circumstances.

In *Bandhua Mukti Morcha v. Union of India*, cited at (1984) 3 SCC 161]²³, the Supreme Court of India observed that the concept of bonded labour is totally incompatible with the new egalitarian socio-economic order which the constitution enshrined within to build and therefore, it is not only an affront to basic human dignity but also constitutes gross and revolting violation of constitutional values. This Article secures economic justice especially by putting weaker section of society to equal footing as other section of society. Similarly, Article 24 of the Constitution also deals with restrictions against economic and social exploitations. It prohibits to employ children below 14 years to work in any factory or mine or engaged in any other hazardous employment.

Part IV of the Constitution of India provides Directive Principle of State Policy wherein, Article 38, directs the State to secure and protect social order i.e., social, economic and political justice for promotion of welfare of the people. The Article further direct the State to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations. This Article also reiterated and reaffirmed the objective of the preamble of the Constitution. This provision clearly shows that the contours of economic justice by directing to make policies which eliminates income and opportunities inequalities.

In *Sri Srinivasa theatre v. Govt. of Tamil Nadu*, cited at (1992) 2 SCC 643, the Supreme Court of India envisaging the notion of equality under article 38 held that equality before law is a very dynamic concept having many facets and it will not be possible to ensure equality before law without equality in society. The judiciary clearly, pointed out that state has all power to equalize the society including taxation and other policies.

Similarly, Article 39, directs the State to make policies to secure rights of the people which could bring economic benefits to them. This Article clearly ensures and secures that- the right to adequate means of livelihood to all citizens equally; it directs the State to distribute ownership and control of the material resources of the community in a manner which subserve

the common good; the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment; there is equal pay for equal work for both men and women; the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength; and the children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. The expression material resources of the community under article 39(b) covers the land held by private owners also. Government can take the private lands for the development of the community like in making roads, hospitals, etc. In a case titled as *Girh Kalyan Kendra v, Union of India*, cited at (1991) 1 SCC 619 it is observed that *“Equal pay for equal work doctrine will be applied widely to stop discriminatory practices.”*

In *Randhir Singh v. Union of India*, cited at 1982 SCR (3) 298, the Supreme Court of India was held that doctrine of equal pay for equal work though not a fundamental right is certainly a constitutional goal and, therefore, capable of enforcement through constitutional remedies under article 32 of the Indian constitution.

The Supreme court has taken recourse to Article 39(a) to interpret with Article 21 and observed that *“Any person who is deprived of his right to livelihood except according to just and fair procedure established by law, can challenge the deprivation of the as offending the right to life conferred by article 21”* [*Olga Tellis & Ors Vs. Bombay Municipal Corporation & Ors.* [1985 SCC (3) 545]²⁹

The Constitution directs the State to endeavour to secure to all workers, agricultural, industrial or otherwise, work, a living wage, conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities and to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry by suitable legislation or economic organisation or in any other ways. This is enshrined in Article 43 and 43A of the Constitution. The state is explicitly directed to promote cottage industries on an individual or co-operative basis in rural areas and to promote voluntary formation, autonomous functioning, democratic control and professional management of co-operative societies [Article 43 and 43B]. The principles of economic justice clearly reflect in

Article 43 which refers “living wage” instead of “minimum wage”. We know that the concept of living wage includes in addition to the bare necessities of life, such as food, shelter and clothing, provision of education of children and insurance.

In a case titled as *M.R.F. Ltd. v. Inspector, Kerala Government*, cited at (1998) 8 SCC 227, it was held that it is not the philosophy of the Article 43 that industrial or agricultural workers should work on all days. It is necessary that they also enjoy some holidays. As human beings, they are entitled to a period of rest which would enable them to fully enjoy their leisure and participate in social and cultural activities. It is clear that the principle aim of these Articles is to eliminate economic inequality prevailing under the state; to prevent exploitation in the hand of the employers; and to setup a welfare state. Article 46 also has notion of distributive justice as it deals with making of such policies which could protect and preserve the economic interests of persons belonging to schedule castes and schedule tribes.

In *Ahmedabad Municipal Corporation v. Nawab Khan Gulab Khan*, cited at (1997) 11 SCC 121, the Supreme Court of India has clarified that *“Article 38, 39 and 46 mandate the state, as it minimise inequalities in income and in opportunities and status. It positively charges the State to distribute its largess to the weaker sections of the society envisaged in Article 46 to make socio-economic justice a reality, meaningful and fruitful so as to make the life worth living with dignity of person and equality of status and to constantly improve excellence.”*

It is also apposite to mention here that the Constitution is a source of guidance for interpreting economic policy matters, however, in the current scenario, it cannot be ruled out that the decisions of the Indian judiciary have been impacting on the economy. For instance, whether it is affirming a stricter standard of patent, impacting innovation in the pharmaceutical industry or order related to imposition of a tax hitting the automobile industry or ban on selling liquor near highways affecting the tourism industry. All these decisions have a significant economic impact. So, the responsibilities of the judiciary have increased many folds. It is settled law that the Court should avoid examine the substantive content of the economic policy, which is exclusively in the domain of the executive and legislative branches of the government. The government is bound by Constitutional commands and if its actions violate Constitutional provisions, the Court can review such executive action and strike it down if necessary. It is correct that most of the cases like coal block allocations, the actual battle was against corruption

but it cannot be ruled out that it is also the obligation of the judiciary to examine the economic implications before passing the judicial decisions. In *Shivashakti Sugars Limited v. Shree Renuka Sugar Limited*, cited at (2017) 7 SCC 729, Justice Dr. A. K. Sikri said that, “*The court needs to avoid that particular outcome which has a potential to create an adverse effect on employment, growth of infrastructure or economy, or the revenue of the state.*” He further stated, “*India is on the road of economic growth. In such an environment it becomes the bounden duty of the Court to have the economic analysis and economic impacts of its decisions.*”

In sum, economic justice aims at establishing a welfare state with economic democracy. Economic justice is a facet of liberty without which equality of status and dignity of person is teasing illusions [Papaiah vs. State of Karnataka and ors. Cited at (1996)10 SCC 533. Therefore, liberty, equality and fraternity have to be secured and protected to all the citizens under the rule of law [S.S Bola vs. B.D Sardana cited at (1997) 8 SCC 522]. It is evident from the constitution of India that the idea of economic justice is to make equality of status meaningful and life worth living at its best removing inequality of opportunity and of status-social, economic and political [Dalmia Cement (Bharat)Ltd vs. Union of India cited at (1996) 10 SCC 104]. The Constitution commands justice, liberty, equality and fraternity as supreme values in the egalitarian social, economic and political democracy. It shows that these expressions i.e., social and economic justice in the Constitution involves the concept of distributive justice and the Indian judiciary has been playing the active role therein to protect these constitutional values.

CONTRACT FARMING

Trace: Contract farming are not newly discovered device. Its traces are visible since the period of late 1800s. Examples, sugar production in Taiwan after 1885 by Japanese colonial state and banana companies in central America by the USA in the early part of the twentieth century; vegetable canning industry in North America and by the seed industry in the Western Europe in 1930s and 1940s; by the late twentieth century, contract farming became an integral part of food and fiber industry, of much of the Western Europe, North America and Japan.

In India, the first documented large scale contract farming is dated 1920s established by Indian Tobacco Corporation (ITC) in coastal Andhra Pradesh (CS, 2005). However, there were very few instances of contract farming operations being established until the 1960s, when private seed companies, that didn't own their own lands, contracted with farmers to supplement their seed banks (Sukhpal, 2010). In true sense, contract farming in India emerged in 1989, when PepsiCo set up a plant in Hoshiarpur, Punjab to procure tomatoes for processing and as a result of PepsiCo's intervention, the tomato yield increased from 7.5 tons per acre to 20-tons per acre. PepsiCo also introduced scientific methods of transplantation that caused the costs of production of tomato to reduce, and thereby enabled farmers to realize higher prices (Singh, 2004).

Concept: Globalisation, liberalisation and technological advancements have significant impact on the agro sector. The whole agricultural system has now been undergoing major structural changes. The traditional view of agro-business was considered to be the post-harvest activities, have been done away by the advance global agro business model popularly known as Agro-food Sectors. The Agro-food sector is considered as a chain of activities from input of suppliers to farmers; from farmers to end-consumers. The factors responsible for this transformation are mainly, consumer preferences, technological improvements, farming lands or area size, human resource, food prices, employments, food safety issues, farming risks and related laws and regulations.

Though, in India, the subsistence farming is prevalent majorly for the reasons of small or marginal farm holdings where, a farmer (crop grower or animal breeders) does all the functions like, collecting seeds, sowing, reaping a crop, and consumption of the produce after reserving seeds for next year. However, on global scale, the subsistence farming has been in the phase of gradual replacement with market-oriented farming system. Agriculture is integrating with allied industries. Diversification functions of agricultural production and marketing system like, suppliers of input items, farm operators, processors of farm products, distributors, and final consumers is the main cause for integration.

There are three basic kinds of integration. Vertical integration, Horizontal integration and contract integration. When a firm combines activities unlike those it currently performs which are related to them in the sequence of marketing and production activities, it is vertical integration; when a firm gains control over the firms performing similar activities at the same

level in the production and marketing sequence, it is Horizontal integration; and where participating firms retain their separate identity by leaving decision making terms and conditions of production and/or marketing by one firm to the control of another firm, it is quasi integration or contract integration. Besides, them, there is two more kind of integrations; circular integration, where firms expand both vertically and horizontally and ownership integration or merger, where all the decisions and assets of the firms are taken under a single firm's control. Mostly, in case of vertical integration, ownership integration is frequent for the reason that the control of two or more stages in the process of production and marketing are effectively controlled by a single management. There is another type of organizational expansion which occurs when agencies or activities that do not have any direct relationships between them are brought under a unified management. This is called conglomeration. The terms of vertical coordination, vertical integration and contract production are sometimes used interchangeably (Cramer and Jensen 1988; Paarlberg 1995) (Rehber, 2007). In short, the traditional ways of operating in open markets based on price signals have been significantly replaced by closed cooperation-coordination system i.e., integration system. Where the widely used way of vertical coordination is contract farming? Contract farming promotes participation of domestic firms and multinational corporations (MNCs) in farming, and is seen as the 'new investment' aspect of globalisation.

Local governments, private local firms, multinational companies, international aid and lending agencies, like the US Agency for International Development, World Bank, Asian Development Bank, Commonwealth Development Corporation have been involved in these contract farming schemes (Glover 1994: Silva 2005) (Rehber, 2007).

Contents: Specifically, contract farming involves relations between growers and private or/and state enterprise that substitute for spot market transactions between family farms and a processing, export or purchasing unit. A standard farming contract regulates in advance price, production practices, product quality and credit facilities, etc. Several types of contracts are distinguished according to the number of decisions influenced, sharing of the risks and specifying contract terms. From the production decisions or management point of view, it may be limited management Contracts wherein, the farmer signs a contract to get some production inputs but there is no real guarantee for the price. The farmer's responsibility is limited only for the production inputs which he has obtained under agreement or full management Contracts

wherein, the farmer and the integrator firm made a contract based on a certain amount of production. In this type of contracts, the farmer has to follow some provisions specified in the agreement and the producer provides a certain market for his product and insures himself against risks.

Kohls has classified contracts into three broad categories (Kohls and Uhl 1985) (Rehber, 2007), i.e., market specification contracts, resource providing contracts and management and income guaranteeing contracts. Market specification contracts specify the product quality measures, price regulations and the method of payment; generally signed at planting time and specify how much the integrator will buy and at what price; little or none of the farmer's management decisions are transferred. In resource providing contracts, the integrators provide production resources with certain conditions and managerial help and supervision; Product prices are usually based upon the spot markets and so, income guarantees to the producers are minimal. Management and income guaranteeing contracts often include the production and marketing stipulations of the former two types in addition, it transferred market and price risks from farmers to integrators and in return, the integrator takes a substantial part of the managerial responsibility of the farmers.

Williamson (Rehber, 2007), classified the farming contract as classical (market governance), neoclassical (trilateral governance) and relational contracting (bilateral and unified governance) on the basis of transaction economies which includes, determination of uncertainty, frequency, and degree of peculiarity of investment as the important characteristics of the transaction.

Beside aforesaid private contract farming agreements, there is another arrangement called as contract farming schemes. It is classified as out-grower scheme and nucleus-Out-grower Scheme. Out-grower scheme is a government scheme wherein, the government (public enterprise) purchases produce from farmers on its own or as a part of joint venture with a private firm. Whereas, nucleus-out-grower Scheme is a variation of the out-grower scheme in which there is a project authority which has or administers a plantation together with the processing plant.

Purpose, benefits & limitations: Well-trained buyers; necessity to supply produce with a certain quality and quantity over time; rapidly improving production technologies; increasing

opportunities for innovations using new technologies and advancements; high fixed costs for establishment of a processing plants; high expense costs due to uneven supply of raw material; to reduce transportation costs; and for steady flow of raw material are some of the main reasons for adopting contract farming (Roy 1963; Harryman 1994) (Rehber, 2007).

Government intervention and subsidization policy could be seen as an alternative to contract farming. But especially in the developing countries, public interventions and support policies are not very efficient or effective. Subsidizations are mostly seemed in favour of large farmers. Also, it is need to be consider that WTO's "New World Order" of global restructuring of the food industry mainly aims at lessening or cutting agricultural subsidies. Also, intent to have an environmentally sound, sustainable and economically viable agriculture are also one of the main initiatives behind the fast growing of contractual arrangements.

Advantages, from the farmers' point of view, under contract farming includes, Inputs and production services which are often supplied by the sponsor, though, usually on credit through advances from the sponsor; introduction of new technology which also enables farmers to learn new skills; reduce farmers' price risk as many contracts specify prices in advance; and opening up new markets which would otherwise be unavailable to or out of reach of small or marginal farmers. However, there are certain limitations attached to it, particularly, when growing new crops, farmers face the risks of both market failure and production problems; Inefficient management or marketing problems can mean that quotas are manipulated so that not all contracted production is purchased; sponsoring companies may be unreliable or exploit a monopoly position; the staff of sponsoring organizations may be corrupt, particularly in the allocation of quotas; and farmers may become indebted because of production problems and excessive advances.

Contract farming gives various advantages to the sponsor firms also. Like, contract farming with small farmers is more politically acceptable as compare to production on estates; working with small farmers overcomes land constraints; production is more reliable than open-market purchases and the sponsoring company faces less risk by not being responsible for production; and more consistent quality can be obtained than if purchases were made on the open market. The problems faced by sponsors are usually related to, like, contracted farmers may face land constraints due to a lack of security of tenure, thus jeopardizing sustainable long-term operations; social and cultural constraints may affect farmers' ability to produce to prescribed

specifications; poor management and lack of consultation with farmers may lead to farmer discontent; farmers may sell outside the contract thereby reducing processing factory throughput; and farmers may divert inputs supplied on credit to other purposes, thereby reducing yields.

India's Agriculture Sector- current status & issues: India is a global agricultural powerhouse. But it has been facing major challenges. Three such challenges which are important to India's overall development and the improved welfare of its rural poor are, raising agricultural productivity per unit of land; reducing rural poverty through a socially inclusive strategy that comprises both agriculture as well as non-farm employment; and ensuring that agricultural growth responds to food security needs. To overcome these challenges, it is inevitable to Promote new technologies; reform agricultural research and extension; improve water resources and irrigation or drainage systems; facilitate agricultural diversification to higher-value commodities; develop markets; to provide agricultural credit and public expenditures; adopt procedures favouring sustainability of the environment and future agricultural productivity; and to promote measures related to poverty alleviation and community actions, particularly, in rural areas.

²In India, agriculture sector provides jobs to more than 40% of India's total workforce and sustains nearly 70% of its rural population but generates very little income. In Financial Year-2020, agriculture's share in national income was just 14.65 %, down from 22.6 % in Financial Year-2005. The annual growth rate of this sector was 3.6 % while nation's economy had annual growth rate of 6.7 % during this period. (Group, 2020)

The agriculture statistics reveals that India has more farm labourers than farmers. As per 2011 Census, landless agriculture labour (55 % or 144.3 million) outnumbered cultivators in the agricultural workforce (45 % or 118.8 million). Sustain growth in agriculture is difficult for want of policy supports or incentives to invest in farming for farm labourers. All benefits like seed kit, fertilisers, pesticides, farm machinery, micro-irrigation, land development assistance etc. are meant only for those who can prove land ownership. Several government-appointed bodies, like the National Commission on Farmers (NCF) of 2007 and the Ashok Dalwai Committee of 2017, have recommended that they be treated as farmers and all benefits be extended to them but to no avail.

Agriculture landholding shrinking rapidly is evident from the data which shows that at the national level, the average size of agriculture land has shrunk from 2.28 hectare in 1970-71 to 1.08 hectare in 2015-16. The trend in the distribution of land is alarming. The number of marginal and small farmers having less than 1 ha and less than 2 ha, respectively, continue to remain very high i.e., more than 85 per cent of all farmlands. Taken together, the landless, small and marginal farmers constitute 93.7 per cent of the total agricultural workforce. So, their welfare should be the priority, without it, agriculture can't grow.

Government has limited fiscal space therefore, it must promote private investment however, it has to equally ensure fair price to farmers even in private markets. Government to also promote and ensure crop insurance executability and fulfilment of its purpose in real sense.

While applying contract farming, there is need to take care of labours' welfare with particular emphasis on a gender perspective to address the whole question of a changing agrarian production structure under contract farming, especially issues associated with transfer of skills, choice of technology, organisation of labour, working conditions and terms of work. (Singh, 2003)

According to D Narain, to reach India's goal of agricultural transformation, there are six areas to focus on: (i) Improving farm-to-fork competitiveness of major crops; (ii) Facilitating innovation to transform food production; (iii) Promoting sustainable agriculture that reduces use of limited natural resources such as water; (iv) Reducing the cost of farmer financing, widening access to farm credit, and risk-mitigation products for commodity price fluctuations; (v) Minimizing wastage of agricultural produce in the harvesting and post-harvest phase and (vi) digitizing India's farm-to-fork eco-system with targeted solutions on weather mapping, agronomic advisory, and crop quality.

India's Contract Farming Laws, 2020: Documentary traces showing the needs of contract farming laws, is evident since the year 2000. On 19th December, 2000 an expert committee was set up by the ministry of Agriculture, on 'strengthening and developing of agricultural marketing' under the chairmanship of Shankerlal Guru. The committee in its reported dated 29th June, 2001, recommended for remodelling the Agriculture Produce Marketing Committees (APMCs). The committee observed that technically the farmers are free to sell their produce in any mandi he likes, practically they have no liberty to sell their produce in

their villages or to the retail chain, processor, bulk buyer directly. During the same period, a report of task force on employment opportunities dated 1st July, 2001 case. It made seven observations, of which two are around the Essential Commodities Act and APMCs. It observed that the controls on storage, transport and processing of agriculture produce under Essential Commodities Act are no more justified as neither have they worked in times of genuine scarcity nor they required in normal times. In fact, they are typically misused by the lower levels of the administration and become an instrument for harassment and corruption. The committee recommend to repeal the Essential Commodities Act. Further, the committee observed that APMCs law were originally designed to protect farmers' interests by creating regulated markets. However, now the system has actually created a monopoly situation and therefore, it is absolutely essential to liberalise the existing laws and allow competing markets to be set up.

Thereafter, Inter-Ministerial Task Force which was constituted under RCA Jain, Additional Secretary, Department of Agriculture and Cooperation, Ministry of Agriculture to look into the Guru Committee report, recommends that all State governments should amend their respective APMC laws in a manner which enable private and cooperative sectors to establish and operate agricultural marketing infrastructure and supporting services; direct marketing from farmers' fields without the necessity of going through licensed traders and regulated markets; permit 'Contract farming' programs by processing or marketing firms. Shortly, in order to reform APMCs across the country, the central government drafted the Model APMS Act, 2003, wherein provision was made for direct sale of farm produce to contract farming sponsor from farmers' field without the necessity of routing it through notified markets.

In the first report of National Commission on Farmers (Swaminathan committee) dated 29th December, 2004 titled as "serving farmers and saving farmers", it was recommended to immediate amendment of APMC Act by each State to decentralise the system and permit marketing by other players for achieving the ultimate goal of ensuring better returns to the growers and reasonably good quality products to the consumers. In the second report of Swaminathan committee, emphasis was again on the reformation in APMC Acts for creating a nation-wide integration of the agriculture markets, facilitating emergence of agriculture markets in private and cooperative sectors and creating a conducive environment for private sector investment in the market infrastructure. Almost, on similar lines, report titled as "towards an Indian common market: removal of restrictions on internal trade in agriculture

commodities” submitted by Food and Agriculture Organisation (FAO) of the United Nations to the National Commission on Farmers (NCF) and the third report of Swaminathan committee titled “Serving Farmers and Saving Farming: 2006: Year of Agricultural Renewal” were submitted in year, 2005; consistently similar recommendations were made in fourth report of Swaminathan Committee titled as “Serving Farmers and Saving Farming: Jai Kisan: A Draft National Policy for Farmers” in year 2006. It specifically recommended that the Essential Commodities Act and other legal instruments including the State Agriculture Produce Marketing Committee Acts [APMC Acts] relating to marketing, storage and processing of agriculture produce need to be reviewed in order to meet the requirements of modern agriculture and attracting private capital in this sector; the role of the APMCs/State Agriculture Marketing Boards need to change from regulatory focus to promotion of grading, branding, packaging and development of distant and international markets for the local produce; and the State APMC Acts need to be amended to provide for, among others, encouraging the private sector or cooperatives to establish markets, develop marketing infrastructure and supporting services, collect charges, allowing marketing without the necessity of going through APMC/ licensed traders etc. Thereafter, the committee reiterated and reaffirmed its recommendations made in relation to APMC and ECA laws in its fifth and final report titled as “Towards Faster and More Inclusive Growth of Farmers’ Welfare” in year 2006. In the year, 2013, a committee of State Ministers, In-charge of Agriculture Marketing to promote reforms under chairmanship of Harshvardhan Patil observed in its final report dated 22nd January, 2013 that due to the restrictive provisions of the Essential Commodities Act and various Control Orders issued thereunder, private investment in large scale storage and marketing infrastructure including in the areas of contract farming, direct marketing have not been very encouraging. Under the present system, the marketable surplus of one area moves out to consumption centres through a network of middlemen and traders and institutional agencies. The committee recommended for amendment in Agricultural Produce Marketing Regulation Act and Essential Commodities Act to ensure barrier free storage and movement of agricultural commodities across the States. Again, similar recommendations were given by Standing Committee on Agriculture (2018-2019): Agriculture Marketing and Role of Weekly Gramin Haats, Ministry of Agriculture and Farmers Welfare, Department of Agricultural, Cooperation and Farmers Welfare.

Finally, on 24th September, 2020, the three laws were enacted by parliament with the aim and objective of to give farmers flexibility to Sell, remove price Controls, and protect them as they deal with Industry. It is evident that the other two laws are amended mostly for the smooth function of the laws related to contract farming. These laws are:

- (I) The Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020: key highlights: Section 3 of the Act, deals with Farming Agreement. It says, a farmer may enter into a written farming agreement in respect of any farming produce. The provisions along with succeeding provisions of chapter II of the Act provides the details of what could be or must be made part of the contract. Also, it is clear from the mere reading, the contract farming is not mandatory. Farmers may enter into it with their sweet will and volitions. Section 7 of the Act is exemption clause. It provides that the farm produce for which a farming agreement has been entered into, shall be exempted from the application of any State Act, by whatever name called and also, the Essential Commodities Act, 1955 or any control order issued thereunder or in any other law for the time being in force shall also be not applicable. The enactment has clearly worded that no farming agreement shall be entered into for the purpose of (a) any transfer, including sale, lease and mortgage of the land or premises of the farmer; or (b) raising any permanent structure or making any modification on the land or premises of the farmer, unless the Sponsor agrees to remove such structure or to restore the land to its original condition, at his cost, on the conclusion of the agreement or expiry of the agreement period in terms of Section 8 of the Act. The Act facilitates linking of farming contract with insurance or credit instrument under any scheme of the Central Government or the State Government or any financial service provider to ensure risk mitigation and flow of credit to farmer or Sponsor or both. Chapter III deals with dispute settlement through conciliation and if failed, through executive body i.e., concerned Sub-Divisional Magistrate. The remedies are practically appearing to be ineffective.
- (II) The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020: Section 3 of the Act, deals with freedom to conduct trade and commerce in a trade area. It gives freedom to any farmer or trader or electronic trading and transaction

platform to carry on the inter-State or intra-State trade and commerce in farmers' produce in a trade area which facilitates remunerative prices through competitive alternative trading channels. The act provides provisions which promote efficient, transparent and barrier-free inter-State and intra-State trade and commerce of farmers' produce outside the physical premises of markets or deemed markets notified under various State agricultural produce market legislations. Facilitating electronic trading is one of the striking areas of the Act. Chapter III deals with dispute settlement through conciliation and if failed, through executive body i.e., concerned Sub-Divisional Magistrate. The remedies are practically appearing to be ineffective.

- (III) The Essential Commodities (Amendment) Act, 2020: after this amendment, the supply of foodstuffs including cereals, pulses, potato, onions, edible oilseeds and oils, as the Central Government may, notify specify, may be regulated only under extraordinary circumstances which may include war, famine, extraordinary price rise and natural calamity of grave nature. Also, order for regulating stock limit under this Act shall not apply to a processor or value chain participant of any agricultural produce, if the stock limit of such person does not exceed the overall ceiling of installed capacity of processing, or the demand for export in case of an exporter. The expression "value chain participant", in relation to any agricultural product, means and includes a set of participants, from production of any agricultural produce in the field to final consumption, involving processing, packaging, storage, transport and distribution, where at each stage value is added to the product.

CONCLUSION

Theories of economic justice are many and to an extent, competing too. None of them can be applied to any economic system in exclusion of others but taking the best of all are also a tedious work because of being competing nature. For instance, Rawls' difference principle, favours egalitarianism and Nozick's entitlement theory, favours libertarianism. The former one, is tilted more towards distributive-based theory whereas, the latter one at times, seems near to contribution-based theory. Constitution of India gives place to both the approaches starting from its preamble wherein, it ensures economic justice for all with specific mention of

equality of status and of opportunity. The constitution gives freedom to choose occupations of one's choice without any discrimination. It directs state to form such policies which are fair, just and not arbitrary to secure social and economic justice to all. In fact, at various occasions the constitution has itself opted Rawls' Difference principles to reduce inequality or to uplift the weaker sections. At the same time, the constitution impliedly allows to make such policies which may place Nozick's entitlement or liberty principles above equality principles of Rawls. For instance, because of the bounden duty to create jobs for all and to provide infrastructures for work etc. the State enact contract farming laws to allow the private parties to infuse fund in this sector. Now, say, a farmer A voluntarily decides to enter into contract farming whereas farmer B decides to go with traditional ways. Farmer A shall be entitled for all the rights given therein the Act or the contract made therein, as the case may be, including right of sale on e-platform. During his contract, he may learn advance skills and technologies without cost as part of his contract. A's achievements during the subsistence of the contract shall not be limited to the remunerative price for the crops but he may have better chance to learn and understand the market strategies. Farmer A's progress is due to his own volition and risk taken made him well off which brought inequality in the system because farmer B's position was either remained same or moved downward. Even, in reverse, if the contract farming fails miserably, resulting into loss to farmer A, the system becomes unequal. Now, even we go by distributive theory or by contribution theory, equilibrium between equality and liberty is quite impossible. There cannot be a perfect law as law and justice is a dynamic concept. It is like what Charles Addams had said for being normal. He said Normal is an illusion, what is normal for the spider is chaos for the fly. Same applies to our theories of economic justice.

Therefore, to conclude, whatever methods are designed to achieve economic justice, the concept is that it should be just and fair with main aim is to narrow down inequalities of wealth, income and power over time with liberties to the wings of those who wants to fly high by making efforts and innovations subject to public interest at large. The ultimate goal of the economic justice is to create equal opportunities for all. As it is apparent, Contract farming laws, 2020 are also enacted with the same intentions of giving equal opportunity to all the stakeholders of Agro-food sector particularly, farmers' community. It does not restrict the growth and development of farmers rather it tried to remove the barriers so far identified and gives choices to the farmers for explorations. Advantages and disadvantages are attached with

all the polices and laws enacted because there cannot be a strait jacket formula to decide what is just, fair or reasonable, case to case it may vary. As we know, the same boiling water which softens the potatos hardens the eggs. So, even in the same circumstances, it is possible to have different results because what matters is human behaviour. In short, it is clearly depicted that ‘contract farming laws’ could actually be considered as a road to justice for those seekers of economic justice. Existence of intersectional relation between the laws of contract farming, 2020 and the economic justice rooted in the constitution is clearly visible however, its implementation will give us further empirical insights of its success in achieving the aim and concept of economic justice.

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