Legal Incentives for Promoting Sustainable Agriculture: Taxation, Subsidies, and Govt. Programs with a Focus on Farmers' Social Security.

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Received: 24 October 2024, Accepted: 28 October 2024, Published online: 31 October 2024

<u>Abstract</u>

Sustainable agriculture is vital for India's economy, especially as climate change, environmental degradation, and market instability increasingly affect farmers. This article explores the role of legal incentives, such as tax policies, subsidies, and government programs, in promoting sustainable agricultural practices while ensuring social security for farmers. India's current legal framework includes initiatives like the 'National Mission for Sustainable Agriculture' and tax exemptions under the 'Income Tax Act.' However, these measures are often insufficient for small and marginal farmers, who make up a significant portion of the farming population. The research highlights that while government schemes offer financial support, they do not always prioritize longterm sustainability or adequately reach vulnerable farmers. The article compares India's legal approach with international models, such as the European Union's Common Agricultural Policy and the United States' conservation programs, which tie financial support to environmentally friendly practices. These models demonstrate how legal incentives can be directly linked to sustainable agriculture, while also addressing social security concerns. Based on this comparative analysis, the article proposes key reforms for India, including linking subsidies and tax benefits to sustainable farming practices, offering targeted support to small farmers, and developing a unified legal framework that integrates environmental goals with farmers' welfare. The findings suggest that legal reforms are needed to make sustainable agriculture both accessible and economically viable for all farmers. By adopting a more inclusive and cohesive legal framework, India can promote agricultural sustainability while ensuring that farmers, especially smallholders, receive the financial and social protection they need. The article also calls for further research into regional agricultural challenges and the impact of climate change on farming practices in India.

Keywords: Sustainable agriculture, legal incentives, social security, taxation, subsidies, government programs, India

Introduction

Sustainable agriculture has become an essential focus for governments worldwide, as environmental degradation and climate change continue to threaten global food security. In India, agriculture remains the backbone of the economy, with a large portion of the population dependent on farming for their livelihoods. However, many Indian farmers face significant challenges¹, including poor access to resources, volatile

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bJCLR~TvYqjyDGCF2M9FVtWcBT8yjBaVkZBweVypB-

¹ Bhoi, B. K., & Dadhich, C. L. (2019). Agrarian distress in India: Possible solutions. *Indira Gandhi Institute of Development Research, Mumbai, India, WP, 17*, 1-13., https://dlwqtxts1xzle7.cloudfront.net/108295691/WP-2019-017-libre.pdf?1701670498=&response-content-

disposition=inline%3B+filename%3DAgrarian_distress_in_India_Possible_solu.pdf&Expires=1729538065&Signature=TCUN8-

⁴IDTCtDYxESeouypMkxkiW5M3u6gw53w~TvdtOCEvi~lqJGS0LUSnxJyVjjUsGSIY8KXoPoUSmRz67XawbbRE0OdQ1RqkQHtEZHvE15 aZPK827jzEh3SJnGXw___&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA

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markets, and unpredictable weather patterns. In response, the Indian government has introduced a series of legal incentives to promote sustainable agricultural practices and enhance farmers' social security.

This article explores the intersection of these legal incentives, specifically focusing on taxation policies, subsidies, and government programs that aim to promote sustainable agriculture² while securing farmers' social welfare. With agricultural sustainability closely linked to socio-economic stability, it is important to examine whether the current legal frameworks adequately address the needs of Indian farmers. The relevance of this issue has been highlighted by recent legislative changes³, such as the challenges for implementation of the 'Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020^{'4}, and the 'National Mission for Sustainable Agriculture (NMSA)'. These initiatives reflect the government's commitment to promoting environmentally sound agricultural practices, but they also raise critical questions about the sufficiency and inclusiveness of social security measures for farmers.

The research questions this article seeks to address are: (1) How effective are the current legal incentives in promoting sustainable agricultural practices? (2) To what extent do these incentives ensure social security for small and marginal farmers? (3) What legal reforms are needed to strengthen the intersection of agricultural sustainability and farmers' welfare?

The objectives of this research are twofold. First, to critically analyse the existing legal provisions and policies that promote sustainable agriculture in India. Second, to propose practical reforms that can enhance the social security system for farmers, ensuring that legal incentives support both sustainability and equitable economic protection for vulnerable farming communities.

Methodology:- The research methodology adopted for this article is primarily doctrinal, involving a detailed examination of legal texts, statutes, case laws, and government policies related to sustainable agriculture and farmers' social security in India. The doctrinal approach allows for a thorough analysis of existing laws and legal frameworks, with a focus on identifying gaps and inconsistencies in their application. This approach is well-suited for the research questions posed, as it enables a deep dive into the legal provisions governing agricultural subsidies, taxation incentives, and social security programs.

In addition to doctrinal analysis, a comparative legal study is employed to assess international best practices in sustainable agriculture and social security for farmers. This involves analysing legal frameworks from jurisdictions such as the European Union and the United States, where sustainable agricultural practices are closely integrated with social welfare programs. By comparing these legal models, this research aims to draw lessons that can be applied to strengthen the Indian legal framework.

² Repetto, R. (1987). Economic incentives for sustainable production. *The Annals of Regional Science*, *21*, 44-59., https://doi.org/10.1007/BF01287282

³ Saroha, B. (2021). New Farm Laws 2020: Critical Analysis. *Parichay Maharaja Surajmal Institute Journal of Applied Research*, 26., https://www.msijr.msi-ggsip.org/pdf/MSIJAR_VOL04_ISSUE02.pdf#page=31

⁴ The Farmers' Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 was formally repealed by the Government of India on December 1, 2021. The Supreme Court had stayed the implementation of the Act on January 12, 2021.

A BI-ANNUAL, OPEN ACCESS, PEER REVIEWED (REFEREED) JOURNAL Vol. 07, Special Issue 02, October 2024

The selection of sources for this research includes primary legal documents such as Indian statutes—especially the 'Income Tax Act⁵', and the 'Pradhan Mantri Fasal Bima Yojana'⁶ etc. critically analysed to understand agricultural subsidies and farmers' welfare schemes. Secondary sources include legal commentaries, government reports, and academic writings that provide insights into the socio-economic impact of sustainable agriculture policies.

This combination of doctrinal and comparative analysis ensures that the research is comprehensive and grounded in both legal theory and practical policy considerations. It also allows for a critical evaluation of the Indian legal system's approach to sustainable agriculture, while highlighting areas for reform based on international examples.

Analysis and Argumentation:- The legal framework for promoting sustainable agriculture in India relies heavily on taxation incentives, subsidies, and government programs. However, a closer examination reveals that these measures are not always effectively targeted or accessible to small and marginal farmers, who represent a significant portion of the farming community. This section critically analyses the existing laws and policies and explores their impact on sustainable agriculture and farmers' social security.

1. Taxation Incentives for Sustainable Agriculture

Taxation plays a critical role in shaping agricultural practices. The Indian government has introduced tax exemptions and deductions to encourage investment in sustainable farming technologies. For example, under the Income Tax Act, Section 10(1) provides agricultural income tax exemptions, which can be seen as a legal incentive. However, the benefits of these exemptions are often skewed towards large-scale farmers or agribusinesses, leaving small-scale farmers without adequate support.

The primary gap in this approach is the failure to tie these exemptions to sustainable practices. A more effective model would be to condition tax benefits on the adoption of environmentally friendly agricultural methods, such as organic farming, water conservation, or the use of renewable energy. Such a model could ensure that tax incentives directly contribute to sustainability goals while offering financial relief to farmers committed to sustainable practices.

2. Subsidies: The Double-Edged Sword

Subsidies form a cornerstone of agricultural policy in India, with schemes like the Pradhan Mantri Fasal Bima Yojana providing financial protection to farmers against crop failure. However, while subsidies aim to provide economic security, they often encourage unsustainable farming methods. For instance, subsidies on chemical fertilizers and pesticides promote intensive farming practices that degrade the environment.⁷

The government has recently introduced schemes to subsidise sustainable practices, such as organic farming and micro-irrigation. India's irrigation system faces significant challenges, including groundwater over-

⁵ THE INCOME-TAX ACT, 1961, Act 43 of 196, Published on 13 September 1961

⁶ launched on 18 February 2016 by Prime Minister Narendra Modi is an insurance service for farmers for their yields.

⁷ Ray, M., Singh, A. P., & Jakhar, S. K. (2023). Sustainable farming practices adoption in agriculture supply chain: the role of indirect support versus cost subsidy. *Annals of Operations Research*, 1-26. https://doi.org/10.1007/s10479-023-05559-0

INTERNATIONAL JOURNAL OF ADVANCED RESEARCH IN MULTIDISCIPLINARY SCIENCES (IJARMS)

A BI-ANNUAL, OPEN ACCESS, PEER REVIEWED (REFEREED) JOURNAL Vol. 07, Special Issue 02, October 2024

exploitation (25% of the world's extraction), leading to depletion in states like Punjab and Haryana. Traditional flood irrigation, used in 85% of irrigated areas, causes major water wastage, while poor infrastructure results in 30-40% losses in canal systems. The disparity in irrigation access is evident, with Punjab having 98% of its land irrigated. Climate change worsens water scarcity, and the adoption of efficient techniques like microirrigation remains low due to costs and lack of awareness. Government measures, such as the Pradhan Mantri Krishi Sinchayee Yojana, Per Drop More Crop, and Atal Bhujal Yojana, aim to improve irrigation management, promote water-efficient practices, and ensure sustainable groundwater use.⁸ The Paramparagat Krishi Vikas Yojana (PKVY)⁹ aims to promote organic farming in India by improving soil health and increasing organic matter content. The scheme supports farmers in adopting organic practices, which not only enhances soil fertility but also boosts their net income. Through organic farming, farmers can benefit from premium pricing for their products, leading to better market opportunities and long-term sustainability in agriculture. However, these programs remain underutilised¹⁰ due to limited awareness and lack of access to necessary resources among small and marginal farmers. The Government of India has been promoting micro irrigation to improve water use efficiency in agriculture through technologies like drip and sprinkler irrigation. Initially launched in 2006, the scheme became part of the 'National Mission on Sustainable Agriculture (NMSA)' in 2014 as "On Farm Water Management" (OFWM). Since 2015, it has been implemented under the 'Pradhan Mantri Krishi Sinchayee Yojana', continuing with the same assistance structure as OFWM.

To address this, the government must focus on designing more inclusive subsidy programs that prioritise sustainable agriculture and provide equitable access to all farmers.

3. Government Programs: Balancing Sustainability and Social Security

Several government programs focus on promoting sustainable agriculture while ensuring farmers' social security.¹¹ The government is implementing various schemes to support farmers by reducing cultivation costs, boosting productivity, and ensuring fair prices for their produce. These programs aim to enhance agricultural output while providing social security to agricultural workers.¹²The National Mission for Sustainable Agriculture (NMSA) is one such program aimed at addressing both environmental sustainability and the socio-economic needs of farmers. However, the implementation of these programs faces several challenges,

⁸ Synopsis IAS. (2024). What are the major challenges faced by Indian irrigation system in recent times? State the measures taken by the government for efficient irrigation management (UPSC GS 3 2024/15 Marks). https://synopsisias.com/blog/what-are-themajor-challenges-faced-by-indian-irrigation-system-in-recent-times-state-the-measures-taken-by-the-government-for-efficientirrigation-management-upsc-gs-3-2024-15-marks?category_slug=upsc-mains-2024-gs-paper-3-analysis#

⁹ Department of Agriculture and Farmers Welfare, Government of Delhi. (Launched in 2015). *Paramparagat Krishi Vikas Yojana.*, https://dmsouthwest.delhi.gov.in/scheme/paramparagat-krishi-vikas-yojana/

¹⁰ Nair, J., & Thomas, B. K. (2023). Why is adoption of micro-irrigation slow in India? A review. *Development in Practice*, 33(1), 76-86.https://doi.org/10.1080/09614524.2022.2059065

¹¹ Yadav, D., Joshi, S. H., & Mehendale, A. (2023). Social security measures among agricultural workers: A narrative review. *Journal of Datta Meghe Institute of Medical Sciences University*, *18*(1), 135-140. https://doi.org/10.4103/jdmimsu.jdmimsu_473_22

¹² Republic's task cut out. (2022). *The future of Indian agriculture lies with Atmanirbhar farmers*. Down To Earth. https://www.downtoearth.org.in/blog/agriculture/the-future-of-indian-agriculture-lies-with-atmanirbhar-farmers-75228

including bureaucratic inefficiencies, delays in benefit disbursement, and a lack of coordination between various government agencies.

A critical shortcoming of these programs is the lack of integration between environmental sustainability goals and farmers' social security. Social security for farmers is often treated as a separate policy objective, with limited consideration of how sustainability and social welfare are interlinked. For instance, drought-resistant crops and rainwater harvesting systems, which are promoted under the NMSA, should be directly tied to social security benefits like crop insurance, pension schemes, and healthcare coverage for farmers. Integrating these elements would create a holistic approach to sustainable agriculture.

4. Legal Gaps and the Need for Reform

The analysis reveals several legal gaps in India's approach to sustainable agriculture and farmers' social security. First, there is no unified legal framework that links taxation, subsidies, and social security benefits to sustainable farming practices. Current policies address these issues separately, leading to fragmented and inefficient outcomes. Second, existing laws fail to recognise the socio-economic disparities among farmers, with large landholders often benefiting more from legal incentives than small and marginal farmers.

To address these gaps, legal reforms are needed. The government could introduce a comprehensive Sustainable Agriculture Law that consolidates various incentives into a single framework. This law should ensure that legal incentives for sustainability are accessible to all farmers, regardless of their scale of operation, and should prioritize social security measures for the most vulnerable.

Comparative and Contextual Analysis:

Sustainable agriculture and social security for farmers are global concerns, and many countries have adopted legal frameworks that provide valuable lessons for India. This section compares the legal approaches of other jurisdictions, such as the European Union (EU) and the United States (US), to highlight their successes and challenges. By examining these models, we can better understand how India's legal framework can be improved to effectively balance sustainable agriculture with the social security needs of its farmers.

1. European Union: Integrating Sustainability into Agricultural Policy

The European Union's Common Agricultural Policy (CAP)¹³ serves as a leading example of how sustainability can be integrated into agricultural subsidies and programs. CAP provides financial support to farmers who adopt environmentally friendly practices, such as maintaining biodiversity, reducing carbon emissions, and conserving water.¹⁴ In exchange for receiving subsidies, farmers must comply with sustainability standards, which are regularly monitored by government agencies.

¹³ Roederer-Rynning, C. (2010). The common agricultural policy. *Policy-making in the European Union*, 181-205., https://www.google.co.in/books/edition/Policy_making_in_the_European_Union/yZmcAQAAQBAJ?q=european+union%E2%80 %99s+common+agricultural+policy+(cap)&gbpv=1#f=false

¹⁴ Röder, N., Krämer, C., Grajewski, R., Lakner, S., & Matthews, A. (2024). What is the environmental potential of the post-2022 common agricultural policy?. *Land Use Policy*, *144*, 107219., https://pdf.sciencedirectassets.com/,

https://doi.org/10.1016/j.landusepol.2024.107219

One key aspect of CAP that could be beneficial for India is the "greening" of subsidies¹⁵, which ensures that financial support is tied to environmentally sustainable practices. This creates a direct link between government incentives and the adoption of sustainable farming techniques. Additionally, CAP includes social security measures such as direct payments to small farmers, ensuring that vulnerable groups receive financial support while contributing to sustainability goals.¹⁶

India could draw from the EU's model by making subsidies conditional upon the adoption of sustainable agricultural practices. A similar system could be implemented in India, where government subsidies for fertilisers or irrigation systems¹⁷ are provided only if the farmer is engaging in practices like crop rotation, organic farming, or rainwater harvesting.

2. United States: Incentivising Conservation through Legal Frameworks

In the United States, sustainable agriculture is promoted through a variety of programs under the Farm Bill¹⁸, particularly the Environmental Quality Incentives Program (EQIP)¹⁹. EQIP offers financial and technical assistance to farmers who implement conservation practices, such as soil health management, nutrient optimisation, and erosion control. These programs not only promote sustainability but also provide direct economic benefits to farmers by improving the long-term productivity of their land.

A notable feature of the US model is the use of conservation contracts, where farmers commit to sustainable practices in exchange for financial incentives. These contracts ensure that the financial assistance provided leads to tangible environmental benefits. Additionally, the US Department of Agriculture offers social security programs²⁰, including crop insurance, health insurance, and pension schemes, which are designed to protect farmers from market volatility and climate-related risks.²¹

¹⁵ Chaganty, S. (2016). Analysing the greening measures of CAP reform 2014-2020, through the agriculture stakeholders' perceptions., https://stud.epsilon.slu.se/9378/1/chaganty_s_160818.pdf

¹⁶ Brady, M., Hristov, J., Höjgård, S., Jansson, T., Johansson, H., Larsson, C., ... & Rabinowicz, E. (2017). Impacts of direct payments–lessons for CAP post-2020 from a quantitative analysis. *Rapport/AgriFood Economics Centre*, (2017: 2). 31, https://pub.epsilon.slu.se/16201/7/brady_m_et_al_190614.pdf

¹⁷ Birner, R., Gupta, S., & Sharma, N. (2011). *The political economy of agricultural policy reform in India: Fertilizers and electricity for irrigation* (Vol. 174). Intl Food Policy Res Inst., DOI: 10.2499/9780896291720

¹⁸Anderson, M. (1995). Conservation, the environment, and the farm bill. *Journal of Contemporary Water Research and Education*, *101*(1), 2. , https://opensiuc.lib.siu.edu/cgi/viewcontent.cgi?article=1345&context=jcwre

¹⁹ Stubbs, M. (2010). *Environmental Quality Incentives Program (EQIP): Status and Issues*. Washington, DC, USA: Congressional Research Service., https://nationalaglawcenter.org/wp-content/uploads/assets/crs/R40197.pdf

²⁰ Social Security Administration. (n.d.). *Social security programs in the United States: Old-age, survivors, and disability insurance*. https://www.ssa.gov/policy/docs/progdesc/sspus/oasdi.pdf?form=MG0AV3

²¹ Martin, P. P., & Weaver, D. A. (2005). Social Security: A program and policy history. *Social Security Bulletin, 66*(1). Social Security Administration.

https://www.ssa.gov/policy/docs/ssb/v66n1/v66n1p1.html#:~:text=Many%20of%20the%20federal%20and,and%20means%2Dt ested%20welfare%20programs

India could adopt similar conservation contracts, which would create a legal obligation for farmers to follow sustainable practices in return for financial support. These contracts could be incorporated into existing subsidy programs, ensuring that the funds are used to promote long-term sustainability.

3. Contextual Relevance for India: Socio-Economic Challenges and Legal Implementation

The comparison of the EU and US legal frameworks highlights the potential for India to improve its approach to sustainable agriculture and farmers' social security. However, it is important to consider the unique socioeconomic challenges faced by Indian farmers. A large percentage of Indian farmers are small or marginal, and they often lack access to modern farming technologies, financial resources, and information about sustainable practices. Any legal reforms in India must address these structural inequalities to be effective.

Moreover, the political and cultural context in India significantly influences the implementation of agricultural policies. Many Indian farmers depend heavily on subsidies²² for their survival, and changes to subsidy structures can trigger political opposition. Therefore, any shift towards sustainable agriculture incentives must be accompanied by extensive awareness campaigns, capacity building, and financial support for transitioning to new practices.

The legal implementation of sustainable agriculture policies in India must also account for regional variations in climate, soil types, and crop patterns. Unlike the EU and the US, where uniform policies can be applied across relatively homogeneous agricultural regions, India's diversity requires more localized solutions. This underscores the need for flexible legal frameworks that can be adapted to regional contexts while maintaining the broader goals of sustainability and social security.

Discussion and Implications:

The analysis of legal incentives for promoting sustainable agriculture in India reveals several important implications for the country's legal framework and policy-making. These findings not only highlight the strengths and weaknesses of the current system but also provide a foundation for future legal reforms that aim to create a more sustainable and equitable agricultural sector.

1. Strengthening the Link Between Sustainability and Social Security

One of the key findings of this research is the need to strengthen the link between sustainability and social security for farmers. While current government programs and subsidies provide financial assistance, they often fail to prioritise long-term environmental sustainability. The lack of a unified legal framework that integrates sustainable practices with social security measures means that many farmers are incentivised to pursue short-term economic gains through unsustainable farming methods, such as overuse of chemical fertilisers or monoculture practices.

A comprehensive approach is needed to address this issue. By legally linking subsidies and social security benefits to the adoption of sustainable agricultural practices, the government can create a dual incentive structure. This would not only encourage farmers to adopt environmentally friendly techniques but also ensure

²² Mech, A. (2018). Agrarian Crisis in India. *Social Science Journal of Gargaon College*, *6*, 27-34., https://gargaoncollege.ac.in/pdf/publications/1/pub_more/72.pdf

that they receive the necessary financial support to make these changes. Such an approach would lead to longterm benefits for both the environment and the economic security of farmers, particularly those who are small and marginal.

2. Challenges to Legal Reform

While there is a clear need for legal reforms, several challenges must be addressed. First, any changes to the subsidy structure or tax incentives will likely face political resistance, as many farmers rely on these subsidies for their immediate survival. Therefore, a gradual transition towards sustainability-linked incentives is necessary, supported by education and capacity-building programs that help farmers understand the long-term benefits of sustainable practices.

Another challenge is the unequal access to resources among Indian farmers. Small and marginal farmers often lack the financial resources or technical knowledge needed to adopt sustainable agricultural methods. Legal reforms must therefore include provisions for targeted assistance, ensuring that these vulnerable groups are not left behind. For example, government programs could provide subsidies for purchasing sustainable farming equipment, such as drip irrigation systems, or offer training on organic farming techniques.

3. Broader Socio-Economic and Environmental Implications

The broader implications of promoting sustainable agriculture are significant, both for India's agricultural sector and for global food security. A shift towards sustainable farming practices would help mitigate the environmental degradation caused by over-reliance on chemical inputs and intensive farming. In the long term, this would lead to more resilient agricultural ecosystems, capable of withstanding the impacts of climate change.

At the same time, enhancing the social security of farmers through legal reforms would contribute to reducing rural poverty and economic inequality. By ensuring that legal incentives for sustainability are accessible to small and marginal farmers, the government can create a more inclusive agricultural sector that provides economic opportunities for all.

4. Policy Recommendations

Based on the findings of this research, several policy recommendations can be made:

- **Integrate Sustainability with Subsidies**: The government should revise its subsidy schemes to make financial assistance conditional upon the adoption of sustainable agricultural practices. This could be modeled after the "greening" provisions in the European Union's Common Agricultural Policy.
- **Targeted Support for Small and Marginal Farmers**: Legal reforms should include specific provisions to ensure that small and marginal farmers have access to the resources and training needed to adopt sustainable farming techniques. This could involve direct financial support for purchasing sustainable farming equipment or participation in capacity-building programs.
- **Develop a Comprehensive Legal Framework**: The government should consider introducing a Sustainable Agriculture Law that consolidates various existing incentives into a unified legal framework. This law would ensure that all legal incentives, whether tax-based or subsidy-based, are aligned with sustainability goals and social security for farmers.

• **Regional Flexibility**: Given the diversity of agricultural conditions across India, any legal framework must allow for regional flexibility. This would enable states to adapt national policies to local conditions, ensuring that sustainability goals are met in a manner that is relevant to the specific agricultural and environmental context of each region.

Conclusion:

This article has critically examined the legal incentives for promoting sustainable agriculture in India, focusing on the intersection of taxation policies, subsidies, and government programs with farmers' social security. The analysis highlights the need for a more integrated approach that links sustainability goals with the economic welfare of farmers, especially small and marginal ones. The current legal framework, while providing some incentives for sustainable farming, remains fragmented and often inaccessible to those who need it most.

Major findings suggest that legal reforms are necessary to create a more cohesive system that promotes longterm environmental sustainability while ensuring the financial security of farmers. International models, such as the European Union's Common Agricultural Policy and the United States' conservation programs, offer valuable lessons in tying financial incentives to sustainable practices. However, any legal reforms in India must take into account the unique socio-economic and cultural challenges faced by Indian farmers.

The policy recommendations put forward in this article, including the integration of sustainability with subsidies, targeted support for small and marginal farmers, and the development of a comprehensive Sustainable Agriculture Law, provide practical solutions for enhancing the current legal framework. These reforms would not only promote sustainable agricultural practices but also ensure that farmers receive the social security benefits they need to thrive.

Future Research Directions

While this article has addressed some of the important legal and policy challenges in promoting sustainable agriculture, further research is needed to explore specific regional differences within India and how legal reforms can be tailored to meet the needs of diverse agricultural zones. Additionally, as climate change continues to impact farming, future research should focus on how legal frameworks can be adapted to enhance the resilience of farmers against environmental shocks, such as droughts and floods.