

**LEGAL REGULATION OF AGRICULTURAL LABOUR IN INDIA: A CRITICAL STUDY**

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**Abstract:**

*The Indian Planners have committed themselves to improve the conditions of Agricultural Labour. It has been the endeavor of every Five Year Plan in India to ensure fuller opportunities for work and better living to all the sections of the rural community and, in particular, to assist agricultural labourers and backward classes to come to the level of the rest. Even though there has been tremendous progress in India since Independence, the Government of India gave special consideration to the landless agricultural labour, this is one section which has really a very hard time and which deserves very special consideration. Still seasonal unemployment is a characteristic feature of Agricultural sector and under employment of man power is inherent in the system of family farming. Unlike industrial labour, agricultural labour is difficult to define. The reason is that unless capitalism develops fully in agriculture, a separate class of workers depending wholly on wages does not come up.*

**Key words:** *community, Government, tremendous, workers.*

**I. Introduction:****Meaning and Definition of Agricultural Labour**

Agricultural Labour is a person who, for more than half of the total number of days, worked as an agricultural labour. An agricultural labour may be the small or marginal farmer or an artisan, but when a person derives his main earning by doing some agricultural work on others farm is called an agricultural labour. According to the Marginal and Seasonal Agricultural Worker Protection Act (1983), the term, "agricultural Labour" includes all services performed prior to January 1, 1972, which was agricultural Labour as defined in this section prior to such date and remunerated services performed after December 31, 1971:

- a. on a farm, in the employ of any person in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;
- b. in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment or in salvaging timber or clearing land of brush and other debris left by a hurricane if the major part of such service is performed on a farm;
- c. in connection with the production or harvesting of any commodity commonly known as agricultural commodities or in connection with the hatching of poultry or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes, except where such ditches, canals, reservoirs, or waterways are owned and operated by government entities;
- d. in the employ of the operator of a farm or a group of operators of farms or a cooperative organization of which such operators are members in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market in its unmanufactured state any agricultural or horticultural commodity, but only if such operator or operators produced more than one-half of the commodity with respect to which such service is performed.

(2) The provisions of sub-sections (1)(a), (1)(b), (1)(c), and (1)(d) of this section shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption or on a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

## II. Review of the study:

According to National Commission on Labour, an agricultural labourer is one "who is basically unskilled and unorganized and has little for his livelihood other than personal labour". Thus, agricultural workers whose main source of income is in the form of wages obtained as a

result of working on land fall in this group. These workers have nothing except their labour to earn livelihood. They are unskilled and unorganized, It consist of two sub-categories: i. landless agricultural labour, and ii, very small cultivators whose main source of earnings, due to their small and sub-marginal holdings, is wage employment. Landless labour in turn can be classified into two broad categories: a, permanent labour attached to, a) cultivating household and b) casual labour. The second group can again be sub-divided into three subgroups: cultivators, share-croppers and lease holders. Permanent or attached labourers generally work on annual or seasonal basis and they work on some sort of contract. Their wages are determined by custom or tradition. On the other hand, temporary or casual labourers are engaged only during peak period for work. Their employment is temporary and they are paid at the market rate. They are not attached to any landlord. Under the second group come small farmers who possess very little land and therefore, have to devote most of their time working on the lands of others as labourers. Share-croppers are those who, while sharing the produce of the land for their work, also work as labourers. Tenants are those who not only work on the leased land but also work as labourers.

The Agricultural Labour Enquiry Committee differentiated between the "attached" and "casual" labourers. The former are those who are employed for a period of times i.e., on annual or seasonal basis by the assignment of lodging on the farm, who are under some sort of contract with the employers, and in whose case the mode of payment is determined by custom and tradition. They are to work for their employers and are not ordinarily free to seek employment elsewhere, while the latter, ie., the casual are engaged in peak period and attend to rush work only. Such labourers are free to leave one job for another whenever they please and they are paid at the market rates. In most cases, the difference between the two classes is stated initially in terms of period for which a man is engaged and whether or not he receives daily wages.

This brief analysis is enough to prove that even the experts are not agreed upon the definition of agricultural labour. Accordingly, we must remain content with a working definition. All those persons who derive a major part of their income as payment for work performed on the farms of others can be designated as agricultural workers. For a major part of the year they should work on the land of others on wages.

### **III. Objectives of the Study**

The following are the main objectives of the study.

1. To examine the problems of agricultural labour laws in rural areas.
2. To examine the constitutional protection and safeguards in India for agricultural labour.
3. To identify the problems of implementation of laws for agricultural labour.
4. To suggest remedies to the problems of agricultural labour in India with an emphasis on legal protection in order to to make them participate in the process of economic development of our country.

### **IV. Hypotheses of the Study**

The following hypotheses are formulated to test in the present research work.

1. Agricultural workers have many problems which are not legally redressed.
2. It is very difficult to extend extensive legal protection to all agricultural labour.
3. Awareness is lacking among agricultural labour laws about their legal and constitutional rights.
4. There is no proper judicial attention to the problems of agricultural workers in India

### **V. Methodology**

Doctrinal method is followed to enquire conceptual and constitutional aspects of agricultural labour laws. For this, the researcher relied on secondary sources such as, books, journals, articles, etc., Statistics from government sources that were published are utilized for augmenting the findings. In addition, the researcher collected some necessary information from the Rural Agriculture Labour through a pre-designed questionnaire.

As part of this research, an empirical study has been conducted on agricultural labour in ten selected villages of Pondur Mandal in Srikakulam District of Andhra Pradesh. For this study, questionnaire is designed and data was obtained from them. In this mandal, the researcher

visited these ten villages and interacted with the agriculture labour for data collection. These villages are: Rapaka, Ilayya Garipeta, Kinthali, Konchada, Dallavalasa, Thandiyam, Venkata Raya.Gudem, Kotipalli, Pillalavalasa and Penubarthi.

## **VI. Description of the study:**

### **Government Initiatives Pertaining to Agricultural Labour:**

Soon after Independence, the Centre as well as the State Governments have taken some measures to improve the economic condition of agricultural labour.

#### **1. Indian Constitution**

The Indian Constitution has declared the practice of serfdom an offense. It has abolished agrarian slavery including forced labour by law but it will take some time for its total elimination. Article 23 of the Indian Constitution expressly prohibits the practice of forced labour.

#### **2. Minimum Wages Legislation**

The Minimum Wages Act was passed in 1948, and required every State Government to fix minimum wages for agricultural labour within three years. The minimum wages are fixed keeping in view the total costs and standard of living. Since, conditions in various parts of the country are different and even within a state the law allows different rates of wages to be fixed. In practice, minimum wages are very difficult to enforce effectively. In many states, the rates are fixed even below the current rates of wages and factually, it has failed to increase the wages and earnings of agricultural labour.

#### **3. Other Legislative Measures**

The Zamindari system has been abolished by law in all the states and with that all the exploitation associated with the system has been removed. Besides, tenancy laws have been passed in most of the states protecting the interests of the tenants and labourers and enabling them to acquire the lands they cultivate. Many states have passed legislation fixing ceiling on

agricultural holdings by which the maximum amount of land which a person can hold has been fixed by law.

#### **4. Organization of Labour Cooperatives**

During the Second Five-Year Plan, efforts were made to encourage the formation of labour cooperatives. These cooperatives, whose members are workers, undertake the contract of government projects, such as, construction of roads, digging of canals and tanks, afforestation etc. They provide employment to agricultural workers during off-season and also eliminate the possible exploitation of workers by the private contractors.

#### **5. Employment Guarantee Scheme**

The Government of Maharashtra introduced in 1977 the Employment Guarantee Scheme under which any able bodied person in rural areas can apply for a job. The rate of wages will not be such as to attract agricultural workers from their normal employment in agricultural operations. The Maharashtra Employment Guarantee Scheme is being adopted by other states as well. Jawahar Rozgar Yojana launched by the Central Government in 1989 is a further step in this direction.

#### **6. Special Area Programme**

During the earlier stages, the Government had conceived of community development programmes as instruments of rural transformation that would include agricultural labourers too. Subsequently, however, it was found more viable to carry out such programmes more intensively in selected districts and areas. With this view a number of special area programmes were conceived among them a specific mention need to be made of small farmers' Development Agency, Marginal Farmers' and Agricultural Labourers' Development Agency Programme, etc.

#### **7. Land Reclamation and Settlement**

Land reclamation measures have been intensified in different parts of the country. Land so secured has been distributed among the landless agricultural labourers. Similarly, resettlement schemes have included provision of land to this class of workers, credit facilities and other

schemes which can prove effective instruments for their upliftment. Among these schemes, a specific mention needs to be made of the Bhoodan Movement. This movement aimed at a solution of the problem of landless agricultural labourers by a redistribution of land on a voluntary basis. The movement, however, failed to solve the problem in a big way.

### **8. Abolition of Bonded Labour**

The Bonded Labour System (Abolition) Act, 1976, has been enacted. Under this act, every bonded labourer stands liberated and discharged all obligations to render bonded labour. As with other legislative measures, this piece of legislation has also fallen through because of lack of enforcement.

### **9. Provision of Housing Sites**

Laws have been passed in several states for providing house sites in villages to agricultural workers. A number of steps were undertaken during the Second Plan to provide house sites free or on a subsidized basis. During Fourth Plan, a scheme was introduced under which financial assistance was given to the states for provision of house sites with an area of 91 sq. meters to cover, where necessary, the cost of acquisition and development of house sites. The Minimum Needs Programme (MNP) and the 20-Point programme give a high priority to the rural house site-cum-house construction scheme.

### **10. Other Measures**

Various other measures adopted by the government from time-to-time have either directly or indirectly sought to improve the condition of agricultural workers. For instance, promotion of small and cottage industries and village handicrafts and development of industrial estates in rural areas have created job opportunities for agricultural workers.

### **VII. Findings:**

The labour laws of India originated and express the socio-political views of leaders such as Nehru from pre-1947 independence movement struggle. These laws were expanded in part after debates in Constituent Assembly and in part from International Conventions and

recommendations such as of International Labour Organization. The current mosaic of Indian laws on employment are thus a combination of India's history during its colonial heritage, India's experiments with socialism, important human rights and the conventions that have emerged from the United Nations Presented certain Labour standards. The laws cover the right to work of one's choice, right against discrimination, prohibition of child labour, fair and humane conditions of work, social security, protection of wages, and redress of grievances, right to organise and form trade unions, collective bargaining and participation in management.

The Preamble of Indian Constitution stated that it is in the public interest to extend collective bargaining rights to employees and employers in the agriculture and horticulture industries. However, the agriculture and horticulture industries have certain unique characteristics that must be considered in extending those rights. Those unique characteristics include seasonal production, climate sensitivity, time sensitivity, and perishable nature of agriculture and horticulture products, and the need for maintenance of continuous processes to ensure the care and survival of animal and plant life.

### **VIII. Conclusions:**

- Timely and adequate support by way of credit to farmers with focusing small and marginal farmers to have them modern equipment for improved agricultural productivity.
- To issue Kisan Credit Cards to all the eligible farmers to have them access to get Short, Medium and Long Term loan from all the banks.
- To form the Self Help Groups (SHGs) of Tenant farmers/ share croppers and agricultural workers and give them micro-credit through banks.
- Encourage the farmers to adopt allied activities like dairy, fishery, poultry etc. with farming activities.
- Adoption of upgraded technology inputs along with provision of infrastructure inputs like power at subsidized cost, supply of inputs like seeds, fertilizers, tractors and credit provision through all nationalized banks.
- Adoption of Non-Farm activities with allied agricultural activities.

- Arrangements of marketing /forward linkages /contract farming to sell their produce at remunerative prices.
- There should be separate agricultural tribunals which may be on par with countries like for e.g., South Africa. In this country the disputed matters should be located by the machinery and brought before as agricultural labour voluntarily will come forward to do so. Thus, whenever there is a dispute between an employer and an employee engaged in farming activities concerning an alleged unfair labour practice, any party to the dispute may refer the dispute to the agricultural tribunal for determination.

In case of India the proposed Agricultural Tribunals ought to be in the nature of Mobile Tribunal. This would create greater awareness about the judicial system among the rural masses, cut costs for them and render justice at their doorstep. These courts should see to that hearings are not unnecessarily postponed. Mobile Courts for already existing system like Gram Panchayat/ Sabha as prevailing in various States should be adopted and applied. Panchayat should serve as conduit between Mobile Tribunals and litigants. Mobile Tribunal's mission is to save time, money, cut down transportation costs and efforts. Speedy and inexpensive effortless justice for all is what it provides. The State Government may direct to the district administration, record keeping functions for the district panchayat in rural areas and the urban local bodies in urban areas to perform such functions.

References: This paper work is part of my PhD Thesis work.