



## LAW & WOMEN AGRICULTURAL LABOUR-A PERSPECTIVE

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Agriculture is the chief occupation of the people of India from pre-historic times. The archeological excavations at Harappa and Mahenzodaro (2500 B.C), the ancient cities of India (now in Pakistan) throw a significant light on the agricultural development of that age. Majority of the working population in India are engaged in agriculture. As per 1951 census 69.5 per cent of the working population was engaged in agriculture, which got slightly decreased to 65 per cent by 2020. Unfortunately, as a result of increase in population, the absolute number of people engaged in agriculture has become exceedingly large. This indicates that of the measures taken in the direction of industrialisation in the country, agriculture is still the dominant sector in providing employment opportunities. Agricultural labour is a major constituent of the rural labour. Since the time immemorial agricultural labour has a pride place in the Indian economy. Agricultural labour is one of the most important sections of rural population. Their contribution to the rural economy is note worthy, it is fitting to trace the history of agricultural labour.

The origin of agricultural labourers can be traced back by the ascendancy of British rule. Due to Government policy, when industries began declining, craftsmen and artisans

living in villages were left with no alternative but to fall back on agricultural labourers. Though British Government adopted a policy for rural development in the country, it did not contemplate modernization of tea, coffee and jute in which the British had vested interest. The backwardness of agricultural sector forced even the small farmers to join the ranks of workers. Thus, the destruction of native industries and primitive character of agriculture led to the rise of the class of agricultural labourers in the country. The number of agricultural workers had continuously increased ever since.

Agriculture is the chief occupation of the people of India since time immemorial. In the Vedic times, fundamental principles of agriculture were known and followed by the Vedic Aryans but the information regarding agricultural labour is very scarce. As a matter of fact, most of the heads of the households were farmers cultivating their family farm.

They took pleasure in doing the farm operations with their own hands with very minimum support from others.

### **During 20<sup>th</sup> Century**

Prosperity of the Indian economy depends primarily on the development of agriculture. The man behind the plough is the most decisive factor in Indian rural economy. One of the most distressing



problems of rural economy of India has been rising number and warning conditions of agricultural labourers. The cultivator who spends the day between the slush and mud, who works now with a starving stomach and now with a half appeased appetite, who knows no rest in storm or sunshine, who often has no rest in dwelling-site which can be called his own glows our paddy but starves, his conditions appalling and heart rendering.

### **Classification of Agricultural**

#### **Labourers:**

Agricultural labourers can be divided into four categories -

1. Landless Labourers, who are attached to the land lords;
2. Landless labourers, who are personally independent, but who work exclusively for others;
3. Petty farmers with tiny bits of land who devote most of their time working for others and
4. Farmers who have economic holdings but who have one or more of their sons and dependants working for other prosperous farmers.

India is a land of villages said the father of our nation. India is predominantly an agriculture based economy. At the same time India is also known all over for having a huge unorganized work force. Approximately around 92% of the total workforce in our country is estimated to be unorganized workers of unorganized employment sectors. For Eg:- conditions vary, levels of organizations vary, the nature of the relations with employers vary, there is an expanding sector of those who are self-employed, or are on contract, and work from homes. It is difficult to have separate laws for each employment this will only result in endless multiplication of laws and oversight of one or the other for the employment. The answer therefore lies in

one Umbrella Legislation that covers whatever is basic and common and leaves room for supplementary legislation or rules where specific areas demand special attention.

### **Agricultural Labour in India: Some Challenges**

India has neither ratified ILO Convention on Freedom of Association and Protection of the Right to Organize nor Convention on the Right to Organize and Collective Bargaining.

#### **Freedom of Association and the Right to Collective Bargaining**

Workers have the right to establish and join trade unions without prior authorisation<sup>15</sup>. However, this is insufficiently protected in practice. A change in legislation in 2001, which amended the Trade Union Act of 1926, states that a trade union has to represent at least 100 workers or 10 per cent of the workforce, whichever is less, compared to a minimum of seven workers previously. By international standards and practice, the requirement of 100 workers is excessive: the ILO Committee of Experts on the Application of Conventions and Recommendations has criticized countries which put in place the even lower minimum requirement of 50 persons to form a union.

The right to freedom of association in trade unions is guaranteed in the Constitution. The Trade Union Act of 1926 prohibits discrimination against union members and organizers in the formal and informal sectors, without distinction.

#### **Discrimination and Equal Remuneration:**

India has ratified ILO Convention on Equal Remuneration and Convention on Discrimination (Employment and Occupation). Although the Internationally recognized Core Labour standards in



India law prohibits discrimination on various grounds, certain groups face discrimination in employment.<sup>1</sup>

There is a considerable gender pay gap,<sup>2</sup> It has been estimated that 80% of working women are found in the informal sector. Women are working as cultivators, agricultural labourers, forest produce collectors, in tea plantations, construction industry, as landless labourers, fisheries, animal husbandry, sericulture, tobacco and beedi workers, and in home-based occupations, as weavers, spinners, garments, food processing, as vendors and hawkers and domestic workers.<sup>181</sup>

### **Forced Labour in Agriculture Occupation**

India has ratified ILO Conventions on Forced Labour and its Abolition. Forced labour and trafficking in human beings are prohibited by law.<sup>189</sup> However, forced labour is a problem in agriculture, mining, commercial sexual exploitation, and other sectors. The vast majority of estimates for the number between 5 million and, according to recent research from Anti-Slavery International, the much higher figure of 20 million.<sup>190</sup> Bonded labour is a specific form of forced labour which describes a private contractual relationship whereby a worker incurs or inherits debts to a contractor and then must work off the debt plus interest.

Article 23 of the Constitution prohibits trafficking in human beings and forced labour. These crimes are prosecuted under various provisions both in the Indian Penal Code and in the Immoral Traffic (Prevention) Act of 1956. The Bonded Labour System (Abolition) Act of 1976 prescribes three years

imprisonment for forcing workers into labour, which is considered an insufficient penalty for deterring the crime.

Discrimination on various grounds continues to be a serious problem in India, including grounds of gender, caste and ethnicity. The Government should take further measures to eliminate these forms of discrimination in employment, and ensure equal access for all groups to employment, equal pay for work of all value, and promotion to positions of responsibility. Laws regarding child labour must be amended to provide a universal minimum age for employment, and a higher minimum age for employment in hazardous occupations.

Forced and bonded labour also remains a serious problem, where some steps have been taken, but many more are required if the problem is to be overcome. There are some legislative amendments required, but more important is the effective implementation of existing laws, and an increase in resources devoted to freeing forced and bonded labourers.

In line with the commitments accepted by India at the Singapore WTO Ministerial Conference and its obligations as a member of the ILO, the Government of India should therefore provide regular reports to the WTO and the ILO on its legislative changes and implementation programmes with regard to all the core labour standards.

<sup>1</sup> Marie Ryan, Nancy , *Designing and Implementing Global Selection Systems*, T. Tippins Publications, (2001)

<sup>2</sup> Rema Nagrajan, "Unequal Pay for Equal Work Dogs Working Women in India: Study", *The Times of India*, Mar 9, 2011.