
AGRICULTURAL LABOURS – THE TIME FOR RECOGNITION UNDER LABOUR LEGISLATION

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ABSTRACT

Agriculture being a Hazardous Industry involves more life-threatening dangers to the agricultural workers and farmers. This results in the need for making social benefits laws for the welfare of the agricultural workers and farmers in India. The legislative lacuna regarding the social benefit laws to agricultural workers and farmers results in the threat to the society at large. The Lacuna filled by the judiciary under article 141 of the Indian constitution is not sufficient because the judiciary cannot do legislative functions and therefore the legislature should make laws relating to the social and welfare development of the farmers and agricultural workers. The India being the developing country was mainly based on the agriculture for the sustainable development in the economy. So, the legislature should make laws for the development of the farmers which further results in the development of the Indian economy. The solution this Issue can be done by keeping the Agriculture as an Industry under the definition of Industry under the Industrial Disputes act 1947. This helps in solving disputes when raised by using the provisions of the Industrial Disputes act, 1947 and also helpful for the agricultural workers and farmers to invoke other provisions of the labour legislations made for the workers who fall under employer-employee relationship. These provisions include, minimum wage, bonus, provident fund etc., These provisions also include social benefit legislations like, maternity benefit funds, accident claims, disability compensation, life insurance claims, crop insurance claims etc., The article finally explains about the key findings which is necessary for the social and welfare development of the agricultural workers and farmers. The article finally concludes with the suggestions for the raise of farmer awareness, for strengthening the MSP (Minimum Support Price), for making laws relating to dispute solving, and insist government to invest in the Agricultural Industry for the development and welfare of the society and India.

Keywords: Agricultural labours, Industry, Labour legislation, social welfare legislation

INTRODUCTION:

In India, Agricultural workers who are not kept under the purview of Industrial employees are not provided with sufficient social security benefits. Recently there have been many protests raised from the farmers because of the loss suffered by them regarding the cultivation of crops. The capitalistic approach of the Indian government is indirectly affecting the minimum support price of crops cultivated by the farmers. This economic stability in the agriculture is maintained by some legislations made by the Indian government such as The Agricultural Produce (Grading and Marking) Act, 1937, The Essential Commodities Act, 1955, The Agriculture Produce Marketing Committee (APMC) Act, The Contract Farming Acts, The Land Acquisition Act, 2013, The Water (Prevention and Control of Pollution) Act, 1974 and The Consumer Protection Act, 2019. But India is lacking legislation for the social security benefits which should be given to farmers who is contributing nearly 70 percentage of economy to India. Thus, Agriculture in India should consider to be a separate Industry and the recognition of this Industry should par with the recognition given to the ordinary Industries in India. One activity in the unorganized sector is agriculture. Sixty-four percent of those working in agriculture are unorganized. Because the government does not control them, they are exploited. These farmers do not receive family insurance, social security, or health benefits. The majority of unorganized agricultural producers receive no compensation. They get less paid time off for sick days and holidays. They must put in more time at work without getting paid for it. People in the unorganized sector are typically assigned sporadic tasks, and if their employer requests them to quit, they may do so if their burden is minimal. Keeping the agricultural workers away from Industrial workers because of mere lack of control from the government (as employer) is not good since the hazards and challenges faced by the agricultural workers are similar to that of the Industrial workers.

BACKGROUND OF THE STUDY:

Based on projected ILO estimates, India's total employment percentage (%) in the agricultural sector was 42.86 percent in 2022, as per the World Bank's development indicators collection, which is gathered from officially recognized sources. The World Bank provided the actual figures, historical statistics, forecasts, and estimates for India's employment in agriculture as a percentage of total employment in March 2024.

Challenges faced by the farmers¹:

1. Farmer protests: Farmers in India have been demonstrating and agitating a lot, requesting higher pricing for their produce and protection against new agricultural rules that the government is introducing in 2020.

2. Water scarcity: The productivity of agriculture is impacted by water scarcity in several parts of India. The amount of water that is accessible is limited due to the rising demand for water for residential and commercial uses.

3. Crop loss and insurance: Natural disasters including floods, droughts, and pests frequently cause crop damage for farmers in India. Crop insurance is another problem; it's not always sufficient to compensate farmers for their losses.

4. Market accessibility and pricing: Another significant problem that Indian farmers deal with is getting their goods into marketplaces at a reasonable price. Many farmers lack access to contemporary markets and technologies that may enable them to boost their revenue and productivity.

5. Minimum Support Price (MSP) and procurement: To guarantee they receive fair prices for their produce, farmers require a dependable and effective procurement mechanism in addition to the guarantee of MSP for their crops. Farmers have been demanding improved MSP and procurement rules from the government through demonstrations and agitations.

6. Land acquisition and compensation: Conflicts over farmer rehabilitation and compensation may arise from the acquisition of land for commercial or industrial developments. Farmers may experience delays and uncertainty as a result of the bureaucratic and sluggish land acquisition procedure.

7. Conflicts over water and irrigation: Water is scarce in many parts of India, and disagreements can occur around the allotment and division of available water supplies. Infrastructure for irrigation and the availability of sufficient water for agriculture are further problems.

8. Accidents:

Many tractor accidents result in both damage to life and crops during carrying to marketplace.

¹ Rashika Sogani, Industrial Disputes in India – Agriculture sector, TaxGuru, (Mar. 29, 2024, 9:00 AM), <https://taxguru.in/corporate-law/industrial-disputes-india-agriculture-sector.html>

9. Contract farming: Although there are many advantages to contract farming for farmers, including access to markets and technology, disagreements may occur on the conditions of the agreement, payment, and requirements for quality. In general, these disagreements and problems have a big effect on India's agriculture sector, thus it's critical to resolve them in order to maintain the sector's expansion and sustainability.

10. Occupational Hazards and challenges:

- Health issues due to Excess Vibrations Dose.
- Noise Exposure Problem during cultivation and workers in rice mills.
- Respiratory Diseases are due to dust and pollen grains from plant varieties.
- Chemical Exposure ill Effect due to pesticides spray.
- Musculoskeletal disorders.
- Extreme weather conditions.

LEGISLATIONS IN INDIA WHICH HELPS IN OVERCOMING THE CHALLENGES:

1. The 1937 Agricultural Produce (Grading and Marking) Act establishes criteria for the quality of agricultural produce and allows for its grading and marking.
2. The Essential Commodities Act of 1955: This law gives the government the authority to control the distribution, production, and supply of necessities, such as agricultural products.
3. The USDA Produce Marketing Committee (APMC) Takes Action: These laws, which govern the state's marketing of agricultural products, are at the state level. They set up APMCs, which are in charge of overseeing the selling of agricultural products and guaranteeing farmers receive fair prices.
4. The Contract Farming Acts: These laws give contracts among farmers and purchasers a legal foundation. They delineate the obligations of the parties concerned and set forth the terms and circumstances of the agreement.
5. The 2013 Land Acquisition Act: This law allows for the purchase of land for government initiatives including infrastructure development. It lays out the procedures for acquiring impacted individuals, especially farmers, compensating them, and rehabilitating them.

It is notable that, The Supreme Court ruled in *State of Gujarat v. Memon Mahomed Haji*

Hasam² that the right to property is not unqualified and is subject to reasonable limitations where it serves the public interest, such as when acquiring land for public uses.

6. The Water (Prevention and Control of Pollution) Act of 1974: This law establishes guidelines for the discharge of pollutants into water bodies and deals with the prevention and control of water pollution.

7. The Act of 2019 for Consumer Protection: Customers are protected by this statute from unfair trading practices and subpar goods, particularly agricultural produce. All things considered, these laws and statutes offer a framework for resolving conflicts in agriculture and guaranteeing the defense of farmers' rights and interests. In order to efficiently settle conflicts and encourage the expansion of the agriculture industry, it is critical that farmers, purchasers, and other stakeholders are aware of these rules and regulations.

Note:

1. These legislations are silent in giving compensation to the agricultural workers who suffering from injuries, old age, sickness, disablement etc. Thus, there is lacuna in India legislation regarding the social welfare of the farmers and agricultural workers. The recognition of agricultural workers under the social security act 2008 was not sufficient to include all the hazards faced by the agricultural workers. So, agricultural workers should be kept away from the unorganized sector and should be recognized as organized workers with special legislation similar to workers falling under the employer-employee relationship.
2. There is no legislation for fixing the minimum wages, bonus, provident fund, etc. for the farmers and agricultural workers who work under the landlords.

LACUNA IN LEGISLATIONS OF INDIA:

Next to the social security act 2008, there is no legislation for the social welfare of the agricultural workers. There are only two bills which speak about the social welfare of the farmers and agriculture workers. They are the farmers and agricultural social security bill 2015, The agricultural and other rural workers (Protection and welfare) bill, 2018 and the agricultural workers (welfare and protection) bill 2022. But there is no act regarding the social welfare for the farmers and agricultural workers. The code on social security is also lacking policies which

² State of Gujarat v. Memon Mahomed Haji Hasam, AIR 1967 SC 1885

have not been made for the unorganized workers in India. Agricultural workers facing problems similar to that of the workers falling under the employer-employee relationship should be kept away from the unorganized sector and should be kept under special legislation for their welfare and development.

Lacuna in the legislation results in the constitutional violation:

The lacuna is explicitly violating article 14, 21, 23, 38, 39, 41, 42, 43. The workers in the agricultural field are similar to the workers who fall under the employee-employer relationship should not be treated differently under article 14 of Indian constitution. So, the right to equality is affected for the farmers and agricultural workers. The hazardous environment in the farm fields results in the serious health issues of the workers which violates the right to life of farmers and agricultural workers under article 21 of the Indian constitution. Lack of provisions to ensure the safeguard of the farmers and agricultural workers results in the violation of article 21 of the India constitution. Lack of provisions for giving minimum wages, bonuses, etc., is violating article 23 and the work obtained from the farmers and agricultural workers are considered to be bonded labour³. Hence, it is violation of article 23 of the Indian constitution. The constitution is provided with directive principles of state policies which speaks about the minimum wage for livelihood under article 38 and equal pay for equal work is provided under article 39 (d) is affected by the not providing equal wages to the farmers and agricultural workers as compared workers under Industry. Non-providing sickness and old age benefit to farmers and agricultural workers is violation of article 41 and not providing maternity benefit to women workers in the farm field is violating article 42 of the Indian constitution. The wages given for women workers in agricultural section is also not equal with that of the amount given to male agricultural workers.

The Article 43 of Indian constitution is speaking about the living and basic standard of wage which must be given to the workers including agricultural workers and farmers. The lacuna in the legislation and lack of proper recognition of farmers and agricultural workers for giving decent standard of work with minimum standard of living is violating the article 43 of the Indian constitution.

³ V. Vetrivel, R. Manigandan, An empirical study of agricultural labour in India, 2, Journal of Exclusive Management Science (JEMS), 1, 3, (2013).

Lacuna filled by the Judiciary:

In, *Smt. Leela Jain v. State of Rajasthan*⁴: The Supreme Court ruled in this case that farm laborers' basic rights would be violated if they were not paid the minimum wages stipulated under the Minimum Wages Act, 1948.

In, *Workmen v. Indian Banks' Association*⁵: The topic of bonus payments to farm laborers was raised in this instance. The Payment of Bonus Act, 1965, grants agricultural laborers the same right to bonus payments as workers in other industries, according to the ruling of the Supreme Court.

In, *State of Punjab v. Sukhdev Singh*⁶: The Supreme Court ruled in this case that the right to a livelihood is guaranteed by Article 21 of the Constitution, and that the state must make sure that this right is not arbitrarily curtailed.

Analysis of the Judicial Pronouncements

Thus, from these judicial pronouncements it clearly shows that agricultural workers are similar to workers who fall under the industry. Therefore, the court giving minimum wages and bonus to the agricultural workers similar to that of the Industrial workers. From this inference it can be drawn that the agriculture should also be considered to be an Industry with the distinction that there is no control by the government over employer. But there is control over the agricultural workers by the landlords. So, this control can be justified in keeping agriculture under definition of Industry under the Industrial Dispute act⁷. So, even the protests by the farmers can also be effectively resolved by using the provisions of the Industrial dispute act 1947.

FINDINGS AND DISCUSSION:

The article elucidates the following findings:

1. There is no implemented fixed wage policy for the farmers and agricultural workers in India. That is, the government has not made any wage policies for the welfare of farmers and agricultural workers.

⁴ *Smt. Leela Jain v. State of Rajasthan*, AIR 1989 SC 1012

⁵ *Workmen v. Indian Banks' Association*, AIR 1960 SC 792

⁶ *State of Punjab v. Sukhdev Singh*, AIR 1975 SC 1331

⁷ Section 2 (j) of the Industrial Dispute act 1947.

2. There are no laws made in India by the legislatures for the social and welfare development of the farmers. That is, there is no specific legislation for giving the sick, old age, disability and accident benefits and compensation to the farmers and agricultural workers.
3. The field agriculture should be interpreted to kept under the definition of Industry under section 2(j) of the Industrial dispute act 1947. This interpretation is for keeping the agricultural workers and farmers under the purview of employees under the labour legislations so that the benefits which are given to industrial workers can be given to the farmers and agricultural workers also. This recognition is useful for using the provisions of the Industrial dispute act 1947 to solve disputes between the farmers and landlords and even between state officials in case of any disputes.

SUGGESTIONS:

Here are some suggestions for resolving labor issues in India's agriculture industry:

- 1. Raise farmer awareness:** Farmers should be made aware of their legal rights and obligations, as well as the channels for conflict resolution that are accessible to them. Outreach projects, awareness campaigns, and training programs can all help achieve this.
- 2. Strengthen MSP and procurement policies:** The government should guarantee dependable and effective MSP systems that give farmers fair pricing. Additionally, in order to guarantee that farmers receive a fair return on their investment, the MSP for crops should be raised.
- 3. Strengthen conflict resolution procedures:** Farmers should have greater access to mediation and arbitration, among other dispute settlement procedures. This can be achieved by setting up more accessible and efficient local and regional centers for dispute settlement.
- 4. Promote contract farming:** Farmers that engage in contract farming can get access to markets and technology, among other advantages. Initiatives for contract farming should be supported and encouraged by the government, but only if the terms and circumstances of the agreement are just and clear.
- 5. Encourage sustainable agriculture methods:** Organic farming and the management of natural resources are two examples of sustainable agriculture practices that may help lessen disagreements over the usage of fertilizer and pesticides and increase the agricultural industry's long-term viability.

6. Increase government investment in farm infrastructure: To raise the industry's productivity and profitability, the government should spend more in infrastructure related to agriculture, including as transportation networks, storage facilities, and irrigation systems. All things considered, these suggestions can aid in resolving labor conflicts in India's agriculture industry and encourage the expansion and advancement of the field.

CONCLUSION:

The study comes to the conclusion that agricultural laborers' living conditions are poor and their pay is extremely low. help enhance rural development—such as improved irrigation systems, water houses, etc.—and labor working conditions. The government should take appropriate action to enhance living circumstances and address many issues affecting agricultural laborers, such as pay changes, new farming techniques, work hours, and mitigating the effects of natural disasters including floods, draughts, and erosion. This essay argues that the rise in population, the demise of cottage and village industries, the eviction of small farmers, unprofitable holdings, mounting debt, and the expansion of capitalist farming are the main causes of the increase in the labor force employed in agriculture. This report also indicates that around 53% of India's population works in agriculture. However, India's agriculture remains dependent on the monsoon.

Here, the strength of the monsoon determines the state of the farmers and agricultural laborers. Crops do well if the monsoon is excellent, and vice versa. Because agricultural labor falls within the unorganized sector, their income is not set. therefore, the agriculture should be recognized as an Industry and the agricultural workers and farmers should recognized as an employee under the labour legislations.

For agricultural development to be sustainable in the new millennium, rural laborers and their families need to have access to decent living and working circumstances as well as health and welfare. The viability and future of global food production also depend on striking a proper balance between environmental preservation and agricultural expansion. A well-defined approach for integrating occupational health in agriculture into a rural development program is necessary. In line with contemporary trends, it needs to prioritize preventive and environmental preservation, and it ought to be tackled on a national and worldwide scale⁸.

⁸ Mr. Mallikarjun Gadad, Dr. Ravindranath N. Kadam, An Economic Analysis of Agricultural Labours in India – An Overview, 11, International Journal of creative research thoughts (IJCRT), 190, 201-202, (2023)

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