

A Socio-Economic Study of Agricultural Labourers with Special Reference to Western U.P.

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ABSTRACT

In India, Labourers can be classified mainly into two main categories *i.e.* Organized and Unorganized Labour. The unorganized sector in India is characterized by excessive seasonality of employment, preponderance of casual and contractual employment, absence of social security measures and welfare legislations, atypical production organizations and work relations and so on. The other features include negation of social standards and workers rights, denial of minimum wages, indebtedness and bondage, dislocation of home and family life (due to migration), and the problem of unplanned urbanization “Majority of the workers who are placed in the informal work environment are drawn from traditional agricultural background and they find the process of adjustment with the workplace an extremely painful experience. Agricultural workers are faced with problems like disguised and seasonal unemployment. Disguised unemployment is when there are more the required number of workers working on the same plot of land. Seasonal unemployment is caused by the unavailability of employment for farmers between the sowing and harvesting seasons. Generally farmers are poor and due to the meager yield of their small plots of land, most of the produce is consumed by the family of the farmer. The paper is an endeavour to analyze Socio Economic status of Agriculture Labourer and the challenges faced by them. The paper also highlights that inspite of several welfare legislations and Social security schemes, the atrocities and exploitation against Agricultural labourers are becoming inevitable because there is a wide gap in the prevailing legal framework and real-world. It also tries to highlight the role of Judiciary in order to safeguard the basic human and labour rights of the agricultural labourers. With these objects in mind the researcher conducted a empirical study comprising of a sample of 100 labourers are drawn three districts of Western U.P.

Key Words : Agriculture Labour, Human rights, Exploitation, Labour rights, Constitutional provisions

INTRODUCTION

The Green Revolution, ushered in during the later half of 1960s, transformed the food deficient Indian economy into a food self sufficient economy. Several states/regions demonstrated a spectacular success in the Green Revolution¹. India was and still is a primarily agricultural country. Major population of the country is still engaged in agriculture. The profession of agriculture is not very lucrative and there exists wide spread poverty

among farmers. The agricultural sectors are characterized by general poverty and low standards of living primarily because there are all too many people in this sector. With the advent of industrialization in India there has been a general negligence of the agricultural sector. The pattern of Indian agriculture was originally feudalistic. The land owned by the Zamindars and most peasants did not have their own land. The farm workers were heavily dependent on their masters for their economic stability. They existed in conditions of bare living standards².

1. Ranjit Singh Ghuman Inderjeet Singh Lakhwinder Singh, A study on Local Agricultural Labour in Punjab Conducted by Department of Economics Punjabi University, Patiala in November 2007.
2. Niki Malhotra, "Interstate Migration in India :Nature. Causes and Consequences", Bagchi .K.K(ed.) ,Internal Migration In India Nature, Determinants and Consequences, 71-79(Abhijeet Publications, New Delhi, Vol I, 2013)

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Ninety-three per cent of India's labour force is in the unorganized sector; 55% is self-employed; and only 13% is in regular wage employment³. Agricultural workers falls under the unorganized sector. In the unorganised and informal sector the workplace is scattered and fragmented. There is no stability and durability of employment. Hours of work are not fixed but depend on the extent to which work is available at a particular place or point of time. The nature of work also keeps on changing as also the workplace. Very often basic tools and equipment's which are essential for optimal production and productivity are not made available and the workers in the unorganised/informal sector remain helplessly dependent on the principal employer or on the contractors or sub-contractor both in terms of supply of basic tools and equipment as also in terms of opportunities, facilities and incentives for a proper work environment which will be conducive to high productivity. In such a diffused situation human rights suffer as the worst causality either on account of pervasive ignorance of both the employer as well as the workers⁴.

Objectives:

1. To examine the Socio Economic status of Agriculture Labourer in western UP.
2. To Identify the Issues and Challenges faced by the Agriculture Labourers.
3. To study and critically analyse the Central and state government welfare Legislations and Schemes for Agricultural Labourers.
4. To examine the role of judiciary in the enforcement of legal provisions of Labour welfare legislations.

METHODOLOGY

The study is predominantly based on primary data and also uses the secondary data sources like books, newspapers, journals, magazines, articles, conferences, International instruments, Statutes, Judicial decisions, rules, regulations, reports, surveys and internet for the collection of literature. The primary data was collected during the year 2019-20. For primary data collection, a well structured interview schedule has been framed for Agricultural Labourers and the questions are related to

personal information e.g. family background, age, sex, marital status, socio-economic changes, working Conditions, Awareness of labour laws and experience etc. The schedules for interview was are prepared very carefully and systematically as per the objectives of the study. Interviews were preferred to questionnaires for the reason the most of the labourers are illiterate and was not able to respond if questionnaire were supplied to them. The researcher because of this reason filled the information themselves or recorded it on the basis of the responses of the respondents.

Samples for the study have been collected on interview basis randomly and the utmost care has been taken. The Area of study was Western Uttar Pradesh which includes 30 districts in six divisions. The total number of sample of respondents of this study was 100 belonging to 3 districts namely Muzaffarnagar (villages *i.e.* Bruki, Ihabas, Khanpur, Rasulpur) Meerut (Villages *i.e.* Dariyapur, Amarpur, Hastinapur), Saharanpur (Village *i.e.* Sanaolli) in different proportions. Every district was given representation at the level of tehsils and blocks in order to make it more representative at all levels in all fields.

Their respondents are as follows:

Number of sample of Agricultural Labourer	
District	Number of samples
Muzaffarnagar	50
Meerut	35
Saharanpur	15
Total	100

The data thus collected from field by researchers have been exhibit by Pie Chart.

Concept of Agricultural labour in India:

The First Agricultural Labour Enquiry Committee 1950-55 defined Agricultural Labourer as - "Those people who are engaged in raising crops on payment of wages". The Second Agricultural Labour Enquiry Committee 1956-57 enlarged the distribution to include - "Those who are engaged in other agricultural occupations like dairy, farming, horticulture, raising of live-stock, bees, poultry etc.⁵". According to the National Commission on Labour "an agricultural labourer is one who is basically unskilled

3. C.S VenkataRatnam, Industrial Relations 721-722 (Oxford University Press), New Delhi, 2014

4. L.Mishra, "Unorganised Labour and Human Rights", Vol. III, Journal of the Institute of Human Rights, P.11 (2000, June 10).

5. Dr. Kulmani Padhi "Agricultural Labour in India- A close look", Orissa review, Feb-March 2007

and unorganised and has little for its livelihood, other than personal labour. Agricultural labourers contribute enormously towards the rural economy and also to the national economy. Historically they were the working class and the chief reason for the development of the society and the economy. A very high proportion of agricultural labour throughout India belongs to socially and economically backward section of rural community and this constitutes the poorest section of the rural society. They are mostly drawn from Scheduled Castes (SCs), Scheduled Tribes (STs) and Backward Classes (BCs). Even in most developed provinces of India, Punjab and Haryana, they constitute the majority⁶. Since most of the majority of the agricultural labour belongs to SC/ST and so they are suppressed class. At the time of independence the major source of income for India was through agriculture, So agricultural sector provides employment to almost half population of the country. As per the census of 2001, Distribution of workers shows that agricultural sector still employs largest number of workers. The dependence on agriculture is brought out by the fact that of the 313 million main workers in the country, 166 million almost 56.6% has been engaged in 'Agriculture and allied activities'⁷.

Classification of Agricultural labourers:

Broadly the agricultural work force can be divided in three broad categories *i.e.* :

1. Landless labourers
2. Landless Independent Labourers
3. Small Farmers

Agricultural Labourers		
Landless Labourers(Permanent Working labour class employed by big farmers, employed for 12 months)	Landless independent Labourers(labour which works at the time of season and employed in other labour work rest of the year like industrial or construction labour.)	Small Farmers(Owns a very small piece of land and cultivates it, also works as agricultural labour at the time of season in big farmers land).

The above table shows the three broad categories of agricultural labour in western Uttar Pradesh, these three labours performs all the farm work like cultivation of fields, cutting of wheat, etc. The first category *i.e.* landless labourers are employed by big farmers and paid monthly wages, they work as permanent labours because big farmers need labour for protection of crops and for other works like spraying pesticides and insecticides, watering crops, etc. The second category of labour is landless independent labourers which are employed in agricultural activities only at the time of crop season and at rest of the year they work in other labour job like construction labour. The third kind of agricultural labour is very small farmers, these farmers owns a very small piece of land and cultivates their land but since they don't have much work in their own fields so they also work in farms of big farmers so they can increase their earnings.

Growth of Agricultural Labour:

India With an area of about 1.3 Million square miles in the seventh largest country in the world and Judged by its population of about 70 crores, ranks second in the world. Agricultural workers constitute by for the largest segment in the unorganized sector and their number according to 1991 census was 74.6 million in addition a significant number 110.7 million are listed. The proportions of agricultural labourers in rural labour force of the country have been steadily growing over the year⁸. Agriculture provides employment to not only the adult males of households but also to women on the households. Women work extensively in production of major grains and millets, in land preparation, seed selection and seedling production, sowing, applying manure, weeding, transplanting, threshing, winnowing and harvesting⁹.

Causes of growth of Agricultural Labour's:

The causes operating to bring about the growth of the class may be broadly up us follows:

- (i) High net growth rate of the population in this country;
- (ii) Growth of indebtedness due to low income leading to transfer of land from the small owners to the

6. <https://shodhganga.inflibnet.ac.in/bitstream/10603/40323/4/chapter-2.pdf> Visited at 10:21 on 16-04-2020

7. https://censusindia.gov.in/Census_And_You/economic_activity.aspx Visited at 9:27 on 16-04-2020

8. https://shodhganga.inflibnet.ac.in/bitstream/10603/149005/9/09_chapter%202.pdf visited at 13:41 on 13-04-2020

9. <http://ficci.in/spdocument/20550/FICCI-agri-Report%2009-03-2015.pdf> visited at 13:44 on 13-04-2020

creditors, resulting in the former into becoming agricultural labourers ;

(iii) Displacement of means of subsidiary occupations whereby existence solely on an uneconomic unit of land becomes impossible;

(iv) Growth of absentee landlordism; and

(v) The extension of money economy to rural areas in replacement of payment in kinds;

(vi) Disintegration of village communities of the pre-nineteenth century;

(vii) Decline of domestic industries and handicrafts;

(viii) Disintegration of the peasantry;

(ix) A severe agricultural depression in the late twenties¹⁰.

Challenges faced by agricultural labour in India:

Wages and Income:

Agricultural wages and family incomes of agricultural workers are very low in India. With the advent of the Green Revolution, money wage rates started increasing. However, as prices also increased considerably, the real wage rates did not increase accordingly. Currently labours are getting around Rs. 150/day under the MGNREGA in rural areas¹¹.

Seasonal employment:

The agricultural labour does not get work for the whole year. According to the Second Agricultural Labour Investigation Society, a Seasonal labour gets an average of 197 days of work in a year. Similarly, child labour gets 204 days and women get 141 days of employment. Thus, their average annual income is very lower¹².

Indebtedness:

In the absence of banking system in the rural areas and trial process of sanction by the commercial banks, farmers prefer to take loans from un institutional sources

like Sahukars (moneylenders), landlords at the very high rate (in some cases at 40% to 50%) . This exorbitant rate traps in the vicious circle of debt¹³.

Less wages to female agricultural labours:

The female workers are paid less wages in respect to the male workers. They work equal to male workers and for the same time period but then also they are paid less because they are considered as the weaker section of the society.

Absence of unions or organisations:

The main challenge faced by the agricultural labours is absence of unions and organisations, which means they are not united and if they are not united then they don't have a right of collective bargaining which increases the chance of their exploitation by the employer.

Irregular working hours:

The working hours of these labourers are not only irregular but also excessive. They have to work since morning to late night. His working hours change with harvest, season and work¹⁴. It means that the working hours of the agricultural labours are not fixed in general.

Demand and supply of labour:

The number of agricultural labourers being very large and skills they possess being meagre, there are generally more than abundant supply of agricultural labourer in relation to demand for them. It is only during the sowing and harvesting seasons that there appears to be near full employment in the case of agricultural labourers. But, once the harvesting season is over, majority of agricultural workers will be jobless especially in areas, where there is single cropping pattern¹⁵.

Legal Protection governing agriculture labourer in

10. <http://www.economicdiscussion.net/india/agriculture-india/agricultural-labour-an-overview/21678> visited at 13:55 on 13-04-2020

11. <https://www.jagranjosh.com/general-knowledge/problems-of-agricultural-labour-in-india-1446806332-1> visited at 14:35 on 06-04-2020

12. <https://www.allexamnotes.com/2017/04/agricultural-labor-problems/> visited at 14:37 on 06-04-2020

13. <https://www.jagranjosh.com/general-knowledge/problems-of-agricultural-labour-in-india-1446806332-1> visited at 14:40 on 06-04-2020.

14. <https://www.allexamnotes.com/2017/04/agricultural-labor-problems/> visited at 14:37 on 06-04-2020

15. Dr. Muna Kalyani, Indian Agricultural Labour, Policy, Prospects and Problems, IJournals: International Journal of Social Relevance and Concern, Volume 4 Issue 2 February 2016.

India:

Unorganised Workers Social Security Act, 2008:

The unorganised sector of the economy in India is the largest sector in terms of employment of the workforce. It consists of agriculture and such related activities as forestry, livestock and fishing as well as non-agriculture. The bill is intended to provide a measure of social security to the workers in the unorganised sector. This bill proposes a model that will be inclusive in nature and provide for a clearly demarcated division of responsibilities between the central and state governments. It mandates the central/state government to implement national social security scheme.

Social security benefits:

Health benefits in the form of health insurance for self, spouse and children below the age of 18 years, sickness allowance and maternity benefits for workers or spouse of men workers.

- Life insurance to cover natural and accidental death.
- Old age security in the form of old age pension for BPL workers above the age of 60 years and provident fund-cum-employment relief for all other workers.

In addition to the national minimum, the central government may frame schemes as it may deem necessary or finance such schemes to the state governments as it may find appropriate, subject to availability as in section 5 and may include others¹⁶.

Payment Wages Act 1936:

The main objective of the Act is to avoid unnecessary delay in the payment of wages and to prevent unauthorized deductions from the wages. Every person employed in any factory, upon any railway or through sub-contractor in a railway and a person employed in an industrial or other establishment. The State Government may by notification extend the provisions to any class of persons employed in any establishment or class of establishment. The benefit of the Act prescribes for the regular and

timely payment of wages (on or before 7th day or 10th day of after wage period is greater than 1000 workers) and Preventing unauthorized deductions being made from wages and arbitrary fines¹⁷.

Minimum Wages Act 1948:

This Act provides for fixation and revision of minimum wages of the workers engaged in employment. Under this Act, both central, as well as State Government, are responsible, in respect of scheduled employments within their jurisdictions to fix and revise the minimum wages and enforce payment of minimum wages. According to the Act, the appropriate Governments review/revise the minimum wages in the scheduled employments under their respective jurisdictions at an interval not exceeding five years¹⁸.

Plantations Labour Act, 1951:

The Plantations Labour Act, 1951 (PLA) applies to any land used or intended to be used for growing tea, coffee, rubber, cinchona or cardamom or any other plant which measures 5 hectares or more and in which 15 or more workers are employed on any day of the preceding 12 months. The State Governments can be notification apply this law to any other land too even if it measures less than 5 hectares and employ less than 15 workers¹⁹.

International Labour Organisation and Agriculture Labour:

The International Labour Organisation was created in 1919 at the post-war Peace Conference in Paris as Part XLII of the Treaty of Versailles, originally an agency of the League of Nations, also created in 1919, it became the united Nation's first agency when it was established in 1946. The ILO being UN's agency with a mandate is to improve standards and conditions of work, and to encourage productive and decent employment throughout the world. The ILO's most important function is to adopt-conventions and recommendations, which set minimum labour standards internationally²⁰.

16. <http://www.legalservicesindia.com/article/2576/A-critical-study-on-social-security-and-working-of-the-unorganised-workers-social-security-act-2008.html> visited at 11:40on 05-04-2020

17. <https://www.netlawman.co.in/ia/payment-wages-act-1936> visited at 13:49 on 06-04-2020

18. <https://www.legalbites.in/law-notes-object-validity-features-minimum-wages-act-1948/> Visited at 13:56 on 06-04-2020

19. <http://www.doccentre.org/docsweb/LABOURLAWS/planact.htm#applicability> Visited at 14:04 on 06-04-2020

20. AbhishekBharti, "International Labour Organisation and Indian Legislations: Compliance and Comparison", VoL.I, Labour Law Journal, 37(2006).

Right of Association (Agriculture) Convention, 1921 (No. 11):

The General Conference of the International Labour Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Third Session on 25 October 1921, and Having decided upon the adoption of certain proposals with regard to the rights of association and combination of agricultural workers, and Having determined that these proposals shall take the form of an international Convention, adopts the following Convention, which may be cited as the Right of Association (Agriculture) Convention, 1921²¹.

Minimum Wage Fixing Convention 1970: (Convention No. 131):

Convention No. 131 encourages member States which ratify to establish a *system* of minimum wages² which:

- offers a broad scope of application and where exclusions made are kept to a minimum;
- establishes a machinery to fix and adjust minimum wages from time to time;
- is based on the principle of full consultation with social partners;
- involves social partners, on an equal footing, as well as independent experts in the design and operation of the system;
- sets minimum wage levels that take into account the needs of workers and their families, as well as economic factors;
- Includes appropriate measures to ensure the effective application of minimum wages²².

Right to Organise and Collective Bargaining Convention, 1949 (No. 98):

The General Conference of the International Labour

Organisation, Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Thirty-second Session on 8 June 1949, and Having decided upon the adoption of certain proposals concerning the application of the principles of the right to organise and to bargain collectively²³.

Abolition of Forced Labour Convention, 1957 (No. 105):

The Slavery Convention, 1926, provides that all necessary measures shall be taken to prevent compulsory or forced labour from developing into conditions analogous to slavery and that the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, 1956, provides for the complete abolition of debt bondage and serfdom Having determined that these proposals shall take the form of an international Convention²⁴.

Judicial Response:

The Judiciary in India, especially the Supreme Court, has made Commendable Contribution to the implementation of basic human and labour rights in the labour field. The Supreme Court while entertaining petition by way of public interest litigation has enriched the labour law jurisprudence. It seems that the new industrial jurisprudence is also emerging²⁵.

D.N. Banerjee V. P.R. Mukherjee²⁶:

Chandrashekhar Aiyer, J. observed that in the ordinary or non-technical sense, according to what is understood by the man in the street, industry or business means an undertaking where capital and labour co-operate with each other for the purpose of producing wealth in the shape of goods, tools, etc. and for making profits. The concept of industry in this ordinary sense applied even to agriculture, pisciculture and so on and so forth, it

21. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C011 visited on 04-03-2020 at 00:17

22. https://www.ilo.org/global/topics/wages/minimum-wages/definition/WCMS_439070/lang-en/index.htm Visited on 04-03-2020 at 00:22

23. https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C098 visited on 04-03-2020 at 00:15

24. https://www.ilo.org/dyn/normlex/en/f?p=1000:12100:0::NO::P12100_ILO_CODE:C105 visited on 04-03-2020 at 00:10

25. Laxmidhar Mishra, "Migration-Factors, Policies and Programmes", Joshi Vidyut (ed), Migrant Labour and Related Issues, 169 (Oxford & IBH Publishers, 1987)

26. AIR 1953 SC 58

is also clear that every aspect of activity in which the relationship of employer and employee exists or arise does not thereby become an industry as commonly understood.

Seeli Tirupati and others. Vs. Bhupathiraju Janikamma and others²⁷:

In the Andhra High Court Justice Mr. Venkatesam J. observed that the word “agriculturist” in this clause must, carry the same meaning as the word “agriculturist” in clause (b). The object of the exemption in clause (c) apparently is that an agriculturist should not be left without a roof over his head.

Bandhua Mukti Morcha V. Union of India²⁸ :

In this case, the basic question involved was bondage and rehabilitation of some labourers and Justice P.N. Bhagwati observed, “It is the fundamental right of everyone in this country to live with human dignity, free from exploitation. The right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of the State Policy and particularly clause(e) and (F) of Article 39 and Article 41 and 42 and atleast, therefore it must include protection of the health and protection of the workers men and women of the tender age of children against the abuse, opportunities and facilities for children to develop in a healthy manner and in condition of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity, and no state has the right to take any action which will deprive a person of the enjoyment of these basic essentials”.

Hari Nagar Cane Farm v. State of Bihar²⁹:

In this case the question arose whether the agricultural operation carried on by the two companies constituted an “industry”? Both the companies were involved in agricultural operations and were registered

under the Indian Companies Act. While the former was formed to produce sugarcane, wheat, paddy and other articles for sale, the latter was engaged in the production of sugar for its own consumption. On a dispute having arisen between the workers and the Companies, the State of Bihar made a reference to the Industrial Tribunal. The Companies questioned in a writ petition, under Article 226 of the Constitution, before the Patna high Court the jurisdiction of the State of Bihar to make a reference on the ground that the agricultural operations carried on, by them did not constitute “industry”. The High Court dismissed the petition and held that the activity carried on by them was an “industry” and, therefore, the reference was valid.

M.C. Mehta V. State of Tamil Nadu³¹ :

The S.C. expressed the view that minimum wages for child labour in factories wherein manufacturing process of matches and fireworks should be fixed. It took the note that tender hands of young workers are more suitable for sorting out the manufactured products and process it for the purpose of packing. In consideration of their special adaptability at least 60% of the prescribed minimum wages for an adult employee in the factories doing the same job should be given to them.

Banglore Water Supply and Sewage Board Vs. A. Rajappa³¹:

This case is a landmark judgement under Industrial Disputes Act, 1947, which provides clarity on the term “industry” and its scope. In this case the honourable court established the triple test for the scope of “industry”, In triple test three measures were checked for any undertaking to be an industry (a) systematic activity

(b) co-operation between employer and employee

(c) production and distribution of goods and services calculated to satisfy human wants and wishes

Randhir Singh V. Union of India and ors³² :

The Apex court in this case grounded equal pay for

27. AIR 1963 AP 445

28. AIR 1984 SC 802

29. AIR 1964 SC 903

30. AIR 1991 SC 417

31. AIR 1978 SC 548

32. 1982 AIR 879

equal work in Article 14 of the constitution and observed that in cases where all “relevant considerations are the same”, the government could not deny equal pay simply by performing the bureaucratic manoeuvre of splitting the workforce into different posts, or different departments.

Constitutional Safeguard:

The Constitution of a nation reflects its culture and ethos and gives expression of its sense of moral and ethical values. It affords the indication of standards of human decency cherished by the people and set out of sociocultural objectives and goals towards which the nation aspires to move. There can be no better index of the ideals and aspiration of a nation than its Constitution. When we turn our Constitution we find that it is a humane document which directs every organ of the state to strive for the fullest development of Personality of every individual. There can be no doubt that the makers of the Constitution wanted to ensure conditions favourable to the pursuit of Happiness³³.

Fundamental Rights (PART III):

It is the Fundamental right of everyone in this Country to live like a human being, which includes protection of the health and strength to the workers, men, women and children. It also includes opportunities and facilities of human being, to develop in healthy manner and in condition of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief³⁴.

1. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India³⁵.

2. No citizen shall, on grounds only of religion, race,

caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State³⁶.

3. Protection of certain rights regarding freedom of speech, etc.-

(1) All citizens shall have the right-

(c) to form associations or unions³⁷;

(d) to move freely throughout the territory of India³⁸

4. Prohibition of traffic in human beings and forced labour. (1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law Article 23, Constitution of India³⁹.

5. No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment⁴⁰.

Directive Principles of State Policy (PART IV):

The framers of the Constitution of India in order to ensure social and economic justice to all citizens, have laid down certain Directive Principles in Part IV of the Constitution as fundamental in the governance of the country. Article 37 states that it shall be the duty of the state to apply these principles in the making of laws.

Certain principles of policy to be followed by the State are as follows:

1. The state has been directed to promote the welfare of the people by securing and protecting effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of the national life⁴¹.

2. The State shall, in particular, direct its policy towards securing

(a) That the citizens, men and women equally, have

33. S.K Singh, Bonded Labour and the Law 35, 36 (Deep and Deep Publications, New Delhi, 1994)

34. Ibid

35. Article 14 Constitution on India

36. Article 16, Constitution of India

37. Article 19(1)(c), constitution of India

38. Article 19(1)(d), constitution of India

39. Article 23, Constitution of India

40. Article 24, Constitution of India

41. Article 38 Constitution of India

42. Article 39(a), Constitution of India

the right to an adequate means of livelihood⁴²

(d) That there is equal pay for equal work for both men and women⁴³

(e) That 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 strength⁴⁴

(f) That 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 abandonment⁴⁵.

3. The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want⁴⁶.

4. The State shall make provision for securing just and humane conditions of work and for maternity relief⁴⁷.

5. The State shall endeavour to secure, by suitable legislation or economic organisation or in any other way, 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, in particular, the State shall endeavour to promote cottage industries on an individual or co-operative basis in rural areas⁴⁸.

6. The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry⁴⁹.

Social Security schemes

Aam Admi Bima Yojana:

Ministry of Finance, Government of India has

approved the merger of Social Security Schemes viz., Aam Admi Bima Yojana (AABY) and Janashree Bima Yojana (JBY). The merged scheme is renamed “Aam Admi Bima Yojana” and has come into effect from 01.01.2013, The premium under this scheme is 200 rupees annually. It gets a cover of 30,000. 50 percent of the premium is subsidized by the Social Security Fund⁵⁰.

Atal Pension Yojana (APY):

The Government announced the introduction of universal social security schemes in the Insurance and Pension sectors for all Indians, specially the poor and the under-privileged, in the Budget for the year 2015-16. Therefore, it has been announced that the Government will launch the Atal Pension Yojana (APY), which will provide a defined pension, depending on the contribution, and its period. The APY will be focussed on all citizens in the unorganised sector, who join the National Pension System (NPS) administered by the Pension Fund Regulatory and Development Authority (PFRDA). Under the APY, the subscribers would receive the fixed minimum pension of Rs. 1000 per month, Rs. 2000 per month, Rs. 3000 per month, Rs. 4000 per month, Rs. 5000 per month, at the age of 60 years, depending on their contributions⁵¹.

Pradhan Mantri Jan Dhan Yojna:

The aim of this scheme is to facilitate universal access to banking facilities for all households. The scheme wishes to ensure at least one bank account to every household besides promoting financial literacy, pension facility, insurance and access to credit. Pradhan Mantri Jan Dhan Yojna provides unbanked individuals easy access to banking services combined with an awareness regarding financial products by creating financial literacy programs. The additional facilities these bank accounts

43. Article 39(d), Constitution of India

44. Article 39(e), Constitution of India

45. Article 39(f), Constitution of India

46. Article 41, Constitution of India

47. Article 42, Constitution of India

48. Article 43, Constitution of India

49. Article 43-A, Constitution of India

50. <https://vikaspedia.in/social-welfare/unorganised-sector-1/schemes-unorganised-sector/aam-admi-bima-yojana> visited at 14:39 on 03-04-2020

51. https://npscra.nsdl.co.in/nsdl/scheme-details/APY_Scheme_Details.pdf visited at 14:52 on 03-04-2020

carry are Rupay debit card, accident cover upto 1 lakh rupees and overdraft facility to those showing up satisfactory credit history over six months⁵².

The Pradhan Mantri Krishi Sinchai Yojana (PMKSY):

The major objective of PMKSY is to achieve convergence of investments in irrigation at the field level, expand cultivable area under assured irrigation, improve on-farm water use efficiency to reduce wastage of water, enhance the adoption of precision-irrigation and other water saving technologies (More crop per drop), enhance recharge of aquifers and introduce sustainable water conservation practices by exploring the feasibility of reusing treated municipal waste water for peri-urban agriculture and attract greater private investment in precision irrigation system⁵³.

Kisan Credit Card (KCC):

Kisan Credit Card Scheme aims at providing need based and timely credit support to the farmers for their cultivation needs as well as non-farm activities and cost effective manner.

To bring about flexibility and operational freedom in credit utilisation. The farmers under the scheme will be issued a credit card-cum-passbook incorporating the name, address, particulars of land holding, borrowing limit / sub-limits, validity period, etc. to facilitate recording of the transactions on an on-going basis. The validity period of KCC is 5 years and interest rate is 7% per annum⁵⁴.

National Rural Employment Guarantee Act 2005 (NREGA):

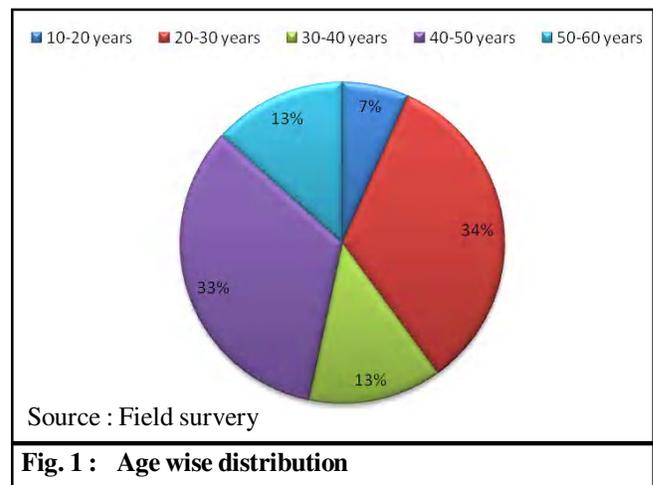
It is the largest social security scheme in the world and it aims at enhancing the livelihood security of the people in rural areas by guaranteeing hundred days of wage employment in a financial year, to a rural household whose members volunteer to do unskilled manual work. The objective of the Act is to create durable assets and strengthen the livelihood resource base of the rural poor. At least one-third of persons to whom work is allotted work have to be women and wages are to be paid according to minimum wages as prescribed under the

Minimum Wages Act 1948 for agricultural labourers in the State, unless the Centre notifies a wage rate which will not be less than Rs. 60/ per day⁵⁵.

EMPIRICAL DATA ANALYSIS

Age wise distribution:

Fig. 1 shows the age group of different respondents in form of pie chart representation. In the Fig.1 7% of the respondents belong to the age category of 10-20 years, 34% of the respondents belong to youth i.e. age category of 20-30 years, 13% age of the respondents belong to the age group of 30-40 years. 33% respondents belong to the age group of 40-50 years and last 13% of the respondents belong to the age group of 50-60 or 60 years above.



Gender wise distribution:

Fig. 2 shows the gender ratio of respondents in the form of pie chart representation. 67% of the respondents were male and 33% of the respondents were female.

Educational status:

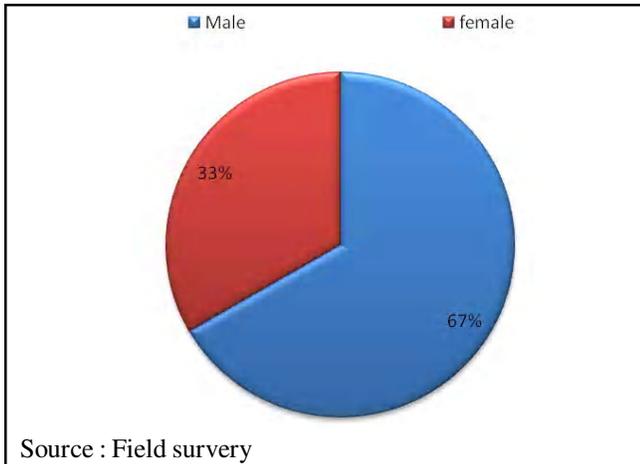
Education is the backbone of the society, therefore it is very important for us to educate our young generations. Even the Article 21 A of constitution of India guarantees free basic and compulsory elementary education to the children's of 6-14 years of age. Fig. 3

52. <https://www.businessinsider.in/social-security-schemes-in-india/articleshow/67767356.cms> Visited at 01:34 on 03-03-2020

53. <https://pmksy.gov.in/AboutPMKSY.aspx> visited at 15:11 on 03-04-2020

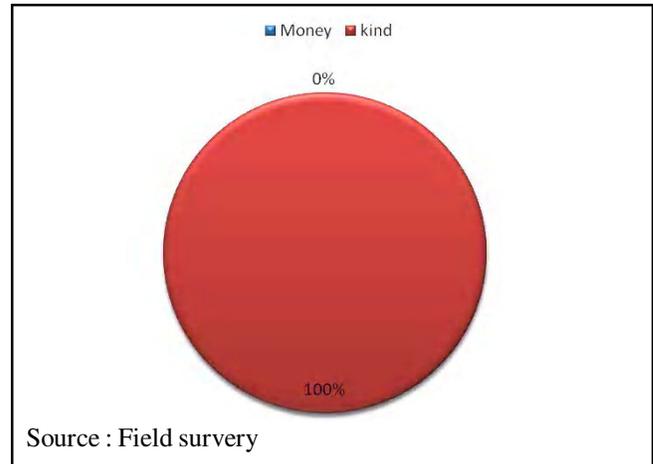
54. <https://www.bankofindia.co.in/KisanCreditCard> visited at 15:21 on 03-04-2020

55. https://nrega.nic.in/NREGArpt_eng.pdf visited at 15:27 on 03-04-2020



Source : Field survey

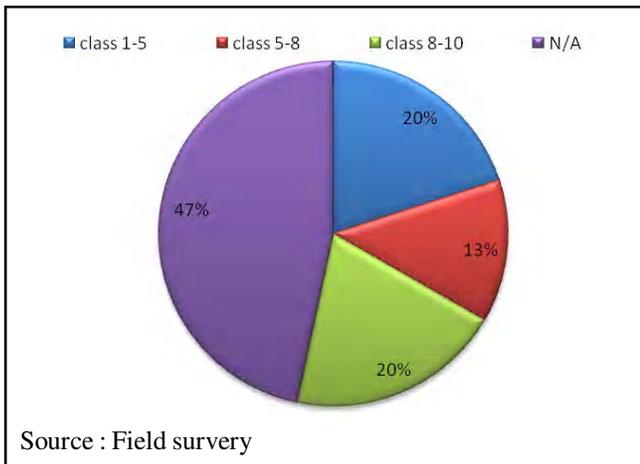
Fig. 2 : Gender wise distribution



Source : Field survey

Fig. 4 : Mode of payment of wages

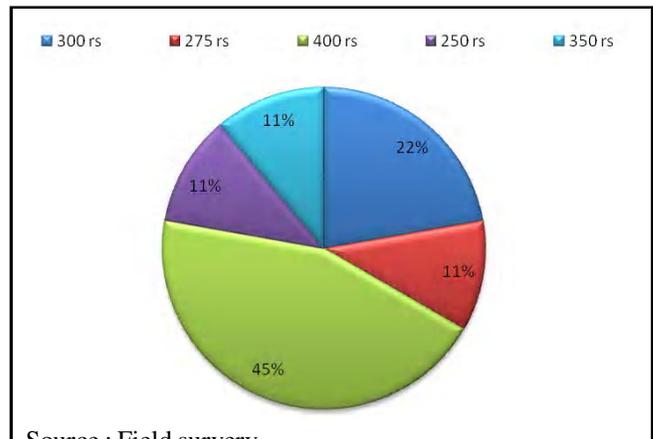
above reveals 20% of respondents have education up to 5th class, 13% have education up to 8th class, 20% have education up to 10th class and majority 47% is illiterate.



Source : Field survey

Fig. 3 : Educational status

different areas. The Fig. 5 displays 22% labourers are paid 300 Rs. for single day work, 11% labourers are paid 275 Rs., 45% labourers are paid 400 Rs., 11% labourers are paid 250 Rs. and 11% labourer are paid 350 Rs.



Source : Field survey

Fig. 5 : Payment of wages (Sugarcane)

Mode of payment of wages (Wheat):

The wages paid to respondents is in form of kinds *i.e.* in harvesting of wheat, at the time of cutting of wheat crop the labourers engaged are paid approximately 30kg of wheat for every 1 bigha (Unit of land used in western U.P.) of wheat cutting. The Fig. 4 shows 100% Respondents engaged in wheat farming are paid in form of kind.

Payment of Wages (Sugarcane)

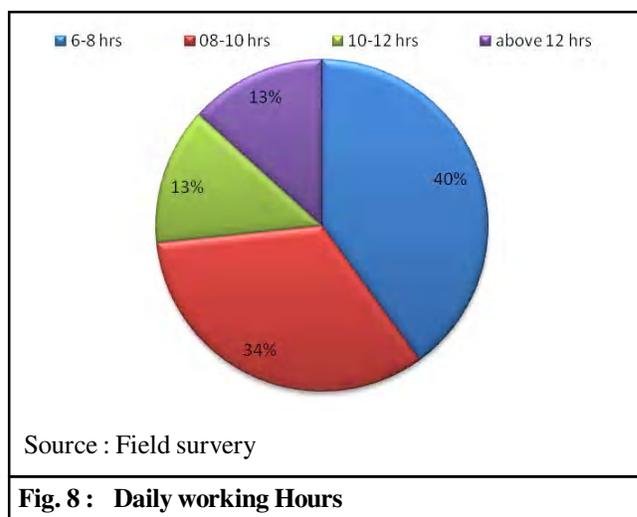
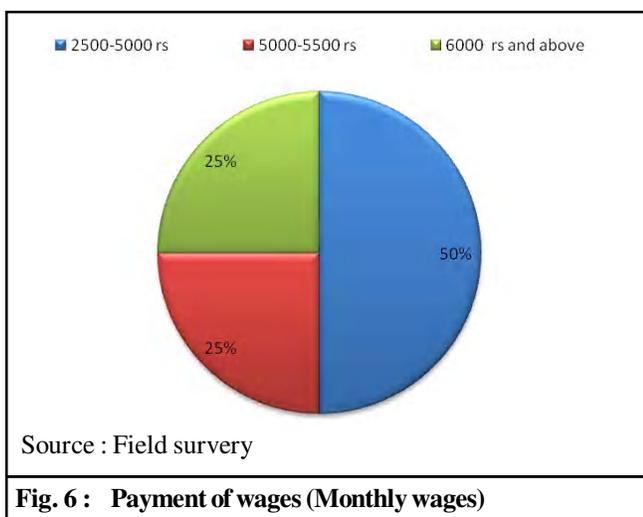
The Respondents engaged in sugarcane cultivation are paid on daily basis; the wages are slightly different in

Payment of wages (Monthly wages):

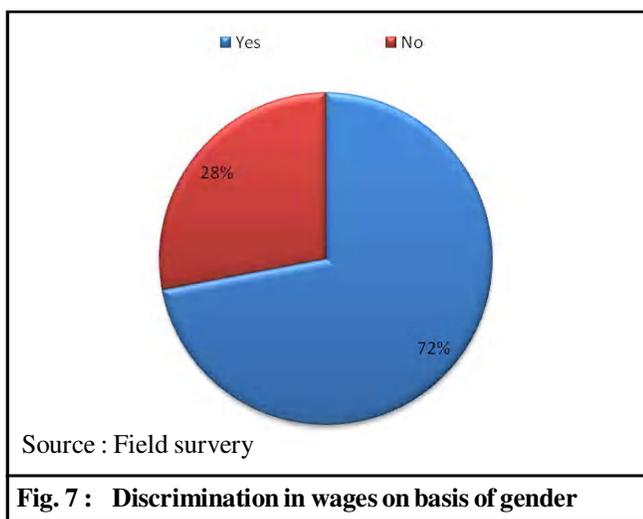
Big Farmers requires full time agricultural workers for their work like for protection of crops, watering of crops, spraying pesticides and insecticides etc. The Fig. 6 shows monthly wages of the respondents *i.e.* 50% of the workers are paid amount between 2500-5000 Rs., 25% workers are paid amount between 5000-5500 Rs., 25% workers are paid Rs. 6000 and above.

Discrimination in wages on basis of gender:

Fig. 7 shows the discrimination in wages on the basis



of gender in the form of pie chart representation. 72% of the female respondents agreed that they are discriminated on the basis of gender i.e. men are paid more money for the same work performed. Rest 28% of the female respondents are paid fair wages i.e. same wages for men and women for the same work performed.

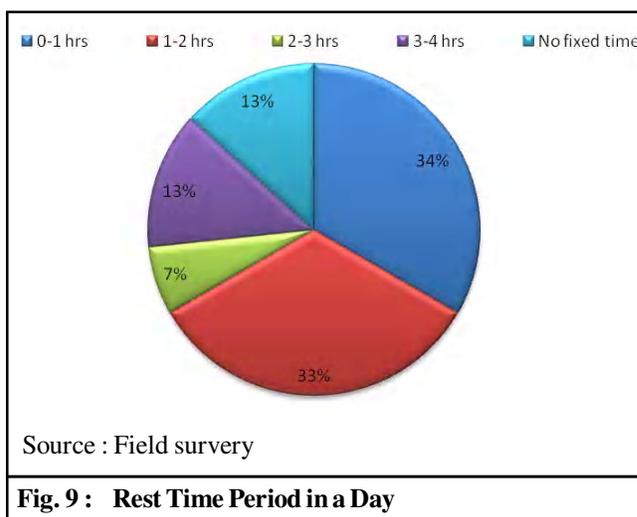


Daily working hours:

Generally the Working hours of the agricultural labourers are not fixed i.e. working depends upon the work but the above chart shows the daily working hours per day of the respondents. The Fig. 8 displays 40% of the labourers work for 6-8 hrs in a day. 34% of the labourers work for 8-10 hours, 13% labourers work for 10-12 hours and rest 13% labourers work about 12 or more hours in a single day.

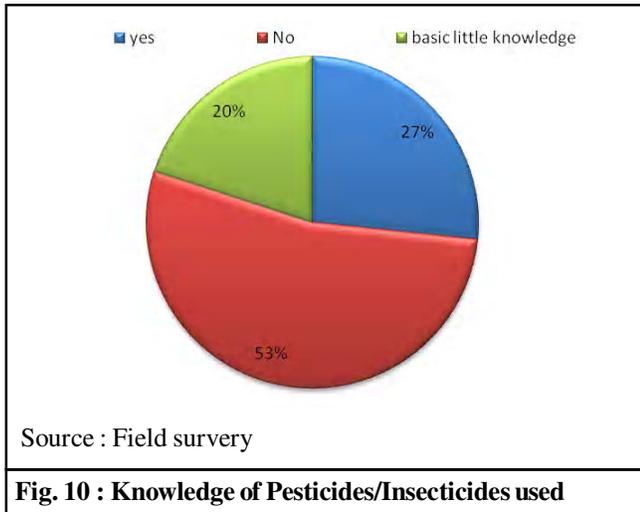
Rest time period in a day:

Fig. 9 shows the total rest period of Respondents per day. The Figure reveals 34% respondents have a rest period of 0-1 hours, 33% have a rest period of 1-2 hours, 13% have a rest period of more than three hours, 7% have a rest period of 2-3 hours and 13% don't have a fixed time period for their rest.



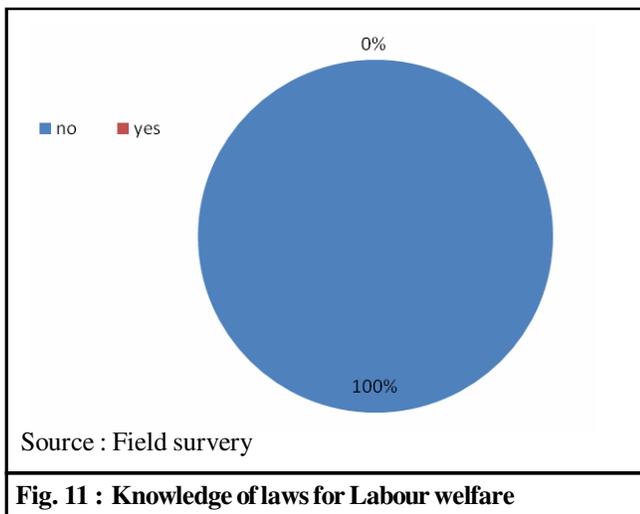
Knowledge of pesticides/Insecticides used:

The agricultural labourers are used from spraying pesticides and insecticides, but they generally don't have much information about these chemicals. Fig. 10 reveals that Only 27% of the respondents has knowledge about the chemicals to be used, 20% of the respondents has only basic knowledge and majority 53% respondents are totally ignorants about these chemicals.



Knowledge of laws for Labour welfare

The Fig. 11 shows 100% of respondents don't have knowledge about any labour law enacted for their welfare.



Major Findings of Empirical Study:

1. The empirical study shows child Labour is going in full force.
2. The majority of respondents are male 67 % and remaining 33% are female. Thus data shows that males are engaged as Agricultural Labour.
3. The majority of Respondents (47%) are illiterate followed 20% of respondents have education up to 5th class, 20% have education up to 10th class and 13% have education up to 8th class .
4. The 100% Respondents engaged in Wheat farming receive wages in Kind

5. The Respondents engaged in sugarcane cultivation are paid on daily basis; The figure 5 displays 22% labourers are paid 300 Rs. , 11% labourers are paid 275 Rs., 45% labourers are paid 400 Rs., 11% labourers are paid 250 Rs. and 11% labourer are paid 350 Rs. It shows that wages are still the matter of negotiation between employer and worker because as the study shows no uniformity in payment of wages. It is clear violation of Minimum of Wages Act 1948.

6. The Big Farmers who requires full time agricultural workers for protection of crops, watering of crops, spraying pesticides and insecticides etc. are paid monthly. The Figure 6 shows 50% of the workers are paid amount between 2500-5000 Rs. , 25% workers are paid amount between 5000-5500 Rs., 25% workers are paid rs 6000 and above. The monthly wages if distributed into daily based wages it less than the minimum wages.

7. The study shows discrimination in wages on the basis of gender .Majority of Female Respondents (72%) agreed that they are discriminated on the basis of gender as men are paid more money for the same work performed equally by both of them.

8. The study shows working hours /day of Respondents are not fixed. The Fig. 8 shows 40% of the labourers work for 6-8 hrs in a day. 34% of the labourers work for 8-10 hours, 13% labourers work for 10-12 hours and rest 13% labourers work about 12 or more hours in a single day.

9. The study reveals that there is no fixation of rest interval during working hours/day.

10. The agricultural labourers are used from spraying pesticides and insecticides, but they generally don't have much information about these chemicals. The study also reveals that majority (53%) of Respondents are ignorant about use and the side effect of using these chemicals on their health .

10. The study shows 100% of respondents don't have any knowledge about any labour law enacted for their welfare.

Conclusion:

In a civilized society, the rights of an individual needs to be protected by society at large, particularly if the rights relates to a weak individual ,vis a vis a strong individual of group. The jungle law of "the survival of the fittest" should have no place in the civilized society. In the present economic structure, where the means of production is owned by the employers and the workers sell their labour

to work with these means, the protection of workers rights gets underscored. With the mass employment there is more likelihood of the basic human rights being denied to the labour⁵⁶. Labour is primarily a human being and secondarily a worker and as a human being entitled to the inalienable human rights. In other words, human rights are relevant for workers in all categories and situations regardless of whether they are organised or unorganised⁵⁷. Human rights, however, acquire a different meaning and significance in case of unorganized labour.

Any social legislation to be effective should not only be broad-based and pervasive but should also be simple and direct so that it could be understood and respected and therefore, be accepted, by the masses it seeks to govern. Its implementation should be easy so that the benefits could flow speedily, The access to the law should be inexpensive so that, to the person denied his rights, the law is a reality as well as a true instrumental of relief. No law can be effective, which does not take into consideration the conditions of the community for which it is designed, no law can be a good law-every law must be a bad law-that remains unenforced (words of Justice Brandies)⁵⁸.

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