Upliftment of Agricultural Labour Through Labour Laws*

SURESH C. SRIVASTAVA**

Notwithstanding Mahatma Gandhi's emphasis on the value of self sufficient village economy agricultural labourers have been the most neglected and exploited class of human labour. They have suffered because they happen to belong to economically and socially backward class of society. Further, their illiteracy, poverty and indebtedness and the seasonal nature of work in villages also create obstacles. Moreover lack of organization, heterogeneity and homogeneity and their migratory character also works against them. This paper seeks to examine the problems of agricultural labour and assess the steps taken by the Government, legislature and judiciary to meet the situation.

MAJOR PROBLEM AREAS

The factual conditions of agricultural workers are quite different from those of non-agricultural workers, and the administrative feasibility of effectively regulating the minimum standards of employment and social security is entirely different for agricultural labour. Trade unions and labour organizations

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* In this paper 'agricultural labourer' has been used in the same sense as adopted in 1971-Census, namely:

“A person who works in another person's land for wages in money, kind or share should be regarded as an agricultural labourer. He has no risk in the cultivation but he merely works in another person's land for wages. The labourer could have no right of lease or contract on land on which he works”.

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rarely exist among this class of workers. Further, agricultural labour, barring a few exceptions, are more or less on a temporary basis, with the result that they are in constant fear of losing job. They are more or less on the sweet-will of the employer. Be it as it may, the attitude of these workers towards agricultural production and development presents socio-economic problems of crucial significance to the rapid growth and development of the national economy. Said the Planning Commission,

"The worker is the principal instrument in fulfilment of the target of the plan and in the achievement of the economic progress generally. His co-operation will be essential factor in creating an economic organisation in the country which will best subserve the need of social justice".

However, it is unfortunate that after independence no serious effort has been made by the government to improve the conditions of agricultural labour.

The existing labour legislation in India are not applicable to most of the agricultural occupations. Further their scope is extremely limited and their implementation is far from satisfactory.

This in effect has created hardship to agricultural labour. Law and policy should, therefore, be framed to minimise their hardship and sufferings.

The problem of agricultural labour, perhaps in the context of agricultural wages or seasonal or disguised unemployment among agricultural labour, first came for the notice of the Royal Commission on Agriculture in 1926. The Commission observed:

"The labour problem is, therefore, from the agricultural point of view a simple one to lessen the pressure on land. The essential condition for relieving pressure on land is, therefore, in our opinion mobility".

Despite the aforesaid statement and the efforts made at industrialization, the pressure of labour on land continued to increase.
Even after independence emphasis was laid on industrialization and no serious effort was made on agricultural development. A number of enquiries were however conducted to identify the problems of agricultural labour and committees were set up in 1950-51, 1956-57, 1963-65 and later in 1974-75. But no effective legislative or administrative steps were taken till 1975. It was in May, 1977 that a Tripartite Labour Conference and in January, 1978 a Special Conference drew the attention of the government to set up a permanent advisory machinery to deal with various aspects of agricultural labour. A Central Committee on Rural Organised labour (a permanent advisory machinery) was, therefore, set up in September, 1978 under the Chairmanship of the Minister of Labour and consisting of representatives of workers and employers' organisations, concerned Central Minister and the Departments and the State Governments' Departments, and institutions, organisations and individuals engaged in social work and associated with the welfare of agricultural workers in the country. The terms of the reference of the Committee are as follows:

(i) The formulation of a Central legislation for safeguarding the interests of rural workers, particularly the agricultural workers, with regard to security of employment, working hours, payment of wages, social security schemes, safety in mechanisation, dispute settlement machinery etc;

(ii) amendments and additions to the existing labour laws, as and when necessary including the social security legislation, in order to extend their provisions to the rural workers and for their stricter enforcement;

(iii) steps, administrative and legislative, that may be taken to create conditions for the proper growth of the rural workers’ organisations;

2. Id. at 15.
3. Ibid.
(iv) ways and means of removing unemployment and underemployment in rural areas through employment generation schemes;

(v) reorientation of the programmes of the CBWE|NL\ for speeding up the process of education and organisation of rural workers;

(vi) abolition of the contract labour system in projects undertaken in jungles and remote areas and to encourage co-operatives of forest workers which could provide food and employment to the local people;

(vii) extension of socio-economic gains of development, such as health care, family welfare, education, housing, drinking water, roads, institutional credit, agricultural and consumer co-operatives network, free legal aid, for the rural poor;

(viii) forging a link with the Standing Committees set up at the State level;

(ix) review and monitoring from time to time of the progress made in the processing and implementation by the Centre and the States, of the suggestions made by it and the State Level Committees; and

(x) any other issue concerning the problems of rural workers on which government may seek the advice of the committee.

The first meeting of this committee was held on 29th January 1979. The committee decided to set up three sub-committees. The first one was meant to consider the possibility of Central legislation to regulate the wages and conditions of employment of agricultural workers and to provide a machinery for settlement of disputes and claims. The second committee was on bonded labour and was to recommend what improvements could be brought about. It was to study the programmes for rehabilitation of freed bonded labour. The third committee was to report on the administrative and legal measures necessary
to strengthen the organisation of rural workers and give proper attention to rural workers’ training and education.\(^4\)

The sub-committee on bonded labour and sub-committee on Central legislation for agricultural workers have submitted their reports. The report of the sub-committees on rural workers’ education and organisation is awaited.\(^5\)

**SOCIO ECONOMIC DIMENSIONS OF THE PROBLEMS**

1. *Size of Agricultural Labour Force:*

   India is predominantly an agricultural country. Out of 183.6\(^6\) million people who constituted the entire labour force in 1971 about 126.017 million of the total were employed in cultivation\(^8\) and agricultural occupations\(^9\). Estimated workforce in rural areas in 1978\(^10\) was 216.16 million as against urban workforce of 44.76 million; the workforce in agriculture was 192.43 million. However, the Planning Commission has estimated that by 1978, the force (workforce plus unemployed work) have gone up to 265.3 million and out of this agriculture would be employing 192.43 million. By 1983 the working force in agriculture is likely to go up to 213.83 million, indicating an addition of 21.4 million persons in just 5 years.\(^11\) The Planning

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8. This category covers both owner and tenant cultivators. Cultivation includes ploughing, sowing and harvesting but does not include fruit growing or keeping orchards or groves or working for plantations such as coffee, tea, rubber, cinchona and other medical plantation.
9. This category includes persons who work on another persons’ land, without exercising any supervision or direction in cultivation, for wages in money, kind or share or produce but no right or lease or contract on land on which they work.
Commission envisages that "if the planning pattern of investment and production materialises it is likely to create 49.3 millions additional (adjusted standard) persons - years of employment. Of these 22.8 million will be in agriculture and allied sectors as a result of planned growth in irrigation capacity and in animal husbandry, fishery and forestry sectors".12

Out of 126.0113 million who were employed in agricultural occupation in 1971, 47.30 were employed as agricultural labour. Table 1 gives figures of agricultural labourers for the census years 1901 to 1971.

**TABLE 1**

*Total population, total workers and agricultural workers for the Census years 1901 to 1971 — All India*

<table>
<thead>
<tr>
<th>Year</th>
<th>Total workers (all occupations)</th>
<th>Agricultural workers</th>
<th>(In millions)</th>
<th>Agricultural Labourer as percentage of Total Workers</th>
<th>Agril. Workers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Agril. Labourers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1901</td>
<td>110.71</td>
<td>17.26</td>
<td>15.59</td>
<td></td>
<td>24.94</td>
</tr>
<tr>
<td>1911</td>
<td>121.30</td>
<td>24.06</td>
<td>19.84</td>
<td></td>
<td>29.15</td>
</tr>
<tr>
<td>1921</td>
<td>117.75</td>
<td>19.65</td>
<td>16.69</td>
<td></td>
<td>24.18</td>
</tr>
<tr>
<td>1931</td>
<td>120.67</td>
<td>22.11</td>
<td>18.33</td>
<td></td>
<td>27.72</td>
</tr>
<tr>
<td>1951</td>
<td>139.42(R)</td>
<td>27.50</td>
<td>19.72</td>
<td></td>
<td>28.28</td>
</tr>
<tr>
<td>1961</td>
<td>188.57</td>
<td>31.52</td>
<td>16.72</td>
<td></td>
<td>24.04</td>
</tr>
<tr>
<td>1971</td>
<td>183.61(P)</td>
<td>47.30</td>
<td>25.76</td>
<td></td>
<td>37.54</td>
</tr>
</tbody>
</table>


From the above table it is evident that the number of agricultural labourers has been on the increase steadily since

13. See *supra*, n. 2.
1921. The increase during the last decade i.e 1961-71 has been quite significant both in terms of absolute numbers and as a percentage of the total workers or total agricultural workers. It will also be noticed that this increase in the number of agricultural labourers has been accompanied by quite a significant fall in the number of cultivators.  

2. Agricultural Labourers' Place in the Economy

India has been, and will remain in the foreseeable future, a predominantly agricultural nation. Agriculture in its broad connotation accounts for approximately fifty per cent of our national income and as already observed engages 73.8 per cent of the working population. But, in spite of this "agriculture labour occupies the lowest rung of the rural ladder. Social stratification in a village is linked with land and caste which govern status, economic power and political influence as much as the level of living which is their consequence. Owner-cultivators with large holdings are at the apex". Agricultural labour is provided mostly by economically and socially backward sections of people viz., scheduled caste and scheduled tribes. The very fact that they have continued deficit budgets prove that they are not gainfully employed. They do not spend lavishly; rather they spend in Bihar, nearly 90 percent of their income on food. Indeed, most of them are below poverty line.

17. See supra, n. 15.
18. Ibid.
3. **Unemployment and under-employment as a barrier to minimum standards of employment and social security.**

Unemployment and underemployment are the most important economic evils in a Welfare State. India is no exception. Unemployment and underemployment involve several legal and non-legal issues. From the economic standpoint, employment and underemployment mean non-utilisation of existing manpower, low production and, therefore, low standard of living. From the social point of view, they involve many evils such as poverty, mental and physical sufferings and frustration. Labour law is concerned with the problems of surplus labour as well as minimum standards for those who are employed. From the point of view of labour law, therefore, unemployment and underemployment would mean that agricultural labourers not covered by many existing labour legislation are in need of unemployment relief. Further, unemployment and underemployment lead to inequality among workers, particularly of the illiterate, unskilled and ordinary common worker. Unemployment and underemployment lead to unrest. Under the circumstances labour law is increasingly called upon to meet the situation.

Unemployment and underemployment are phenomena of Indian agriculture. The extent of unemployment and underemployment in the agricultural sector was worked out in 1955 at 5.8 million\(^\text{21}\) and 1971-72 to be about 13 to 16\(^\text{22}\) million. The exact figure for 1980-81 is not available but it must have been substantially increased. Indeed, in the Indian agricultural sector the intensity of the problem lies in the fact that agricultural labourers are unemployed for 168 days in a year.\(^\text{23}\) Further underemployment adds the intensity of the problem; and “in rural context both unemployment and underemployment get inextricably mixed. Either of it voluntarily or involuntarily

\(^{21}\) *Ibid.*


\(^{23}\) Thakur S. N., *Supra* n. 19.
adds to the complications in analysing the situation. But, statistics apart, in the years since Independence, the developments in rural areas taken together indicate that some relief in terms of more work has already reached them”\textsuperscript{24} Thus the various Five Year Plans, particularly Fourth, Fifth and Sixth Plans, have visualised the urgent nature of the problems of unemployment and underemployment and has in fact formulated schemes for promoting self employment, imparting training facilities, encouraging commercial banks to advance loans etc. Further, provision has been made in the budget for schemes designed to benefit small farmers, marginal cultivators and agricultural labourers to meet the employment needs of certain areas. But the pace should be accelerated and more job opportunities should be created.

It follows that unemployment has affected to a considerable extent the standard of living. It has also created disparity in the working class. It has hampered the growth of the labour movement and trade unions. Political parties may take advantage of the unemployed millions and divert them from the search for gainful employment into unproductive political actions. Further, the lower utilisation of human resources in the agricultural sector is likely to create accumulation of job seekers in industry. Moreover, unemployment poses a serious threat to development programmes. Government planners should be sensitive to the present problem of unemployment. Labour law can be modelled or remodelled to implement sound policies or programmes for relief of the unemployed.

Quite apart from the impediment created by unemployment and underemployment, several factors such as (i) unorganised nature of agricultural labour; (ii) seasonal fluctuation of agriculture operation; (iii) irregular pattern of employment (iv) ignorance and illiteracy (v) migratory character (vi) low wages; and among others (vii) heterogeneity and homogeneity create problems in extending minimum standards of employ-

ment and social security to agricultural labourers\textsuperscript{25} and affect the organisation of agricultural labour.

**Trade Union of Agricultural Labour**

The problem of formation of unions or associations received attention at the international level as early as 1921 when the International Labour Organisation adopted the Right of Association Convention, 1921. This was followed by Freedom of Association and Protection of the Right to Organise and Collective Bargaining Convention, 1948 and the recent Rural Workers Organisation Convention, 1975. These Conventions *inter alia* affirm the right of all workers, including rural workers, to establish free and independent organization and call upon the Member-States to implement the provision through legislation.\textsuperscript{26}

In India, Article 19 (1) (c) of the Constitution guarantees the right "to form associations, or unions" which right, however, does not include the right to strike.\textsuperscript{27} There is no specific legislation like the Trade Unions Act, 1926 (which applies only to workmen employed in "industry") for agricultural workers. However, the Annual Reports of the Ministry of Labour, for 1978-79 and 1979-80 reveal that a few agricultural trade unions have been registered. These unions appear to be those in operation which are covered by the term "industry" under the Industrial Disputes Act.

It is, therefore, suggested that the Trade Unions Act should be amended to enable agricultural labour to get themselves registered under the Act. Here it may be noted that the Labour Minister announced in Parliament that the Trade

\textsuperscript{25} See Report on National Strategies for the Provision of Rural Social Security in Developing Countries of Asia (prepared by Chhabra) presented in the Asian Regional Round Table Meeting on Social Security Protection of Rural Population in Developing Countries, Kuala Lumpur 1st to 4th July, 1980, p. 5 (Mimeographed).


\textsuperscript{27} See *All India Bank Employees Association v. National Industrial Tribunal* (1961), 2 L.L.J. 385 (S.C.)
Unions Act would be amended to enable agricultural workers to form their own labour organisation.\(^{28}\)

**Agricultural Labour and the Constitution**

The people of India resolved, on November 26, 1949 to constitute their country “into a Sovereign Democratic Republic and to secure to all its citizens:

Justice, social, economic and political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity, and to promote among them all, Fraternity assuring the dignity of the individual and the unity of the Nation”\(^{29}\)

and adopted a Constitution which seeks to provide a legal framework for the achievement of these cherished human values.

The Constitution guaranteed the “right to equality”\(^{30}\) “the right to freedom of speech”,\(^{31}\) “to assemble peaceably”\(^{32}\) “to form associations”\(^{33}\) “to acquire, hold and dispose of property”\(^{34}\) and “to carry on any occupation, trade or business”\(^{35}\) and the “right against economic exploitation”.\(^{36}\) Part IV of the Constitution spells out the socio-economic objectives to the national policy. It declares that States shall strive *inter alia*, to provide “adequate means of livelihood”\(^{37}\) “right to work,


\(^{29}\) Preamble to the Constitution of India. The Constitution (42nd Amendment) Act 1976 changed the Republic to Sovereign Socialist Secular Democratic Republic.

\(^{30}\) Article 14.

\(^{31}\) Article 19 (1) (a)

\(^{32}\) Article 19 (1) (b)

\(^{33}\) Article 19 (1) (c)

\(^{34}\) Article 19(1) (f). [This was omitted by Constitution (44th Amendment) Act, 1978].

\(^{35}\) Article 19 (1) (g).

\(^{36}\) Articles 23 and 24.

\(^{37}\) Article 39 (a).
to education and to public assistance in case of unemployment, old age, sickness and disablement", "conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities" and "higher level of nutrition and standard of living". The significance of these provisions in the context of growing importance of agricultural workers in a system of adult franchise cannot be over-emphasised. They mark the beginning of a new era.

Agricultural Labour and Labour Law

1. Application of the Industrial Disputes Act 1947

In order to apply the Industrial Disputes Act it is essential that there must be an 'industrial dispute'. The Act defines "industrial dispute" to mean "any dispute or difference between employers and employers, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person" and the word "workman" has *inter alia* been defined to mean "any person employed in any industry". In order to be "workman" it is, therefore, essential that he must be employed in an industry. The Act defines "industry" to mean:

"any business, trade, undertaking, manufacture or calling of employers and includes any calling service, employment, handicraft or industrial occupation or avocation of workmen".

Unless the employer is an "industry" there would be no scope for the application of the Industrial Disputes Act. It is, therefore, necessary to examine whether agricultural operations carried on by an employer would constitute an "industry". This

38. Article 41.
39. Article 43.
40. Article 47.
42. Id., S. 2 (s).
43. Id., S. 2 (j).
question was raised for the first time before the Supreme Court in Hari Nagar Cane Farm v. State of Bihar. 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. It is against this order of the High Court that the companies filed an appeal to the Supreme Court. The court held, on the facts that "when a company is formed for the purpose of carrying on an agricultural operation it . . . . (was) carrying on trade or business" and hence would come within the term 'industry' under the Industrial Disputes Act. The Court, however, declined to decide the larger issue as to whether all agricultural operations connected with it were include in "industry".

A similar question arose also in Motipur Zamidari Company v. Bihar State. In this case the Patna High Court held that agricultural operation regarding cultivation of sugarcane, wheat and rice carried on by a limited company formed for the purpose would constitute an "industry". The Court took the view because in its opinion (i) the definition is very wide and (ii) there is a co-operation of labour and capital.

45. Id. at 906.
46. Ibid.
47. A.I.R. 1960 Patna 428.
But, in *Maheswar Rao v. State of Orissa* the High Court of Orissa ruled that unless agriculture is adopted as a business or calling, the operation in the dispute between agriculturists owing tractors for their private purposes and their employees would not constitute “industry”. Applying it in the case the court held that the dispute between the employer and heavy vehicle drivers, tractor drivers, cleaners, mechanics, conductors and checkers employed in the vehicle would not constitute “industry” and would therefore, not be an “industrial dispute”.

Recently in *Banglore Water Supply and Sewerage Board v. Rajappa* the seven Judges Bench of the Supreme Court appears to have reaffirmed the principles laid down in *Hari Nagar Cane Farm*.

From the *Bangalore Water Supply* decision it is evident that the Supreme Court is inclined to treat organised agricultural operation with the co-operation of capital and labour for the production or for distribution of goods or service calculated to satisfy human wants and wishes to be an “industry” But, the smaller and unorganised agricultural operations have been excluded from the purview of the Industrial Disputes Act 1947.

2. *Minimum Wages Act, 1948*

The Minimum Wage - Fixing Machinery Convention was adopted by the ILO in 1928. The Convention recommended to the Member States the desirability of setting up machinery for fixation of minimum rates of wages in certain industries. The object of the convention was to fix minimum wages in industries “in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise, and wages are exceptionally low”. To give effect to the convention the Central

50. *Supra*, n. 44.
51. *Supra*, n. 49.
52. *Id.* at p. 595.
54. Article 1 of the Convention.
Legislature passed the Minimum Wages Act, 1948. The Act prevents the exploitation, inter alia, of agricultural workers.

(a) The Coverage of the Minimum Wages Act

The Act extends to the whole of India. It covers all persons who are employed "for hire or reward to do any work, skilled or unskilled, manual or clerical, in scheduled employment in respect of which minimum rates of wages have been fixed; and includes an outworker to whom any articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired, adapted or otherwise processed for sale for the purposes of the trade or business of that other person where the process is to be carried out their in the home of the outworker or in some other premises not being premises under the control and management of that other person" and also an “employee declared to be an employee by the appropriate Government”.

Part II of the Schedule to the Act covers employment in agriculture. The appropriate Government is empowered to add to the Schedule any employment “after giving by notification in the Official Gazette not less than three months’ notice of its intention so to do”. Under this provision, among other States, the Government of Punjab and Haryana have fixed minimum wages for agricultural workers.

(b) Fixation and Revision of Minimum Wages

The Act, empowers the appropriate Government to fix or revise the minimum rates of wages for workers employed in the employment specified in Part I or II of the Schedule and in employment added to either part of the Schedule by notification under Section 27. But a distinction exists in the application of the Act to employment in Part I and Part II of the Schedule. While appropriate Government is under an obligation to fix

56. Id., S. 2(i).
57. Id., S. 27.
58. Id., S. 3.
minimum rates of wages in the entire state in respect of employ-
ments specified Part I, it has a discretion to fix minimum
rates of wages even in a part of the State in respect of employ-
ment specified in Part II of the Schedule. 59 Further the appropriate
Government shall not be required to fix minimum rates of wages
in respect of any scheduled employment in which less than one
thousand employees are employed at a given time in the whole
of the State. 60 Moreover, the State Government shall not be
required to apply the Act in respect of wages payable to disabled
employees. 61 The appropriate Government is also authorised
not to apply for special reasons, any or all provisions of the Act
to any class of employees employed in any scheduled employ-
ment or to any locality where there is carried on any scheduled
employment. 62 The appropriate Government may fix minimum
rate of wages for time work, piece work, and overtime work
and a guaranteed time rate for piece work 63. Further, in fixing
or revising minimum rates of wages different minimum rates of
wages may be fixed for (i) different scheduled employment, (ii)
different classes of work in the same scheduled employment,
(iii) adults, adolescent, children and apprentices; and (iv) dif-
f erent localities 64. Similarly, the minimum wages may be fixed
by any one or more of the following wage period, namely (i)
by the hour (ii) by the day (iii) by the month or (iv) by such
other longer period as may be prescribed. 65

The Minimum Wages Act, however, neither defines “mini-
mum wage” nor does it lay down criteria to be considered in
determining the minimum wage in any given case. To fill this
gap courts have held that statutory minimum wage is higher
than the bare subsistence wage and provides for measure of edu-
cation, medical requirement and amenities. 66 The courts have

60. The Minimum Wages Act 1948 S. 3 (1A).
61. Id., S. 26(1).
62. Id., S. 26 (2).
63. Id., S. 3(2).
64. Id., 3 (3) (a).
65. Section 3 (3) (b).
66. See, Express Newspaper v. Union of India (1961) 1 L. L. J. 339
(S.C.).
also ruled that the policy and principle for the guidance for the exercise of this power is inherent in the purpose and object of the Act, and the machinery enacted for assisting the Government in making the equitable adjustment of conflicting claims of labour and management.67

(c) Time for revision of minimum wages

Wage structures are not static and are liable to be revised with the change of circumstances. The Act, therefore, empowers68 the appropriate Government to review the minimum rate of wages so fixed and revise the minimum rate at such intervals as it may think fit. The interval as aforesaid shall not exceed five years.69 But the effect of this is neutralised by providing that where the government, due to any reason, has not reviewed the minimum wages fixed by it within the period of five years it can do so even after the expiry of five years and until the wages are revised, the minimum rate of wage already fixed will continue to be in force.70 This proviso has been misused by the Government.

A perusal of wages revised reveals the fact that the minimum rates of wages have not been revised for more than five years, from the date of last fixation/revision by the appropriate government. The period varies from six to twenty years. Further, the press report71 reveals that the States of Andhra Pradesh, Assam, Bihar, Karnataka, Kerala and Meghalaya have not revised minimum wages for agricultural labourers after the last revision in 1975. Moreover, in spite of stated policy of the Government of Haryana and Punjab to revise minimum wages at the interval of two and three years respectively. Government in fact in many

68. The Minimum Wages Act 1948, S. 3(1) (b).
69. Ibid.
70. Ibid.
employment have not revised the wages within the specified period. The period varies from 3 to 5 years.

(d) **Choice of Minimum Wage Fixation Process**

The Act empowers the appropriate Government not only to fix minimum rates of wages in respect of any scheduled employment for the first time or in revising minimum rates of wages so fixed but also to choose either of the following two processes:

(i) appoint as many committees and sub-committees as it considers necessary to hold enquiries and advise it in respect of such fixation or revision, as the case may be

or

(ii) by notification in the official Gazette, publish the proposals for the information of persons likely to be affected thereby and specify a date, not less than two months from the date of the notification, on which the proposal will be taken into consideration.

Where the second method is chosen Government is duly bound to consult the Advisory Board. After considering the advice of the committee or committees appointed or representation received by it the appropriate Government shall fix or revise minimum rates of wages in respect of each scheduled employment and unless such notification otherwise provides it shall come into force on the expiry of three months from the date of issue.

(e) **Enforcement**

For the administration of the Act the State Government have been authorised to appoint Inspectors. Under this provision.

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72. Govt. of Punjab Enforcement of Minimum Wage 1979 and the notification issued by the Government of Haryana during 1980. (This information is based on the investigation made by the author)


74. Id., S. 5(1) (b).

75. Id., S. 5(2), Proviso.
the Patwaries and Field Kanongoes of the Revenue Department have been appointed to exercise the powers of inspectors for enforcement of the Act in the employment in “agriculture”, in certain states. However the report of the working of the Act in the State of Haryana in 1978 reveals that a very rigid and effective implementation of the Act has not been possible for want of adequate staff, particularly in “Agriculture” and lack of education amongst workers to file their claim against their employers for payment of wages fixed under the Act.

3. Application of Payment of Wages Act, 1936.

Section 22F of the Minimum Wages Act empowers the appropriate Government to direct that subject to the provisions of sub-section (2) all or any of the provisions of the Payment of Wages Act, 1936 shall with such modifications, if any, as may be specified in the notification apply to wages payable to employees in such scheduled employments as may be specified in the notification. The inspectors appointed for the purpose of enforcement of the provisions so applied acts within the local limit. In exercise of these powers the Central Government has applied the provisions of the Payment of Wages Act, 1936, inter alia, in respect of employees in employment included in Part II of the Schedule. Further, States have also applied the provisions of the Payment of Wages Act.

Social Security Legislation in Agricultural Sector

(i) Workmen’s Compensation Act, 1923

The Workmen’s Compensation Act which imposes an obligation upon employers to pay compensation to workers for

76. For instance, Haryana.
78. For instance the Government of Punjab applied the provisions of section 15 (claims arising out of deduction from wages or delay in payment of wages and penalty for malicious or vexations claims), section 16 (single application in respect of claims from unpaid group), section 17 (appeals), section 17A (conditional attachment (f. n. continued)
accident "arising out of and in the course of employment", resulting in death or total or partial disablement is also applicable to workers "employed in farming by tractors or other contrivances driven by steam or other mechanical power or by electricity". From this it is evident that the Act has an extremely limited application and does not apply to all agricultural labour.

(ii) *Employees State Insurance Act, 1948*

The Act is one of the pioneering measures in the area of insurance for workers. It provides for (i) sickness benefit; (ii) maternity benefit; (iii) disablement benefit; (iv) dependents benefit; (v) medical benefit and (vi) funeral benefit. However, section 1 (5) empowers the appropriate Government, in consultation with the Corporation, to extend the provisions of the Act or any of them to any other establishment or class of establishment, including agriculture. However, these benefits, if at all, are available only to a negligible section of agricultural labour, because of legal, administrative and other problems. The question has been considered recently by a high power sub-committee of the Employees' State Insurance Corporation which has come to the conclusion that the scheme should be modified to suit the conditions of rural area. The Central Standing Committee on Rural Unorganised Labour set up by the Central Government is also considering, *inter alia*, the question of social security for rural workers.

(iii) *Maternity Benefit Act, 1961*

Like the Employees' State Insurance Act, the Maternity Benefit Act, 1961 empowers the State Government to extend

of property of employer or other person responsible for payment of wages, section 18 (power of authority appointed under section 15) and section 26 (Rule making power), in respect of claims arising out of deduction or delay in payment of wages payable to employees *inter alia* (i) employment in Agriculture and (ii) employment in Contractors Establishment of the Forest Department. See Notification No. GSR-CA[I][II][22F]-63 dated 13-6-1963.

79. See, S. 2 (i) (n) read with Cl. (xxix) of Schedule II of the Workmen's Compensation Act, 1923.
the provisions of the Act to an establishment or class of estab-
lishment including agriculture. This Act which provided for
cash maternity benefit for certain periods before and after con-
finement, grant of leave and certain other facilities etc. to
women, could not, despite the power vested in the State Govern-
ment, be implemented in the agricultural sector in most of the
States.

CONCLUSIONS AND RECOMMENDATIONS

The discussion leads us to the following conclusions.

(i) The present labour legislation are applicable, if at all, to
a limited section of agricultural labour. It has failed to
meet the needs. It is, therefore, desirable to have a com-
prehensive central legislation for agricultural labour, deal-
ing with dispute settlement machinery, security of tenure,
wages, bonus, dearness allowance, working hours, health
and welfare.

(ii) The Trade Unions Act, 1926 should be amended to enable
agricultural labour to get their unions or associations re-
istered under the Act.

(iii) Steps should be taken to evolve a proper and adequate
enorcement machinery keeping in view the problem of
agricultural sector. A way should be found to involve
village panchayats in the task of implementation of labour
legislation. It is suggested that the Block Development
Officer be deemed to be rural inspector and one or more
Assistant Development Officers of the Block, depending
upon the work-load, may also be associated.

(iv) A perusal of minimum wages fixed under the Minimum
Wages Act, as given in Appendix A, reveals that inter-
state disparity exists in the minimum wages fixed for
agricultural labour. Further, a report of the Bureau,
Ministry of Labour, Government of India, on Wage Fix-
ation in Industry and Agriculture reveals that there is not
only inter-state disparity in minimum wages, but also in
some States rates for the same industry vary from area to
area. For instance the Government of Bombay has divided
the State into various zones on the basis partly on population and partly on industrial development and has fixed separate wage rates for each zone. Similarly, Madhya Pradesh has been divided into different zones for fixation of wages. In view of this, the problem of inter-State wage differentials under the Minimum Wages Act calls for co-ordinated action.

(v) Reported decisions show that Government sometimes take 2 years in the process of finalisation of fixation|revision of minimum wages. This frustrates the very purpose of the Act.

(vi) The proviso to section 3 (1) (b) of the Minimum Wages Act 1948 neutralises the effect of the section by providing that where the Government due to any reason has not reviewed the minimum wages fixed within the period mentioned in section 3 (1) (b), it can be empowered to do so even after the expiry of that period and until the wages are reviewed, the minimum rate of wages already fixed will continue to be in force. This proviso has been mis-used by the Government. A perusal of wages revised under section 3(1) (b) reveals the fact that the minimum rates of wages have not been revised for several years from the date of last fixation|revision by the appropriate Government. The period ranges from six to twenty years.

(vii) The welfare provision should provide for (a) supply of drinking water; (b) provision for health and medical facilities; (c) supply of protective equipment to ensure safety; (d) provision of house-sites free of cost and cheap house on easy instalment or houses on nominal rent; (e) free educational facilities for children of landless labour; and (f) rest shelter at places of work as suggested by the Committee on Labour Welfare.
### APPENDIX A

**DAILY RATE OF MINIMUM WAGES IN STATES FOR AGRICULTURAL LABOURERS (IN RUPEES)**

<table>
<thead>
<tr>
<th>State</th>
<th>Range of minimum wages per day (in rupees)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Government</td>
<td>5.10 — 7.50</td>
</tr>
<tr>
<td>Andhra Pradesh</td>
<td>3.00</td>
</tr>
<tr>
<td>Bihar</td>
<td>4.50 (with meal/nashtra in un-irrigated areas)</td>
</tr>
<tr>
<td></td>
<td>5/- (with one meal/nashtra in irrigated areas).</td>
</tr>
<tr>
<td>Gujarat</td>
<td>5.50</td>
</tr>
<tr>
<td>Haryana</td>
<td>7.50 - 10.00 (with meals)</td>
</tr>
<tr>
<td></td>
<td>Rs. 9.00 to Rs. 12.00 (with one meal).</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>5.25</td>
</tr>
<tr>
<td>Kerala</td>
<td>6.50 (with customary perquisites if any)</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>5.00 (with customary perquisites if any)</td>
</tr>
<tr>
<td>Manipur</td>
<td>6.50</td>
</tr>
<tr>
<td>Nagaland</td>
<td>8.00</td>
</tr>
<tr>
<td>Orissa</td>
<td>4.00</td>
</tr>
<tr>
<td>Punjab</td>
<td>8.70 or Rs. 6.70 with meals in Kandi areas; Rs. 9.70 or 7.70 with meals in areas other than Kandi.</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>6.25 to 8.00</td>
</tr>
<tr>
<td>Tripura</td>
<td>7.00</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>5.00 to 6.50</td>
</tr>
<tr>
<td>West Bengal</td>
<td>7.90 (for adults) 5.78 for children.</td>
</tr>
<tr>
<td>Delhi</td>
<td>9.25</td>
</tr>
</tbody>
</table>

**SOURCE:** Computed on the basis of information in *Hindustan Times* April 19, 1980, p. 6.