CHAPTER VI.

Legislative Provisions for Agricultural Labour.

The study of the problems, faced by agricultural labourers in Bundelkhand area and in the District of Jhansi reveal that so many oppressive methods have been taken by the cultivators or by the big farmers. In a virtual sense, the agricultural workers are not leading a normal life. In the face of growing problems before the agricultural labourers, it becomes necessary that stringent measures are taken so that, they avail the opportunities at par with their counterparts working in the industrial sector.

In a true sense, Regulations Act of Legislations are enacted by the Govt. particularly to safeguard the interests of the community which are in tune with the objectives enshrined in our constitution. The principle of socio-economic justice implies that all sections of the society, belonging to any discipline or any walk of life are equal. This would be possible only when the workers get handsome dividends in return for the services rendered by them. Although, things have not improved in any of the sectors, the condition of the agricultural sector has been very critical or alarming. It is in this background that the workers get reseanable wages for their services, lead a happy life and contribute a lot to the acceleration of productivity.
The present chapter is devoted to study the legislations passed by the government to protect the interest of the agricultural labourers. An analytical study of legislations would narrate the actual conditions of workers, the efforts for implementation of legislations and their impact on the wage condition of the agricultural workers. At the outset different provisions are mentioned and thereafter, the cases of implementation or violation are identified and elaborated. The main laws related to agricultural labour may be mentioned as under.

**Minimum Wages Act:**

During the pre-independence period, there was no legislation particularly to safeguard the interests of agricultural workers. Naturally, the cases of exploitation oppression repression and so on go on in the present conditions too.

The attainment of independence in 1947 started a new change is almost all walks of life. The constitution gave due priority to the principle of socio economic justice. It was considered highly important that the citizens men and women equally have the right to an adequate means of livelihood. This provision of the constitution was also enshrined in the First Five Year Plan. In tune with this provision, it was quite natural for the Government to look into these matters and the outcome was the passing of Minimum wages regulation, the minimum wates Act was passed by the central legislative in India in 1948.
After the attainment of independence in 1947, the problem of fixing minimum wages for workers either employed in agricultural or industrial sector was given top most priority. The question of fixing minimum wages was first of all considered by the Royal Commission on Labour in India. Although Statutory regulation of Minimum wages comes into being only since 1948, the concept still is old. In a virtual sense, it passed through different stages before taking the present shape. Public attention began to be focussed on the evils of low wages and under payment of even the agreed wages. As early as in 1928, the International Labour Conference adopted a resolution regarding the creation of an agency for fixing wages. Further, the Whitley Commission examined the question of minimum wage, specially in the light of the International Labour Organisation, the Government Labour convention observed; In our view the convention in referring to trades in which wages are exceptionally low, not by comparision with Western or other foreign standard, but by comparision with general trend of wages and wage levels in Kindred occupation in the country concerned. The fixing minimum wages was discussed in the fifth session of the Indian Labour Conference held in Sept. 1943, but of course in the context of social securities. After a full debate in another session of the Indian Labour Conference and scrutiny in a special sub-committee appointed by it, the minimum wages bill was introduced in the Central Legislative Assembly in April 1945, and the Act enforced in March 1948.
Thus, the Minimum wages Act was passed and in a true sense this Act is a landmark in the annals of Labour legislations in the country. The whole philosophy underlying the enactment of the Minimum wages Act is to prevent exploitation of labour through the payment of low wages. The effects of the provision contained in the Act is to make it clear that the rule of the market and law of supply and demand will not be allowed to govern the terms about wages as between employers and employees in the respect of establishment falling under the schedule. Particularly in a country like India, where unemployment is at its peak, the rule of market should not be allowed to prevail. It was in this background that an act came into sight so as to maintain the principle of socio-economic justice. The agriculture Labour Enquiry Committee of 1950-51 was the first to make a detailed enquiry about the working and condition of agriculture workers. After this the Second Agriculture Labour Enquiry Committee 1956-57, the Rural Labour Enquiry Committee 1963-65, The National Sample Survey and many other Committees have thrown light on the problem. The Minimum Wages Act 1948 is applicable to employment in agriculture also under this Act, State Government were required to fix minimum rates of wages for agricultural labour by the end of 1953. The legislation permitted them to fix minimum wages for such portions of the territories or for such classes of employment as they might consider feasible. In most of the states steps to implement the legislation
were already initiated. In nine states, including Punjab and Uttar Pradesh, minimum wages were fixed.

**Maximum Wages Act:**

The Minimum Wages Act 1948 is the most important labour law in the agricultural sector whose implementation comes within the purview of the state Government. It took many years for the states to overcome hesitation to fix minimum wages. Although, a committee was set up to examine the desirability of having a law on all India basis to determine the rights of agricultural workers, the centre has decided not to have a central law.

For various reasons such as, the unorganised nature of agricultural labour weaknesses in the labour administrations machinery, in effective implementation of existing labour laws, lack of periodic monitoring and co-ordination between the Labour Department and the District Rural Development Agency, the enforcement of minimum wages in agricultural sector has been extremely poor and in many cases non-existent. Field observations have revealed that the Records & Registers which are required to be maintained are practically non-existent.

The Labour Bureau's evaluation study (1987) of the implementation of minimum wages act in four states reveals that in Bihar, Karnataka, and Rajasthan, the main difficulties in implementing the minimum wages were reported to be due to shortage of staff, lack of transport facility and in
security of the enforcement staff. In Gujarat, however, apart from the above mentioned, lack of awareness among the workers about the rates of minimum wages was also mentioned as a case for ineffective implementation of minimum wages.

However the Govt. has taken steps to start centrally sponsored scheme on a pilot basis in four states i.e., Madhya Pradesh, Rajasthan, Orrissa and Manipur to effectively implement the minimum wages in agricultural sector. These steps were to appoint 200 Rural Labour Inspectors to strengthen the enforcement machinery (Ministry of Labour 1987).

In fact Kerala has gone ahead and passed the Agricultural workers Act in 1974. The main provisions include (1) Security of Employament (2) Fixed hours of work with lunch intervals (3) Fixation and payment of wages (4) Settlement of agriculture disputes and (5) Provident Fund. The NLI study (1983) of the working of Agricultural worker's Act reveals that (1) the labourers were aware of the provision of the Act (2) the arrangement for settlement of disputes envisaged under the Act were working satisfactorily and (3) the Provident Fund Scheme was yet to be implemented (Ghosh & Singh 1983). However many social security measures which are implemented in organised sectors, such as the life insurance, maternity benefits. Creches are no where introduced in India for the benefit of the agricultural labour.

The other aspect which is neglected by the Govt. is the periodical revision of wages and the congruence of wages with that of the poverty line fixed by the Planning
Commission. The minimum wages fixed by the state Government range from ₹ 8 to ₹ 14 per day in the agricultural sector. An agricultural worker would earn about ₹ 300 per month, assuming that the worker gets employment for 26 days in a month, he will still be below the Poverty line. The updated poverty line is put at an annual household income of ₹ 6400 in rural areas. It is clear from this that the minimum wages fixed and revised once, at least in two years or on a rise of 50 points of CPI number whichever is earlier. The minimum wages were not revised since 1980. The Finance Ministry is bothered about the State Exchequer on account of the social security liabilities which would mean a heavy financial burden, as a result, about 70 million agricultural lagourers have been deprived of protection of law to determine their service conditions and other aspects of social security.

During the field survey of the present study it was found that agricultural labourer are not aware about the different provisions of the minimum wages Act. The wage rates are ₹ 30/- to ₹ 50/- for men and ₹ 20/- to 40/- for women labour in rural areas. It was revealed by the cultivators and labourers as well that cultivators and workers have no obligations after the work is finished. The master and servant relationship finishes after the payment of daily wages at the end of the work. The cultivators were found aware of the various provisions of the Act such as hours of work, fixation and payment of wages, and provision of lunch etc. but they have told that no care is being done to implement these provisions. On the part of
agricultural households it was revealed that even if they know the various provisions of the act and the act being enforced they have chances to lose the job or they may not be able to get employment where they are serving. It was experienced during the field survey that the influence of the big cultivators is still prevailing in the economy and the agricultural workers who are landless, are employed on the wishes and terms and conditions favourable to be big cultivators.

The experience in the present study has been that it is not the question of fixing minimum wages that will solve the problem of agricultural labourers. This class in the rural society is characterised as weak and poor because of their low level of income and earnings. It has been found that the structure of agricultural production in the selected villages is such that labour is not required for a long time. The work in agriculture is seasonal and the duration of season in agricultural production is short. In the above circumstances agricultural labour is not able to get work through out the year. He is employed for a certain period of time. He has to search employment for the rest of the period in a year. Non-agricultural operations are also not so adequate in nature that he may get employment for his employed period. He is partially engaged in them.

In view of the above instead of fixing the wages and implementing the law relating to wages, the primary
thing should be to create profitable employment opportunities in agricultural and non-agricultural operations so that the agricultural labour may get wage employment throughout the year, after then the question of fair and reasonable wages may be raised. At present the wage rates are above the standard fixed under the law of minimum wage act.

As regards the problems of implementation of the Act, the labourers are not organised for effectively demanding their rights. In fact, most of them due to illiteracy and poverty are not even conscious of their rights or aware of the protective legislation enacted for their benefits. In such conditions it would appear that the implementation machinery for the minimum wages Act should function from the lowest level viz. the village level, if it is to be effective. The National Commission on Labour has suggested that a way should be found to involve the village panchayats in the task of implementation of the Act. Although the village Panchayats are liable to fail in the successful discharge of such functions due to influence of local vested interests, functionalism etc., there seems to be no alternative to involving them in such constructive tasks as the enforcement of the minimum wages Act in agricultural employment. It is also argued that minimum wage legislative may be dispensed with as far as agricultural employment is concerned because in peak seasons the demand for agricultural labour is so high that virtually the labour dictates the terms and wages rule very much higher than any conceivable
maximum wage. Though this might be true to some extent, there is the other extreme of labour being exploited during off/slack seasons. When all that a labourer would care about would be to earn something to keep his body and soul together rather than fighting for his due minimum wages fixed under the statute. The National Commission on labour observed that the application of the Minimum wage Act, however, defective it may be at present, will help agricultural labour. Labour may not be conscious of its rights at present except in isolated pockets, but to expect that the present position will continue is unrealistic. Notification of minimum wages under the legislation help the evolution of 'Norms' and will provide a basis for persons who propose to work in the intervals of agricultural labour. The arguments advanced against the continuation of agriculture in the schedule to the Minimum Wages Act are not that agriculture labour does not need the protection it enjoys. All that they amount to is that there should be more effective implementation. (x) Apart from effective implementation another desideratum is the periodical revision of minimum wages as and when necessary. In a developing economy the need for frequent revisions becomes all the greater. However, this subject is linked with the enforcement of the Minimum Wages Act is that without proper enforcement, revision of the minimum wages would be only an academic exercise and conversely in the absence of need revision the enforcement of out dated minimum wages would be a futile effort. The

National Commission on Labour has therefore, recommended that Minimum wages in Agriculture should be periodically revised through tripartite consultative bodies consisting of the representatives of Agricultural Labour employers and State Govt. at the state and district levels.

**Bonded Labour System (Abolition) Act 1976.**

In tune with the objectives enshrined in our constitution, it was obligatory or the part of the Government that the worst kind of slavery found in the contemporary Indian Society, is abolished so that men and women, rich and poor 'haves' and 'haves nots' get the benefits of development on equal footing. Unfortunately, the system could be abolished in various states only after the enactment of the Bonded Labour System (Abolition) Act 1976.

Clarifying the term bonded labour, it can be stated that it is a kind of service which a person or his dependents have to to forcibly, unwillingly and unavoidably. Thus, under this system, the curse of slavery is perpetual generation after generation. Under this system, a man pledges his persons or some of his family members against a loan and as a result of it they are compelled to work in repayment of the principle, of the interest there on or both.

The Royal Commission on Labour in India stated that the labourer borrow money from the landlord under a contract to work until debt is repaid. The debt tends to increase rather than diminish and the man sometimes his family, is bound for life. It can not be refuted that this
system is prevalent generally amongst the illiterate people and particularly among the agricultural labourers. And the Bonded labour system (abolition) Act was passed to provide for the abolition of this system with a view to prevent the economic and physical exploitation of the weaker sections of the society. The Act extends to the whole of India and is enforced with effect from 25th. October 1975.

Thus, to protect the agricultural labourer from the exploitative attitude of the cultivators. There are two legislations. The first, the Minimum Wages Act, 1948 & the second the Bonded Labour System (Abolition) Act, 1976. The first act is to provide the agricultural labourers the reasonable wages fixed by the law whereas the second is against a system, encouraging the trend of exploitation.

The magnitude of problem, especially of the bonded labourers is complex. The percentage of bonded labour was said to be 10.53 in Uttar Pradesh. The act of Bonded labour system was legislated to prevent the economic and physical exploitation of the weaker sections of the people in the rural areas. With the commencement of this act, the bonded labour system is the Act that no person shall make an advance under or in pursuance of the bonded labour system or compel any person to render any bonded labour or other form of forced labour.

With the commencement of this Act, any customer, tradition or any contact, agreement or other instrument by
virtue of which any person or any member of the family or dependent of such person is required to do any work or render any service as a bonded labourer shall be void and in operative.

It is worth while to mention that the liability to repay bonded debts stands extinguished. The main provision of the Act are as under:-

(1) On the commencement of this Act, every obligation of a bonded labourer to repay only bonded debts or such part of any bonded labourer to repay any bonded debt, or such part of any bonded debt as remains unsatisfied immediately before such commencement, shall be deemed to have been extinguished.

(2) After the commencement of this Act, no suit or other proceeding shall be in any Civil Court or before any other authority for the recovery of any bonded debt or any part thereof.

(3) Every decree of order for, the recovery of bonded debt, passed before the commencement of this Act and not fully satisfied before such commencement shall be deemed on such commencement, to have been fully satisfied.

(4) Every attachment made before the commencement of this Act, for the recovery of any bonded debt, shall, on such commencement stand vacated, and where, in pursuance of such attachment, any movable property of the bonded labourer was seized and removed from this custody and kept in the custody of any court of other authority
pending sale of, thereof, such movable property shall be restored, as soon as may be practicable after such commencement, to the possession of the person from whom it was seized.

(6) If restoration of the possession of any property referred to in sub-section (4) of sub-section (5) is not made within thirty days from the commencement of this Act, the aggrieved person may, within such time as may be prescribed apply to the prescribed authority for the restoration of the possession of such property and the prescribed authority may, after giving the creditor a reasonable opportunity of being heard, direct the creditor to restore to the applicant the possession of the concerned property within such time as may be specified in the order.

(7) An order made by any prescribed authority, under sub-section (6) shall be deemed to be an order made by a civil court and may be executed by the court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction, the creditor voluntarily resides or carries on business or personally works for gain.

(8) For the avoidance of doubts, it is hereby declared that, where any attachment property was sold before the commencement of this Act, in execution of a decree or order for the recovery of a bonded debt, such sale not be affected by any provision of this Act.

Provided that the bonded labourer, or an agent authorised by him in this behalf may, at any time within five years from such commencement apply to have the sale set
set aside on his depositing in court, for payment to the decree-holder, the amount specified in the proclamation of sale, for the recovery of which the sale was ordered less any amount, as well as mean profits, which may, since the date of such proclamation of sale, have been received by the decree-holder.

(9) Where any suit or proceeding for the enforcement of any obligation under the bonded labour system, including a suit or proceeding for the recovery of any advance made to a bonded labourer, is pending at the commencement of the Act, such suit or other proceeding shall, on such commencement, stand dismissed.

(10) On the commencement of this Act every bonded labourer who has been detained in civil prison, whether before or after judgement, shall be released from detention forthwith.

Not only this, but the property of bonded labourers, are to be freed from mortgage etc.

(1) All property vested in bonded labourer which was immediately before the commencement of this Act, under any mortgage, charge, lien, or other encumbrances in connection with any bonded debt, shall is so far as it is related to the bonded debt, stand freed and discharged from such mortgage, lien or other encumbrances and where any such property was, immediately before the commencement of this Act, in the possession of the mortgage or the holder of the charge, lien or encumbrances, such property shall (except where it was
subject to any other charge) on such commencement be restored to the possession of the bonded labourer.

(2) If any delay is made in restoring any property referred to in sub-section (1) to the possession of bonded labourer, such labour shall be entitled on and from the mortgage or holder of the lien, charge or encumbrance, such mean profits as may be determined by the civil court of the lowest pecuniary jurisdiction within the local limits of whose jurisdiction such property is situated.

Thus, in the agrarian economy of U.P., there are two legislations, particularly to sub-serve the interest of the agricultural

The first Act, Minimum wages Act 1948 helps the agricultural workers especially in terms of getting the reasonable wages, whereas the second Act, Bonded Labourer system (Abolition) Act 1976 abolishes a system that had momentised economic and physical exploitation of the weaker sections in general and agricultural workers in particular. If these two legislations and their different provisions are implemented honestly the cases of economic and physical exploitation is bound to vanish. But in a true sense, the weaker sections of the society in general and agricultural workers in particular have failed in harnessing benefits of these Acts, particularly due to the unorganised system of the agricultural workers in the Bundelkhand Region.

As regards the question of implementation and violation of these legislations, authorities are there to
check the cases of violation. Actually no effect of these legislation was found in the field survey. Though the wages in agricultural sector are equal to the rates of wages prevailing in urban or town areas for the unskilled workers. There are certain factors associated with the agricultural labourers which prevent him to avail the opportunity of higher wages in urban areas. The wages in rural sector was found to be Rs. 30 to 50 for men and Rs. 20 to 40 for women workers, but the difficulty was that there was no work for the agricultural workers throughout the year. In the absence of sufficient employment opportunities in the rural areas the agricultural labourers are not living normal life as they are not in a position to maintain their family with the actual wages received.

So far as the violation of bonded labour Act is concerned it would not be out of place to mention that despite the enactment of this Act, the system is still prevailing in the selected villages. Although the officials connected with the agricultural labourers accepted and claimed that all the bonded labourers have been freed. The fact is proved otherwise. The survey conducted in the selected villages of the Block under study testify that still the system in working in a silence and hidden way.

The system of bonded labour in the area is continuing in the shape of attached labour. It is in the field survey of selected villages, it was found that 16% of the households are working as attached labour in the fields of big cultivators. They have told that they are working for
the two or three generations. Besides this, the provisions of the Act are applied where there are documentary proof of obligations etc. In the field survey of the present study, it was found that agricultural labourers households are under the debt of big cultivators and there was no written contract about the loan, nor there any mortgage of property of the labourers. In addition to this a peculiar situation was found in the field survey of the selected villages. The families of agricultural labour were found assets less and they are landless labour. In the absence of proper tangible securities, they are unable to take or to find loans from the institutional sources.

In view of the above the provisions of the Act remained on papers only. It was found in the field survey that the class belongs to the category of 'have nots'. The loan to them was available on the basis of their worthiness towards their masters. Whatever they have got in way loans it in the good sense of confidence of the big cultivators and whatever they are giving in terms of service, it is the worthiness of the labourers in the absence of their skill and adequate employment opportunities.

In view of the above it can be said that the soundness of an agrarian economy would not only depend on the enactment of Act or legislations. Though legislations, Acts or statutes bear the responsibility of safe guarding the legal provision. But only the acts or legislation
can not be sufficient still the general masses are involved in the implementation of these Acts or statutes. The agricultural workers lack a sound organisation. Consequently, their bargaining power is contracts. They are not in a position to unite themselves even for safeguarding their own interests. They are unskilled. No doubt, this is also due to large scale illiteracy found in the selected villages blocks -District.

The problems of agricultural labourers will not be solved only by sincere implementation of the legislations. The exploitation of the agricultural labourers can hardly be stopped by the enactment only. The agricultural neither have adequate and sufficient employment opportunities nor they have specific skill. To solve the problem necessary steps to creat profitable employment opportunities should be adopted and necessary skill must be provided to the agricultural labourers. A starting has been made in the Integrated Rural Development Programme in which the weaker sections of the rural areas are being provided income generating assets partly by loan and rest by subsidy. The success of the scheme will depend & upon the extent of generation of income by the generating assets provided to them. There is an emphasis for self employment in the rural area. To promote the skill in rural youths, a scheme of 'TRYSEM is in operation. The success of these schemes will determine the future socio-economic life of weaker sections of the people in rural areas.
Besides, the legal protection is needed to safeguard the interest of weaker section of people. Legal aid services programme is treated as judicial arm of the war on want and the campaign for social justice. The law must be just and fair and those who need legal protection must be able to resort to the law courts through which such laws are enforced. Legal aid is undoubtedly one of the most important devices by which the benefits of the 'Rule of Law' can be made available to the poor. The legal system must mean the same thing to the poor that it means to the rich. The availability of legal services to the poor does help the society itself by the greater stability achieved through providing an outlet other than violence for their real and supposed grievances.

Although legal and programme have been launched by a number of states evaluation reports reveal that the legal services to poor are utterly inadequate and unsatisfactorily and the programme did not have a noticeable impact so far. In reality the legal aid services have been limited to individual lawyers or bar associations in their scope. (Surjata 1985) Dash 1981, Iyer 1978) several limitations may be gleamed from these reports. They are loopholes in laws, lack of date on the legal problems of the poor, the socio-economic deprivations which prevent poor to take advantage of their legal rights, resource constrains and organisational inadequacy lack of committed personnel and lack of political will make legal aid services as a material comprehensive programme.
There are various limitations associated with the legal aid programme. It is interesting to quote here the observations of Dash (1981) which reveal that the legal services are denied to the poor despite their being his constitutional rights. According to him, one of the existing statutory provision for legal assistance to poor is contained in order XXXVI of the code of civil procedure which enable such person who can qualify as 'Prayers' is to some 'informa Pawgeris'; However, the relief thus provided is a limited utility to the poor person. The standards of indigency set is so low as to exclude all but utterly poor persons. Besides, the existing legislations suffer from too many limitations which require drastic amendments. The Minimum wages Act may be viewed as an example. Section 20 of the Minimum wages Act provides for a fine of upto ₹.500 for non maintenance of records by the employer. Quite often the courts impose only normal fine of ₹. 5 or 10 in case of defaulters. In such cases, the Labour Department has to first establish the case by filing a civil suit, only then the criminal prosecution follows. Hence there is not much impact of these sanctions on the employers. Further the poor being oppressed for long years, would not dare to go to the legal aid office in order to oppose a powerful opponent, on account of lack of assertiveness endangering by reason of their weak and deprived position. (Bhagwati 1983).

Sometimes other factors, like location of legal aid cells, the costs incurred in reacting the courts, the paper work involved etc. prevent the poor agricultural
labourers in seeing services. Besides it was observed that most of the cases that came before legal Aid Boards were against the administration or police harassment than the local exploiters. The scope of extending legal aid to grass root level could not take place for want of resources and personnel.

However, Krishna Iyer, sadly comments that, the Indian elite and the parliament and other legislators and no mind to legislate for the poor in sufficient measures. To quote him 'It may sound cynical to say that the judiciary as a class, the bar as a profession, the government as an instrument and the political echelons as power wielders are still half informed about plenary legal aid ideology and half afraid of legal aid potential and half hesitate to radical legal services programmes (Iyer- 1978:24) when legal literacy reaches those in the towers of power and they committed to the cause of delivering justice to the poor, the entire judicial system can be radicalised. The far too Sophisticated Evidence Act can be amended, the intolerable coils of the civil Procedure code can be adandoned and new courts like evening courts, mobile courts, small claims courts, 'Lok Adalats' with real powers tinerant courts etc., could be started to make justice easily accessible to poor, thus restructuring justice system, streamlining the process, re-orienting the social perspective of justices and other functionaries of judiciary, involving committed individuals and organisations are all important aspects of legal aid
operation. In fact, it is said that legal services, in a
society governed by the rule of law, in a summons to a
inter professional consortium of lawyers. Judges, legislators,
law teachers, students and social workers in order to make
law an instrument of justice for those who are in need. Each
of these partners can play a worthwhile role in providing
legal aid to the needy millions.

1. G.N. Raddy  The Rural Poor - Page 98.
Role of Voluntary Organisations in Legal Aid Programme.

Voluntary organisations are regarded as the best means of achieving the objective of 'Preventive and Non-litigative', Legal services which aims at minimisation of various kind of injustices which the poor as a class, suffers because of poverty. According to Bhagwati the preventive legal services are calculated to strike at the root of the problem of poverty by seeking to change the social and economic institutions and at the same time the educate and organise the poor, so that they may become conscious and powerful and the institutional changes may become real and permanent.

The best method of making legal aid services as people's programme is to involve voluntary organisations and social action group. These organisation which work amongst the deprived and vulnerable sections of the community, have intimate and living contact with the poor and are best in a position to know their problems and difficulties and can easily inspire confidence in them and instinct and educate them effectively without encountering barriers.

It is contended by many legal experts that legal aid programme in order to be successful must become a community vide concern and no merely the concern of legal profession or the government legal aid. It is the contention of Bhagwati, that the legal services programme which is required in a country like ours is not court or litigation oriented, but it requires for its successful implementation involvement of public service spirited people from different
walks of life. Bhagwati has regarded that, by giving representation to social and public spirited activists on the legal aid committees, it is possible to transmit the pulse of the community need to the legal services agencies so as to ensure effective operation of policies as well as sound community relationship. Since the legal aid services programme is a social entitlement programme, one cannot view, those in need of services, as more beneficiaries but most secure them participation so that they learn to help themselves.

In the rural entitlement programme in which the lawyers and social workers visit villages and explain the provisions of laws relating to their problems, voluntary organisations can perform a very useful and unique role. Though this programme the poor are made aware of their social economic and legal entitlements given in the constitution of our country, such as the benefits of the anti-poverty programmes voices legislations like co-operations laws, land related laws, bonded labour laws, minimum wages Act, debt relief Act etc. The voluntary agencies can be best channels of establishing communication between the poor and the legal aid agencies. It is also contemplated to involve voluntary organisations in a large scale in collaboration with the universities and law colleges in view of their potential for service in the matter of legal literacy, law reforms, para legal training and legal

G.N. Raddy, The Rural Poor Page 100.
aid support work. It is suggested that, when such voluntary organisation are involved in legal aid services they must not be under the contact or direction or supervision of the government or legal aid boards because they should be totally free from any political or administrative pressures in order to be effective in delivering their services to the rural labour or poor. However, leaving operational aspects aside, control over financial and administrative aspects of these agencies may be exercised in order to prevent the dangers of corruption and and misuse of public money.

In conclusion, it may be said that legal aid services programme which has come to stay through judicial creativity needs to be accorded statutory recognition at the earliest so as to make the radicalism in slogans into practical and useful welfare programme in the country. As suggested by Bhagwati Iyer and others, time to time legal reforms, research on the legal problem of poor, instilling social commitment to the functionaries of judicieary and law and order systems, spreading legal literacy through the organisations of rural poor, and the involvement of public spirited individuals, voluntary organisations and action groups would go a long way towards the success of the legal aid programme in India.

Various studies and Rural labour Enquiries conducted from time to time have revealed that the benefits of various statutory and non-statutory schemes have not reached the
workers in rural areas at the desired level primarily due to lack of organisation among the rural workers. Realising the fact that the social gains of economic development can be secured by the rural workers only if they are properly educated and organised, a Plan scheme was formulated for "Organisation of Rural Workers". The scheme envisaged appointment of Honorary Rural Organisers (HROS) at Block Level to organise the rural workers. The broad functions of the HROS are to motivate the rural workers to organise themselves and to give them knowledge about the laws enacted for their welfare. The central Govt. reimburse the expenditure incurred by the state Government on the scheme to the extent of 100 percent. The scheme is being implemented by the state Government and each organiser is being paid an Honarium of ₹.200 per month and fixed conveyance allowance of ₹.50/- per month.

To begin with, the scheme was introduced in 415 block. During 1983-84 the scheme was extended to 595 blocks (including 415 Blocks in which the Scheme was introduced earlier). During 1984-85 1000 posts of HROS were allocated to 14 State Government (Union Territory of Pondicherry include to cover 1000 blocks Five hundred more posts of HROS were allocated to States / Union Territories in 1985-86. Thus the total number of posts allocated now is 1500 against 870 HROS (provisional) who have been appointed by the States.
The scheme has been wound up by the end of the VII Plan. The State Government have been advised to place their requirement for running the scheme before the financial Commission beyond the Seventh Plan Period.