CHAPTER - I

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Agricultural labourers have been the most neglected and exploited class of human labour. Their plight has been aptly put by Dr. Pattabhi in 1940 as follows and it still holds true.

"The agricultural worker who spends the day between slush and mud, who works now with a half appeased appetite, who knows no rest in storm or sunshine, who oftentimes has no dwelling site, which can be called his own. He grows our paddy but starves. He feeds our milch cows but never knows anything beyond *kanjee* and water. He digs our wells, but keeps off from them when they are full. He is a perpetual, hewer of wood and drawer of water for those who fatten on his labour and rise to wealth and plenty. His condition is appalling and heart rending".¹

Agricultural labour occupies the lowest rung of the rural ladder.² They have suffered because they happen to belong to economically and socially backward class of society. Further, their illiteracy, poverty, indebtedness and seasonal nature of work in villages made them the easy target of exploitation. Landlords often succeed in trapping these poor people in their net, and they often work as domestic servants from down to dusk. Their life depends on the will of the *zamindars*. The lack of organisation and migratory character have increased their misery.³

Before Independence, their position was nothing better than that of serfs. They were required to perform all sort of begar and suffered from social discrimination and economic exploitation. They were beaten up and tortured by advancing small loans by the land lords and the same was legitimated in the form of bonded labour. The Zamindars converted them into virtual slaves. This slavery continued from generation to generation and forced the agricultural workers to lead a wretched existence of deprivation and oppression. After 60 years of Independence, the situation has slightly improved. Though, even now the class of agricultural workers is the poorest and resourcesless. Their level of income is very low and insufficient to enable them to meet both ends. Their consumption standards are very low. In the absence of alternative source of employment, they are forced to depend on landlords who consequently dictate terms. The simple law of demand and supply operates. Since their supply is excessive in relation to the demand for them, they have to settle for extremely low wages. The alternative is worse-unemployment.

There are several factors that are responsible for the misery of agricultural labourers. They are low wages and consequent low standard of living, lack of organization, lack of skills, low social status, seasonal employment, hard working hours, housing problems, lack of subsidiary professions and the resulting indebtedness. The wages that the agricultural labour gets are very low. In 1970-71

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their average income was about Rs 2.03 per day, but the statutory minimum wage was increased to Rs 7.06 per day in 1981. As their wages are less, their standard of living is also low.⁶

The agricultural labourers are illiterate, poor and ignorant and they lack organization as they live in scattered villages. Hence, they cannot easily be organized in unions and therefore it is difficult for them to bargain with the land owners and secure good wages.⁷

In the modern era, the use of modern techniques of agriculture is constantly increasing and most of the wage earner rendered unemployed.⁸ Most of the agricultural labourers belonging to the Scheduled Caste and Scheduled Tribes and Backward Class. Higher castes people always exploit them. They are unable to fight for their better working conditions. Their chances of getting employed elsewhere is also less.⁹

Agricultural labours remain unemployed for a large part of the year i.e., for more than four months. This is the period when they are forced to borrow and fall in debt. This debt is the permanent feature of their life which goes from generation to generation.¹⁰ The working hours of the agricultural labour depend on natural factors.

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Obviously, their working conditions are fixed by nature. Since they have to work in open they work both in sun and rain. As a result, he has to work day and night which adversely affect their health.\(^{11}\)

Mostly, agricultural labours do not have their own houses. They live in huts made of mud. These huts are unventilated and are not sufficient for a family to live in. These slums breed other problems which are the hindrance in the path of development.\(^{12}\) Another serious problem being faced by the agricultural labourers is the lack of subsidiary profession in the villages and if there is no work in the fields, agricultural labour has no other means to earn his bread.\(^{13}\)

Thus, partly because of factors beyond their control and partly because of their inherent bargaining weakness, the agricultural labourers have been getting very low wages and therefore live a miserable sub human life.\(^{14}\)

According to 1981 census, there were 55 Million agricultural labourers in the country constituting 22.4 percent of the population. The number of agricultural labourers increased from 31.5 Million in 1961 to 55 Million in 1981, registering an increase of 75 percent in their numbers. Every fourth Indian is now an agricultural labour and their number is increasing by more than One Million annually. There is no evidence to support that they are much better than what they were previously. The Rural Labour Enquiry 1974-75 had found that average annual income of agricultural

\(^{13}\) *Supra* note 5, at 622.
\(^{14}\) *Supra*.note 6, at 350.
labourers household was Rs 1.779 and average annual consumption was Rs 2.443, indicating thereby that, such households, in most of the cases had to incur debts to meet their daily consumption needs. It had reported that 66.4 percent of such households were indebted. It was found that average daily earning of a man had increased from Rs1.43 in 1964-65 to Rs 3.24 in 1974-75 and that the females from Rs 0.95 to 2.26 but the number of days for which employment was available, declined for males from 217 days in a year in 1964-65 to 193 days in 1974-75 and in case of females it declined from 149 days to 138 days. Per capita annual income increased form Rs 148 to Rs 375, but in real terms there was a decline in the income.  

Off late, we are in the Second phase of Green Revolution. The technological sophistication has brought a revolutionary change in the agricultural sector. The agricultural productivity has also shown a progressive trend. To some extent we are self-sufficient, particularly in respect of agricultural products. But it failed to improve the living conditions of the Agricultural Workers. No doubt, all these development took place due to a basic change in the production technology. However, we connote deny the contribution of agricultural labourers. The scientific agricultural implements, hybrid seeds, pesticides, improved water management and other modern developments would have shown only tubeworm response, failing the co-operation of agricultural workers.

15 Supra note 9, at 49,
Various measures need to be taken to ameliorate their living conditions. Those measures must enhance employment opportunities, raise their wages and incomes, improve their working conditions and protect them against certain risks, i.e., sickness, maternity, invalidity, accident and occupational disease, old-age and death.¹⁷

It is believed that through the enactment and enforcement of social legislations relating to minimum wages and social security it is possible to alleviate their misery to a great intact. Further through various welfare schemes their plight may have improved. Accordingly various national and international attempts have been made in this direction.

The Constitution of India, while ensuring political, social and economic justice, directed the States to promote the welfare of the people. The Universal Declaration of Human Rights 1948 and the International Covenant on Economic, Social and Cultural Rights 1966 guarantee the right to social security, right to work and social protection in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

The Preamble and the Directive Principles of State Policy which enjoin the creation of social order for the promotion of welfare of the people, securing adequate means of livelihood for the citizens. Social control over material resources. Provisions of minimum wages. Development of facilities for education, employment, health and nutrition and so on.

We have enacted a good number of social security legislations to meet the mandates of our constitution and to provide a sort of protection to the people. The scope and coverage of these legislations are limited to hardly 9.4 percent of the total workforce, who are in the so-called organized sector. But the remaining 90.6 percent working in unorganized sectors, such as small and marginal farmer, landless agricultural labourers are deprived of protection under many social security legislation of the state. Thus, majority of the work force in the unorganized sectors are in an urgent need of a comprehensive social security protection which can be achieved by joint efforts of government and non-governmental organizations.

The study aims at assessing success or failure of governmental and non-governmental effort directed against alleviating the misery of the agricultural labour.

1.1 The Problem

Even after sixty years of independence and constitutional governance with an affective planning process and social welfare programmes, agricultural labour continues to live in abject poverty and deprivation. There are various legislations to guarantee minimum wages and social security, and also various welfare schemes to alleviate the misery of the poor and the oppressed. Existing programmes rarely benefit the agricultural labour may be due to the fact that the agricultural set up itself in India is affected by fragmented uneconomic holdings, non-mechanized agricultural operations, dispersed and unorganized labour force, non-participatory agricultural

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activities, lack of employer-employee relationship and lack of alternative employment.\textsuperscript{19}

The government has initiated several schemes for the welfare of the agricultural workers and also enacted several legislations directed against their welfare. It appears that those legislations have failed to achieve the desired objectives of social justice and social security for agricultural workers and a vast gap developed between the theoretical framework and the functionality of the schemes.\textsuperscript{20} The agricultural labourers are covered under the Minimum Wages Act 1948, but its coverage is not universal and fixing minimum wages was left to the State. Even where minimum wages are fixed the enforcement is not effective. Further, it appears that the minimum fixed is always less than those fixed for other casual labour such as wage earners in industries. For example, minimum wage for casual agricultural labour during 1999-2000 was Rs. 25.48 while for others it is Rs 44.13 per day. Agricultural Labourers are deprived of many social security benefits available to other wage earners and therefore, they continue to live in misery.\textsuperscript{21}

Hence, to improve the living conditions of the agricultural workers in terms of better access to health, education, food and shelter and to protect them from personal and co-variate risks, there is the need to develop an efficient normative and institutional arrangements for designing, implementing and monitoring of the minimum wage laws and social security schemes.

\textsuperscript{20} \textit{Supra} note 17, at 11.
\textsuperscript{21} \textit{Supra} note 19 at 651.
1.2 Objectives of the Study

It is believed that to alleviate the misery of the agricultural workers and to ensure efficient system of social security for them the study makes an attempt to ascertain the factors that are responsible for the continued misery and what measures need to be taken in terms of minimum wages and social security to improve their living conditions. The study being empirical, the object of the study is to investigate the socio-legal status of agricultural labour in North Kanara (Uttara Kannada) district of Karnataka State with a view to ascertain what extent laws and institutions have succeeded in promoting the welfare of the agricultural workers. Accordingly, attempts have been made to examine the following issues.

Firstly, the socio-economic conditions of agricultural workers in Karnataka State with the help of statistical data available in public and private documents.

Secondly, normative framework of varies welfare measures undertaken by the Karnataka Government from the time to time. The need for special protection to the agricultural labour.

Thirdly, the nature of institutional arrangements required to realize the constitutional objectives and the various goals set out in the laws and schemes directed towards welfare of the agricultural workers.

Fourthly, the reasons for the existence of wide gap between norms set and the functioning of various institutions.
Fifthly, the lacunas in the existing normative and institutional frame work leading to the failure to achieve the desired level of success i.e., in improving the living conditions of the agricultural workers.

Sixthly, verifications of the realization of the objectives set in various law and welfare schemes meant to secure minimum wages and social security to the agricultural workers. To make the study feasible only one district, namely, North Kanara (Uttara Kannada) is chosen.

Seventhly, critical analysis and empirical verification leads to the conclusions that the existing legal and institutional arrangements are not sufficient to promote the overall welfare of the agricultural labour in Karnataka.

Lastly, the need for initiating suitable changes in the existing laws and arrangements so that the standard of living will improve.

1.3 Hypotheses

The study is primarily directed against establishing whether existing legal and institutional arrangements in Karnataka really ameliorate the living conditions of the agricultural workers and assure them the life of dignity. In this regard the study is concerned with,

(i) Whether the minimum wages were paid to the agricultural workers;

(ii) Whether the administration is really implementing the laws relating to payment of minimum wages;

(iii) Whether employers are really paying minimum wages;
(iv) Whether the wages prescribed is sufficient to meet the basic needs of agricultural labourers and their family members;

(v) Whether social security measures really reaches the beneficiaries; and

(vi) Whether the lack of political and administration will have affected the realization of the designed ends;

1.4 Methodology adopted

The methodology adopted in the study is partly doctrinal and partly empirical. The doctrinal study is directed against critical examination of the concept of minimum wages and social security by consulting original sources such as statutes, judicial decisions and expert opinions found in juristic works and other literature.

Empirical verification is attempted through the administration of carefully drafted questionnaires. The respondents are agricultural labourers, landowners, social activist and political practitioners such as grama panchayat members and the like. Three types of questionnaires are used to ascertain the facts and the data so collected has been tabulated and analysed by employing statistical method. The number of respondents to the questionnaire has been selected through representative sampling and some errors might creep into the study.

1.5 Importance of the Study

It is believed that the study is going to be useful not only to academicians but also to administrators, policy makers, policy controllers, planners, legislators, lawyers, social-activists and others. The importance of this study lies in its purposes namely, to make an original contribution to the discipline of law.
1.6 Scheme of the Study and Its Presentations

The investigation into the problems pertaining to establishment of a sound legal and institutional framework for providing minimum wages and social security to agricultural labour in Karnataka is presented in Seven Chapters. The first chapter "introduction" while introducing the study highlights the problem under investigation, objectives and methodology.

Plight of Agricultural Labourers in Karnataka

The magnitude of poverty has been found at the highest order In Rural Karnataka. Majority of the agricultural labourers are bound to lead the life of bonded labourers. Moreover, the exploitation has been a normal feature.\(^\text{22}\)

So far as wage is concerned, the wages received by them are even insufficient to meet their basic needs. No need to mention that, the income of agricultural labourers is extremely low. In virtual sense the incomes are so meager, that they can provide for only a part of the minimum subsistence living. Consequently, they are forced to incur debt to meet their consumption expenditure.\(^\text{23}\) In view of such a deficit; we can imagine the living conditions of agricultural labourers. Not only this, it also tells the story of their social status and standard of living. They do not have even the minimum clothing, education and medical facilities. In addition, majority of the

\(^{22}\) Supra note 19, at 651.

workers do not have even their own houses. Apart from this they adopt bad habits and generally suffer from horrible diseases.\textsuperscript{24}

Thus the second Chapter attempts to provide a clear picture about the plight of agricultural labourers in Karnataka. In this chapter an attempt is made to define the term ‘agricultural labourer’ and to provide a statistical profile, state wise and district wise size of population of Agricultural labourers, wages and income, avenues of employment, magnitude of indebtedness and social conditions of agricultural labourers in the state.

\textbf{Social Security-Conceptual Basis}

Social security is, as old as society itself. But its form has evolved according to its needs and the level of social consciousness of the people. The changing conditions of life as affected by the changes in technology. New experiences etc. have lead to the creation of new demands of social legislation, social assistance and social protection.

Social security, as at present understood, is one of the dynamic concepts of the modern age which has deeply influenced the social and economic policy of many countries in the world.\textsuperscript{25}

The idea of social security is that, the State shall make itself responsible for ensuring a minimum Standard of material welfare to all its citizens on a basis wide enough to cover all the main contingencies of life.\textsuperscript{26}

\textsuperscript{24} Supra note 16, at 66.
“Social security” is a term which is an American invention that is now used throughout the world.\textsuperscript{27}

The first systematic attempt to define a social security was made by the ILO which defines ‘social security’ as the security that society furnishes through, appropriate organizations against certain risks to which its member are exposed. These risks are essential contingencies against which the individual of small means cannot effectively provide for by his own ability or foresight above or even in private combination with his fellows. Those risks being sickness, maternity, invalidity, old-age and death. It is the characteristic of the contingencies that they imperial the ability of the working man to support him self and his dependents in health and decency.\textsuperscript{28}

In this Chapter an attempt has made to define the concept of social security and its developments. The view points presented by the prominent jurist and the National Commission on labour, in this regards also discussed.

**Agricultural Labour and Social security**

In a virtual sense the agricultural labourers have not been leading normal life.\textsuperscript{29}

In the face of growing problems before the agricultural labour, it becomes necessary that the social security benefits to be extended to the agricultural labourers in order to equalize their position to that of socially forwarded communities. So, that they avail


the opportunities at par with their counterparts working in the industrial sectors.\textsuperscript{30} In this background Constitution of India mandates for the achievement of socio-economic justice, has been phrased in Article 38 which states, (i) the state shall strive to promote the welfare of the people by securing and protecting an effectively as it may a social order in which justice, social, economic and political shall uniform all the institutions of the national life. (ii) The state shall, in particular strive to minimize the inequalities in income and endeavor to eliminate inequalities in status, facilities and opportunities not only amongst individual but also amongst groups of people residing in different area or engaged in different vocations. Besides, it puts the state under an obligation to make effective provision within the limits of its economic capacity to securing the right to work, education and public assistance in cases of unemployment, old-age, sickness and disablement etc. and provision for just and human condition of work and maternity relief living wages for workers etc.

In consonance with the norms of the Indian Constitution, the legislatures of both centre as well as states have began their earnest efforts to march towards the attainment of socio-economic justice. But whatever social security measures or labour welfare could be made available to the unorganized labourers in general and to the agricultural labourers in particular is merely extension of legislative measures primarily enacted for organized sector.\textsuperscript{31}

\textsuperscript{30} Supra note 20, at 162.
This Chapter gives detailed information about the social security which are available to the agricultural labour in the state and some developmental programmes related to social security lunched by the central and state government in this regard also have been discussed.

**Application of Social Security Law in North Kanara District**

The observations and findings of various committees and commissions and study groups regarding the actual working, weaknesses and achievements of existing legal system and developmental plans do demonstrate that these systems have not only institutional deficiencies but they also suffer from a number of functional demerits. In order to assess them and to identify various functional bottlenecks that frustrate the achievement of goals and objectives and widen the gap between the objectives of the schemes and their actual functionality, a brief field study has been undertaken in the North Kanara District of Karnataka state. For this purpose certain hypotheses are formulated and tested through a general survey of agricultural labourers, land lords, political leaders and social workers in the District.

In this Chapter, whatever information received from the Agricultural labour, land lords, political leaders and social workers of the adopted District related to the social security for agricultural labourers has been analyzed.

**Critical Evaluation of Social Security for Agricultural Labour: Law and Practice**

The agricultural labourers are the most exploited unorganized class in the rural population of the country. Land lords and zamindars exploited these labourers for their benefits and converted some of them as slaves and bonded labourers and forced
to continue the system generation after generation. Economic exploitation of the workers continues. The standard of living and rate of wages remained abnormally low. The majority of population in India as well as in Karnataka state depends on traditional agricultural sector and lesser population could be adjusted in organized sector. They are still passing through semi-feudal exploitations exposing the poor masses to several occupation and non-occupational risks due to non-availability of efficient social security measures.

Unfortunately, the existing labour legislations 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 chapter aims at establishing the limitation of the present system of social security.

Lastly, an attempt has been made in the last Chapter “Conclusions and Suggestions” to draw certain inferences based on the critical evaluation made in earlier chapter and certain suggestions are made to make policy choices directed against alleviation of misery of the agricultural labour in India.