

The Plight of the Unorganized Farmers in India: A Study in Legal Perspective

Srishti Singhal*

Student, Department of Legal Studies, Banasthali Vidyapith, Vanasthali, Rajasthan, India

Abstract

India is an agricultural economy which is a source of major income of the country, but it is oriented to unorganized sector which is the main problem of the country that has hold her back from rising from the shackles of poverty. Being an unorganized Sector, the poor farmers are prone to drastic conditions of living as they have to adjust themselves in less than 5 acres of land while if we look from the government's perspective, more than 80% of the country is occupied with the unincorporated sector and no such law has ever been made addressing their concerns. However, once quoted by our former Prime Minister Lal Bahadur Shastri "jai jawan, jai kisan" but it is very little to cheer about as they are struggling from the life threatening situations whether it be the natural phenomenon like harsh the weather conditions or the stringent laws of the government irrespective of which they work day and night for which they get even less than the input because the laws are generally for the establishments so, what about the farmer who is not organized! Where are the laws for them? Where is the democracy, equality for them? Are they considered aloof from the society? To know these, we need to study the paper to know their real plights as the problem is being identified and not analysed.

Keywords: Agricultural economy, unorganized sector, poverty, democracy, unorganized farmer

***Author for Correspondence** E-mail: srishtisinghal7000@gmail.com

INTRODUCTION

"To forget how to dig the earth and tend the soil is to forget ourselves."

Mahatma Gandhi

India is an agricultural economy where the role of the farmer is very important. The growth and earnings of India is largely dependent on agriculture. Agricultural sector comes within the ambit of concurrent list of the constitution which means both the union as well as the state can make laws upon it. The hard truth of present days is that the plights of the agriculturists are mostly ignored. In India, most of the farmers fall within the category of unorganized sector and no effective laws have ever been made addressing their concerns [1].

National Commission for Enterprises defines the term unorganized sector as "... consisting of all unincorporated private enterprises owned by individuals or households engaged in the sale or production of goods and services operated on a proprietary or partnership basis and with less than ten total workers." [2]

It is also defined as "Their unorganisedity derives from their being unrecognised in government employment statistics and operating in the main act of the make shift shelters on urban waste lands, roadsides and forest fringes" [3].

As shown in Fig. 1, the living conditions of the unorganized labourers engaged into this sector do not find adequate recognition in the policies of the Government and suffer largely with debts with discrimination in the society [4].

Even after celebrating the 70th Republic Day this noble profession which provides food as basic need of the country is at its stake as the workers are really prone to the drastic conditions. The woman who also works under these sectors also faces the similar problems and there is an urgent need to improve and uplift the conditions of the poor people [5].

The root cause of the plights of the Indian farmers in modern days can be classified as:

- Lack of implementation of policies

- No proper identification of problems
- Inequality among farmers
- Unincorporated sectors

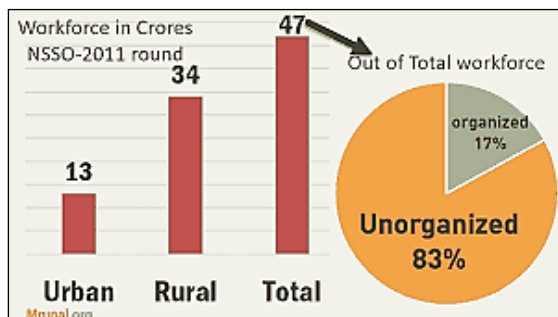


Fig. 1: Total workforce in India.

(Source: https://encrypted-tbn0.gstatic.com/images?q=tbn:ANd9GcTdaPYt33WdmazQCODuN_NB3xuMYeQFPYo9ATMJad5PHrnsqHw-Yg <https://img.etimg>)

Government is quite aware about the conditions of the unorganized labourers and frequently gives commitment to address their concerns. It is worth to mention that Minister of Agriculture of Govt. of India assured to conduct a pan-India survey to assess the income and the degree of debts they are surrounded. The Gajendra Shekhawat told in the reply to Lok Sabha that this matter will be discussed in the 77th round of the National Sample Survey and it aims to provide a comprehensive assessment to the situation of agricultural household in the country.

Identifying the menace of the problem, the National Commission of Enterprises has prepared a detailed and comprehensive report analysing the conditions of work and the issues involved with the farming, recommended some policy measures.

Addressing the concerns of the unorganized labourers is the need of the hour and crucial for the survival of mankind and for the regulation of the economy in the country.

CURRENT POSITION

They are suffering a lot with the result they commit suicide as their problems are shown and solved. They are shown the benefits and the high-fi policies but there is zero implementation when it comes to the poor farmers because everyone sees their benefit and especially the middle-man takes worst

advantage of the policies they in turn take the products in low prizes by showing fake documents which were for the farmers (Fig 2).



Fig. 2: The last survey was conducted in the year 2012-13(crop year). Thereafter National survey Office (NSO) did not conduct any survey.

(Source: <https://img.etimg>)



Fig. 3: Plight of women in unorganised sector.

(Source: com/thumb/msid-67849509,width-300,imgsize-328822,resizemode-4/farm1.jpg)

Women were once considered as the backbone of the society, but the situation is reversed as she is suffering a lot as generally the participation of women is more in these areas (Fig 3). Seeing the darker side these women are not given equal maternity benefits as compared to the corporate without addressing these poor women because the legislative implementation is weak in regard to women workers also [6]. Another heartbroken condition is that they are not given equal remuneration of wages as compare to men.

Figure 4 is showing the analysis of the recognized sector and the unorganized sector. The picture is self-explanatory as the large amount of the economy is flooded with unrecognized one where there is danger to social-security, poor health conditions, and no fixed wage remuneration. Farmer has to struggle day and night in search of the flexible

conditions where they can get the benefit of their production but the middle-man comes

into picture and ruins everything escaping the role of the government which was mandatory.

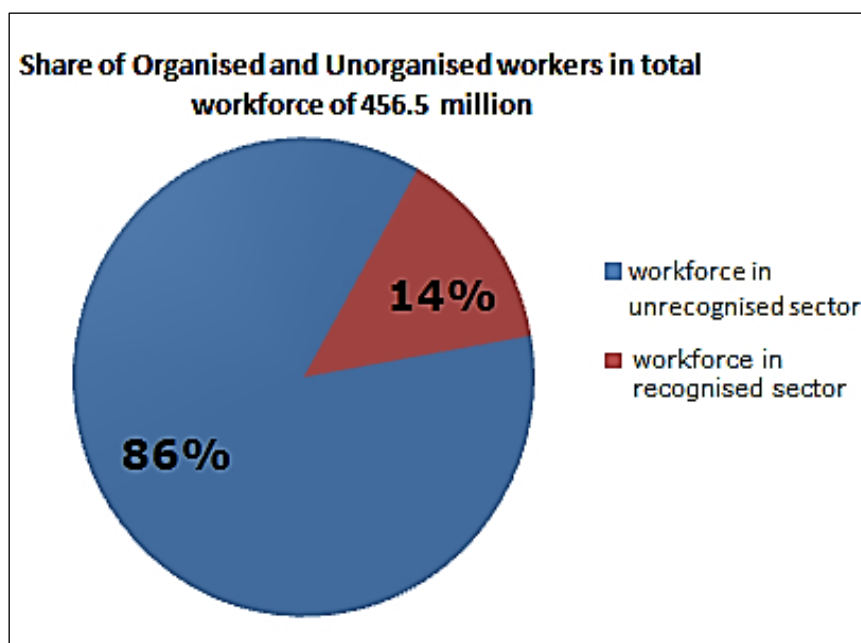


Fig. 4: An Analysis of workforce in unrecognised and recognised sector.

(Source: <https://nistads.res.in/all>

http://Unorganized%20Sector%20of%20Workers_%20Rural%20Artisans_files/t6rur5_fig1i.jpg)

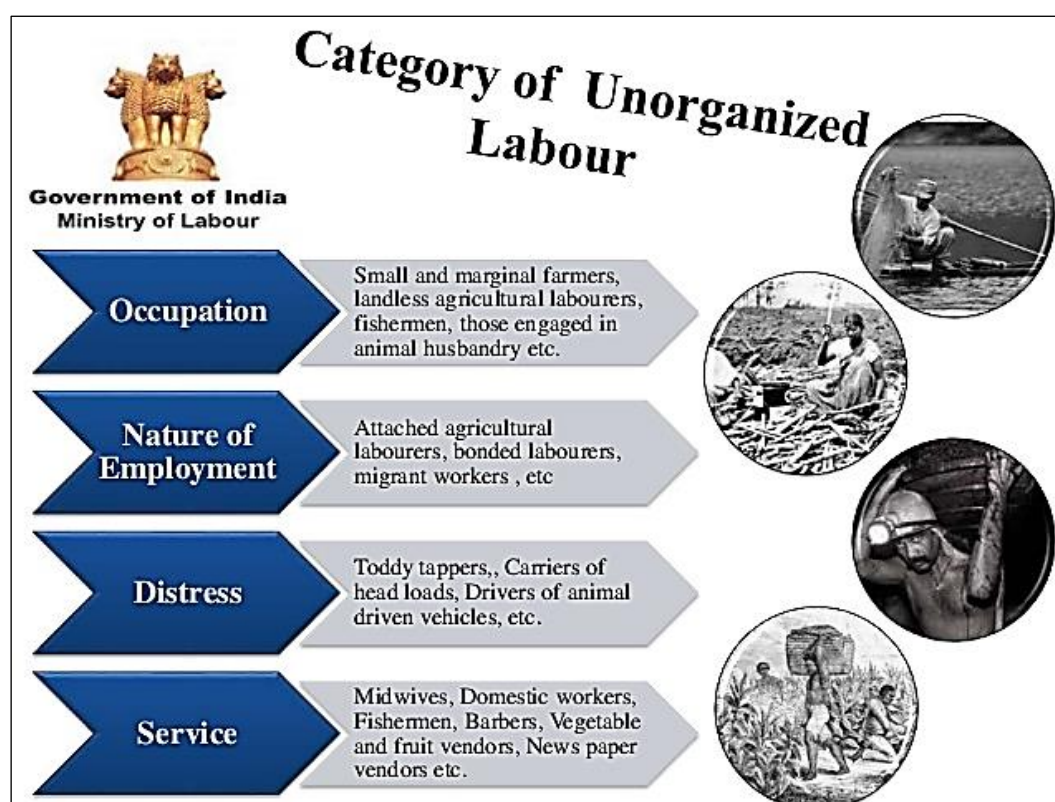


Fig. 5: Categories of unrecognised labour in India.

(Source: <https://image.slidesharecdn.com/h-160406225806/95/legal-protection-and-social-security-in-unorganized-sector-with-special-references-in-india-6-638.jpg?cb=1461991796>)

Figure 5 shows clearly the categories of the unorganized sector where starting from the occupation to the very service level thus showing their plight as the landless farmers are indulged in animal husbandry and are prone to bonded labours in spite of formation of the act. The jaw-dropping thing in all these is that each and every farmers is putting effort for the growth and production of the country through his cultivation of the crop but the saddest thing is that there is a vast discrimination between the organized and the unorganized sector and thus they are scattered and become aloof from the society.

PROBLEMS OF UNORGANISED LABOUR

The most dreadful condition of an unorganised farmer is that 80% of them belong to the low and marginal standard and depends on less than 5 acres of land and Niti Ayog has recently shown the data that agriculture of India is 26 years behind its time (Fig 6).



Fig. 6: Problems of unorganised labour.
(Source:

http://www.erewise.com/sites/default/files/image_article/685/image001.jpg)

Furthermore, the farmers working are unskilled, illiterate, and have restricted for themselves low options of employment. Thus, is an agricultural unorganised sector. There is no systematic planning in cultivation, irrigation, harvesting, storing, transport and ware housing. Repeated crop failures, debt hassles, lack of alternative sources and exorbitant interest rate drive the farmer to commit suicide. Most of the suicides are result of manmade policies instead of natural calamities so in order to tackle all these ticklish issues and comprehend the structural and institutional working of agriculture administration in India we need to analyse the problems that is why it is important to read

this topic this topic. This is the condition of an unorganized sector

- No Political pressure
- Not centralized
- Child Labour
- Working Women
- Technically backwards
- Low wages
- Working conditions
- Lack of social security

PROVISIONS FOR UNORGANISED LABOUR

Under the Part IIIrd of the constitution of India basic fundamental rights are given to protect and safeguard the women workers and the women working at the workplace which includes agriculture also like Article 14 which talk about equality i.e. equal pay for equal work while Article 15 talks about No discrimination on the basis of Sex. There are legislations which are available directly for the protection of the women workers. The provisions are mainly for men because women participation is more in this area than men.

The Maternity Benefit Act (1961)

The Act is a form of wage compensation during pregnancy and after the delivery of the child (Fig 7). The legislative provision aims at providing the maternity benefits to the women workers. It has recently made amendment in the period of maternity leave from 12 weeks to 24 weeks. However, this provision is for the women in 'establishments' and what about the women who is working in an unorganized sector, and also working on the streets.



Fig. 7: Maternity Benefit Act in India.

(Source: https://thewire.in/wp-content/uploads/2016/08/maternitybenefits_reuters.jpeg)

The Janani Suraksha Yojana (JSY), The National Food Security Act (NSFA) this is the only entitlement available for all women which provide at least Rs 6000 to all pregnant and lactating women [7].

The Equal Remuneration Act

The Act aims in Equal pay for equal work [8] but sadly there is no central authority to monitor whether women are getting the maternity entitlements or other wage remuneration in an unorganized sector thus the code is completely silent on the wages for the women working in an unorganized sector but this act aims at equal amount of wages to all [9] as shown in Fig 8.



Fig. 8: Maternity benefits to women in unorganised sector.

(Source: <https://thewire.in/women/how-maternity-benefits-can-be-extended-to-informal-women-workers>)

The Bonded Labour System (Abolition) Act, 1976

This Act abolishes the forced and the bonded labour. According to this act equal rights are given to all so the forced labour violates the fundamental right of the constitution under Article 23(1) which states that trafficking of humans, beggar, forced labour and all such forms are prohibited and any contravention to such provision shall be an offence punishable by law [10].

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) The Unorganized Sector Workers Act, 2008

According to the act “Unorganised worker means a home-based worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by any of the acts mentioned in schedule II of the Act.” [11]

The Act mandates the Central Government to benefit the unorganized farmer in matters of life and disability, health, Old Age protection and any other benefit deems fit. **The National Social Security board (NSS)** (Fig 9) is also established for unorganized sector which shall advice and review the expenditures of the state and the central government. Though the provision has been made and the committee is also established but the implementation is zero as the board for the first time in 2012 and since then, there is no such further progress as it accepted the registration of the unorganized farmers while the implementation by them has largely been ignored [12].



Fig. 9: Social Security of workers in unorganised sector.

(Source: https://www.olivegreens.co.in/images/easyblog_images/194/2e1ax_polish_ntry_741.jpg)



Fig. 10: Child Labour.

(Source: <http://im.rediff.com/money/2017/July/27child-labourer-in-india.jpg>)

Child Labour is Prohibited

In the case of **Bandhua Mukti Morcha versus Union of India & Ors** [13]

As shown in figure 10, employment of children is prohibited by the Constitution but the carpet industry of Uttar Pradesh employed them who were below the age of 14 years

contenting that they are given the food and nutrition but this is against the protection and life of these children as their participation is widely seen in factories, informal sectors, small-scale industries [14].

1. The Workmen's Compensation Act (1923),
2. The Industrial Disputes Act (1947),
3. The Employees State Insurance Act (1948),
4. The Minimum Wages Act (1948),
5. The Coal Mines Provident Funds and Miscellaneous Provisions Act (1948),
6. The Employees Provident Fund and Miscellaneous Provisions Act (1952),
7. The Social Security Act, 1935:



Fig. 11: Social Security System in the country.

(Source: <https://encrypted-tbn0.gstatic.com/images?q=tbn:ANd9GcQNc72IjMIAIR1qHfXs41RKy3Gkn88DCoaqnrQ9h0ldcwHaFvzp>)

Everyone is entitled to social security irrespective of the sectors they are employed in but is heartbrokenly declining in these sectors as there is no specific act or authority to formulate stringent rules addressing them (Fig 11).

The Contract Labour Act (1970)

The workmen are employed through contract basis they are deemed as contract labour (Fig 12). It is the form of the acute unorganized labour, but this act denies the legal protection to the contractual workers under which unorganized farmers are also a part of it.



Fig. 12: Contract Labour Act.

(Source: http://epaperbeta.timesofindia.com/NasData//PUBLICATIONS/THEECONOMICMISTIMES/MUMBAI/2017/02/17/Photographs/017/17_02_2017_017_018_013.jpg)

The Payment of Gratuity Act (1972), reveal the social security and the welfare of the workers which are applied directly or indirectly to the unorganized labourer as the laws are totally negligent towards such ungoverned sector For it, the government has laid down certain policies one of them is NREGA, 2005 where government provides 100 days of guaranteed wage employment during the financial year in every household whose adult member volunteers to unskilled manual work

The Building and Construction Workers Act (1996) etc.

The government has set up a **National Policy for farmers** to address and identify the farmer's suicide. Currently, **Minimum Support Price** started by the Government aims at deciding the minimum price which has to be paid by the consumers in support of the farmers so that they may not suffer. The **Integrated Post Management** s also started by the government which is of the view that farmers need to be sensitized in regard to the effort to get organized so that the crop of the neighbouring land does not get damaged due to the pesticide and other inputs. **Jan Dhan Yojana** and **MUDRA banks** are available for the farmers to make them aware of their rights and initiatives taken by the government [15].

The NCEUS (National Commission of Enterprises in the Unorganized Sector), 2008 released a report on Comprehensive legislation for the Unorganized Workers according to them

- “An eight-hour working day with at least half hour break
- One paid day rest per week.
- A statutory national minimum wage for all wage workers and home workers
- Penal Interest on delayed payment of wages.
- No deduction of wages in form of fines.
- Right to Organise
- Non-discrimination on the basis of sex, caste and religion, incidences of HIV/AIDS and place of origin.
- Adequate Safety Equipment at the workplace and compensation for accidents Protection from Sexual harassment, provision of child care and provision of basic amenities at the work place.” [16]

And according to THE HINDU ”The 40th session of the Indian Labour Conference (ILC) has called for expeditious enactment of a comprehensive legislation covering the social security aspect and the service conditions of unorganised sector workers. *Indian Labour Conference calls for tripartite committee to prepare a final draft Bill*” [17]

Besides this there are some fundamental rights guaranteed by the constitution of India i.e. Article 14, article 15 prohibits forced labour and child labour, Article 16 provides equal pay for equal work Article 19 provides right to form association and union and Article 21 provides Right to life with dignity **but the harsh reality** is that in spite of such defined laws there is no proper implementation due to which the workers suffer and indirectly affects the unorganized sector which make their life miserable.

CONCLUSION

The catering needs of the unorganized sector such as Food, Nutrition, Health, Housing, Employment, Income, Life and accident, and old age remains a fairy tale in India. Though she is considered as the agricultural economy, but one cannot deny the fact that it is an unorganized agricultural economy where the

crisis goes unattended by the government. The women who are not open to public and work in a household , the rick men , the auto vendors etc. all comes under the category of unorganized labour who works day and night but being scattered and unorganized they are likely to be disregarded as the part of the other corporate farmers who work under a formal sector thus on the note of being illiterate they are subjected to low wages and also since they are not aware of their rights they are misused by the government by taking more benefit than input (Fig 13). Thus, to solve the problems, the government has to first do the following:

Analyse the problem

The problems are already there, government has to analyse that what are the circumstances or what is the root cause of that problem through which it is arising and what can be done best to fix it!

Review of policies formed: After framing the policies the government has to review in order to see whether it will be benefitting the larger area/mass .so the policies should be implemented on a shorter scale first.

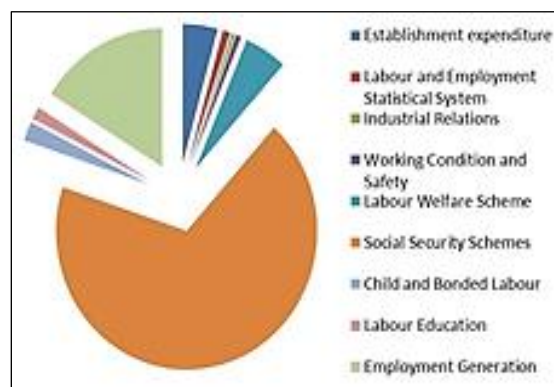


Fig. 13: Division of Total Budgetary Allocation under different heads for 2016-17 and 2017-18.

(Source: <https://www.thebetterindia.com/wp-content/uploads/2017/03/Fig-1.jpg>)

Training the Farmers

Due to the urbanization and larger production to fulfil the basic needs of the country and to be at par with the modern methods of the techniques used for better productivity the farmers has to be provided with the training and should be made aware about different types of products available in the market.



Fig. 14: Benefits of technology in farming.
(Source: <https://i0.wp.com/inc42.com/wp-content/uploads/2018/08/Feature-Image-MyCrop.jpg?fit=690%2C518&ssl=1>)

Simplifying the loan process: Since generally the farmers are uneducated and illiterate they hesitate in following the procedures of bank to avail loans with the result they approach the land-lords for the loan and they by seeing the urging need of the poor farmer give them according to their wish and in turn they could not repay back with the result they commit suicide. So, the banks should provide the friendly atmosphere to explain them the benefits and the formal procedure.

Minimizing the role of middleman: There are formal sectors who are granting employment to the farmers, the agriculturist, women workers etc. so why to be dependent on Middleman who is not legalized and secondly it is non-political where the benefits reflected may not be the reality.

Access to E-Market: Due to the upgradation in the technology and the speedy remedies to be availed by the farmers there are E-Markets established by the government to provide an easy access to the farmers to provide them with the rates of the different products all over the world online so that they can have the data with them that what rate is ranging at what price (Fig 14).

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