

Forced Employment of the Agricultural Workers in Uttar Pradesh

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Abstract: Prior to the Indian Independence, the labour system especially of the unorganized sector was known for exploitation of the labourers. In the post independence period, for stopping sweated labour and preventing the exploitation of labourers of the unorganised sector, the Minimum Wages Act 1948 was enacted. It was one of the labour laws, which was setting the minimum wages of the unorganised sector. The payment below the minimum wage rate amounted to forced employment. Agriculture was one of 60 scheduled employments of the unorganized sector which employed large number of the agricultural workers working in the fields of other for wages. Through the study, conducted in the four economic regions of Uttar Pradesh, perceptions of the agricultural workers were collected to assess the employment conditions as well as to ascertain whether during the economic reform period, agricultural workers were being exploited or not. It was revealed out that around 40 percent (male and female) agricultural workers in Uttar Pradesh were engaged in the forced employment during 2012. Besides it, the agricultural workers in all the economic regions of Uttar Pradesh were also facing several problems, for whose eradication, the Government had enacted the Minimum Wages Act 1948 before 64 years. Besides engaged in the forced employment, the female agricultural workers were also facing the gender based discrimination in payment of wages (rate). Through the paper, the attention of the policy makers and the State labour laws enforcement agency is sought for undertaking necessary corrective measures towards the effective implementation of the labour laws.

Key words: Agricultural Workers • Uttar Pradesh • Economic Reform • Globalization • Minimum Wages • Forced Employment • Bonded Labour • Unorganised Sector

INTRODUCTION

In the Indian Labour System, during the Pre-independence period, exploitation of the labourers mainly of the unorganized sector had been an issue of the concern for our socialist political leaders. The unorganized sector was being characterized by payment of low wages, no payment of wages, engagement in work for beyond the prescribed hours, untimely wages, indecent behaviour, etc. In this situation, for stopping sweated labour and preventing the exploitation of labourers of the unorganised sector, the Minimum Wages Act 1948 was enacted [1]. In the unorganized sector in India, around 90 percent of the total workforce is from the unorganised sector. The act is one of the Indian labour laws, which sets the Minimum Wages compulsorily payable to the skilled and unskilled labourers. The Constitution of India envisages a just and humane society

and accordingly gives place to the concept of living wage in the chapter on Directive Principles of State Policy. The Minimum Wages Act, 1948 is based on Article 43 of the Constitution of India which states that, "The State shall endeavour to secure by suitable legislation or economic organisation or in any other way to all workers, agricultural, industrial or otherwise, work, a living wage (emphasis added) conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities [2]. The minimum wages, apart from guaranteeing bare subsistence and preserves efficiency, is also provided for education, medical requirements and some level of comfort. The act is legally non-binding, but statutory. The minimum wage is fixed by both the Central Government and State Governments based on the recommendation of the Wage Boards. These Boards review the industry's capacity to pay and fix Minimum Wages such that they at least cover a family

of four's requirements of calories, shelter, clothing, education, medical assistance and entertainment. Under the law, wage rates in scheduled employments differ across states, sectors, skills, regions and occupations owing to difference in costs of living, regional industries' capacity to pay, consumption patterns, etc. Hence, there is no single uniform minimum wage rate across the country. The Minimum Wages rate is generally specified on a per day basis on the ground of cost of living index. The payment of wages below the minimum wage rate amounts to forced labour [3]. The period within which Minimum Wages are revised is different for different states. Some States revise their respective minimum wage rates every six months while some do so in 5 years. The wages is revised within a period of not less than five years; however there is a provision to increase dearness allowance every two years. The revision of minimum wage rates is based on a 'cost of living index' and wages can be fixed for an entire state, part of the state, class or classes and employments pertaining to these categories. The fixation of wages is based on the norms mentioned and a wage board (different for different industry). The officers of Central Industrial relations machinery look after the enforcement of provisions of the Minimum Wages Act in the Central Sphere whereas the responsibility to enforce the act elsewhere lies with respective State Governments/Union Territories. The Minimum Wages Act 1948 does not discriminate in the payment of the wages based on the gender of the workers.

Agriculture is one of the scheduled 60 employments covered under the Minimum Wages Act 1948, wherein the large chunk of the population is dependent for their livelihood in India. For the entire State of Uttar Pradesh, during the period from 2009 and 2015 (February) wage rate in agriculture has continuously been Rs.100 per day. In Uttar Pradesh, wage rate is revised in April and October every year. However, except the Minimum Wages in the agriculture sector, the Minimum Wages of other sectors

have been revised at every six months [4- 10]. In the Uttar Pradesh, the state labour department is responsible for ensuring compliance of the labour laws including the Minimum Wages Act 1948. The implementation of labour laws to guarantee dues and rights under labour legislations is the vision where as key objectives or goals of the Labour Department of Uttar Pradesh are (i) to ensure minimum wage, guaranteed monetary benefits, due under law, to the workmen; (ii) to provide safe, healthy and productive work environment and welfare to the workers and (iii) to ensure abolition of child labour and bonded labour and rehabilitation of those [11].

Uttar Pradesh is the most populous and densely populated State of India. The state constitutes about 16 percent population and 7.3 per cent of the geographical area of the country. It is the 2nd largest state-economy. Economy is predominantly agrarian. As per Census 2011, about 79 percent population was living in the rural areas and in agriculture, total 658 Million workers comprised of 191 Million cultivators and 199 Million agricultural labourers were engaged [12]. Of this total population of the cultivators, the large proportion was of the small and marginal farmers (around 90 percent). These landless agricultural labourers, small and marginal farmers and their family members were performing the various activities in others' agricultural lands for wages in money or kind or both as the agricultural workers. These agricultural workers, being in the lowest strata of the agriculture manpower system were, living in the poor socioeconomic conditions.

MATERIALS AND METHODS

The findings of the paper are based on conducted study titled "Study of the Perceptions of Agricultural Workers in U. P. about their Socio-Economic Status, Developmental Opportunities and Challenges in the Era of Globalization". In the study, the perceptions of

Table 1: Economic Region wise Covered Agricultural Workers in Uttar Pradesh

Economic Regions	No of District	No of Block	No of Villages	No of Respondent Agricultural Workers			* Total No of Agricultural Workers		
				Male	Female	Total	Male	Female	Total
Bundelkhand	Mahoba	1	4	41	44	85	99	91	190
Central	Sitapur	1	4	63	23	86	106	25	131
Eastern	Gorakhpur	1	4	38	62	100	118	88	206
Western	Merrut	1	4	37	25	62	91	52	143
Uttar Pradesh	4	1	16	179	154	333	414	256	670

*Total Number of Agricultural Workers include respondent agricultural workers and their family members

respondent agricultural workers of 16 villages of all four economic regions of Uttar Pradesh (4 villages from one block of one district per economic region) were collected. The State has administratively been divided into four economic regions viz Western, Central, Bundelkhand and Eastern by the State Government for the purpose of achieving balanced economic development through formulating economic region specific policies [13]. In the paper, both primary and secondary sources of data have been used. The field level data were collected during the year 2011-12.

RESULTS

Table 2 shows comparative analysis of economic region and gender wise payment of the Minimum Wages in Uttar Pradesh during 2011-12. In the Bundelkhand region, all the total 190 (100.00 percent) agricultural workers - comprised of 99 male and 91 female agricultural workers- were paid the Minimum Wages (i.e. Rs 100 per day) without any discrimination. Thus, in the region, none agricultural worker was paid the wages below and above of the minimum wages. In the Central region, out of total 106 male agricultural workers, 99 (93.40 percent) male agricultural workers were paid the wages below of the Minimum Wages whereas only 4 (3.77 percent) male agricultural workers were paid the Minimum Wages and 3 (2.83 percent) male agricultural workers were paid the wages above of the minimum wages. In this region, all total 25 female agricultural workers were paid the wages below of the minimum wages. Thus, in the Central region, out of total 131 agricultural workers, 124 (94.66 percent) agricultural workers were paid the wages below of the Minimum Wages whereas 4 (3.04 percent) agricultural workers were paid the Minimum Wages day and 3 (2.29 percent) agricultural workers were paid the wages above of the minimum wages. In the Eastern region, out of the total 118 male agricultural workers, 34 (28.81 percent) male agricultural workers were paid the wages below of the Minimum Wages, whereas 83 (70.34 percent) male agricultural workers were paid the Minimum Wages and 1 (0.85 percent) male agricultural worker was paid the wages above of the minimum wages. Table 2 also shows that in this region, out of total 88 female agricultural workers, 87 (98.86 percent) female agricultural workers were paid the wages below of the Minimum Wages whereas 1 (1.14 percent) female agricultural worker was paid the minimum wages. Thus, in the Eastern region, out of total 206 agricultural workers, 121 (58.74 percent) agricultural workers were paid the wages below of the

Minimum Wages whereas 84 (40.78 percent) agricultural workers were paid the Minimum Wages and 1 (0.49 percent) agricultural worker was paid the wages above of the minimum wages. In the Western Region, out of total 91 male agricultural workers, 15 (16.48 percent) male agricultural workers were paid the Minimum Wages and 76 (83.52 percent) male agricultural workers were paid the wages above of the minimum wages. In this region, out of total 52 female agricultural workers, 5 (9.62 percent) female agricultural workers were paid the wages below of the Minimum Wages whereas 45 (86.54 percent) female agricultural workers were paid the Minimum Wages and 2 (3.85 percent) female agricultural workers were paid the wages above of the minimum wages. Thus, in the Western region, out of total 143 agricultural workers, 5 (3.50 percent) agricultural workers were paid the wages below of the Minimum Wages whereas 60 (41.96 percent) agricultural workers were paid the Minimum Wages and 78 (54.55 percent) agricultural workers were paid the wages above of the minimum wages.

In all the districts (Uttar Pradesh), out of total 414 male agricultural workers, 133 (32.13 percent) male agricultural workers were paid the wages below of the Minimum Wages whereas 201 (48.55 percent) male agricultural workers were paid the Minimum Wages and 80 (19.32 percent) male agricultural workers were paid the wages above of the Minimum Wages. In all the districts, out of total 256 female agricultural workers, 117 (45.70 percent) female agricultural workers were paid the wages below of the Minimum Wages whereas 137 (53.52 percent) female agricultural workers were paid the Minimum Wages and 2 (0.78 percent) female agricultural workers were paid the wages above of the Minimum Wages. Thus, in the Uttar Pradesh, out of total 670 agricultural workers, 250 (37.31 percent) agricultural workers were paid the wages below of the Minimum Wages whereas 339 (50.45 percent) agricultural workers were paid the Minimum Wages and 82 (12.24 percent) agricultural workers were paid the wages above of the Minimum Wages.

The comparative analysis of Table 2 indicates that overall in Uttar Pradesh, 37.11 percent agricultural workers were not paid the Minimum Wages, this way, they were engaged in the forced employment. In the forced employment, the percentage of female agricultural workers was comparatively higher than of the male agricultural workers. The analysis also indicates that except in the Bundelkhand region, forced employment was observed in the Eastern, the Central and the Western regions of the Uttar Pradesh largely in the Eastern and Central regions.

Table 2: Comparative Analysis of Economic Region and Genderwise Payment of * Minimum Wages in Uttar Pradesh during 2011-12 (Percentage Distribution)

Agricultural Workers received wages	Bundelkhand Region			Central Region			Eastern Region			Western Region			Uttar Pradesh		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Below Rs 100	0 (0.00)	0 (0.00)	0 (0.00)	99 (93.40)	25 (100.00)	124 (94.66)	34 (28.81)	87 (98.86)	121 (58.74)	0 (0.00)	5 (9.62)	5 (3.50)	133 (32.13)	117 (45.70)	250 (37.31)
Rs. 100	99 (100.00)	91 (100.00)	190 (100.00)	4 (3.77)	0 (0.00)	4 (3.05)	83 (70.34)	1 (1.14)	84 (40.78)	15 (16.48)	45 (86.54)	60 (41.96)	201 (48.55)	137 (53.52)	339 (50.45)
Above Rs. 100	0 (0.00)	0 (0.00)	0 (0.00)	3 (2.83)	0 (0.00)	3 (2.29)	1 (0.85)	0 (0.00)	1 (0.49)	76 (83.52)	2 (3.85)	78 (54.55)	80 (19.32)	2 (0.78)	82 (12.24)
Total	99 (100.00)	91 (100.00)	190 (100.00)	106 (100.00)	25 (100.00)	131 (100.00)	118 (100.00)	88 (100.00)	206 (100.00)	91 (100.00)	52 (100.00)	143 (100.00)	414 (100.00)	256 (100.00)	670 (100.00)

Source: Field Survey 2011-12 * Minimum Wages means Rs. 100 per day

In the western region, only 3.50 percent agricultural workers were engaged in the forced employment whereas 94.66 percent in the Central region and 58.74 percent in the Eastern Region were engaged in the forced employment. The comparative analysis also indicates that percentage of agricultural workers, those were paid the Minimum wages, was higher in the Bundelkhand region (100.00 percent) followed by the Western region (41.96 percent); the eastern region (40.78 percent) and the Central region (3.05 percent) whereas the percentage of agricultural workers, those were paid the wages above of the Minimum wages, was comparatively higher in the Western region (54.55 percent); followed by the Eastern region (0.49 percent) and the Central region (2.29 percent).

The comparative analysis of Table 2 also indicated that in the Eastern, the Central and the Western regions of the Uttar Pradesh, the percentages of female agricultural workers engaged in the forced employment were comparatively higher than of the male agricultural workers as 9.62 percent in the Western region; 100.00 percent in the Central region and 98.86 percent in the Eastern region, female agricultural workers were engaged in the forced employment. This analysis indicates that in Uttar Pradesh, female agricultural workers were victim of the two malpractices: the forced employment and discrimination. The gender wise discrimination in the payment of the wages is clearly visible from the Annexure Table 1. In the category of the Minimum Wages female recipients, the percentages of recipient female agricultural workers were comparatively high in the Bundelkhand region (100.00) followed by the Western Region (86.54 percent) and the Eastern region (1.19 percent) whereas in the category of the above the Minimum Wages recipient family members, the percentage of male family members in the Western region (83.52 percent) was comparatively high irrespective of the gender of the agricultural workers.

The analysis of the Annexure Table 1 gives more insights on the exploitation of the agricultural workers in the Eastern, Central and Western regions of the Uttar Pradesh. In these three regions, mainly in the Eastern and Central regions, there were wider variations in the paid wages to the agricultural workers. In the Central region, wages paid to the male agricultural workers varied from Rs. 20 per day to Rs. 200 per day whereas wages paid to the female agricultural workers varied from Rs. 30 to Rs. 70 per day. In this region, around 73 percent male agricultural workers and 96 percent female agricultural workers were paid the wages either half or below of the minimum wages. In the Eastern region, the paid wages to the male agricultural workers varied from Rs. 30 to Rs. 120 per day whereas the paid wages to the female agricultural workers varied from Rs. 30 to Rs. 100 per day. In this region, around 17 percent male agricultural workers and 86 percent female agricultural workers were paid the wages either half or below of the minimum wages. In the Western region, the paid wages of the male agricultural workers varied from Rs. 100 per day to Rs.200 per day whereas the paid wages to the female agricultural workers varied from Rs. 80 per day to Rs. 150 per day. The comparative analysis of the variations of the paid wages among the male and female agricultural workers in these three regions indicates that mainly in the Eastern and Central Region, though both male and female agricultural workers are victim of the forced employment but largely the female agricultural workers are also victim of the discrimination.

The study findings reveals out that in all Uttar Pradesh, apart from experiencing problems in management of their household affairs, majority of the respondents were also facing the employment related problems like irregular availability of agricultural works round the year; inadequate wages; gender based discrimination in payment of wages rates; untimely payment of wages; unfavorable working condition; disrespect from employer; no payment of wages and extra work on the same wages.

Table 3: Details of Problems Faced by the Respondent Agricultural Workers (Percentage)

Details of Problems	Eastern	Bundelkhand	Central	Western	All U.P.
• Irregular Availability of Agricultural Works	99 (99.00)	84 (98.82)	86 (100.00)	61 (98.39)	330 (99.10)
• Inadequate Wages	94 (94.00)	73 (85.88)	80 (93.02)	51 (82.26)	298 (89.49)
• Untimely Payment of Wages	63 (63.00)	40 (47.06)	85 (98.84)	49 (79.03)	237 (71.17)
• Unfavourable Work Condition	54 (54.00)	46 (54.12)	69 (80.23)	50 (80.65)	219 (65.77)
• Lack of Medical Treatment Support	63 (63.00)	60 (70.59)	71 (82.56)	42 (48.84)	236 (70.87)
• Disrespect from Employer	5 (5.00)	44 (51.76)	23 (26.74)	21 (24.42)	93 (27.93)
• No Payment of Wages	0 (0.00)	1 (1.18)	0 (0.00)	0 (0.00)	3 (0.90)
• Extra Work in Same Wages	5 (5.00)	11 (12.94)	12 (13.95)	11 (12.79)	39 (11.71)

Percentage exceeds 100.00 because of multiple answers. Percentage has been calculated from their respective

N (total respondents). Source: Field Survey 2011-12

Table 3 shows that across all the regions in Uttar Pradesh, majority of respondents were facing the problems like Irregular availability of agricultural works, inadequate wages, untimely payment of wages, unfavorable work condition and lack of medical treatment support. In the views of other respondents comprised of the government and non-government respondents, the agricultural workers were facing the problems related to employment and non-employment. The employment related problems include, inadequate employment and low wages and untimely work and payment in agriculture sector whereas in non-agriculture sector, inadequate work and untimely work and payment under MNREGA and lack of industrial employment due to inadequate industries in U. P. The non-employment related problems include poor housing conditions; lack of electricity and drinking water facility; inadequate income to meet the household requirements; increased inflation of all the materials; costly agricultural inputs; poor access to the benefits of the government schemes. likes, MNREGA, etc. In the study, contrary to the claims of the Government about the non-existence of the bonded labourers in India, many agricultural workers and families were found those were working like the bonded labourers, which reminded the days of the *Zamindari* System (Practice of the Forced Employment without Payment) and *Soodkhori* System (Traditional Money Lending Practice) of the older days. In Uttar Pradesh, the forced employment and exploitation of the agricultural workers were determined by the several factors like lack of employment in the rural areas including the quality employment; compulsion of agricultural workers to work in their local areas; costly agriculture compelling the small and marginal farmers to work in their own lands rather engaging the labourers from the labour market; irregular and untimely availability of agricultural works; ineffective labour laws enforcement agencies; poor bargaining power of the agricultural workers, etc. The abolition of field

inspections visits of the labour enforcement officers during the economic reform period around during 2004-05 is an indication of the neutrality and permission of the State Government for their exploitation and forced employment.

CONCLUSIONS AND SUGGESTIONS

After 64 years of the enactment of the Minimum Wages Act 1948, in the capitalist economy of a socialistic country, continuing forced employment and exploitation of the agricultural workers defeats the purpose of this act as well as the constitution. The exploitation of these agricultural workers raises question on the implementation and utility of the labour laws. The dilution of the labour laws in the wake of the labour reform in the capitalist economy also indicates about the dark future of these agricultural workers when their livelihood (agriculture) is the most vulnerable unorganised sector in the capitalist economy during the economic reform period. In this situation, betterment of the agricultural workers is not only dependent on betterment of the agriculture but also on the strict compliance of the labour laws and existence of a pro-labour an effective Labour Governance System in India. The future of the large population dependent on agriculture cannot be left on the market forces, which aims only to make the profit at any cost for increasing the volume of their balance sheets.

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Annexure Table 1

Table 1: Wage Rate Wise Agricultural Workers in the Bundelkhand Region

Wage Rate (Rs.)	Male Agricultural Workers		Female Agricultural Workers	
	No of Workers	% of Workers	No of Workers	% of Workers
100	99	100	90	100
Total	99	100	91	100

Table 2: Wage Rate Wise Agricultural Workers in the Central Region

Wage Rate (Rs.)	Male Agricultural Workers		Female Agricultural Workers	
	No of Workers	% of Workers	No of Workers	% of Workers
20	2	1.89		
30	3	2.83	2	8
35	1	.94		
40	4	3.76	9	36
50	67	63.21	13	52
60	10	9.43		
70	7	6.60	1	4
80	5	4.72		
100	4	3.77		
110	2	1.89		
200	1	.94		
Total	106	100	25	100

Table 3: Wage Rate Wise Agricultural Workers in the Eastern Region

Wage Rate (Rs.)	Male Agricultural Workers		Female Agricultural Workers	
	No of Workers	% of Workers	No of Workers	% of Workers
30	2	1.64	4	4.55
50	18	15.25	72	81.82
60	10	8.47	7	7.95
70	1	.85	2	2.27
80	3	2.55	2	2.27
100	83	70.34	1	1.14
120	1	.85		
Total	118	100	88	100

Table 4: Wage Rate Wise Agricultural Workers in Western Region

Wage Rate (Rs.)	Male Agricultural Workers		Female Agricultural Workers	
	No of Workers	% of Workers	No of Workers	% of Workers
80	0	0	5	9.62
100	15	16.48	45	86.54
120	7	7.69		
150	67	73.63	2	3.85
200	2	2.20		
Total	91	100	52	100