

# The Problems faced by women agricultural laborers and their legal provisions

## - A study

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### Abstract

Women play an important role in the agricultural production. They are occupied in painstaking work such as shoveling and weeding. They are also accountable for irrigating the crops.. They connect in diverse roles depending on their financial situation. They may work on their family land or work as mercenaries on somebody land or may also take action as engage in post - harvest activities such as grain separation and marketing. In adding together, they can be concerned in many ways. Direction on nurseries, spraying fertilizers, shielding crops from severe climatic conditions, harvesting grains, and then segregating preventable construct and storing them until the last sale.

(Key words: problems of women agricultural laborers, ILO and women agricultural laborers, Minimum wages act, Equal Remuneration act)

### Introduction

India is basically agricultural country, as concerning seventy percent of the people live in villages. A greater part of Indian rural workers are agriculture dependent in which share of agricultural laborers relatively high. Agricultural laborers supply extremely towards the rural economy and moreover to the national economy. .According to the data of World Bank in 2011, agricultural production accounts for only 17.5% of India's gross domestic product (GDP). 72% of the 1.1 billion people living in rural India are largely the livelihood of the majority of the country. Agriculture in India defines customary traditions, social relations, and gender roles. The woman in the agricultural sector represents an important population group through traditional or industrial means, livelihood, or agricultural labor. Agriculture is directly linked to issues such as economic freedom, decision-making skills, access to institutional and educational, and health services, and this has created complex issues such as poverty and marginalization, and gender inequality.

Women play a significant and crucial role in agricultural development and allied fields. The nature and extent of women's involvement in agriculture vary greatly from region to region. But regardless of these

variations, women are actively involved in various agricultural activities. As per Census 2011, out of total female main workers, 55 percent were agricultural laborers and 24 percent were cultivators. However, only 12.8 percent of the operational holdings were owned by women, which reflect the gender disparity in ownership of landholdings in agriculture. Moreover, there is a concentration of operational holdings (25.7 percent) by women in the marginal and smallholdings categories.

### **The problems faced by the agricultural women laborers.**

#### **Wage problems**

This is one of the common problems faced by Indian women in various fields across the country and agriculture is no exception. Women work twice as many hours in the field as men, but they are paid only seventy percent of the wages available to men. These payments are also irregular. There is a huge gender gap in the agricultural sector. One-third of women work as unpaid laborers in the fields of their parents, husband or mother-in-law, but they do not receive recognition or money for their work properly.

#### **Lack of land possession**

Female farmers make up less than two per cent of the hereditary lands in India and less than thirteen per cent of the total agricultural lands in India. Despite the change in the inheritance laws in the country, the situation remains the same due to the social pressure on women to transfer their rights to men in the family or to the rights of male members in a hostile manner. In both cases there is a complete digestive tract. This prevents them from entering into agreements with different parties due to lack of legal ownership of the land.

#### **Fiscal difficulties**

Due to lack of ownership, they are unable to get loans when they need money for crop cultivation. Banks cannot get loans if the network fails. Borrowers charge high interest rates, which is not possible. However, if she chooses this path, higher interest rates will only increase her financial burden and it will turn into a vicious cycle. Only four per cent of women in Uttar Pradesh have access to corporate credit, according to a study.

#### **Failure of policy**

Until the Economic Survey of 2017-18, agricultural policies did not focus on women and the policy benefits available to us male farmers, most state governments treat only landowners as farmers. As discussed above, only a few women had the right to land, and thus women were pushed into the status of cultivators and were not given any concessions such as loans, seeds, and equipment. The Economic Survey

Report recommended that they be approved and formulate policies to promote their role. Yet, as the situation worsens, women continue to suffer.

## **Suicide**

Farmers' suicides, which continue to be a major concern in the country, have failed to consider women as part of this struggle. Information of female farmers is often undisclosed. According to the Hindu daily, fourteen per cent of suicides in Karnataka in 2019 were committed by women. That year, nearly twenty percent of farmers in Karnataka committed suicide. Other parts of India are not considered. Another problem is that when male farmers commit suicide, the final burden of debt settlement falls on their wives, who are often forced to work for free for creditors, leaving them.

The principle of gender equality is enshrined in the Constitution of India in its preamble, fundamental rights, fundamental duties and guiding principles. The Constitution not only gives equality to women but also empowers the state to take positive discriminatory measures in favor of women

The ILO's mandate for gender equality is to promote equality between all women and men in the working world. This mandate is the basis for gender equality - especially the four main traditions of equality - in the international labor tradition. These include the Discrimination (Employment and Employment) Convention, 1958 (No. 111), the Equal Pay Agreement, 1951 (No. 100), the Family Responsibility Workers' Conference, 1981 (No. 156), and the Maternity Protection Agreement (200, No. 183). ). The mandate was promulgated by the resolutions of the International Labor Conference, the ILO's top policy-making body, in 1975, 1985, and 1991, and the June 2004 resolution on gender equality, wage equality and maternity protection. But it should be noted that these mandates mostly involve organized labor and the benefits of these traditions are not extended to the agricultural sector through domestic laws.

## **Legal Provisions Governing Female Agricultural Laborers**

### **The Minimum Wages Act of 1948**

The article 14 of the Indian Constitution which relates to equality before the law, it must be noted that minimum wages are not fixed equally across the whole nation but they vary from occupation to occupation and industry to industry and from place to place. where an employee, whose minimum rate of wages is fixed under this Act by the hour, by the day or by such a longer wage-period as may be prescribed, works on any day in excess of the number of hours constituting a normal working day, the employer shall pay him for every hour or for part of an hour so worked in .Under the minimum wages act Women must get wages because every person who works must be paid for his or her work.

A person must be paid a minimum wage set by the government. Every woman should be paid equal pay for equal work, i.e. equal pay for men and no less. Female workers should be paid on a temporary basis, piece rate, daily wage, working for a contractor and farmer. Even if a person agrees to work for less than what is set by the government, the employer must pay the minimum wage. The minimum wage should be fixed on a daily basis, hourly basis and monthly basis. Minimum wages are universally accepted as an important means of combating poverty and, equally importantly, of ensuring the viability of any economy. Adjusting wages properly in consultation with social partners is one way to reduce inequality, increase demand and contribute to economic stability.

### **Equal remuneration Act of 1976**

A number of countries have legislations on equal pay for equal work. In India this mandate flows out of constitutional provision (directive principles of state policy, part IV of the Constitution of India), India uses the concept of "equal remuneration for the same work or work of a similar nature". Article 39(d) of the Constitution of India mentions the principle of equal pay for equal work and Article 14 guarantees equality for all before the law. India ratified the Equal Remuneration Convention in 1958.

An Act to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto.

Under the Equal Remuneration Act 1976, employers are obliged to pay equal remuneration to workers of both sexes for the same work or work of a similar nature. The Act extends to the whole of India. The Act of 1976 was amended by the Equal Remuneration (Amendment) 1987. This Amendment extended the scope of the Act to other aspects of personnel administration such as recruitment, promotions, training or transfer.

The Equal Remuneration Act 1976 defines remuneration in Section 2(g) the basic wages or salary, and any additional emoluments whatsoever payable, either in cash or in kind to a person employed in respect of employment or work done in such employment, if the terms of the contract of employment, express or implied, were fulfilled.

In India, the principle of equal pay means equal remuneration for the same work or work of a similar nature (Section 4), which in turn is defined in Section 2(h) of the Act work in respect of which the skill, effort and responsibility required are the same, when performed under similar working conditions, by a man or a woman and the differences, if any, between the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment.

The principal operative section of the Equal Remuneration Act is Section 4, which makes provision for equal remuneration.

(1) No employer shall pay to any worker, employed by him in an establishment or employment, remuneration, whether payable in cash or in-kind, at rates less favorable than those at which remuneration is paid by him to the workers of the opposite sex in such establishment or employment for performing the same work or work of a similar nature.

(2) No employer shall, for the purpose of complying with the provisions of sub-section (1), reduce the rate of remuneration of any worker.

(3) Where, in an establishment or employment, the rates of remuneration payable before the commencement of this Act for men and women workers for the same work or work of a similar nature are different only on the ground of sex, then the higher (in cases where there are only two rates), or as the case may be, the highest (in cases where there are more than two rates), of such rates shall be the rate at which remuneration shall be payable, on and from such commencement, to such men and women workers.

The Union Ministry of Labor and several state governments have set up welfare funds for agricultural workers. For agricultural workers, who make up the largest segment of the unorganized workforce, the federal government is already implementing a number of programs. Such as the National Social Assistance Program, the National Family Welfare Program and the Employment Guarantee Scheme. The Government of India introduced a new scheme in 2001 called the Social Security Scheme for Agricultural Workers. However, these efforts are general and nothing specific.

It is remarkable that the Government of India has ratified the ILO Conferences, which, in view of the constitutional essential and government initiative, have an impact on the granting of legal protections to agricultural workers are Right of Association (Agriculture) Convention, 1921 Minimum Wage-Fixing Machinery, Convention, 1928, Forced Labor Convention, 1930, Equal Remuneration Convention, 1951, Equality of Treatment (Social Security) Convention, 1962, Rural Workers' Organization Convention, 1975, Abolition of Forced Labor, 1957. Even though the introduction of international commitment progress in given that legal rule to agricultural workers in India has not been extensive.

## Conclusion

Women in developing countries make up 43 percent of the world's agricultural workforce, but this figure obscures significant differences between regions and countries. The contribution of women in agriculture and food production is significant. The participation of women in rural labor markets is very diverse at the regional level, but women are more prevalent in unpaid, seasonal and part-time agricultural work. But



women are paid less than men for the same job. Therefore, the government should consider this discrimination and protect the welfare of women agricultural laborers.

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