

AN EMPIRICAL LEGAL STUDY ON AGRICULTURAL TRIBAL LABOUR IN INDIA

Dr.Anil Babu.Ch

Post scholar of Department of Geology and pursuing PhD Scholar of Department of Law, Andhra University.

ABSTRACT:

Agriculture is one of the three most hazardous sectors of activity, both in industrialized and developing countries. According to estimates from the International Labour Office (ILO), some 170,000 agricultural workers are killed each year. This means that workers in agriculture run at least twice the risk of dying on the job as compared with workers in other sectors. Agricultural mortality rates have remained consistently high in the last decade as compared with other sectors, where fatal accident rates have decreased. Millions of agricultural workers are seriously injured in workplace accidents with agricultural machinery or poisoned by pesticides and other agrochemicals. Agricultural workers constitute the most neglected class in Indian rural structure. Their income is low and employment irregular. Since, they possess no skill or training, they have no alternative employment opportunities either. Socially, a large number of agricultural workers belong to scheduled castes and scheduled tribes. Therefore, they are a suppressed class. They are not organized and they cannot fight for their rights. Because of all these reasons their economic lot has failed to improve even after four decades of planning.

Key Words: *Labour, Planning Rights Sector,*

1. INTRODUCTION:

The basis of the Fifth Schedule of the Constitution can be traced back to the laws of the British colonial government designating certain parts of the sub-continent 'backward tracts' ward tracts' and 'partially excluded areas'. The latter term was incorporated into the Constitution and it is within these tracts labelled Scheduled Areas (wherein a large number of Scheduled Tribes reside, alongside other relevant criteria) that the Fifth Schedule is applicable. The debate around the Fifth Schedule, its relevance and its efficacy vis-à-vis the intentions of the Constitution makers are as contentious today as they were during the debates of the Constituent Assembly. During the debates regarding the provisions of the Constitution of the modern Indian nation, the issue of the administration of the Scheduled Tribes generated heated debates on the post-colonial State's policy toward and legislation on adivasi communities. Largely, nationalist leaders and social reformers favoured the assimilation of tribals into 'mainstream' Indian society, and their views were pitted against those of the British administrators and anthropologists who advocated isolationism or protection. These contrasting positions were reflected in the famous debate between G.S. Ghurye and Verrier Elwin in which the latter argued for a policy of protection of the 'tribal way of life' and the former stated that those in favour of isolation sought a revival of the past, and that Elwin's position ignored the histories of tribal migration and intermingling with non-tribal populations. While both views were heard out, the policy ultimately adopted was a middle ground of 'controlled integration', the middle ground advocated by then Prime Minister Shri. Jawaharlal Nehru. There was, therefore, recognition of difference, even if this was done in the pursuit of its eventual erasure. An approach of simultaneous 'protection' and 'uplift' was stressed. The belief that tribal areas required special laws led to the setting up of the Advisory Committee on Fundamental Rights and Minorities by the Constituent Assembly, 1947. This body appointed three sub-committees in 1947 to look into specific tribal areas and make suggestions for their administration and functioning. The first was authorized to look into the excluded and partially excluded areas 'other than Assam' and was headed by Shri. A.V. Thakkar, the second to examine tribal areas within undivided Assam chaired by Shri. Gopinath Bardoloi, and the third was to analyse the situation of tribes in the North Western Frontier Province. The proposals of the first two committees were later incorporated as the Fifth and Sixth Schedules of the Indian Constitution. 69.

A majority of tribal groups work in the primary sector, and are heavily dependent on agriculture either as cultivators or as agricultural labourers. At the same time, a number of Scheduled Tribes no longer follow their traditional occupations and work as labourers on plantations or in mines and factories (in many cases, since the nineteenth-century). Displacement and enforced migration has also led to an increasing number of Scheduled Tribes working as contract labourers in the construction industry and as domestic workers in major cities. Over 80% of Scheduled Tribes work in the primary sector against 53% of the general population, primarily as cultivators. However, the number of STs who were cultivators, declined from over 68% to 45% in 2001 whereas the number of tribal agricultural labourers increased from about 20% to 37%, demonstrating increasing landlessness among tribals. This trend has intensified, as can be seen in data from the 2011 Census. It is further estimated that, in the last decade, about 3.5 million tribal people are leaving agriculture and agriculture-related activities to enter the informal labour market.

2.OBJECTIVE OF THE PRESENT SURVEY

Present survey aims to collect information on the working and living conditions of Scheduled Tribes Agricultural employed.

- i) Employer or working conditions schedule
- ii) Workers or living conditions schedule.
- III) Legal studies for Scheduled Tribes:

3.REVIEW OF THE LITERATURE:

Despite these special provisions, tribes are among the poorest and most marginalized sections of Indian society. Although numerically only about 8.6 per cent, they disproportionately represent the people living below the poverty line, are illiterate and suffer from extremely poor physical health. To illustrate, 45.7 per cent of the population as a whole was below the poverty line in 1993-94. In the same year, 63.7 per cent of tribal people were living below the poverty line, almost 20 per cent than the rest of the country. The poverty figures were 37.7 and 60.0 per cent respectively in the year 2004-05. The scenario has been similar in the sphere of education and health. The literacy rate of tribes in 2001 was 47 per cent as compared to 69 per cent for the general population. Moreover, as per the National Family Health Survey, 2005-06, the Infant Mortality rate was 62.1 per 1000 live births among tribes, and Under-five Mortality was as high as 95.7 per 1000 live births.

The Fifth Schedule (Article 244(1)) of the Constitution finally adopted by the Constituent Assembly did not include several of the recommendations of the sub-committees and Assembly members. The Fifth Schedule contains provisions relating to the administration of Scheduled Areas other than in Northeast India. First, areas can be designated Scheduled Areas on the order of the President, who can similarly declare that certain parts of/entire Scheduled Areas cease to be such. Second, the Governor of each State having Scheduled Areas shall annually, or whenever required by the President of India, submit a report to the President regarding the administration of Scheduled Areas. Currently, certain parts of nine States of the country are covered by the Fifth Schedule.

The 1970s, too, saw the constitution of several committees to address tribal problems and it was on the basis of the recommendations of some of these committees that the Tribal Sub-Plan approach of the government emerged. The committees constituted in the more recent years have been the Bhuria Committee (1991) and the Bhuria Commission (2002-2004). The Bhuria Committee recommendations paved the way for the enactment of the PESA

Act, 1996, while the Bhuria Commission focused on a wide range of issues from the Fifth Schedule to tribal land and forests, health and education, the working of Panchayats and the status of tribal women. The most recent committees have been the Bandopadhyay Committee, which looked at development and governance in Left-Wing Extremist areas, and the Mungekar Committee, which examined issues of administration and governance.

ⁱⁱTribes constitute a distinct social category and have special Constitutional and legal provisions, they have not been outside of India's larger economic and political framework. And the working of these larger institutional frameworks especially, the economic, legal and administrative, has adversely affected the tribal communities in India. As a part of the nation-building process, tribal areas have witnessed the large-scale development of industry, mining, infrastructure projects such as roads and railways, hydraulic projects such as dams and irrigation. These have been followed by processes of urbanization as well. The overall impact of these on tribes has been often loss of livelihood, massive displacement and involuntary migration. Issues pertaining to these mentioned problems have been critically examined in the report. Another important issue analyzed by the Committee is the working of legislations that have a bearing on tribal communities. It is not possible to make a detailed study of all of these laws and hence, only those that the HLC views as central to their socio-economic status have been addressed in the report. The Provisions of Panchayat (Extension to Scheduled Areas) Act (PESA), 1996 and The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act (FRA), 2006, enacted to redress the historical injustice to tribal and forest communities, have been significant initiatives that have changed their legal status. However, policies and practices have been slow to absorb the changed circumstances recognised in the law. These legislations and their violations have been examined for future amendment. Subjects such as land acquisition, food security, detention and imprisonment, the status of Particularly Vulnerable Tribal Groups (PVTGs) and De-notified Tribes, have also been highlighted. The above key substantive chapters in the report have been prefaced by two separate chapters –outlining the geographical and demographic profile of tribal communities in India and focusing on the workings of the legal and administrative framework provided for Scheduled Tribes in the Constitution. As mentioned previously, the substantive issue of the socio-economic, educational and health status of tribal communities are an integral part of the development agenda that the State has been pursuing for its citizens. With respect to tribal development, there were two prominent colonial discourses which have continued into the post-colonial period.

ⁱⁱⁱThe shift in tribal economy and diversification of occupations has been corroborated in the People of India report by the Anthropological Survey of India. The report maintains that "... the number of communities practicing hunting and gathering has declined by 24.08 percent, as forests have disappeared and wildlife has diminished. Ecological degradation has severely curtailed the related traditional occupations. For instance, trapping of birds and animals has declined by 36.84 percent, pastoral activities by 12.5 percent, and shifting cultivation by 18.14 percent. However, there is a rise in horticulture (34.4 percent), terrace cultivation (36.84 percent), settled cultivation (29.58 percent), animal husbandry (22.5 percent), sericulture (82.6 percent), and bee-keeping (60 percent). Many of the traditional crafts have disappeared and spinning, in particular, has suffered (25.58 percent). Related activities such as weaving (3.32 percent), dyeing (33.34 percent) and printing (100 percent) have similarly suffered. Skin and hide work as also stone carving has declined.

^{iv}**Measures taken by the Government to improve the Conditions of Agricultural Labourers :**

The Government has shown awareness of the problems of agricultural workers and all plan documents have suggested ways and means to ameliorate the lot of these people. Measures adopted by the Government for ameliorating the economic conditions of Agricultural labourers are

1. Passing of minimum wage Act.
 2. Abolition of Bonded Labourers
 3. Providing land to landless labourers
 4. Provision of Housing cities to houseless
 5. Special schemes for providing employment
- i) Crash Scheme for Rural Employment (CSRE)

- ii) Pilot Intensive Rural Employment Project (PIREP)
- iii) Food for works programme (FWP)
- iv) National Rural Employment Programme (NREP)
- v) Rural Landless Employment Programme (RLEP)
- vi) Drought Prone Area Programme (It was known as Rural Works Programme)
- 6. Jawahar Rojgar Yojana (which come in with the merger of NREP and RLEGP)
- 7. Desert Development Programme
- 8. National Scheme of Training of Rural Youth for Self Employment (TRYSM)
- 9. Development of Women and Children in Rural Areas (DWCRA)
- 10. Abolition of Bonded Labourer Act
- 11. Integrated Rural Development Programme (IRDP)

4. Suggestions for the Improvement of Agricultural Labours :

The following suggestions can be made for the improvement of the socio-economic position of the agricultural labourers :

- 1. Better implementation of legislative measures.
- 2. Improvement the bargaining position.
- 3. Resettlement of agricultural workers
- 4. Creating alternative sources of employment
- 5. Protection of women and child labourers
- 6. Public works programmes should be for longer period in year
- 7. Improving the working conditions
- 8. Regulation of hours of work
- 9. Improvements in Agricultural sector
- 10. Credit at cheaper rates of interest on easy terms of payment for undertaking subsidiary occupation.
- 11. Proper training for improving the skill of farm labourers
- 12. Cooperative farming

5. CONCLUSION

1. In order to guarantee sustainable agricultural development in the new millennium, rural workers and their families should have access to adequate working and living conditions, health and welfare. An adequate balance between agricultural growth and the protection of the environment is also crucial for the future of the world's food production and for its sustainability. Occupational health in agriculture must be integrated into a rural development policy with a well-defined strategy. It should place an emphasis on prevention and environmental protection to be consistent with current trends and should be addressed both at national and international levels.

2. in the employer schedule, the information on nature of enterprises, Maintenance of records/ registers, leave/holidays paid, Implementation of various labour laws, social security benefits, Medical facilities extended to workers, their per day earnings, etc

3. The workers schedule has been designed to assess the living Conditions of worker has been assessed by collecting information on important parameters like, demographic particulars of sample Workers and their family, family income, expenditure on important Items, source of drinking water, employment status of family members etc.

Conclusions:

REFERENCES:

ⁱ Report of the high level committee on socio-economic, health and educational status of tribal communities of india, ministry of tribal affairs government of india may, 2014.

ⁱⁱ . *Since the Committee had the advantage of the presence of the Secretary, MoTA, and it was evident that the Ministry needed to be strengthened so as to be able to carry out its task of protecting the tribal interest, the Secretary has contributed this chapter to the report. Such an exercise needs to be done with other agencies involved in protecting and promoting the tribal interest including the National Commission for Scheduled Tribes*

ⁱⁱⁱ . Singh, K.S. 1997. The Scheduled Tribes. New Delhi: Anthropological Survey of India.

^{iv} . v.veutral&r.manigandhan an empirical study of agricultural labour in india , journal of exclusive management science –december 2013-vol 2 issue 12 - issn 2277 – 5684.

