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# **AN ANALYSIS ON PROBLEMS FACED BY AGRICULTURAL LABOURERS (IN TAMIL NADU) - THE LEGAL FRAMEWORK FOR THEIR PROTECTION**

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## **ABSTRACT**

Agriculture forms the backbone of Indian economy, with the agricultural sector occupying a pivotal position among the productive sectors. The agricultural operations demand specialised skills and intensive manual labourers, performed by the experienced agricultural labourers. Due to urbanisation, the people engaging in agricultural work has been reduced. Despite their contribution the agricultural labourers are facing numbers of problems in the field and the society and remain one of the most economically and socially disadvantaged groups in the country. Despite their significant contribution, agricultural labourers remain unprotected, unorganised and marginalised group in the society. The labourers face problems such as low payment or non-payment of wages, lack of social security, denial to access of social security schemes, discrimination, exposure to hazardous work and so on.

This article analyses the problem faced by the agricultural labourers in Tamil Nadu and evaluates the effectiveness of the existing legal framework intended for their protection. The study analyses safeguards given under the constitution of India through fundamental rights and directive principles of state policy, the central and state government's enactments such as Unorganised worker's social security act, 2008, Minimum wages act, 1948, Tamil Nadu agricultural labourer's fair wages act, 1969. These acts aimed to provide social security, protect the labourers from exploitation and ensuring providence of minimum wages.

This article highlights the shortcomings in the implementation, enforcement failures, institutional inefficiencies and the limited awareness among the labourers regarding their legal right. It concludes

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by emphasising the need for strengthened enforcement mechanisms, legal awareness initiatives, inclusive policy reforms to ensure that statutory protections.

#### KEYWORDS

Agricultural labourers, social security, unorganised sector, legislation, marginalised

## INTRODUCTION

Agriculture is the primary sector of India's economy with large population nearly around 50% to 60% of the workforce contributes to agriculture sector and relying on it for their livelihood. As per 2011 census 263 million peoples are engaged in agriculture sector and half of this were agricultural labourers. Agriculture labourers form the backbone of India's economy. Tamil Nadu is one of the country's most agriculturally productive states and with diverse climate zone and irrigation system, agriculture plays a pivotal role in the state's economy and employment landscape. Over 60% of labourers contribute either directly or indirectly to the agriculture and allied activities in the state. The state's agriculture is dependent on monsoon rain and river base irrigation with infrastructure developed along the Cauvery, Vaigai, Tamirabarani river systems. Even though Tamil Nadu has higher agriculture mechanisation, the major portion of agricultural activities depends on manual labour.

Agricultural labourers may be classified as landless labourers, interstate migrants and marginal farmers who rely on seasonal employment for their survival. The agricultural labourers solely depend on the availability of the work and they are exposed to chemical fertilisers, waterborne diseases, poisonous insects which cause high risk to their life, no specified working hours and they are paid on the basis of daily wages with a minimal amount which might be below the minimum wage making them the most economically vulnerable group in the state.

India at central and state level had enacted various labour and welfare laws to protect agricultural labourers such as Unorganised worker's social security act, 2008 this act recognises agricultural labourers as unorganised workers, Minimum wages act, 1948 to provide minimum wages to the workers, Tamil Nadu agricultural labourers fair wages act, 1969 to ensure fair wages to the labourers. Despite of these legislations, agricultural labourers still face the above-mentioned problems because of failure and limited application of these laws to the agricultural sector.

## **AGRICULTURAL LABOURERS – DEFINITION**

The first agricultural labour enquiry committee (1950 to 1951) defined “agricultural labourers as those who are engaged in raising crops on payment of wages” and “all those who are engaged as hired labourers in agricultural operations for 50% or more of the total number of days taken by them during the previous year”.

The second committee (1956 to 1957) defined in a broader view of agricultural activities to include those workers also who were engaged in allied activities like animal husbandry, dairy, poultry, piggery, etc and “a person, if his or her major source of income during the previous year was agricultural wage”.

The Government of India defined an agricultural labourer is “a person whose primary source of income is derived from wages earned for manual labour on agricultural land”.<sup>2</sup>

According to National Commission on Labour, an agricultural labourer is one “who is basically unskilled and unorganised and has little for his livelihood other than personal labour”.

The Tamil Nadu agricultural labourer fair wages act,1969 under section 2(1A) “a person who, in consideration of wages payable to him by a landowner performs manual labour on the agricultural land of such landowner<sup>3</sup>.

From the above definitions agricultural labourer is one who works on farms or agricultural land which is not their own for wages which is minimal in amount and which is to ensure their livelihood. The nature of the agricultural labourer’s work is manual, informal, unorganised, unskilled, hazardous to chemicals. There is no formal contact between the employer and the labourer which lacks them from enjoying benefits that are available to them. Their main source of income comes from the wages earned by them is from agricultural work. They are paid in the form of daily wages or based on what work is done by them. They are involved in the tasks of ploughing, planting, weeding, cultivating crops, harvesting and also includes raising livestock.

## **PROBLEMS FACED BY AGRICULTURAL LABOURERS:**

### **SEASONAL EMPLOYMENT**

As agricultural work is based on the seasons, labourers will be employed during those seasons only and that too on daily basis. They become unemployed during the non-seasonal times. Labourers face

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<sup>2</sup> Democracy, health, and family welfare, definition of agricultural labourers, <https://mospi.gov.in>

<sup>3</sup> Section 2 (1)a of The Tamil Nadu agricultural labourer fair wages act,1969

unemployment during the off seasons and this compels them to seek alternative employment and in turn leads to migration to urban areas. According to the second agricultural labour investigation society a seasonal labour gets an average of 197 days of work in a year. Seasonal employment results in unpredictable income and during off seasons the labourers struggles to meet basic needs such as food, health care and education.

## **INFORMAL EMPLOYMENT**

The labourers are hired without any formal contract i.e. on written format and this prevents the labourers from getting benefits which is available to them legally such as job security, minimum wages, and welfare benefits. This can also lead to dismissal of labourer without any cause or compensation. This may lead to the cause of many problems such as low wages, lack of social security, and arbitrary act of employer and so on. The employers do not have any records of the employees who are working under them.

## **NON-PAYMENT OF WAGES OR LOW WAGES**

Low wages are the most common problem faced by the agricultural labourers. They are not paid with the wages for which they are working and which is the primary source of income for their living. The main reason for this would be labourers are being illiterate and they are not aware about the laws regulating the employers to pay wages to them. The other reasons would be increase in the number of landless labourers and lack of non-agricultural areas to work in rural areas. They fail to negotiate their wages with the land owners in the fear that that may be fired from the work. This leads to poverty, lack of basic necessities such as food, healthcare, education and a proper housing. This may result indebtedness of agricultural labourers.

## **HAZARDOUS WORK**

The another most significant problem faced by the agricultural labourer is that they are prone to hazardous situations. They need to work with the fertilisers and pesticides without any protective measures such as gloves and without boots. This may result in skin diseases, respiratory problems, and chronic diseases. The employers are not providing proper safety measures and training as of industrial labourers. As agricultural work involves manual work there will be bending of body in the farm, lifting heavy loads, leading to back and joint pain. There will also be poisonous animals and insects which might cause threaten to the life of labourers. As agriculture work is modernised

nowadays, the unskilled labourers are not aware with operating the machineries like tractors, ploughs, threshers, shredders and this might lead to accidents and amputations.

## **LACK OF SOCIAL SECURITY**

As agricultural labourers lack the employment records, identity records and other important documents which are necessary for the enrolment in social security schemes, this prevents them from getting the available social security benefits. As discussed earlier the labourers are illiterate and they unaware of the available schemes and There is no proper educating awareness programs are not conducted in the rural areas. The eligibility and registration process are lengthy and complicated which the educated people find difficult to apply. If it comes for offline application there is corruption and redtapism and also it paves way for middlemen in the name of applying forms.

## **LOW SOCIAL STATUS**

The major portion of agricultural labourers belongs to depressed classes. These labourers not only face the economic problems but also the social difference by the higher-class peoples. This social marginalisation is not because of poverty or lack of education but it is because of the historical practices of discrimination and inequality. This discrimination prevents them from asserting their rights and access to social welfare. They are excluded from the welfare schemes because of the discrimination at the implementation level. To address these issues constitutional provisions and legislations have been enacted but till now such discrimination is in practice in the rural areas. To eradicate this discrimination, awareness has to be made in the rural areas.

## **UNSKILLED AND LACK OF TRAINING**

The agricultural work is only done by persons who are skilled in doing the agricultural activities. Therefore, agriculture labourers should be skilled to do the activities. But they were regarded as unskilled labourers because of the lack of formalisation in the agricultural sector. Another point is that due to the modernisation machines are invented to ease the work of agricultural activities. But the agricultural labourers are unaware of using these machineries. This because of the lack of training which has to be provided by the employer. As there is strict mechanism for providing training in the industrial sector, if the employer fails there is imposition of fine on him. But the agricultural sector lacks the strict mechanism due which the labourers are left untrained and this leads to accidents and there are not provided with any compensation.

## **WEAKER IMPLEMENTATION OF WELFARE MEASURES**

Though there are numbers of legislations such as constitutional provisions, central legislations, and state specific laws exist for the protection the effective implementation is still in question. For example: the minimum wages act, 1948, the Tamil Nadu agricultural labourers fair wages act, 1969 are not properly implemented in rural areas. This is due to corruption, administrative inefficiencies, lack of inspections and accountability.

## **LEGAL FRAMEWORK FOR PROTECTING AGRICULTURAL LABOURERS**

The legal framework available agricultural labourers to ensure proper working conditions and providing welfare to labourers at central and Tamil Nadu level are as follows:

### **CONSTITUTION OF INDIA**

The Indian constitution does not explicitly mention agricultural labourers but they are impliedly protected under the provisions that are aimed to uplift the vulnerable people and unorganised sector in the society. The provisions under fundamental rights and directive principle of state policy provides protections to the labourers impliedly.

### **FUNDAMENTAL RIGHTS**

#### **ARTICLE 14 - RIGHT TO EQUALITY**

Article 14 provides for the right to equality before law and equal protection of law. The agricultural labourers are entitled to equal and fair treatment by the state. They should be covered and provided with the benefits that are available to them without any discrimination. This ensures that there are no discriminatory practices in employment, providing wages and access to the welfare schemes.

#### **ARTICLE 15 - PROHIBITION OF DISCRIMINATION**

The article prohibits discrimination on the grounds of religion, race, caste, sex, place of birth. The agricultural labourers who are from depressed classes in rural areas and faces discrimination in the access to employment and to welfare schemes are protected under this article.

## **ARTICLE 19(1) (C) - RIGHT TO FORM ASSOCIATION OR UNIONS**

Article 19 provides the agricultural labourers to form or join in the trade union. This helps the labourers to raise their voices against their employer in the cases of non payment of wages or not providing proper working conditions to the labourers so that there will be no risk of job losing. This is essential for collective bargaining and getting labour rights and protections.

## **ARTICLE 21- PROTECTION OF LIFE AND PERSONAL LIBERTY**

Article 21 provides for the right to life and personal liberty. This includes the right to livelihood, right to life with dignity, right to safer working environment. The courts have interpreted it includes right to fair wages, social security and healthcare. The agricultural labourers who are deprived of such rights are entitled to enjoy these rights.<sup>4</sup>

## **ARTICLE 23 – PROHIBITION OF FORCED LABOUR**

This article prohibits the forced labour and bonded labour. Thus protects the agricultural labourers from forced labour and enables them to choose their work of their choice. The right to live with dignity includes protection from forced labour.<sup>5</sup>

## **DIRECTIVE PRINCIPLES OF STATE POLICY**

### **ARTICLE 38 – PROMOTION OF THE WELFARE OF PEOPLE**

The state has to take measures for promoting the welfare of people by securing and protecting social order. This includes that state has to take measures for promoting the welfare of agricultural labourers and eliminate inequalities.

### **ARTICLE 39 (A) – RIGHT TO ADEQUATE MEANS OF LIVELIHOOD**

The state has to take measures to provide adequate means of livelihood to agricultural labourers who hadn't access to such basic livelihood. The state should take initiatives such as land redistribution, provide employment opportunities.

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<sup>4</sup> Constitution of India 1950, Article 14, 15, 19, 21

<sup>5</sup> Bandhua Mukthi Morcha v. union of India 1984 AIR 802

## **ARTICLE 39 (D) – RIGHT TO EQUAL REMUNERATION**

The agricultural labourers are to be equally paid without any discrimination<sup>6</sup>. The men labourers and women labourers for the same work done they should be paid equally. Usually women workers are paid lesser than male workers in agricultural sector inspite of doing the same work.

## **ARTICLE 41 – RIGHT TO WORK**

This provision allows the state to make provision for securing the right to work. Through this the agricultural labourers are free from unemployment and this helps them to secure their livelihood. Through this article Tamil Nadu government implemented the employment guarantee scheme MGNREGA.

## **ARTICLE 42- RIGHT TO JUST AND HUMANE CONDITIONS OF WORK**

The state to ensure just and humane conditions of work to the labourers which also includes the agricultural labourers. The state has to ensure that the labourers are not prone to hazardous situation in the agricultural field and there is proper and safe working conditions. This includes the maximum working hours and rest period to be compulsorily provided.<sup>7</sup>

## **ARTICLE 43- RIGHT TO LIVING WAGE**

The state has to secure to all the agricultural labourers a living wage which is necessary for their living. And the standard of living has to be increased for agricultural labourers. The non payment of minimum wages is a form of forced labour<sup>8</sup>.

## **UNORGANISED WORKER’S SOCIAL SECURITY ACT, 2008**

The act was enacted to provide social security and welfare to workers in the unorganised sectors. As mentioned earlier, the agricultural labourers are over 90% in the unorganised sector.

Section 2(m) defines unorganised worker means a home-based worker, self employed worker or 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 the schedule 2 of the act<sup>9</sup>. Agricultural labourers fall under

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<sup>6</sup> Constitution of India 1950, Article 38, 39

<sup>7</sup> Constitution of India 1950, Article 42

<sup>8</sup> People union for democratic rights v union of India 1982 AIR 1473

<sup>9</sup> The Unorganised worker social security act, 2008, Section 2(m) ACT NO 33 OF 2008

the definition as they are seasonal and daily wage workers and they are unregistered and working under informal agreements.

Section 3 provides that central government shall formulate welfare schemes to unorganised workers related to life and disability cover, health and maternity benefits, old age protection. State government may formulate related to provident fund, housing, skill upgradation, old age homes. This helps the agricultural labourers to take insurance cover for their life, get their housing, provident fund through the schemes formulated by the government. The schemes formulated by central government to provide social security are Pradhan Mantri Jeevan Jyothi Bima yojana and Pradhan Mantri Suraksha Bima yojana provides life and disability cover. Ayushman Bharat and Pradhan Mantri Jan Arogya yojana provides for health and maternity benefits.

E- SHRAM portal was formed to create national database of unorganised workers to facilitate delivery of social security schemes. 13.78 crore members registered themselves as agricultural labourers.<sup>10</sup>

The Tamil Nadu government had formulated various schemes such as destitute agricultural labourers pension scheme to provide monthly pension of 1000 rupees to above 60 years aged, chief minister Uzhavar pathukappu Thittam to improve social security, education and economic status, CMPUT to provide monthly pension to old aged labourers.

Section 5 and section 6 provides for constitution of national social security board and state social security board to recommend the appropriate government in planning suitable schemes for unorganised sector, monitor the schemes, review progress of registration and issuance of identity cards to the agricultural labourers.

## **THE MINIMUM WAGES ACT, 1948**

This act provides for the fixation of fair wages to the certain employments, where agriculture is included under the schedule 1 of the act. This ensures that landowner has to provide wages which is not less than minimum wages to the agricultural labourers. This was mandated under the section 12 of the act. Even if there is agreement between employer and employee about the payment of wages which is lesser than minimum wages, the employer is bound not pay the wage which is less than minimum wages. This act also ensures the payment of overtime wages for the overtime work done

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<sup>10</sup> Schemes implemented for agricultural labourers, Ministry of Labour and Employment <https://Pib.gov.in>

by the agricultural labourers. Section 22 imposes penalty on the employer who pays less than minimum wages with imprisonment extend to 6 month and fine may extend to 500 rupees.<sup>11</sup>

The current minimum daily wage for agricultural labourers fixed by Tamil Nadu government is around ₹ 445.60.<sup>12</sup>

## **THE TAMIL NADU AGRICULTURAL FAIR WAGES ACT, 1969**

The welfare legislation enacted to ensure the fair payment of wages to the agricultural labourers in Tamil Nadu. This act prevents the employer from removing produce from threshing floor before paying wages. Under section 5 of this act, the landowner has the duty to pay fair wages to the agricultural labourers engaged by him. Section 6 enforces the payment of fair wages and if the landowner pays less than or refuses to pay agricultural labourers may make application to the authorised officer and he is entitled to get the compensation. This act helps the agricultural labourers to get the wages for harvest at the threshing floor itself and the produce cannot be moved until the payment of wages. This was ensured under section 7 of the act.<sup>13</sup>

## **THE TAMIL NADU AGRICULTURAL LABOURERS – FARMERS (SOCIAL SECURITY AND WELFARE) ACT, 2006**

The act was enacted to provide social security and ensure the wellbeing of agricultural labourers. Section 5 recommended for the establishment of board to implement and administer the schemes. The government constituted Tamil Nadu agricultural and farmer welfare board. The board includes the representatives from government, farmer and agricultural labourers. The functions of the board are

- Registration of eligible individuals
- Implementation of welfare benefits
- Monitoring and review the schemes
- Advising the government

This act enables the financial assistance schemes including

- Monthly pension to agricultural labourers above the age of 60 years

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<sup>11</sup> Minimum wages act, 1948 ACT NO.11 of 1948

<sup>12</sup> Minimum wages, Government of Tamil Nadu <https://dish.tn.gov.in>

<sup>13</sup> The Tamil Nadu agricultural labourers fair wages act, 1969 ACT 19 OF 1969

- Educational help for labourer's children
- Marriage assistance for daughter of registered labourer
- Medical assistance and treatment costs.<sup>14</sup>

## **SUGGESTIONS**

Though there are many laws regulating the welfare and benefits of the agricultural labourers, there is lack of effective implementation of those benefits. There must be strict enforcement mechanisms for these acts and benefits to ensure that agricultural labourers are availed of the welfare. The agricultural labourers who are mostly illiterate they are unaware of the benefits and welfare available to them. The awareness has to be made among the labourers through campaigning and educating them. The registration processes are to be simplified so that the rural people are able to fill the registration. There should be mandatory provision of using of safety measures in the agricultural field while using hazardous fertilizers and equipment. The labourers are provided with skill training programmes which educates them to use the modernised machines so that accidents will be reduced.

## **CONCLUSION**

The agricultural labourers are provided with the benefits and welfare through the legislation and schemes both at central and state level. But these legislations and schemes are not implemented effectively. The labourers are unaware of their rights and fear to get these implemented due to the fear of loss of job and lacking of formal contracts. This doctrinal study concludes that benefits to effectively reach the labourers requires awareness, access and administrative efficiency. The legislations must be supported with grassroot level implementation and implementation mechanism. Without agricultural labourers upliftment the agriculture sector cannot be developed and rural development will be incomplete.

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