

Legal Framework Relating to Health and Occupational Safety for The Agricultural Workers in India

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ABSTRACT

India's agriculture industry is incredibly unorganized, and labour rules protecting agricultural labourers are rarely enforced. Employers are not legally obligated to incorporate health and safety regulations into agricultural operations, which have a detrimental effect on agricultural labourers. Despite the fact that occupational dangers and health problems are major concerns in agriculture, agricultural workers are compelled to operate in environments without adequate safety and health regulations. Workers in the agricultural industry do not receive the extra advantages offered to those in the organized industries because agricultural activities are largely unorganized. Because they must also care for their families and frequently labour when they are not physically healthy, the situation of women agricultural workers is particularly dire. This article examines the occupational dangers and health problems that Indian agricultural workers confront, with a particular emphasis on the safety and health concerns that affect women agricultural workers. The Unorganised Workers Social Security Act of 2008 has been criticized for failing to specifically include agricultural workers in its pertinent sections. Other labour has also been investigated. In order to enhance the lives of agricultural workers, other labour has also been studied, and proposals have been made to draft appropriate legislation to enforce health and safety regulations in agricultural operations.

1. INTRODUCTION

In formal sectors, it is obligatory to secure that the safety measures and standards of health must exist in the industries for labours who are engaged by the industrialists in their industries but still it is a big task to induce the bosses or industrialists to adopt such safety and health standards. Even when it is a legal necessity still many bosses or industrialists fail to provide an appropriate safety canons but the good part is that some legal actions can be taken against these employers and industrialists who fail to adopt the actions for safety standards but Employers and industrialists in the unorganized sector do not take worker safety truly, and unless there is statute requiring them to implement safety regulations, no legal action can be taken against them. The majority of tasks in rural areas are allied with the unorganized sector. No institute or entity has the legal authority to regulate the tasks carried out in any informal sector. Due to the absence of legislation supporting them, workers employed in the informal sectors are likewise not legally protected, and a variety of happenings within these sectors are carried out without any legal authorizations or registrations.

2. OCCUPATIONAL AND SAFETY HAZARDS FACED BY AGRICULTURAL WORKERS

The occupational threats faced by agricultural labourers include physical, chemical, biological, mechanical, ergonomic, psychosocial, and environmental risks.



2.1 Types of Occupational Hazards

- **Physical hazards:** Exposure to noisy apparatus, shakings, falls, lunar radiation, and punishing weather situations such as heat leading to heat strain, faintness, and suntan. These hazards can cause injuries, hearing loss, heat stroke, and skin cancer.
- **Chemical hazards:** Exposure to insect killer, fly spray, fertilizers, and other noxious chemicals used in farming. These can cause breathing problems, skin strings, eye taints, and long-term health effects such as poisoning and noxious effects.
- **Biological hazards:** Contact with animals and animal products revealing workers to zoonotic illnesses (diseases transmitted from animals to humans) such as anthrax, brucellosis, leptospirosis, and others. Workers may also suffer contaminations from unclean dust and animal leftover.
- **Mechanical hazards:** Risks arising from unwell designed or insecure apparatus and tools leading to fortunes like cuts, amputations, musculoskeletal disorders, monotonous strain injuries, and cumulative trauma disorders.
- **Ergonomic hazards:** Monotonous movements, weighty lifting, and persistent physical exertion can cause fatigue, musculoskeletal pain, back and neck ailments, and carpal tunnel syndrome.
- **Psychosocial hazards:** Work-related stress and mental health effects due to the physical demands and severe working situations in agriculture.

2.2 Additional Risks

- Breathing diseases due to dust and organic dust toxicity syndrome (ODTS).
- Hurts from slips, falls, and animal-related fortunes.
- Lack of personal protective equipment (PPE) and training exacerbates the risks.
- Lengthy working periods under hostile environmental situations affect workers' health significantly.

These hazards collectively impair the quality of life of agricultural workers and necessitate effective preventive measures including use of PPE, proper training, machinery safety, adequate rest, and health coverage for workers.

The National Commission for Self-employed Women and Women undertook a study in the informal sector to find out the prevalence of work place health issues among female employees. They exposed that women who work in agriculture and other informal sectors are particularly helpless to a number of health issues, such as poor posture, recurrent exposure to risky substances, working lengthy periods without breaks, and working in an unsanitary setting where safety precautions are frequently disregarded. Because of the pitiable working environments in the informal sector, workforces are more likely to grieve from a variety of ailments, such as body pains from hard manual labour, breathing system problems brought on by the existence of poisonous constituents and dangerous components, minor to grave wounds etc.

The rural and informal sectors have tremendously low safety canons. The suitable security kit, such as masks, gloves, goggles etc., is not given to agricultural workers. This type of sloppiness commonly results in severe grievances. These utensils and equipment can shield workers from damage as well as from diverse toxins, but because the informal sector is not regulated and because people are uninformed of safety safeguards, safety protocols are consistently overlooked. Employers' craving to cut costs also leads them to waive funding safety protocols, putting their employees at peril in a numeral of ways.

If suitable care is not trailed, all of these surroundings may have undesirable effects on the workers. Lighting during wet seasons kills a great number of agricultural labourers every year. Heatwaves all over the summer can end in dehydration and physical weakness, which can be deadly. The weather all over the winter can also lead to a sum of issues. For example, workers may be at grave risk from contact to cold waves. Moreover, agricultural workers must contend with a variety of lethal animals, insects, and pests. The working environment is quite hazardous due to things like stepping on snakes, being exposed to mosquitoes and other bugs, being attacked by forest creatures, etc. In this sense, agricultural labourers always put themselves in risk while getting a solid wage.

3. LABOUR LAWS FOR HEATH AND OCCUPATIONAL STANDARDS FOR AGRICULTURAL WORKERS

The health and safety of agricultural workers is not expressly addressed by any legislation that has been passed. This is in spite of the fact that the industry is the most dangerous, labour-intensive, and employs workers who are vulnerable and lack the requisite skills majority of the time. The legislation of India, on the other hand, contains provisions that partially allow for unique rights for workers in the agricultural industry. These elements are included in the legislation. In addition, it is essential to take into consideration that the Plantations Labour Act of 1951 the Insecticides Act, 1968 and the Dangerous Machines (Regulation) Act, 1984.

3.1 The Plantation Labour Act 1951.

a) Object and Scope of Application.

In 1951, the Plantations Labour Act (PLA) was passed in order to regulate the working conditions that were present in plantations. The Act is intended to be implemented over the entirety of India, with the exception of the state of Jammu and



Kashmir. Individuals who are employed on plantations that produce tea, coffee, rubber, and cinchona are the ones who are most likely to benefit from this. These are the kinds of things that can be done in the event that state governments have the goal of expanding the scope of applicability of the law to cover other kinds of plantations. Within the plantations, the Act makes it illegal for women to labour at night and for children to be employed. In addition, it ensures that workers in plantations have access to health care, welfare, and other relevant benefits.

b) OSH Provisions and Enforcement Mechanisms.

Drinking water, restrooms and urinals, as well as medical facilities, are all included in the provisions regarding health. In addition, there are laws that pertain to the welfare measures that are in place for workers on plantations. The Act also includes measures for the restriction of the working hours of plantation workers, which is an additional benefit.

It is necessary to carry out inspections and investigations in order to ensure compliance with the law. Inspections are permitted to be carried out in accordance with the Act by inspectors working for state governments. They are able to inspect and investigate whether or not plantations are complying with the provisions of the Act. This is within their competence.

For the aforementioned persons, they are authorized to access, inspect, investigate, or take any information that they deem necessary, provided that they think it to be appropriate. The offender may be liable to potential punishments such as imprisonment for a term of up to "three months" or a fine that can reach up to "five hundred" rupees, or both, in the event that the requirements of the Act are breached. In addition, the offender may be subject to these potential punishments.

3.2 The Insecticides Act, 1968.

a) Legal Regulation of Insecticides.

Under the Insecticides Act of 1968, workers in the agricultural sector are also afforded some protection from the use of those chemicals. The laws that are specified in this piece of legislation also apply to the manufacturing, sale, importation, transportation, distribution, and use of pesticides. All of these activities are subject to the regulations. On a more specific level, it seeks to safeguard both people and animals against the hazards that are posed by pesticides. Included in its purview is the entirety of the Indian subcontinent.

'Registered' pesticides are required to be manufactured, sold, imported, shipped, distributed, and used in accordance with the legislation. It prohibits the importation and manufacturing of misbranded insecticides, as well as the sale of insecticides that are prohibited by its provisions, any pesticide that is not registered, and any other insecticide that does not comply with the provisions of the Act.

b) Inspections for Enforcement of the Act.

The Act provides for the Central Insecticides Board. As a form of enforcement, it also allows for inspection. Inspectors have the authority to search properties, inspect and question, halt production, sale, importation, transportation, distribution, and usage, and collect pesticide samples for analysis. Insecticide sales may be restricted for reasons of public safety. If you violate the terms of the Act, you are committing an offense that might result in a prison sentence of up to three years and a fine of Rs. 75,000.

3.3 The Dangerous Machines (Regulation) Act 1984.

a) Scope and Object of the Act.

Not only does the hazardous Machines (Regulation) Act of 1983 apply to workers in the agricultural business, but it also applies to workers in other professions that include the use of machines, including those that are considered to be hazardous. This is because the act was passed in 1983. The regulation of such machines encompasses not only the production of this equipment but also their acquisition, distribution, and operational use. This is done with the intention of ensuring the safety of all employees who operate machines of this kind. The provision of monetary compensation in the event that workers or their dependents suffer fatalities or injuries is one of the components that constitute the protection.

Users are not the only ones who are subject to these tariffs; manufacturers are also subject to them. Manufacturers are the ones who are accountable for ensuring that hazardous machinery is up to the required standards during the manufacturing process. They are also required to give out the particulars and provide user guides/manual.

b) Registration and Compensation for Injuries.

On the other hand, users are required to register dangerous equipment in order to ensure that they comply with the regulations, that there is no child working in the machines, and that first aid is provided in the event that the operator sustains any kind of accident or harm. If an operator is injured or killed while operating a dangerous machine, the employer is entitled to provide compensation to the operator. This obligation applies in the case that the operator receives a bodily injury or a fatality. The amount of money that is owed is established in line with the Workers' Compensation Act, which is now known as the Employees' Compensation Act 1923. This act was passed in 1923.

In order to comply with the law, employers are required to get insurance plans that cover the aforementioned subjects. Among the tools that are used to enforce the requirements of an Act are the sections that allow for inspection, search, and seizure. In



addition to this, it details the punishments that are to be enforced in the case that a violation occurs. In the event that you do not comply with the requirements, you may be subject to a fine of up to one thousand rupees and a possible imprisonment sentence of up to six months under the circumstances.

4. RECOMMENDATIONS

- Unorganised sectors and rural sectors must not be overlooked by the government and on the basis of parity the workers in the unorganised sector must get all the elementary amenities which are provided to the workers in the organised sector.
- A universal law to enforce health and safety standards in agricultural activities with its strict execution can improve the current position.
- The proper wages of the agricultural workers must be defined and constantly updated by the government.
- A database at the national level defining the occupational hazards confronted by the agricultural workers can be fairly helpful. The measures for safety protections for such occupational hazards must be described. Health issues must also be clarified in such records so that the policy makers get clarity in framing health principles for agricultural workers.
- Fulfilling the health and safety standards in the agriculture works may be costly, hence government must make funds for investment and must provide subsidies to employers for securing the agricultural workers from the health and occupational hazards.
- Social welfare measures, social security policies must be strictly enforced and the agricultural workers must be connected with proper pension policies as well.
- Government must understand the issues of women agricultural workers as well because they are exploited a lot and such exploitation is miserably ignored by the government. The benefits of maternity leaves must also be provided to such women workers also. Women workers must be made aware about their rights, health standards, policies in their favour & social welfare schemes through social awareness camps.
- To implement the standards of health and safety measures there must be trained and qualified human resources like doctors, physiotherapists, paramedical personnel, counsellors, social workers, etc.
- Scholars, universities and research institutions must conduct more research on the issue of health and safety standards in the agriculture, rural and unorganised sector and the government must support such research works as well.

5. CONCLUSION

Workers in the agricultural, rural and unorganised sector also play a very important role in the economic development of India apart from the workers in the organised sectors. The poor health of workers and no proper standards for safety not only negatively impacts the workers but it also negatively impacts the economic development of India. The workers in the agricultural activities and in rural sector are integral part of the human resources and their proper care is also important. Giving less importance on the occupational health of such workers can decrease the production which can impact other economic sectors also. The situation of women agricultural workers is quite worrisome because they have to bear the responsibilities of taking care of the family along with earning money. The poor standards of health and safety at the agricultural worksites create a hazardous situation for women agricultural workers. The legal framework in India is quite weak to enforce health and safety standards in the unorganised sectors especially in the agricultural activities. The government must take this issue very seriously and take actions to form committees, organisations and task forces for framing strong laws to implement health and safety standards in the unorganised sectors especially in the agricultural activities. Special attention should be there on the health and safety standards for women agricultural workers. For improving the quality of life of agricultural workers, initiatives have to be taken from the side of the government, legal authorities, research institutes, NGOs, social activists, etc.

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