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## A STUDY OF COMPLIANCE OF THE WAGE AND CERTAIN OTHER RIGHTS OF WORKERS IN PETHA INDUSTRY OF AGRA

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**ABSTRACT:** The compliance of wage and statutory rights to workers has been a major problem in India. This research study was undertaken for a purpose to understand if approximately 8000 workers employed in about 500 Petha manufacturing units of Agra are paid minimum wages, work for prescribed hours or longer, paid overtime wages, enjoy rest intervals etc. This is an empirical and exploratory study in which a sample of 200 workers was purposely selected. Interview schedule was used to collect data from select respondents. It has been found that no child worker is employed and 31% of Petha workers are illiterate. Most of the workers have large family size with themselves being the only earning member. 21% of the Petha workers are not paid the minimum wages and almost all of them are required to work for longer than prescribed hours without overtime wages and rest intervals. Lack of regular inspection, maintenance of records and registers make the enforcement of labour laws very ineffective resulting into their gross violation.

**Keywords:** Petha industry, unorganized sector, minimum wages, hours of work, overtime wages, interval for rest, inspection.

### Introduction:

Besides Taj Mahal, Agra the city of India has its fame in the world for its Petha, a sweet which is prepared from the vegetable 'Ash Gourd' or 'White Pumpkin'. Petha manufacturing in Agra is an unorganized industry having approximately 500 cottage establishments, employing nearly 8000 workers. Petha making is a labour intensive process that mostly requires semi-skilled and skilled workers who manually carry out all the steps in the manufacturing process of Petha, such as washing of petha fruit, sorting, cutting into small pieces, removal of seeds, piercing by spikes, immersion in sugar syrup, drying in tray and packing in boxes. With no payment of minimum wages, they are compelled to work for longer hours, without overtime wages and intervals for rest. Petha workers are deprived of their statutory rights and humane working and living conditions. The constitution, labour laws, international organizations, labour administration and workers' trade unions, all seem to have failed in ensuring basic legal and human rights. Academics and researchers have made very few efforts to study and report the working and living conditions of the unfortunate workers of Petha industry. The present study is a tiny research endeavour to empirically investigate the compliance of wage rights of Petha workers in Agra.

### Literature Review:

**Giri, D.V. and Rath, B.P (1998)** observe that in recent years political factors have tended to play a dominant role in determining/revising the minimum rates of wages in the state of Orissa. The increase in the money wages over the years did not ensure any significant rise in the real wages. Even these poultry minimum wages were not paid in most of the establishments in the unorganized sector. Inadequately staffed enforcement machinery and lack of political will on the part of the government to ensure payment of minimum wages to all the workers employed in the unorganized sector were among the major factors responsible for the non-implementation. One of the major recommendations of the study is that the government should involve the NGOs/ voluntary organizations in ensuring payment of minimum wages.

**Rao, V.M et.at (2006)** analyze deprivations and priority social security needs in relation to unorganized workers- construction workers, domestic workers and agricultural labourers. By presenting indices of economic conditions and deprivations they conclude three points. First, there is a considerable heterogeneity across and within the three sub-sectors of unorganized workers. It would, therefore, be a serious mistake to treat the unorganized sector as homogeneous for the purpose of formulating strategy and programmes for their development. Second, the Below Poverty Line (BPL) norm is inadequate in providing social security benefits to the unorganized workers. Third, the unorganised workers tend to be localized in the sense that improvements in their conditions need major infrastructural and related improvements in the rural/urban localities in which they live.

**Business Standards (2008, March 11)** raising labour concerns for Indian Government the main problem of minimum wage legislations of India is its poor implementation. Poor implementation of Minimum Wages Act, 1948 does not affect organized worker so much as it does to workers in the unorganized sector such as the Petha Industry of Agra. Business Standards (2008, March 11) brings out that the poor enforcement of the Act arises mainly due to lack of awareness amongst the workers about minimum wage provisions and their entitlement under the labour laws. Also, many workers, for the fear of losing their jobs do not report about payments lower than the minimum wage rate. At times, these workers are even forced by their employers to certify payments below minimum wages. Surveys have shown that almost 80% of workers in unorganized sector earn less than 20 Rs. a day, or less than half the government- stipulated rural minimum wage of 49 Rs. a day and urban wages of 67 Rs. This is particularly true in remote areas and in areas whereworkers are nonunionized or otherwise organized. As a result their wages have long since failed to keep pace with the rising cost and continue to diminish in real value overtime.

**Priya Deshingkey, (2009)** finds that, on the whole, the system of labour inspection under the Indian Labour Department has been ineffective due to combination of corruption, loopholes in the law, resource shortages and low political priority accorded to improving labour standards. Some occupations cannot be policed properly because there are no laws to cover them. Even when labour laws are formulated, the effort seems to be half-hearted because of the many ways in which laws can be circumvented.

**Srijit Mishra, (2014)** shows that about 80 percent of the workers' place of work does not have any association with union. This limits their opportunity to organize themselves. The modern day slavery through debt bondage and trafficking for sexual exploitation is a matter of concern. Children are particularly vulnerable, but what more appalling, is the hypocrisy of justifying everyday forms of child labour as do-good, to mask the greater social evil. Providing for minimum working conditions and provisioning for social security is as important as the specific requirements for each category of workers-agricultural labourers, farmers, or for the broad spectrum of non-agricultural workers including hawkers and street vendors and domestic workers among others. Equally important is to strengthen the database for this sector in all its facets, as it will help our understanding and help take informed and reasoned decisions.

**Shivangi Singh,(2017)** in her study "Impact of Minimum Wages Act, 1948 in reference to work in unorganized sector" found that minimum wages for same category of workers varies from state to state. There is a wide disparity in wages among skilled and unskilled workers. There is absence of Variable Dearness allowances in same occupation in different states. In some states, some occupations are not covered under scheduled employments.

**Biju, Varkkay and Rupa, Korde (2018)** conclude that labour laws in India have often and rightly been criticized for being redundant, fragmented and bureaucratic. There is a significant room for restructuring, which could transform the system into a model, all-inclusive regulatory framework, in line with developed countries. Earlier studies have shown that most of the Asian countries which are developing countries do not focus beyond minimum wages while undertaking reforms. However, the current Indian scenario depends onreform that goes well beyond just the minimum wages- i.e, minimum structural changes or a 'Band-Aid' partial reform of labour laws and regulation- to institute a system under which all workers are eligible to obtain at least a 'living wage'. A new wages code and the proposed reform to the minimum wages should be tools to aid the establishment of the living wage system. To that end, the government and other stakeholders- including employers and trades unions- have to break from tradition and experiment with new approaches, including innovative and active labour market policies.

**Sharma, Mohit (2022),** explores the role of minimum wages on the earnings of all categories of workers including self- employed in the non-farm sector. They find that for unskilled and semi-skilled workers who have studied up to secondary education, higher levels of minimum wage reduce the earning gap between regular, own-account, and casual workers. This might indicate the "lighthouse effect", where both casual and own- account workers (Primarily engaged in informal activities) use minimum wages as a numeraire to carry out earning negotiations. It has also been found that a higher level of minimum wage reduces the earning disparity between males and females.

### Objectives of the Study:

The study was conducted to achieve the following objectives:

1. To find out whether workers in Petha-making establishments of Agra are paid minimum wages in compliance with the notification of the state government of Uttar Pradesh;
2. To study if workers are required or allowed to work in Petha-making establishments for the working hours as prescribed under legal provisions;
3. To find out whether workers are paid overtime wages at twice the rate of ordinary wages when they are required to work in excess of the legally prescribed working hours;

4. To know if regular inspections are conducted by the labour enforcement machinery to ensure effective implementation of provisions of various labour laws;
5. To study if certain other rights such as leave with wages, intervals for rest and maintenance of records etc. are provided to the workers in Petha-making units of Agra;

### Research Methods:

Agra is world famous for Taj Mahal and Petha Sweet. There are approximately 500 micro and small Petha-making industrial units in Agra city of Uttar Pradesh, India wherein about 8000 workers are estimated to be employed. Being highly unorganized and engaged in informal sector, workers of Petha industry are not enjoying their wage and statutory rights, hence the present study. The Research Design of the study is exploratory in nature as it seeks to investigate empirically the phenomenon of compliance of the wage rights of the workers in Petha industry of Agra. Almost all Petha manufacturing establishments are in the informal and unorganized sector. A purposive sampling size of 200 workers was selected for the present study. An interview schedule comprised of fifteen major questions related to wage rights was prepared for data collection. Respondent workers ranging from 02 to 06 were selected in proportion to the size of each establishment. Respondents were approached through snowballing method to conduct face to face personal interviews. Data was tabulated analyzed manually and interpreted generalized inductively and deductively.

### Analysis & Interpretation:

**Table-1 Age of the Workers**

Age Group	No. of Workers	Percent
15-25	30	15.00
25-35	71	35.50
35-45	64	32.00
45-55	28	14.00
55-65	07	03.50
Total	200	100.00

The above table-1 shows that the highest number (35.5%) of workers is in the age group between 25 and 35 years of age 32% of workers fall in the age group 35-45 years. Percentage of workers in the age group of 15 to 25 years is 15% workers of age group 45-55 account for 14% only whereas, the least number i.e. 3.5% of workers are in the age group of 55 to 65 years of age. Probably because of strict implementation of child labour prohibition laws and hard and arduous nature of work, child workers are not found employed in the Petha industry of Agra. Abject poverty conditions might have compelled the old persons to work beyond the usual retirement age of 60 years.

**Table-2 Educational Qualification of Workers**

Educational Qualification	No. of Workers	Percent
Illiterate	62	31.00
Primary	60	30.00
Matrix	43	21.50
Intermediate	33	16.00
Graduation	02	01.00
Total	200	100.00

Table-2 shows that 31% of workers in Agra's Petha industry are illiterate and an almost equal number i.e, 30% are educated till primary level. 21.50% and 16.50% of respondents were matric and intermediate (12<sup>th</sup> standard) qualified respectively. Only 1% of the workers are graduates. Petha making is unskilled and labour intensive. Therefore, most of the workers employed in Petha-sweet making industry are blue collar manual workers.

**Table-3 Marital Status of Workers**

Marital Status	No. of Workers	Percent
Married	171	85.50
Unmarried	29	14.50
Total	200	100.00

Table-3 shows that 85.50% of workers are married, while the rest of them are unmarried. As most (85.50%) of the workers are married, hence burdened with financial responsibilities towards their families, it usually causes to them the problem of work life balance.

**Table-4 Family Members of Workers**

Family Members	No. of Workers	Percent
01-05	111	55.50
05-10	84	42.00
10-15	05	02.50
Total	200	100.00

Data presented in Table-4 depicts that highest number of workers, (55.5%) have upto 05 members in their families and a majority of workers 42% have more than 05 but upto 10 members in their families. Only 2.5% of workers have more than 10 members in their families. Compulsion to work for long hours for paltry wages and poor socio economic conditions of workers seem to have strong correlation with the large size of families of workers.

**Table-5 Earning Members of Workers' Family**

Earning Members	No. of Workers	Percent
1	130	65.00
2	50	25.00
More Than 2	20	10.00
Total	200	100.00

Table-5 demonstrates that majority of workers (65%) are the sole earning members in their families. 25% and 10% of workers have two or more than two earning members in their families respectively. Having only one earning members in entire family increase the vulnerability of the working class.

**Table-6 Duration of Service of Workers**

Years	No. of Workers	Percent
≤ - 10	126	63.00
10-20	42	21.00
20-30	28	14.00
30-40	04	02.00
Total	200	100.00

Table-6 shows that majority of workers (63%) have been working for a decade. 21% of them have rendered their services from more than a decade upto 20 years. 14% of workers have worked between 20 and 30 years of duration and 2% of them have completed more than three decades. This data reveals that Petha industries retain the workers for a sustained period of long duration without facing the problem of attrition or turnover.

**Table-7 Daily Wages of Workers**

Daily Wages	No. of Workers	Percent
200-300	42	21.00
300-400	153	76.50
400-500	05	02.50
Total	200	100.00

Table-7 Shows that 21% of workers receive wages between Rs. 200-300 and 76.50% and 2.50% get their wages between Rs. 300-400 and Rs.400-500 respectively. Daily wages of Rs. 365.54, Rs. 403.19 and Rs.451.65 have been fixed for unskilled semi- skilled and skilled categories of workers respectively by the state government of Uttar Pradesh under section 03 of the Minimum Wages Act, 1948. There is no such categorization of workers found in the Petha manufacturing units of Agra, for want of a strict legal definition and its strict enforcement. More than 21% of workers receive less than minimum wages prescribed even for the unskilled workers. All of the workers are treated as unskilled, for lack of categorized and legally enforced definition of different categories of workers.

**Table-8 Classification of Work**

Classification of Work	No. of Workers	Percent
Skilled	122	61.00
Semi-Skilled	43	21.50
Unskilled	35	17.50
Total	200	100.00

Table- 8 Depicts the proportion of the skilled, semi-skilled and the unskilled workers which stands at 61.00%, 21.5% and 17.50% respectively.

**Table-9 Wage Period of Workers**

Wage Period	No. of Workers	Percent
Daily	03	1.50
Weekly	01	0.50
Fortnightly	190	95.00
Monthly	06	03.00
Total	200	100.00

Table.9 shows daily, weekly, fortnightly and monthly wages periods are observed in 1.5%, 0.5%, 95% and 03% respectively. An overwhelming number of workers, 95% are paid their wages fortnightly and wages period exceeds now here beyond legally prescribed maximum duration of one month. Section 4 of the payment of wages Act, 1936 is fully complied with as the workers are paid their wages in accordance with it.

**Table-10 Daily Working Hours of Workers**

Wage Period	No. of Workers	Percent
≤ -09	05	02.50
09-12	110	55.00
12-15	69	34.50
15-18	16	08.00
Total	200	100.00

Table 10 depicts that majority of workers i.e, 55% work 09 to 12 hours a day, while 34.5% of them have to work 12 to 15 hours per day. 8% of the workers are required to work from 15 to 18 hours daily in gross violation of section 13 of the Minimum Wages Act, 1948 and also in severe violation of sections 51 and 54 of the Factories Act, 1948 and sec 6 (hours of work overtime) of the Uttar Pradesh Shops and Commercial Establishment Act, 1962.

**Table-11 Wages for Overtime Workers**

Overtime	No. of Workers	Percent
Yes	18	09.00
No	182	91.00
Total	200	100.00

The above table 11 reveals that 91% of workers don't get any wages for the work done in excess of a normal days working hours. Only 9% of them get overtime wages at ordinary rate. None of the workers received overtime wages at twice the rate of their ordinary wages in gross violation of section 14 of the Minimum Wages Act, 1948 and section 59 of the Factories Act, 1948.

**Table-12 Rest Interval for Workers**

Interval	No. of Workers	Percent
Yes	31	15.50
No	169	84.50
Total	200	100.00

Table 12- Only 15.50% of workers are allowed rest intervals, whereas highest no of workers i.e, 84.50% are not allowed rest intervals which violates section 13 of Minimum Wages Act, 1948, Section 55 of the Factories Act, 1948 and Sec 27 of the Uttar Pradesh Shops and Commercial Establishment Act, 1962.

**Table-13 Leave with Wages**

Leave with Wages	No. of Workers	Percent
Yes	21	10.50
No	179	89.50
Total	200	100.00

Table 13 demonstrates that an overwhelming no. of workers (89.50%) don't get 'leave with wages' while only 10.50% workers are granted 'leave with wages'. Most of the Petha- Making units did not allow leave with wages to their workers despite them being qualified for the same under section 79 of the Factories Act, 1948, Sec 12 of the Uttar Pradesh Shops and Commercial Establishment Act, 1962.

**Table-14 Maintenance of Register of Workers**

Maintenance of Register	No. of Workers	Percent
Yes	76	38.00
No	124	62.00
Total	200	100.00

Table 14-Majority (62%) of workers told that no register of workers and other records were maintained by the employers of their establishments. However, 38% of them responded in affirmative about it.

**Table-15 Inspection by Labour Officer**

Inspection of Labour Officer	No. of Workers	Percent
Yes	06	03.00
No	194	97.00
Total	200	100.00

Table 15- The highest number (97%) of workers stated that enforcement officials do not visit the establishment for regular inspections, while 3% revealed that Petha establishments are inspected by labour officials regularly.

**Findings:**

Findings of the above empirical study are as following:

1. No child worker was found employed, showing that The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 is strictly complied within Petha Industry of Agra.
2. 31% of Petha workers are illiterate that means only 69% of them are literate which is lower than India's literacy rate of 77.70%, according to the National Family Health Survey (NFHS-5) and National Statistical Office: NSO( 2021 and 2022). Intermediate (10+2) and graduates workers are 16.50% and 1% respectively, therefore we can infer that 17.50% of educated persons are underemployed.
3. 85.50% of the respondents are married and 44.50% of total workers have a family of more than five members and there is only one earning member in the family of 65% of workers. Larger family size, lesser number of earning members and lower wages definitely cause conditions of abject poverty and pauperism. Because of combined effect of above three factors Petha workers are very poor and financially vulnerable.
4. Of all the Petha workers 63% have been working for less than ten years, whereas 37% of them have been working for more than ten years. Despite having acquired necessary competences and skills of Petha manufacturing and its backward and forward linkages, workers are deprived of living wages and social security benefits.
5. Although there are no clearly prescribed parameters for classification of worker into skilled, semi-skilled and unskilled categories, yet workers were classified into the above categories on the bases of their responses and duration of service. It was found that some of the workers were receiving minimum wages prescribed for unskilled workers, despite most of them being in the skilled and semi-skilled categories. 21% of the workers were paid less than the minimum wages prescribed for the unskilled category, whereas majority of workers were not paid minimum wages as laid down for their respective categories.
6. Majority (55%) of workers work for 9 to 12 hours a day, 34.5% of workers work for 12 to 15 hours whereas 8% of workers work for 15 to 18 hours a day. 91% of the workers who are required to work for more than 48 hours a week are not paid any overtime wages which is gross violation of section 59 of The Factories Act, 1948, Section 14 of The Minimum wages Act, 1948 and section 6 of the Uttar Pradesh Shops and Commercial Establishment Act, 1962. Longer working hours have immensely contributed to the

problem of very high rate of unemployment in India. Longer working hours without any additional remunerative wages are indicative of a modern form of slavery.

7. 89.5% of workers are not granted leave with wages and 84.5% of workers are not allowed intervals for rest in gross violation of sections 79 and 55 of the Factories Act, 1948 Section 13 of the Minimum wages Act, 1948 and Sections 12 and 27 of Uttar Pradesh Shops and Commercial Establishment Act, 1962.
8. Necessary records and registers of workers are not maintained and regular inspections are not carried out by the labour enforcement machinery in majority of the Petha making establishments of Agra.

### Conclusion:

Present descriptive empirical survey study of 200 respondents from approximately 500 Petha-making units of Agra brought forth many insights unknown hitherto, regarding wage rights of the labourers. Lower rate of literacy of Petha workers of Agra than that of national average calls for immediate enhanced and targeted efforts to improve it further upward. Petha workers have large families with more dependent members, and themselves being sole earning members of their respective families keep them poor and financially vulnerable. They ought to be made aware of benefits the planned family with multiple earning members. More than 1/5<sup>th</sup> of Petha workers are paid less than minimum wages and almost all of them are required to work for very long hours without any overtime wages. Many of them, like modern slaves, are forced to work for more than fifteen hours without any interval for rest. Union and state governments, labour bureaucracy and trade unions instantly need to endeavour to liberate the Petha workers from such slave like conditions and ensure to them their legal rights as to wages, working hours and social security measures. The Minimum wages Act, 1948 and the Code on Wages, 2019 provide for different rates of minimum wages of skilled, semi- skilled and unskilled workers without defining these categories. For lack of such definition, semi-skilled and even skilled workers are paid minimum wages prescribed for the unskilled. This definition need to be explained in the provisions of the wage laws. Petha manufacturing establishments rampantly violate legal rights of workers in absence of their regular inspection by labour enforcement officials. An effective mechanism of online monitoring, virtual surveillance and a minimum number of compulsory physical inspection in a prescribed timeframe should be made part of provisions of labour laws to achieve the satisfactory level of compliance of the wage and other rights for workers of not only Petha industry of Agra, but also for workers of other industries of India as a whole.

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