

Bill No. 261 of 2019

THE AGRICULTURAL WORKERS WELFARE FUND BILL, 2019

By

SHRI SU. THIRUNAVUKKARASAR, M.P.

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BILL

to establish an Agricultural Workers Welfare Fund for the welfare and development of agricultural workers and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural Workers Welfare Fund Act, 2019.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such a date as the Central Government may, by notification
5 in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “agriculture” with all its grammatical variations and cognate expressions, includes floriculture, horticulture, sericulture, the raising of crops, grass or garden

produce, dairy farming, poultry farming, stock breeding, cutting of wood or grass, gathering of fruit, raising of man-made forest or rearing of seedlings or plants;

(b) "Fund" means the Agricultural Workers Welfare Fund constituted under section 3;

(c) "prescribed" means as prescribed by the rules made under this Act; and 5

(d) "workers" mean workers engaged in any activity connected with agriculture.

Constitution
of Agricultural
Workers
Welfare Fund.

3. (1) The Central Government shall, by notification in the Official Gazette constitute a Fund to be known as the Agricultural Workers Welfare Fund for carrying out the purposes of this Act.

(2) The Central Government and State Government shall contribute to the Fund in such ratios as may be prescribed. 10

(3) The Fund shall be administered by a Committee consisting of:—

(a) a Chairperson to be appointed by the Central Government having experience of at least ten years in the field of farmers welfare, agriculture or rural development;

(b) a Deputy Chairperson to be appointed by the Central Government having such qualification as may be prescribed; 15

(c) seven members of Parliament of whom four shall be from the House of the People and three from the Council of States to be nominated by the respective Presiding officers of the Houses and having a background in agriculture related activities;

(d) four members to be appointed by the Central Government to represent the Union Ministries of Agriculture and Farmers Welfare, Labour and Employment, Finance and Rural Development, respectively; 20

(e) four members to be appointed by the Central Government from amongst the agricultural workers covered under this Act; and

(f) four members to be nominated by the Governments of the States to be rotated amongst the States in alphabetical order. 25

(4) The Fund shall be utilized for the following purposes, namely:—

(i) payment of unemployment or sustenance allowance to agricultural workers during off season period;

(ii) free health facilities for the agricultural workers and their families in the hospitals to be set up for the purpose; 30

(iii) free educational facilities to the children of agricultural workers;

(iv) payment of compensation of workers who sustain injuries during work;

(v) payment of compensation to families of workers who die in harness;

(vi) payment of premium group life insurance cover of workers; 35

(vii) payment of disability allowance in case of accident at the workplace and are not able to work further;

(viii) payment of old age pension to those workers who have attained sixty years of age and are not gainfully employed;

(ix) provision of suitable facilities like canteen, health, recreation, water etc. at work places; 40

(x) payment of bonus to workers; and

(xi) payment of maternity benefit and establishment of creche facilities for the children of female agricultural workers covered under this Act.

(5) The Salary and allowances payable to, and other terms and conditions of service of Chairperson, Deputy Chairperson and other member of the Committee shall be such as may be prescribed.

5 **4. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the Committee constituted under sub-section (3) of section 3, for carrying out the purposes of this Act.**

Central Government to provide adequate Funds.

5. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act not in derogation of other law.

10 **6. (1)** The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, 15 both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The agricultural sector of the economy in India is the largest sector in terms of employment of the workforce. It consists of crop cultivation and other agricultural activities such as forestry, livestock and fishing. The workers in this sector may be broadly divided into wage workers, and farmers. Almost the entire agricultural sector (except the Plantation Sector) is unorganized *i.e.* it has neither any formal system of social security nor regulation of conditions of work.

According to estimates of the 2011 Census, there are close to 230 million people who are employed as agricultural workers in India. More and more firm workers are moving away from agriculture and this has been negatively affecting the country's productivity especially in crops which are labour intensive like Paddy, Wheat, Cotton, Sugarcane and Groundnut. Currently, the profession of agricultural labour is of 'all pain and no gain'. Across the country, monthly earnings have been found to be as low as one thousand rupees. This poor economic state is further worsened when coupled with the pitiable other hazardous conditions of these workers. Excessive working hours lead to poor health and low life expectancy across the profession. Accessibility towards basic healthcare and education as well as essential social security schemes is virtually inexistent. The seasonal nature of this profession further adds to the woes of these citizens, who constitute the poorest thirty per cent. of the country who are left to fend for their lives during off-season without any money.

The agricultural workers in the Unorganised Sector face problems that arise out of deficiency or capability deprivation in terms of inadequate employment, low earnings, low health, etc., as well as of adversity in the absence of fall back mechanisms (safety net). These workers have limited or no formal social security cover which increases their vulnerability during times of illness, old age, unemployment and untimely death. The absence of social security mechanisms is a critical factor in downturns in the conditions of these households, many of whom are already very poor. It destroys the workers ability to contribute meaningfully, and to increasing production and productivity. It leads to disaffection increasing social costs, widespread crimes, and persistent ill health.

The changing nature of agricultural production—including the increased use of chemicals and machinery—is aggravating risks. This is particularly true in a number of developing countries where education, training and occupational safety and health services are largely inadequate. While there is a very long way to go in terms of establishing a satisfactory life for these workers, it is sad to say that even the bare minimum has not been done towards realising this very important goal.

The present Bill strives to constitute a Agricultural Workers Welfare Fund to establish through basic policy measures the rights that these workers deserve. It intend to cover agricultural workers, who are all agricultural wage workers not protected under the Plantations Labour Act, 1951 and marginal and small farmers. It also intends to provide a measure of social security to agricultural wage workers and marginal and small farmers in the unorganised sector.

Hence this Bill.

NEW DELHI;
November 6, 2019.

Su. THIRUNAVUKKARASAR

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of a Agricultural Workers Welfare Fund and for the benefit of agricultural workers. It also provides for a Committee consisting of a Chairperson, Deputy Chairperson and other member for administration of the Fund. Clause 4 provides for the Central Government to provide adequate funds for carrying out the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees five hundred crore will be involved per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

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(Shri Su. Thirunavukkarasar, M.P.)