

**Bill No. 38 of 2019**

THE POOR AND DESTITUTE AGRICULTURAL WORKERS  
(WELFARE) BILL, 2019

By  
SHRI JANARDAN SINGH 'SIGRIWAL', M.P.

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BILL

*to provide for welfare measures for the poor and destitute and such other agricultural workers living in villages and constitution of a Welfare Fund for payment of compensation in cases of death or permanent disability, old-age pension, medical assistance, maternity and creche facilities for the women workers and for regulating the conditions of work 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 Poor and Destitute Agricultural Workers (Welfare) Act, 2019.

Short title,  
extent and  
commencement.

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(2) It extends to the whole of India.

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

Definitions.

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

(a) "agricultural land" means any cultivable land used for cultivation of any agricultural produce, dairy farming, growing and harvesting of any horticultural product, raising and rearing of livestock, beekeeping, poultry, growing fodder and such other activities as may be connected with agriculture; 5

(b) "agricultural worker" means any person who works as a labourer on hire or in exchange whether in cash or in kind or partly in cash and partly in kind in farming activities including cultivation and tillage of soil, dairy farming, activities related to harvesting of horticultural commodities and includes any activity related to production of agricultural produce and rearing of livestock, poultry or any such work; 10

(c) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(d) "Authority" means the Poor and Destitute Agricultural Workers Welfare Authority established under section 3;

(e) "employer" means any person who employs agricultural workers in any manner; 15

(f) "Fund" means the Poor and Destitute Agricultural Workers Welfare Fund constituted under section 5;

(g) "poor and destitute" means any person not living in a pucca house and includes those who live in huts with thatched roof or kutcha house and whose annual income from all sources does not exceed rupees ten thousand; and 20

(h) "prescribed" means prescribed by rules made under this Act.

Establishment  
of a Poor  
and Destitute  
Agricultural  
Workers and  
Artisans Welfare  
Authority.

3. (1) **The Central Government shall, as soon as may be, by notification in the Official Gazette, establish on authority to be known as Poor and Destitute Agricultural Workers Welfare Authority for the purposes of this Act.** 25

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and common seal with power to acquire, hold and dispose off property, both movable and immovable, and to contract and shall by the said name, sue and be sued.

(3) **The headquarters of the Authority shall be at Maharajganj in the State of Bihar and the Authority may establish offices at such other places in the country as it may deem necessary for carrying out the purposes of this Act.** 30

(4) The Authority shall consist of the following members, namely:—

(a) the Union Minister of Labour and Employment, who shall be the Chairperson *ex-officio*; 35

(b) **a Deputy Chairperson to be appointed by the Central Government having the background or specialization in labour related issues and such other qualifications as may be prescribed;**

(c) **five members of Parliament of whom three shall be from the House of the People and two from the Council of States to be nominated by the presiding officer of the House concerned;** 40

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

(e) **three members to be appointed by the Central Government from amongst the poor and destitute agricultural workers in such manner as may be prescribed; and** 45

(f) not more than four members to be appointed by the Central Government in consultation with the State Governments, representing State Governments in the alphabetical order and it shall be ensured that all the States get represented in the Authority by rotation.

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

10 (6) The Authority shall have a Secretariat with such number of officers and staff with such terms and conditions of service as may be prescribed from time to time.

(7) The Authority shall observe such procedure in the transaction of its business, as may be prescribed.

(8) The quorum to constitute any sitting of the Authority shall be such as may be prescribed.

15 4. (1) The Authority shall perform such functions relating to welfare measures for the poor and destitute agricultural workers as may be assigned to it by the Central Government.

Functions of the Authority.

(2) Without prejudice to the generality of the provisions of sub-section (1), the welfare measures referred to therein may also provide for,—

20 (i) maintaining a district-wise register of poor and destitute agricultural workers in such manner and with such particulars and details as may be prescribed;

(ii) maintaining agricultural land records from village level to district level;

25 (iii) maintaining district-wise register of employers employing poor and destitute agricultural workers with such particulars and in such manner as may be prescribed;

(iv) regulating the conditions of work and fix minimum wages for the poor and destitute agricultural workers;

(v) payment of old-age pension to the poor and destitute agricultural workers and provision of provident fund facilities for them;

30 (vi) payment of compensation at prescribed rates to the families of poor and destitute agricultural workers who die prematurely due to accident or illness or due to any other unnatural reason;

(vii) providing free of cost health care to the poor and destitute agricultural workers in such manner as may be prescribed;

35 (viii) providing maternity and creche facilities for the female workers covered under this Act;

(ix) providing insurance facility to all the workers covered under this Act; and

(x) such other provisions as may be deemed necessary for carrying out the purposes of this Act.

40 5. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund for the purposes of this Act to be called the Poor and Destitute Agricultural Workers Welfare Fund with an initial corpus of rupees ten thousand crore to be provided by the Central Government by due appropriation made by law by Parliament in this behalf.

Establishment of a Poor and Destitute Agricultural Workers Welfare Fund.

45 (2) The Central Government, State Governments and employers of the poor and destitute agricultural workers shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donations, contribution or assistance from individuals, organizations or otherwise shall also be credited to the Fund.

(4) The Fund shall be used for the welfare of the poor and destitute agricultural workers by the Authority in such manner as may be prescribed. 5

Appropriate Government to ensure implementation of the Act.

6. Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to ensure effective implementation of the provisions of this Act.

Power to remove difficulties.

7. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as appears to it to be necessary or expedient for the removal of such difficulty: 10

Provided that no such order or direction shall be made or given after the expiry of two years from the commencement of this Act.

Act not in derogation of any other law.

8. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force regulating any of the matters dealt within this Act. 15

Powers to make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(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, 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. 20 25

## STATEMENT OF OBJECTS AND REASONS

Majority of our population lives in the villages and most of them depend on agriculture in one way or the other. Millions of poor and destitute agricultural workers form part of the rural population. The agricultural workers work on the fields or farms of the farmers to earn their livelihood. They are poverty-stricken, homeless as they live in huts with thatched roof with no security from rains and cold and are landless and remain exploited throughout their lives. As they are unorganized they work round the year and are denied even the basic facilities of minimum wages, maternity benefit etc. by their employers. Even two square meals and a pair of clothes is a luxury for them.

Ours is a welfare State. Hence it is the duty of the Central and State Governments to protect the poor and destitute agricultural workers, who make immense contribution to our GDP, by introducing welfare measures and legal protection for them as they too are part and parcel of our society and the nation.

Hence this Bill.

NEW DELHI;  
*June 4, 2019.*

JANARDAN SINGH 'SIGRIWAL'

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Poor and Destitute Agricultural Workers Welfare Authority. Clause 4 provides for maintaining a district-wise register of poor and destitute agricultural workers and for provision of certain facilities to these workers. Clause 5 provides for the constitution of the Poor and Destitute Agricultural Workers Welfare Fund with an initial corpus of rupees ten thousand crore to be provided by the Central Government. Thereafter, funds are to be provided annually. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five thousand crore would be involved as recurring expenditure per annum. A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 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 power is of a normal character.

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*(Shri Janardan Singh 'Sagriwal', M.P.)*