

Bill No. 90 of 2022

THE AGRICULTURAL WORKERS (WELFARE AND
PROTECTION) BILL, 2022

By

SHRI UNMESH BHAIYYASAHEB PATIL, M.P.

A

BILL

*to provide for the welfare and protection of agricultural
workers and for matters connected therewith
or incidental thereto.*

BE it enacted by Parliament in the Seventy-third Year of the Republic of India
as follows:—

CHAPTER I

PRELIMINARY

5 1. (1) This Act may be called the Agricultural Workers (Welfare and Protection)
Act, 2022.

Short title,
extent and
commencement.

(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) “adult” means a person who has completed eighteen years of age;

(b) “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;

(c) “agricultural dispute” means any dispute or difference between landowners and landowners or between landowners and agricultural workers or between agricultural workers and agricultural workers which is connected with the employment or unemployment or the terms of employment with the conditions of labour, of any person:

Provided that where any landowner discharges, dismisses, retrenches or otherwise terminates the services of, or denies employment to, an individual agricultural worker, any dispute or difference between that agricultural worker, and his employer connected with, or arising out of, such discharge dismissal, retirement, termination or denial of employment shall be deemed to be an agricultural dispute notwithstanding that no other agricultural worker nor any union of agricultural workers is a party to the dispute;

(d) “Agriculture Tribunal” means the Agricultural Tribunals constituted under section 4;

(e) “Agriculture Welfare Officer” means an officer appointed under section 6;

(f) “agricultural workers” means a person who follows one or more of the agricultural occupations as notified by the Central Government in consultation with State Government in the Schedule in the capacity of labourer on hire or in exchange whether in cash or in kind or partly in cash and partly in kind;

(g) “appropriate Government” means in the case of a State, the Government of that State and in all other cases, the Central Government;

(h) “Conciliation Officer” means the conciliation officer appointed under section 3;

(i) “Fund” means the Agriculture Worker’s Welfare Fund constituted under section 7;

(j) “prescribed” means prescribed by rules made under this Act; and

(k) ‘Scheme’ means the Scheme for the Welfare of Agricultural Workers formulated under section 8.

CHAPTER II

OFFICERS AND AGRICULTURAL TRIBUNAL

Appointment of Conciliation Officers.

3. The appropriate Government may, by notification in the Official Gazette, appoint any officer of the Labour Department not below the rank of Assistant Labour Officer to be a Conciliation Officer for any area specified therein for the purpose of performing the functions entrusted to a Conciliation Officer by or under this Act.

Constitution of Agricultural Tribunals.

4. (1) **The appropriate Government may, by notification in the Official Gazette, constitute an Agricultural Tribunal for any area specified therein for the purpose of performing the functions of the Agricultural Tribunal under this Act.**

(2) An Agricultural Tribunal shall consist of a sole member, who shall be an officer not below the rank of Deputy Collector to be appointed by the appropriate Government in such manner as may be prescribed.

(3) The Central Government in consultation with the State Government may prescribe rules for the procedure and functions of the Agricultural Tribunal.

5. (1) The appropriate Government may, by notification in the Official Gazette, appoint—

Appointment
of Inspectors.

5 (a) such number of its officers, or

(b) such number of persons possessing the prescribed qualification, as it deems fit,

to be inspectors for carrying out the purposes of this Act and define the local limits within such inspectors shall exercise their powers.

10 (2) The appropriate Government shall prescribe powers and rules for making an entry on land, inspection, examination or inquiry under this Act by the inspectors appointed under sub-section (1).

CHAPTER III

AGRICULTURAL WORKERS' WELFARE FUND

15 6. The appropriate Government shall, by notification in the Official Gazette, appoint a Agricultural Welfare Officer for carrying out the purpose of this Chapter.

Appointment
of Agricultural
Welfare
Officer.

20 7. (1) The Central Government shall, in consultation with the State Government, constitute a Fund to be known as the Agricultural Workers' Welfare Fund to which the Central Government and the State Governments shall contribute in such a ratio as may be prescribed.

Constitution
of Agricultural
Workers'
Welfare Fund.

(2) The Fund constituted under sub-section (1) shall be utilised to give effect to the provisions of this Act.

25 8. (1) The Central Government shall, in consultation with the State Governments, as soon as may be, but not later than one year from the commencement of this Act, formulate a scheme for the Welfare of Agricultural workers.

Formulation of
a scheme for
the welfare of
Agriculture
worker.

(2) Without prejudice to the generality of the foregoing provision, the Scheme shall provide for the agricultural workers,—

30 (i) a comprehensive insurance scheme;

(ii) old age pension;

(iii) free health care facilities; and

(iv) payment of compensation in cases of accident during agricultural operations.

35 9. (1) Each State Government shall, in consultation with the Central Government, by notification in the Official Gazette, constitute with effect from such date as may be specified in the notification a Board to be called the Agricultural Workers' Welfare Fund Board for the administration of the Fund.

Constitution
of Agricultural
Workers'
Welfare Fund
Board.

40 (2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Board shall consist 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;

45 (b) a Deputy Chairperson to be appointed by the State Government having experience of at least seven years in the field of farmers welfare, agriculture or rural development;

(c) two members of Parliament of whom one shall be from the House of the People and the other member from the Council of States to be nominated by the Presiding Officers of the Houses concerned:

Provided that the Member from the Council of States shall be appointed in such a manner that he is in the Board of the State he has been elected from; 5

(d) two members from the Legislative Assembly of the State in which the State Government has notified for the constitution of the Board:

Provided that in the State having Legislative Council one of the members shall be from the Council; 10

(e) a Central Agricultural Welfare Officer to be appointed by the Central Government in such manner as may be prescribed;

(f) a State Agricultural Welfare Officer to be appointed by the State Government in such manner as may be prescribed; and

(g) a member from the field of law, economics or agriculture with requisite qualifications who has been recommended and appointed by the State Government in consultation with the Central Government. 15

(4) The salary and allowances payable to, and other term of office of, and the manner of filling casual vacancies among, the members of the Board shall be such as may be prescribed. 20

(5) The names of the Chairperson, the Deputy Chairperson and the members, shall be published in the Official Gazette.

Utilisation of
the Fund.

10. The Fund shall be utilised for the following purposes, namely:—

(i) payment of unemployment or sustenance allowance to agricultural workers during off season period; 25

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

(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; 30

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

(vii) payment of disability allowance in case of accident at workplace and the agricultural worker is 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; 35

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

(x) payment of bonus to workers; and

(xi) payment of maternity benefit and establishment of creche facilities for the female agricultural workers covered under this Act. 40

CHAPTER IV

RIGHTS OF AGRICULTURAL WORKERS

Hours of
Work.

11. Save as otherwise expressly provided in this Act, no adult agricultural worker shall be required to work for more than eight hours in any day:

5 Provided that nothing contained in this section shall be deemed to prohibit an agreement between the landowner and the agricultural workers for working for less than eight hours as the case may be, on any particular day or days or on all days of employment or to affect any custom or practice prevailing in the locality under which the agricultural worker is required to work for less than eight hours, as the case may be.

12. The period of work on each day shall be so fixed that no period shall exceed four hours and that no agricultural worker shall work for more than four hours before he has had an interval for rest for at least half an hour.

Daily intervals for rest.

10 13. (1) Every landowner shall pay to any agricultural worker employed by him the prescribed wages for each day of work done.

Minimum Wage payable to agricultural workers.

15 (2) The Central Government in consultation of State Government may, from time to time, by notification in the Gazette, fix the number of hours of work which shall constitute a normal working day for the purposes of sub-section (1) either for the whole State or any part thereof:

29 of 2019 20 Provided that where the Government have fixed the number of hours of work which shall constitute a normal working day in respect of any of the categories of agricultural workers in the employment in agriculture under Section 8 of the Code of Wages, 2019, the hours of work so fixed shall, until a notification is issued under this sub-section, be deemed to have been fixed under this sub-section.

25 14. (1) If any landowner pays less than the prescribed wages or refuses to pay the prescribed wages to any agricultural worker, the agricultural worker or an official of the union of which he is a member may make an application to the Conciliation Officer appointed under section 3 for a direction under sub-section (2).

Enforcement of payment of prescribed wages.

(2) On receipt of an application under sub-section (1), the Conciliation Officer shall, after giving the applicant and the landowner an opportunity of being heard and after such inquiry, if any, which he may consider necessary, direct,—

30 (a) in the case of a claim arising out of the payment of less than the prescribed wages, the payment to the agricultural worker of the amount by which the prescribed wages payable to him exceeds the amount actually paid by the landowner;

(b) in the case of a claim arising out of non-payment of prescribed wages, the payment of the prescribed wages to the agricultural worker.

35 (3) An appeal against the decision of the Conciliation Officer shall lie before the Agricultural Tribunal constituted under section 4 in such manner as may be prescribed.

CHAPTER V

DISPUTES

40 15. (1) Where an agricultural dispute exists or is apprehended, the Conciliation Officer may hold conciliation proceedings and shall, for the purpose of bringing about a settlement of the dispute, without delay investigate the same and all matters affecting the merits and the right settlement thereof and may do all such things, as he thinks fit, for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

Settlement of Agricultural Disputes.

(2) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of conciliation proceedings, the Conciliation Officer shall send a report thereof to the District Labour Officer together with a memorandum of settlement signed by the parties to the dispute.

(3) If no such settlement is arrived, at the Conciliation Officer shall as soon as practicable after the close of the investigation, send to the District Collector through the District Labour Officer a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at: 5

Provided that in a case where the agricultural dispute relates to an agricultural land situated within the local limits of more than one revenue district, the Conciliation Officer shall send the report to the District Collector in whose jurisdiction the major portion of such land is situated. 10

(4) If on a consideration of the report referred to in sub-section (3), the District Collector is satisfied that there is a case for reference to an Agricultural Tribunal, he may, by order in writing, refer the agricultural dispute to the said Tribunal for adjudication, and where the District Collector does not make such a reference, he shall record and communicate to the parties concerned his reasons therefore. 15

(5) Where an agricultural dispute has been referred to an Agricultural Tribunal under sub-section (4), the Tribunal shall hold its proceedings expeditiously and shall, as soon as practicable after the conclusion of the proceedings, but not later than thirty days from the date of receipt of the reference by the Tribunal, submit its award to the District Collector. 20

(6) The District Collector shall, within a period of fifteen days from the date of receipt of the award referred to in sub-section (5), cause the same to be published in his office and in the office of the Agricultural Tribunal in such manner as may be prescribed and shall also forward copies of the award to the parties concerned. 25

Appeal. **16.** (1) Against any order passed by a Conciliation Officer under section 15, an appeal shall lie to the Agricultural Tribunal within a period of thirty days from the date of the order appealed against, and the decision of the Agricultural Tribunal on such appeal shall be final. 30

(2) The Agricultural Tribunal shall have no power to stay the operation of the order of the Conciliation Officer pending disposal of the appeal.

Reference or decision of disputes by Government. **17.** Notwithstanding anything contained in section 15, where any agricultural dispute exists or is apprehended, the State Government shall, by order in writing and for reasons to be stated therein, refer the dispute to the Agricultural Tribunal constituted for the area in which the dispute exists or is apprehended, for adjudication. 35

CHAPTER VI

MISCELLANEOUS 40

Register of agricultural workers. **18.** (1) The executive officer of every local authority shall prepare a register of agricultural workers residing within the jurisdiction of that local authority.

(2) The Register shall contain such particulars as may be prescribed.

(3) The register shall be maintained by the executive officer in such manner as may be prescribed. 45

Maintenance of registers and records by landowners. **19.** (1) Every landowner who employs agricultural workers shall maintain such registers and records regarding number of employees, wages paid, etc. as may be prescribed.

(2) The registers and records referred to in sub-section (1) shall contain such particulars and shall be kept in such place, as may be prescribed. 50

20. Where any money is due to an agricultural worker from a landowner under a settlement referred to in sub-section (2) of section 15, the agricultural worker himself or any other person authorised by him in writing in that behalf or, in the case of the death of the agricultural worker, his assignees or heirs may without prejudice to any other mode of recovery make an application to the District Collector for the recovery of the money due to him and if the District Collector is satisfied that any money is so due, he shall proceed to recover the same as if it were an arrear of public revenue due on land:

Recovery of money due from landowners.

Provided that every such application shall be made within one year from the date on which the money became due to the agricultural worker from the landowner:

Provided further that any such application may be entertained after the expiry of the said period of one year if the District Collector is satisfied that the applicant had sufficient cause for not making the application within the said period.

21. Every member of the Board and every officer appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Officers and Members of Board to be public servants.

22. **The Central Government shall provide after due appropriation made by Parliament by law in this behalf, necessary requisite funds, from time to time, for carrying out the purposes of this Act.**

Central Government to provide requisite funds.

23. If any difficulty arises in implementing the provisions of this Act, the Central Government shall have power to issue such orders not inconsistent with the provisions of this Act by notification in the Official Gazette as are required to remove such difficulty.

Power to remove difficulty.

24. (1) The appropriate Government may, by notification in the Gazette of India, make rules for carrying out the purposes 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, 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.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made before the State Legislature.

THE SCHEDULE

[See sub-clause (f) of Section 2]

[Agricultural Workers]

Agricultural Workers includes any adult engaged in:–

- (i) farming, including the cultivation and tillage of soil;
- (ii) dairy farming;
- (iii) pisciculture;
- (iv) production, cultivation, growing and harvesting of any horticulture, floriculture commodity;
- (v) raising of livestock, bee-keeping or poultry;
- (vi) any practice performed on a farm as incidental to, or in conjunction with, the farm operations (including any forestry or timbering operations and the preparation for market and delivery to storage or to market or to carriage for transportation of farm products); and
- (vii) growing fodder or thatching grass or for grazing cattle;

STATEMENT OF OBJECTS AND REASONS

The agricultural sector 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 unorganised *i.e.*, it has neither any formal system of social security nor regulation of conditions of work which leads to exploitation through coercion.

As per the 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' especially with respect to landless labourers who are forced to work in the field of others without any means of protection. This poor economic state is further worsened when coupled with the pitiable and 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 non-existent. 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 fallback 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 intends 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. Furthermore, the bill seeks establishment of Agricultural Tribunals for the dispute resolution among the Agricultural workers and the landowners. The bill further deals with rights of the workers with respect to working hours and minimum wage. The bill seeks to protect the rights of agricultural workers in an orderly fashion.

Hence this Bill.

NEW DELHI;
28 February, 2022

UNMESH BHAIYYASAHEB PATIL

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government may constitute for any area specified an Agricultural Tribunal. Clause 5 of the Bill provides for appointment of persons as inspectors. Clause 6 provides for the appropriate Government to appoint an Agricultural Welfare Officer for carrying out the purposes of this Act. Clause 7 provides that the Central Government shall, in consultation with the State Government, constitute a Fund to be known as the Agricultural Workers Welfare Fund. It also provides that Central Government and State Governments shall contribute to the Fund. Clause 8 provides for formulation of a scheme by the Central Government for welfare of agricultural workers which include a comprehensive insurance scheme, old age pension, free health care facilities and payment of compensation in cases of accidents during agricultural operations. Clause 9 provides for constitution of Agricultural Workers Welfare Board. Clause 22 provides for the Central Government to grant necessary requisite funds for carrying out the purpose of the Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two hundred crore per annum would be involved from Consolidated Fund of India.

A non-recurring expenditure of rupees fifty crore is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill empowers the appropriate 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 normal character.

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BILL

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(Shri Unmesh Bhaiyyasaheb Patil, M.P.)