

Bill No. XXXIV of 2010

**THE AGRICULTURAL AND OTHER WORKERS IN RURAL AREAS
(PROTECTION, INCENTIVES AND WELFARE) BILL, 2010**

A

BILL

to provide for the protective measures to the agricultural and other rural workers against exploitation and for ensuring minimum wages, pension, provident fund facilities and financial compensation with paid leave in case of accidents, medical, maternity and creche facilities to women workers, education and nutrition for the children and such other welfare measures to be ensured by the state and for the establishment of a Welfare Authority and Welfare Fund for such workers of the rural areas and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Agricultural and other Workers in Rural Areas (Protection, Incentives and Welfare) Act, 2010.

Short title,
extent and
commence-
ment.

5 (2) It extends to the whole of India

(3) It shall come into force with immediate effect.

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

Definitions.

10 (a) "agricultural worker" means a person who works as a labourer on being hired or works in exchange, whether in cash or kind or partly in cash and partly in kind, in any of the agricultural or related operations of an employer, farmer or other person, as the case may be;

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

(c) "Authority" means the National Agricultural and other Rural Workers Welfare Authority established under Section 3;

(d) "employer" means any person who employs directly or through any other person or agent or contractor, whether on his own behalf or on behalf of any other person, one or more agricultural or other rural worker, for any work or work connected with the agricultural or horticulture operations or for any other work connected with village industries;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "rural worker" means a worker who works as artisan, weaver, potter, blacksmith, etc. in rural areas on hire or contract or in exchange whether in cash or kind or partly in cash and partly in kind for any other person or employer;

(g) "Welfare Fund" means the Agricultural and other Rural Workers Welfare Fund established under section 5.

Establishment
of the National
Agricultural
and other Rural
Workers Wel-
fare Authority.

3. (1) The Central Government shall, as soon as may be, for carrying out the purposes of this Act, by notification in the Official Gazette, establish the National Agricultural and other Rural Workers Welfare Authority.

(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 of 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 Lucknow in the State of Uttar Pradesh and the Authority may establish regional and branch offices at other conspicuous places in the country as it may deem necessary for carrying out the purposes of this Act.

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

(a) A Chairperson to be appointed by the Central Government having adequate experience, qualifications and knowledge of labour laws and issues related to working class or of agricultural operations or of the higher Judiciary at least of sessions level;

(b) A Deputy Chairperson to be appointed by the Central Government having such education qualifications and experience as may be prescribed;

(c) five members to be appointed by the Central Government each to represent the Union Ministries of Agriculture, Finance, Labour and Employment, Rural Development and Social Justice and Empowerment;

(d) five Members of Parliament of whom three shall be from Lok Sabha and two from the Rajya Sabha to be nominated by the respective Presiding officers of the two Houses;

(e) four members to be appointed by the Central Government from amongst the agricultural and other rural workers:

Provided that one such member shall be a woman.

(f) four members from amongst the agricultural and other rural workers to be nominated by the Government of the States which shall be rotated amongst the States in alphabetical order.

(5) The term of office, remuneration, honorarium and other perks of the Chairperson, Deputy Chairperson and members of the Authority shall be such as may be prescribed from time to time;

(6) The Authority in discharging of its functions and procedure to be followed during the meetings shall be such, as may be prescribed.

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

4. (1) The authority shall, for the purpose of this Act, promote and undertake by such measures as it thinks fit or deem necessary and expedient, welfare measures so as to provide protective measures to agricultural and rural workers from exploitation. Functions of the Authority.

(2) Without prejudice to the generality of the provisions of Sub-Section (1) the measures referred to therein may provide for:—

(a) maintaining district and village-wise register of all the agricultural and other rural workers, gender-wise, with such particulars, and in such manner as may be prescribed;

(b) maintaining land records and micro and small industrial units at homes or other places from village to district level in such manner and with such details as may be prescribed;

(c) maintaining district and village-wise register of employers of agricultural and other rural workers, as the case may be, with such particulars and in such manner as may be prescribed;

(d) maintaining village and district-wise list of doctors, dispensaries, clinics, health centres and hospitals for providing medicare facilities, both indoor and outdoor, with medicines to the agricultural and other rural workers;

(e) long term action plan for making work available throughout the year to the agricultural and other rural workers;

(f) payment of minimum wages fixed by the appropriate Government by each employer by setting up grievances redressal committees at conspicuous places;

(g) maternity and *creche* facilities with paid maternity leave and for making available necessary medicines, iron and multi vitamin capsules for the female agricultural and other rural workers covered under this Act;

(h) financial compensation with paid leave in case of accidents of agricultural and other rural workers in such manner as may be prescribed;

(i) grant of old age pension to the agricultural and other rural workers covered under this Act;

(j) provident fund facility to the agricultural and other rural workers;

(k) educational and vocational training facilities to the children of agricultural and other rural workers free of cost;

(l) insurance cover for the agricultural and other rural workers covered under this Act for such works and in such manner as may be prescribed;

(m) regular supply of meals and nutrition for the children, old and incapacitated agricultural and other rural workers;

(n) such other provisions as the Authority may deem necessary for carrying out the purposes of this Act.

5. (1) The Central Government shall, as soon as may be by notification in the Official Gazette, establish the Agricultural and other Rural Workers Welfare Fund with an initial corpus of ten thousand crore rupee to be provided by the Central Government by due appropriation made by Parliament by law in this behalf and Governments of the States shall contribute to the Welfare Fund to such extent and in such manner as may be prescribed. Establishment of the Agricultural and other Rural Workers Welfare Fund.

(2) The Welfare Fund may also receive moneys from body corporates, financial institutions, both domestic and international ones, firms, partnerships, individuals and other bodies in the form of contributions or donations, as the case may be.

(3) The Welfare Fund shall be utilized for the welfare of agricultural and other rural workers covered under this Act in such manner and for such purposes as may be prescribed.

Miscellaneous provisions.

6. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of every employer to:—

(a) engage only such workers who have registered themselves with the Authority;

(b) pay minimum wages to the workers engaged by him or such wages in cash or kind as may be voluntarily agreed to by such workers;

(c) not to deduct the wages in case of accident or illness or maternity stage of his workers;

(d) give rest and leave to his workers from time to time.

(2) The appropriate Government shall provide necessary assistance to the Authority in carrying out the provisions of this Act within the territorial Jurisdiction of such Government.

Central Government to provide funds.

7. The Central Government shall, after due appropriation made by Parliament by law made in this behalf, provide from time to time the requisite funds to the States and Union Territories and for expenditure of the Secretariat and other purpose of this Act.

Annual Report.

8. The Authority shall prepare and submit an Annual Report in such manner and in such form as may be prescribed, of its activities, achievements and shortfalls, if any, pertaining to the welfare and protection of agricultural and other rural workers covered under this Act to the President of India, who shall cause the Report to be laid in both Houses of Parliament along with action taken by the Central Government thereon after its receipt, as soon as may be, but within three months of the receipt thereof.

Penalty.

9. Notwithstanding anything contained in any other law for the time being in force, whoever contravenes any of the provisions of this Act shall be guilty of an offence and shall be punishable with simple imprisonment which may extend to six months and also with fine which may extend to four lakh rupee.

Act to have overriding effect and to supplement other laws.

10. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to any matter dealt with by this Act.

Power to make rules.

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

STATEMENT OF OBJECTS AND REASONS

Our is an agriculture based country and economy as around 80 per cent of our population lives in rural areas and are involved in agriculture activity in one way for the other. The agriculture sector generates maximum employment opportunities in comparison to other sectors of economy. As a result, crores of agricultural workers in the country including women constitute a major chunk of this workforce. Similarly, there are village industries which also provide substantial employment opportunities in rural India. However, the agricultural and rural workers are still unorganised and, as a result, they remain exploited throughout their lives. It has been observed that in the organised sectors there are trade unions and associations to take care and protect the interests of their workers who get their genuine demands fulfilled by their employers and also get the welfare measures implemented but the unorganised agricultural and rural workers do not even get their reasonable and just demands fulfilled by their employers. They are denied minimum wages, provident fund, pension, maternity benefits, *creche* facility, medical care, accident insurance, rest, leave, etc. There is no guarantee of work round the year or for majority of days during the year. Policy of hire and fire is applied at the whims and fancy of the employers. As a result the agricultural and other rural workers remain exploited, poverty-stricken and indebted throughout their lives. When there is natural calamity, their living condition goes from bad to worse and they do not even get two square meals a day. It is a matter of serious concern that their condition is going from bad to worse and there is no legal protection for these hapless workers. Though the centre has initiated a legislation for unorganized workers but it does not cover most of the issues of the agricultural and other rural workers.

Ours is a welfare state and it is the sacred duty of the state to protect the poor agricultural and other rural workers by extending protective umbrella to them and initiating welfare measures for them so that they too get their share of the development of the nation.

Hence this Bill.

AKHILESH DAS GUPTA

FINANCIAL MEMORANDUM

Clause **3** of the Bill provides for the establishment of the National Agricultural and other Rural Workers Welfare Authority. Clause **5** of the Bill provides for the establishment of the Agricultural and other Rural Workers Welfare Fund with an initial corpus of ten thousands crore rupee to be provided by the Central Government and thereafter, the Central and State Governments will contribute to the welfare fund. Clause **7** makes it obligatory for the Central Government to provide funds for carrying out the purposes of the Bill. The Bill if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupee thirty thousand crores may involve as recurring expenditure per annum.

A sum of rupee five thousand crores may also involve as non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause **11** of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

RAJYA SABHA

A BILL

to provide for the protective measures to the agricultural and other rural workers against exploitation and for ensuring minimum wages, pension, provident fund facilities and financial compensation with paid leave in case of accidents, medical, maternity and creche facilities to women workers, education and nutrition for the children and such other welfare measures to be ensured by the state and for the establishment of a Welfare Authority and Welfare Fund for such workers of the rural areas and for matters connected therewith and incidental thereto.

(Dr. Akhilesh Das Gupta, M.P.)