

Bill No. XLVI of 2012

THE RURAL LABOUR (WELFARE) BILL, 2012

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BILL

to provide for the welfare measures to be undertaken by the State for the rural labour employed in the agriculture sector and allied activities thereto and other rural occupations by establishing a Welfare Fund for such labour and for taking other measures to improve the living conditions, working conditions and for matters connected therewith and incidental thereto.

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

1. (1) This Act may be called the Rural Labour (Welfare) Act, 2012.

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
5 in the Official Gazette, appoint.

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

Definitions.

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

(b) "employer" includes cultivator, orchard owner, poultry farm owner, livestock rearer, agency society, food processing unit, crusher, oil or pulses mill or any such establishment located in any rural area which employs rural based labour;

(c) "Fund" means the Rural Labour Welfare Fund established under section 4;

(d) "prescribed" means prescribed by rules made under this Act; 5

(e) "rural labour" means any person residing in a village and engaged in any rural vocation such as agriculture, horticulture, sericulture, poultry, rearing of livestock including piggery, food processing, handicrafts, weaving or any such other occupation as a wage earner whether in cash or kind, for his livelihood and includes any person engaged through a contractor or engaged as a self employed person. 10

National
Policy for
rural labour.

3. (1) The Central Government shall, as soon as may be, formulate a National Policy for the betterment and welfare of the rural labour.

(2) The national policy so formulated under sub-section (1) shall be uniformly implemented throughout the country and the policy may incorporate provisions for uninterrupted work round the year, minimum remunerative wages, healthcare including maternity facilities, old age pension, compensation in case of accident and such other facilities as may be deemed necessary. 15

Establishment
of Rural
Labour
Welfare Fund.

4. (1) The Central Government shall, with effect from such date as may be specified by notification in the Official Gazette in this behalf, establish for the purposes of this Act, a Fund to be called the Rural Labour Welfare Fund which shall be administered by the Central Government in such manner as may be prescribed. 20

(2) The Central Government shall after due appropriation made by Parliament by law in this behalf, credit to the Fund in each financial year such sums of money as it considers necessary for carrying out the purposes of this Act.

(3) The Fund shall also consist of the moneys received from,— 25

(a) the Government of the States as contributions, towards the fund;

(b) the body corporates as donations;

(c) financial institutions and other institutions, domestic and foreign ones as assistance;

(d) donations from the employers and general public and bodies. 30

(4) The Fund shall be utilized to promote the welfare measures for the rural based labour which are necessary or expedient to do and in particular to defray the costs towards,—

(i) improving educational facilities for the children of rural based labour;

(ii) improving water supply for drinking and other purposes;

(iii) improving the standard of living and nutrition for the families of rural based labour; 35

(iv) amelioration of social condition of rural based labour;

(v) providing housing and recreational facilities;

(vi) providing medical facilities to the rural based labour and their families;

(vii) providing financial assistance in case of infirmity or disability due to accident etc.; 40

(viii) Old age pension to the rural based labour;

(ix) providing and improving the welfare measures included in the national policy and such other welfare measures as may be prescribed;

5. The Central Government may require a State Government or Union Territory Administration or a local authority or any employer to furnish for the purposes of this Act, such information in such form and within such period as may be prescribed. State Government etc. to furnish requisite information.
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 availability of work round the year to the rural labour through the employers or in such manner as that Government may deem expedient or necessary. 5 Appropriate Government to ensure availability of work round the year to the rural labour.
7. The Central Government shall, after the inputs provided by the Governments of the States and Union Territory Administrations, submit an annual report, in such form and in such manner, as may be prescribed, of the administration of the Fund and other welfare activities carried out under this Act, to the President of India who shall cause the report to be laid before both the Houses of Parliament along with action taken thereon as soon as it is received. 10 Annual Report.
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 with in this Act. 15 Act to supplement other laws.
9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

It is rightly said that India lives in villages because nearly eighty per cent of its population lives in the villages and mostly depends on agriculture and agro based occupations. There are farms, orchards, poultry farms, livestock rearing farms where rural based labour are employed. They work as weavers, small scale entrepreneurs, handicraft artisans, potters, cobblers, blacksmiths etc. There are millions of such agricultural, home based and other workers who are unorganized and remain exploited and poor throughout their lives and live in distress from generations together. Their wages and income are meagre and they do not get employment round the year. As a result, they are poverty stricken and remain neglected even by the State.

In a welfare State, like ours, it is the duty of the State to introduce welfare measures for the have-nots like the rural based labour who remain unorganized and exploited. Hence, it is necessary to formulate a national welfare policy for the rural based labour and constitute a Welfare Fund for them to ameliorate their living conditions. In pursuance of the said Policy, the Central and State Governments will implement the welfare measures contained in that Policy and defray the costs to the Welfare Fund.

Hence this Bill.

DR. E.M. SUDARSANA NATCHIAPPAN

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of Rural Labour Welfare Fund for which the Central Government shall provide funds in each financial year. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees ten thousand crore may involve as recurring expenditure per annum.

Non recurring expenditure to the tune of rupees one thousand crore may also involve from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 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

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(Dr. E.M. Sudarsana Natchiappan, M.P.)