

The Tamil Nadu Agricultural Labourers-Farmers (Social Security and Welfare) Act, 2006

TAMILNADU

India

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Act 29 of 2006

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The Tamil Nadu Agricultural Labourers-Farmers (Social Security and Welfare) Act, 2006Tamil Nadu Act 29 of 2006Statement of Objects and Reasons. - The availability of work in agriculture is seasonal. A majority of manual labourers (both men and women) of tire State are engaged as labourers in agricultural sector. Due to non-availability of work throughout the year and due to intermittent monsoon failures over the years, their living conditions are not improved to the desired levels.2. In order to assess the living conditions of the agricultural labourers and to suggest measures for their social upliftment, the Government in the year 1998 constituted a Committee under the Chairmanship of Thiru P. Kolappan, I.A.S. The said Committee submitted its report to the Government suggesting various welfare measures for the upliftment of agricultural labourers. One of the recommendations is to bring forth an exclusive Act as "Tamil Nadu Agricultural Labourers Welfare Act" so as to implement effectively the various welfare measures for socio-economic improvement of the agricultural labourers.3. Considering the recommendation of the Kolappan Committee, the Government constituted the "Tamil Nadu Agricultural Labourers Welfare Board" under section 6 of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982, in the year 2000 and introduced the "Tamil Nadu Agricultural Labourers Social Security and Welfare Scheme, 2001" for implementation by the said Board. This Scheme provided for the creation of a Fund with contributions from both employers and employees from which the assistance to the members of the Scheme, for various requirements, such as marriage, education, delivery, miscarriage, natural and accidental death, funeral, etc., was provided.4. The living conditions of not only the agricultural labourers, but also the farmers who own small extent of land and engage themselves in direct cultivation are found to be not better. Hence, the Government in 2001 included farmers who own up to 1.00 acre of wet land or up to 2.50 acres of dry land, under the definition of "agricultural labourers" and accordingly extended the benefits to them under the Scheme.5. This Scheme was, however, not implemented and the successive Government superseded the Board and cancelled the Scheme in 2005. Following this, a new Scheme, namely, "The Tamil

Nadu Chief Minister's Farmers Security Scheme" was introduced with effect from 15.8.2005. The implementation of this Scheme was not with reference to any statutory provisions.⁶ At the time of his address to the thirteenth Legislative Assembly, His Excellency, the Governor of Tamil Nadu announced, among other things, that-"The Welfare Boards for the workers employed in the unorganised sector will be rejuvenated"⁷. Consequent to the above announcement, the Cabinet considered the subject in its meeting held on 7.7.2006 and decided to revive the Tamil Nadu Agricultural Labourers Welfare Board and to re-introduce and implement the Tamil Nadu Agricultural Labourers Social Security and Welfare Scheme.⁸ The Government further desire that the benefits under the Scheme to be made should also be extended to farmers who own upto 2.50 acres of wet land or 5.00 acres of dry land and registered "Cultivating Tenants" holding upto the same extent and engaging themselves in direct cultivation, In undertaking comprehensive legislation in this regard.⁹ The Bill seeks to achieve the above objects. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 27th July 2006. Received the assent of the Governor on the 18th September, 2006 and published in Part IV- Section 2 of the Tamil Nadu Government Gazette Extraordinary, dated the 20th September 2006. An Act to provide for comprehensive social security and for ensuring well being of " landless agricultural labourers and farmers engaging themselves in direct cultivation. Be it enacted by the Legislative Assembly of the State of Tamil Nadu in the Fifty-seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Tamil Nadu Agricultural Labourers-Farmers (Social Security and Welfare) Act, 2006. (2) It extends to the whole of the State of Tamil Nadu except Chennai district. (3) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(1) "agriculture" includes-(a) horticulture; (b) sericulture; (c) the raising of crops, grass or garden produce; (d) the use by an agriculturist of land held by him or part thereof for grazing; (e) the use of any land for the purpose of raising manure crops; (f) dairy fanning; (g) poultry farming; (h) livestock breeding; (i) growing of trees; and 'agricultural' shall be construed accordingly; (2) "agricultural labourer" means -(i) any person in the age group of 18 to 65 years, engaged to work in agricultural or allied agricultural operations for wages, but who does not own any land; (3) "Board" means a Board established under section 5; (4) "dependent", in relation to an agricultural labourer or farmer, means any of the relatives of such member as specified below:-(i) wife or husband, as the case may be; (ii) children; (iii) widow and children of the pre-deceased son; and (iv) parents; (5) "employer" means a person who engages an agricultural labourer; (6) "farmer" means a farmer in the age group of 18 to 65 years who owns wet land not exceeding 2.50 acres or dry land not exceeding 5.00 acres and engage in direct cultivation of that land and includes a registered cultivating tenant; (7) "Fund" means the Tamil Nadu Agricultural Labourers Farmers Social Security and Welfare Fund established under a Scheme; (8) "Government" means the State Government; (9) "registered cultivating tenant" means a person in the age group of 18 to 65 years, who holds wet land not

exceeding 2.50 acres or dry land not exceeding 5.00 acres under a registered tenancy , agreement and carry on direct cultivation of that land.Explanation. - For the purpose of clauses (6) and (9), in case of a holding consisting both wet and dry land, 0.50 acre of wet land I shall be equal to one acre of dry land;(10)"registered members" means agricultural labourers or farmers I registered as a member under a scheme;(11)"Schedule" means Schedule to this Act;(12)"scheme" means a scheme made by the Government under this Act;(13)"Member Secretary" means the Member Secretary of the Board constituted under section 5.

3. Scheme.

(1)The Government may, by notification, by means of a scheme provide for the registration of members and make provisions for the purpose of ensuring social security and welfare of the agricultural labourers and farmers.(2)The relief or assistance, as the case maybe, to its registered members, in respect of all or any of the following matters, that is to say-(a)Accident relief for death and injury;(b)Natural death;(c)Funeral expenses;(d)Education of children;(e)Marriage;(f)Delivery or miscarriage or termination of pregnancy;(g)Old age pension;shall be as specified in the Schedule.(3)The Government may, in consultation with the Board, by notification, add to, amend or vary all or any of the provisions of the aforesaid scheme or substitute another scheme for any scheme made by it.

4. Disputes regarding application of the scheme.

- If any question arises whether any scheme applies to any class of agricultural labourers or farmers, the matter shall be referred to such authority as may be prescribed in this behalf and the decision of such authority shall be final.

5. Establishment of Board.

(1)The Government may, by notification, establish a Board to be known by such name as may be specified in the notification for implementing and administering a scheme.(2)The Board shall be a body corporate with the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, and to contract, and may, by that name, sue or be sued.(3)The Board shall consist of members nominated, from time to time, by the Government representing the agricultural labourers, farmers, employers and the Government of whom the Commissioner of Land Reforms shall be the Member Secretary of the Board.(4)[The Chairman of the Board shall be appointed from amongst the members nominated to represent the Government and a Joint Chairman of the Board may be.] [Substituted for '(4) The Chairman of the Board shall be appointed from amongst the members nominated to represent the Government.' by Act No. 24 of 2009, dated 5.8.2009, w.e.f. 3.6.2009.](5)After nomination of all the members of the Board including the Chairman, the Government shall, by notification, publish the names of all the members of the Board.(6)The term of office of members of the Board shall be such as may be prescribed.(7)The meetings of the Board and procedures to be followed for the purpose and all matters supplementary or ancillary thereto shall, subject to the approval of the Government, be regulated by the Board itself.

6. Power of Government to appoint one-man Board.

(1) For any reasons whatsoever, if it appears to the Government that it is unable to establish a Board in accordance with the provisions of section 5, the Government may, by notification, appoint a person who shall hold office until a Board is duly established under section 5. (2) The person so appointed shall be deemed to constitute the Board for the time being, and shall exercise all the powers and perform and discharge all the duties and functions conferred and imposed upon the Board by or under this Act. He shall continue in office until the day immediately preceding the date of the first meeting of such Board. (3) The person constituting the Board shall receive such remuneration from the fund of the Board, and the terms and other conditions of service shall be such as may be prescribed.

7. Powers and duties of the Board.

(1) The Board shall be responsible for administering a scheme, and shall exercise such powers and perform such functions as may be conferred on it by the scheme. (2) The Board may take such measures as it may deem fit for administering the scheme. (3) The Board shall submit to the Government as soon as may be, after the first day of April every year, the annual report on the working of the scheme during the preceding year ending on thirty-first March of that year. Every report so received shall be laid as soon as may be after it is received before the Legislative Assembly if it is in session, or in the session immediately following the date of receipt of the report. (4) The Board shall receive all contributions and use such contributions in the manner as it may deem fit in order to achieve the objects of the scheme. (5) In exercise of the powers and discharge of its functions, the Board shall be bound by such directions as the Government may, for reasons to be stated in writing, give to it, from time to time.

8. Committees.

(1) The Government may, by order, constitute District level, taluk level or village level committees with members nominated by the Board and such committees shall be presided by an official nominated by the Government. (2) The Committee shall have such powers and perform such duties as may be specified in the scheme or entrusted by the Board, from time to time.

9. Contribution to the Fund.

(1) There shall be a Fund constituted in the name and style as "Tamil Nadu Agricultural Labourers - Farmers Social Security and Welfare Fund" under a scheme and all monies received from the sources as specified in sub-section (3) shall be credited to such Fund. (2) The Board shall hold the fund in any of the Nationalised Banks or any of the Co-operative Banks under the control and supervision of the Tamil Nadu State Co-operative Bank or any other Bank as may be decided by the Board, with the approval of the Government, from time to time. Such an account shall be jointly operated by any two of the authorized signatories of the Board, one of them being the Member Secretary. (3) The contributions to the Fund shall be made by the sources specified in sub-section (4),

the Government and such other sources as may be specified in the scheme.(4)The contribution towards the Fund shall be,-(i)one rupee per quintal from the paddy procured from the agriculturists by the Tamil Nadu Civil Supplies Corporation;(ii)one rupee per tonne of the sugar-cane brought by the agriculturists and procured by every sugar mill (both private and public sector) and one rupee per quintal of the sugar produced by the sugar mills;(iii)one per cent of the total fee collected from the traders by the Marketing Committee established under sub-section (1) of section 5 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987 (Tamil Nadu Act 27 of 1989).(5)The Government may, in consultation with the Board, revise the proportion in which the contribution is to be collected.(6)The contribution to the fund referred to in sub-section (4) shall be remitted to the Fund within such period and in such manner as may be prescribed.(7)All the expenditures relating to the implementation of the scheme shall be met from the Fund including the contingent expenditure in the administration of the scheme.

10. Recovery of dues to the Board.

(1)On an application made by the Board for the recovery of arrears of any sum payable to it under this Act or under the scheme and on its furnishing of a statement of accounts in respect of such arrears, the Collector may, after making such inquiries as he deems fit, grant a certificate for the recovery of the amount stated therein to be due as arrears.(2)A certificate by the Collector shall be final and conclusive as to the arrears due. The arrears stated to be due therein shall be recovered as arrears of land revenue by the Collector and remitted to the Board.

11. Accounts and audit.

(1)The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including a balance sheet in such form as may be prescribed.(2)The accounts of the Board shall be audited annually by such qualified person as the Government may appoint in this behalf.(3)The auditor shall, at all reasonable time, have access to the books of accounts and other documents of the Board, and may, for the purposes of the audit, call for such explanation and information as he may require or examine any member or officer of the Board.(4)The accounts of the Board certified by the auditor, together with the audited report thereon, shall be forwarded annually to the Government before such date as the Government may specify in this behalf.(5)The Board shall comply with such directions as the Government may, after perusal of the report of the auditor, think fit to issue.(6)The cost of audit shall be paid out of the funds of the Board.

12. Disqualifications and removal.

(1)No person shall be chosen as, or continue to be, a member of the Board who-(a)is a salaried officer of the Board; or(b)is or at any time has been adjudged insolvent; or(c)is found to be a lunatic or becomes of unsound mind; or(d)is or has been convicted of any offence involving moral turpitude.(2)The Government may remove from office any member who-(a)is or has become subject to any of the disqualifications mentioned in sub-section (1); or(b)is absent without leave of the Board for more than three consecutive meetings of the Board.

13. Resignation by members.

- Any member of the Board may, at any time, resign his office by writing under his hand addressed to the Government, and his office shall, on acceptance of resignation by the Government, become vacant.

14. Filling up of vacancies.

- In the event of any vacancy occurring on account of death, resignation, disqualification or removal or otherwise, the Board shall, forthwith, communicate the occurrence to the Government and the vacancy shall be filled not later than ninety days from the date of the occurrence of the vacancy, and the person nominated to fill in the vacancy shall hold office so long only as the member in whose place he is nominated would have held it if the vacancy had not occurred: Provided that during any such vacancy, the continuing members may act as if no vacancy has occurred.

15. Proceedings presumed to be good and valid.

- No act or proceedings of the Board shall be questioned or invalidated merely by reason of any vacancy in its membership or by reason of any defect in the constitution thereof.

16. Rights and privileges under other laws not affected in certain cases.

- Nothing contained in this Act shall affect any rights or privileges, which any agricultural labourer or farmer is entitled to, on the date on which this Act comes into force, under any other law, contract, custom or usage applicable to such agricultural labourer or farmer if such rights or privileges are more favourable to him than those to which he would be entitled under this Act and the scheme: Provided that such agricultural labourer or farmer will not be entitled to receive any corresponding benefit under the provisions of this Act and the scheme.

17. Enquiry into working of the Board.

(1) The Government may, at any time, appoint any person to investigate or enquire into the working of the Board or scheme and submit a report to the Government in that behalf. (2) The Board shall give to the person so appointed all facilities for the proper conduct of the investigation or enquiry, and furnish to him such documents, accounts or information in possession of the Board as he may require.

18. Supersession of the Board.

(1) If the Government, on consideration of the report referred to in sub-section (1) of section 17 or otherwise, is of the opinion—(a) that the Board is unable to perform its functions; or (b) that the Board has persistently made default in the discharge of its functions or has exceeded or abused its powers, the Government may, by notification, supersede the Board and re-constitute it in the prescribed

manner, within a period of twelve months from the date of supersession. The period of supersession may be extended for sufficient reasons by a like notification by not more than six months: Provided that before issuing a notification under this sub-section on any of the grounds mentioned in clause (b), the Government shall give a reasonable opportunity to the board to show cause why it should not be superseded, and shall consider the explanations and objections, if any, of the Board. (2) After the supersession of the Board and until it is re-constituted, the powers, duties and functions of the Board under this Act shall be exercised and performed by the Government, or by such officer or officers as the Government may appoint for this purpose. (3) When the Board is superseded, the following consequences shall ensure, that is to say: (a) all the members of the Board shall, as from the date of publication of the notification under sub-section (1) vacate their office; (b) all the powers and functions, which may be exercised or performed by the Board shall, during the period of supersession, be exercised or performed by such persons as may be specified in the notification; (c) all funds and other property vesting in the Board shall, during the period of supersession, vest in the Government and on the re-constitution of the Board, such funds and property shall revert in the Board.

19. Protection of action taken in good faith.

- No suit, prosecution or other legal proceedings shall lie against the Government or the Board or the Chairman, Member Secretary, or any member of the Board or Committee, or any other officers of the Board for anything which is in good faith done or intended to be done in pursuance of this Act, or any scheme or any rule or order made thereunder.

20. Power to amend Schedule.

- The Government may, by notification, add to, or modify, the Schedule.

21. Power to make rules.

(1) The Government may make rules for carrying out all or any of the purposes of this Act. (2) (a) All rules made under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published. (b) All notifications issued under this Act shall be published in the Tamil Nadu Government Gazette and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published. (3) Every rule or order made or notification issued under this Act shall, as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or in the next session, the Legislative Assembly makes any modification in any such rule, order or notification or the Legislative Assembly decides that the rule, order or notification should not be made or issued, the rule, order or notification 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, order or notification.

22. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires, by order, not inconsistent with the provisions of this Act, do anything which appears to be necessary or expedient for the purpose of removing the difficulty: Provided that no such order shall be made after the expiry of two years from the date of commencement of this Act. The Schedule [See Section 3(2)]

SI. No.	Reliever Assistance	Amount (in Rupees)			
1.	Accident Relief.				
	(a) Death due to accident.	1,00,000			
	(b) Loss of both hands.	1,00,000			
	(c) Loss of both legs.	1,00,000			
	(d) Loss of one hand and one leg.	1,00,000			
	(e) Total and irrecoverable loss of sight in both eyes.	1,00,000			
	(f) Loss of one hand or one leg.	50,000			
	(g) Loss of limbs from grievous injuries other than those specified above.	20,000			
2.	Natural death	10,000			
3.	Funeral expenses	2,500			
4.	Educational assistance to -	Day Scholar	Hosteller		
	Son and daughter of the members	Boys	Girls	Boys	Girls
	(a) 10th Std. pass	1250	1500	-	-
	(b) 12th Std. pass	1750	2000	-	-
	(c) I.T.I or Polytechnic (per year)	1250	1750	1450	1950
	(d) Bachelor Degree (per year)	1750	2250	2000	2500
	(e) Post Graduate (per year)	2250	2750	3250	3750
	(f) Professional Courses (Law, Engineering, etc.) (per year)	2250	2750	4250	4750
	(g) Post Graduate Professional Courses (per year).	4250	4750	6250	6750
	(h) Loss of one hand or one leg.			50,000	
5.	Marriage Assistance				
	(a) Marriage of member				
	(i) Male			3,000	
	(ii) Female			5,000	

(b) Marriage of son or daughter of the Member	
(i) Male	3,000
(ii) Female	5,000
6. Delivery or Miscarriage Of Pregnancy or Termination of Pregnancy.	
i) Delivery	6,000 (@ Rs. 1,000 per month for six months)
ii) Miscarriage	3,000
iii) Termination	3,000
7. Old Age Pension (per month).	400