

The Tamil Nadu Agricultural Labourer Fair Wages Act, 1969

TAMILNADU

India

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Act 19 of 1969

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The Tamil Nadu Agricultural Labourer Fair Wages Act, 1969 Tamil Nadu Act 19 of 1969 Statement of Objects and Reasons - Tamil Nadu Agricultural Labourer Fair Wages Act, 1969 (Tamil Nadu Act 19 of 1969). - In December 1968, the Government of Tamil Nadu appointed a Commission of Inquiry under the Commissions of Inquiry Act, 1952 (Central Act LX of 1952), for the purpose of making enquiry into the problems of agricultural labour in East Thanjavur district, the relationship between agricultural labourers and their employers, and relevant issues and for submitting suitable recommendations. The Commission has since submitted its report. The Commission has made since submitted its report. The Commission has made certain recommendations, inter alia, for the fixation of fair wages for the agricultural labourers during cultivation season and harvest time in the taluks of Nannilam, Nagapattinam, Mannargudi, Thiruthuraipoondi, Mayuram and Sirkali.² The Government have carefully considered the recommendations of the Commission and taking into consideration the local conditions prevailing, have decided to adopt a uniform rate of fair wages for all kinds of work during cultivation season. The government have also accepted the rates of wages recommended by the Commission for harvest. The Government have also decided to set up the necessary machinery for the enforcement of the payment of fair wages. It has been considered that it is not necessary for the present to make any provision for the rates of wages for ploughing where ploughs and bullocks are provided by the agricultural labourer.³ To give effect to these decisions, the Tamil Nadu Agricultural Labourer Fair Wages Ordinance, 1969 (Tamil Nadu Ordinance 4 of 1969) was promulgated by the Governor.⁴ The Bill seeks to replace the said Ordinance. Published in Part IV-Section 3 of the Fort St. George Gazette Extraordinary, dated the 21st August 1969. Statement of Objects and Reasons - Tamil Nadu Agricultural Labourer Fair Wages (Amendment) Act, 1972. - In pursuance of the recommendation made by the Commission of Enquiry appointed by the State Government in December 1968, for the purpose of making an enquiry into the problems of agricultural labour in East Thanjavur, the Governor promulgated the Tamil Nadu Agricultural Labourer Fair Wages Ordinance, 1969 (Tamil Nadu Ordinance 4 of 1969) and this was later replaced by the Tamil Nadu Agricultural Labourer Fair Wages Act, 1969 (Tamil Nadu Act 19 of 1969). They provides for the payment of fair wages specified in the Act by every

landowner to agricultural labourers engaged by him for all kinds of work during the cultivation season and at harvest. The Act also provides for the enforcement of the payment of fair wages. The Act was deemed to have come into force on the 5th day of August 1969, in the six taluks of East Thanjavur district and was to remain in force up to and inclusive of the 4th day of August 1972.² The Government have carefully examined the need for the continuance of the Act beyond the 4th August 1972 and have decided that the life of the Act be extended for a period of five years beyond the 4th August 1972.³ The Bill seeks to replace the Tamil Nadu Agricultural Labourer Fair Wages (Amendment) Ordinance, 1972 (Tamil Nadu Ordinance 2 of 1972) promulgated by the Governor. Received the assent of the President on the 28th September 1969 and first published in the Fort St. George Gazette Extraordinary, dated the 29th September 1969. An Act to provide for payment of fair rates of wages for agricultural labourers in certain areas in the State of Tamil Nadu and for matters incidental thereto. Be it enacted by the Legislature of the State of Tamil Nadu in the Twentieth Year of the Republic of India as follows:-

1. [Short title and commencement] [Substituted for 'Short title, commencement and duration' by Tamil Nadu Act 24 of 1972.].

(1) This Act may be called the Tamil Nadu Agricultural Labourer Fair Wages Act, 1969. (2)(a) It shall be deemed to have come into force on the 5th day of August 1969 in the taluks in the [Thanjavur district] [Now, these taluks are in Thiruvarur and Nagapattinam districts.] specified in Schedule I. (b) The Government may, by notification, direct that the provisions of this Act shall come into force in any other area on such date as may be specified in such notification and different dates may be appointed for different areas. (3) [This Act as amended by the Tamil Nadu Agricultural Labourer Fair Wages (Amendment) Act, 1972 (Tamil Nadu Act 24 of 1972), is hereby made permanent.] [Substituted Tamil Nadu Act 24 of 1972.] [x x x] [[Sub-section 14) omitted by section 2(iii), by Tamil Nadu Act 24 of 1972. Before omission it stood as : (4) Upon the expiry of this Act, the provisions of section 8 of the Tamil Nadu General Clauses Act, 1891 (Tamil Nadu Act I of 1891) shall apply as if this Act had, then, been repealed by a Tamil Nadu Act.]]

2. Definitions.

- In this Act, unless the context otherwise requires, -(1) ["adult" means a person who has completed his eighteenth year of age;] [Inserted by Tamil Nadu Act 65 of 1981.] (1A) [[Re-numbered by the Tamil Nadu Act 65 of 1981.] "agricultural labourer" means a person who, in consideration of wages payable to him by a landowner performs manual labour on the agricultural land of such landowner, but does not include-(a) a pannaiyal as defined in the Tanjore Pannaiyal Protection Act, 1952 (Tamil Nadu Act XIV of 1952); (b) a person engaged in the household work of the land owner or for cleaning cattle-yard, or for storing manure at the backyard of the house;] (2) "agricultural land" means any land used for the cultivation of paddy, and includes any land used for any purposes subservient thereto, but does not include house site or land used exclusively for non-agricultural purposes; (3) "Conciliation Officer" means, in relation to any area, the Conciliation Officer appointed under this Act for such area; (4) "fair wages" means the rate of wages specified in Schedule II; (5) "Government" means the State Government; (6) "landowner"-(a) in relation to a land personally cultivated means, the owner of such land and include the heirs, assignees and legal representatives

of such owner or persons deriving rights through him, and (b) in relation to a land cultivated by a cultivating tenant means, such cultivating tenant. Explanation. - "Cultivating tenant" shall have the same meaning as in clause (aa) of section 2 of the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955) and in clause (5) of section 2 of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1956); [(6-A) "non-adult" means a person who has not completed his eighteenth year of age;] [Inserted by Tamil Nadu Act 65 of 1981.] (7) "Revenue Court" means, in relation to any area, the Revenue Court constituted under this Act for such area.

3. Appointment of Conciliation Officers.

- The Government or any authority empowered by them in this behalf may, by notification, appoint for any area specified therein any officer of the Revenue Department not below the rank of a Tahsildar, to be a Conciliation Officer for the purpose of performing the functions entrusted to a Conciliation Officer by, or under, this Act.

4. Constitution of Revenue Courts.

- The Government may, by notification, constitute for any area specified therein, a Revenue Court which shall be presided over by an officer of the Revenue Department not below the rank of a Revenue Divisional Officer for the purpose of performing the functions entrusted to a Revenue Court by, or under, this Act.

5. Fair wages payable to agricultural labourers.

- Every landowner shall pay fair wages to any agricultural labourer engaged by him.

6. [Enforcement of payment of fair wages and compensation. [Substituted by Tamil Nadu Act 64 of 1981.]

(1) If any landowner pays less than the fair wages or refuse to pay the fair wages to any agricultural labourer, the agriculture labourers or any officer not below the rank of Revenue Inspector authorised by the Conciliation Officer in this behalf, may make an application to the Conciliation Officer for a direction under sub-section (2). (2) On receipt of such application, the Conciliation Officer shall hear the applicant and the landowner and, after such inquiry, if any, which he may consider necessary, without prejudice to any other penalty to which the landowner may be liable under this Act, direct, - (i) in the case of a claim arising out of the payment of less than the fair wages, the payment to the agricultural labourer of the amount by which the fair wages payable to him exceeds the amount actually paid by the landowner, together with the payment of such compensation, as the Conciliation Officer may think fit, not exceeding ten times the amount of such excess; (ii) in the case of a claim where the landowner refuses to pay fair wages, the payment of the fair wages payable to the agricultural labourer, together with the payment of such compensation, as the Conciliation Officer may think fit, not exceeding ten times, the fair wages payable, and the

Conciliation Officer may direct payment of such compensation in cases where the excess or the amount payable is paid by the landowner to the agricultural labourer before the disposal of the application.]

7. Wages for harvest.

(1)The fair wages for harvest shall be paid at the threshing floor on which the threshing takes place; and no portion of the produce shall be removed from the threshing floor without payment of fair wages to the agricultural labourer concerned.(2)If, as a result of a direction under sub-section (2) of section 6, any amount of fair wages and compensation becomes payable to an agricultural labourer, the Conciliation Officer, or any person authorised by him not below the rank of a Revenue Inspector (hereinafter referred to as the person authorised) may, -(i)in the case of harvest, -(a)recover in kind such amount of [fair wages and compensation] [Substituted for 'fair wages' Tamil Nadu Act 64 of 1981.] at the threshing floor from out of the harvested paddy, and(b)if the harvested paddy or any portion thereof has been removed from the threshing floor in contravention of the provisions of sub-section (1), the Conciliation Officer or the person authorised shall recover in kind the amount of [fair wages and compensation] [Substituted for 'fair to ages' by Tamil Nadu Act 64 of 1981.] from the land owner concerned and, if such recovery is not possible, the Conciliation Officer or the person authorised shall recover the amount of cash value of such [fair wages and compensation] [Substituted for 'fair wages' by Tamil Nadu Act 64 of 1981.] from the landowner concerned as if such amount were an arrear of land revenue, and pay the amount so recovered to the agricultural labourer concerned;(ii)in the case of any work other than harvest, the Conciliation Officer, or the person authorised may recover in kind or in cash the amount of such [fair wages and compensation] [Substituted for 'fair wages' by Tamil Nadu Act 64 of 1981.] from the landowner concerned as if such amount were an arrear of land revenue and pay it to the agricultural labourer concerned.(3)The Conciliation Officer, or the person authorised shall have all such powers as are necessary to effect the payment of the [fair wages and compensation] [Substituted for 'fair wages' by Tamil Nadu Act 64 of 1981.] to the agricultural labourer including the power to enter upon any land on which or into any building in which the harvested paddy is kept.

8. Appeal.

(1)Against any final order passed by a Conciliation Officer under section 6, an appeal shall lie to the Revenue Court within such time as may be prescribed and the decision of the Revenue Court on such appeal shall, subject to the provisions of section 9, be final.(2)The Revenue Court shall have no power to stay the operation of the order of the Conciliation Officer pending the disposal of the appeal.

9. Revision by the District Court.

- The District Court may call for and examine the record of any Revenue Court in respect of any proceeding under this Act to satisfy itself as to the regularity of such proceeding or the correctness, legality or propriety of any decision or order passed thereon; and if, in any case, it appears to the District Court that any such proceeding, decision or order should be modified, annulled or reversed

or remitted for re-consideration, it may pass orders accordingly: Provided that the District Court shall have no power to stay the operation of any decision or order of the Revenue Court pending the exercise of the powers under this section: Provided further that the powers of the District Court under this section shall not be exercised in respect of an interim order passed by the Revenue Court: Provided also that the District Court shall not pass any order prejudicial to any party unless he has been given a reasonable opportunity of being heard.

10. Decision in appeal or revision to be given effect to.

(1) Where the amount of fair wages paid under sub-section (2) of section 7 to any agricultural labourer is less than the amount of fair wages payable as a result of the decision in appeal or revision, the balance shall be recovered from the landowner concerned as if it were an arrear of land revenue, and paid to the agricultural labourer concerned. (2) Where the amount of fair wages paid under sub-section (2) of section 7 to any agricultural labourer is in excess of the amount of fair wages payable as a result of the decision in appeal or revision, such excess shall be recovered from the agricultural labourer concerned as if it were an arrear of land revenue, and paid to the landowner concerned.

10A. [Penalties for certain offences. [Sections 10-A and 10-B were inserted by Tamil Nadu Act 64 of 1981.]

- Any landowner who pays less than the fair wages or refuses to pay the fair wages or removes any portion of the produce from the threshing floor without payment of the fair wages for barest, to any agricultural labourer, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both: Provided that in imposing any fine for an offence under this section, the Court shall take into consideration the amount of any compensation already awarded against the landowner in any proceedings taken under section 6.

10B. Cognizance offences.

- No Court shall take cognizance of a complaint against any person for an offence under section 10-A except upon complaint made by, or with the sanction of, the Conciliation Officer.]

11. Bar of jurisdiction of Civil Courts.

(1) Save as otherwise provided in this Act, no Civil Court shall entertain any suit or other proceeding to set aside or modify any order or decision passed by any authority or officer or in respect of any other matter falling within its or his scope. (2) No injunction shall be granted by any Court in respect of any action taken, or to be taken, by any officer or authority in pursuance of any power conferred by, or under, this Act.

12. Power to take evidence on oath.

- Any authority or officer exercising powers under this Act shall have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) when trying a suit in respect of the following matters, namely:-(a)enforcing the attendance of any person and examining him on oath;(b)requiring the discovery and production of documents;(c)receiving evidence on affidavit;(d)issuing commissions for the examination of witnesses;and any proceeding before the authority or officer shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code (Central Act XLV of 1860).

12A. [Alteration of rates in Schedule II. [Inserted by Tamil Nadu Act 64 of 1981.]

(1)The Government may, by notification, amend Schedule II and alter the rate of wages specified in Part I or Part II of Schedule II and different rates of wages may be fixed for different areas.(2)Before issuing the notification under sub-section (1), the Government shall take into consideration the following factors, namely:-(a)the availability of the labour in the area, or(b)the price of essential commodities in the area, or(c)the rise in the cost of living in the area, or(d)such other factors as may be prescribed.(3)The Government may, after the publication of the notification under subsection (1), review at such intervals not exceeding five years, as they may think fit, the fair wages fixed under sub-section (1) and revise the rate of fair wages, if necessary:Provided that where for any reason, the Government have not reviewed the fair wages within any interval of five years, nothing contained in this sub-section shall be deemed to prevent them from reviewing the fair wages after the expiry of the said period of five years and revising them if necessary and until they are so revised, the fair wages in force immediately before the expiry of the said period of five years shall continue in force.(4)All references made in this Act to Schedule II shall be considered as relating to Schedule II as for the time being amended in exercise of the powers conferred by this section.

12B. Minimum Wages Act not to apply.

- The Minimum Wages Act, 1948 (Central Act 11 of 1948) shall, in so far as it relates to matters dealt with in this Act, cease to apply to any area in which this Act has already been or is brought into force under sub-section (2) of section 1.]

13. Act to override contract and other laws.

- The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any pre-existing law, custom, usage, agreement or decree or order of a Court.

14. Power to make rules.

(1)The Government may make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for-(a)all matters

expressly required or allowed by this Act to be prescribed;(b)the procedure to be followed by the Conciliation Officer and the Revenue Court;(c)the fees to be paid for applications and appeals under this Act;(d)the powers of the Conciliation Officer and the person authorised necessary for effective enforcement of the provisions of this Act;(e)the manner of estimating the cash value of fair wages in kind.(3)All rules made under this Act shall be published in the [Fort St. Gorge Gazette] [Now 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.(4)Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of [the Legislative Assembly] [Substituted for 'both Houses of the Legislature' by the Tamil Nadu Adaptation of Laws Order 1987.] and if, before that expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for 'both Houses agree' by the Tamil Nadu Adaptation of Laws Order, 1987.] in making any modification in any such rule or [the Legislative Assembly agrees] [Substituted for 'both Houses agree' by the Tamil Nadu Adaptation of Laws Order, 1987.] 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.

15. Repeal.

- The Tamil Nadu Agricultural Labourer Fair Wages Ordinance, 1969 (Tamil Nadu Ordinance 4 of 1969) is hereby repealed.

I

[See Section 1(2) (a)]

SI. No. Name of taluk

- 1 Manargudy
- 2 Thiruthuraipoondi
- 3 [Mayuram] [Now, renamed as 'Mayiladudurai'.]
- 4 Sirkali
- 5 Nagapattinam
- 6 Nannilam

II

[See Section 2(4)][Part I] [The present Part I of Schedule II was substituted by Notification No. II(2)/ REV/ 3673/ (i)/ 81, Revenue Department, and published in Part II-Section 2 of Tamil Nadu Government Gazette Extraordinary, dated the 1st September 1981.] AdultsFor persons engaged in ploughing, sowing of seedling, forming, trimming and maintenance of lands and channels, preparation of land for sowing and transplantation, transport by manual labour of inputs or produce-Seven litres of paddy + Rs. 6.90 per day or Rs. 16.00 per day.For persons engaged in plucking of seedlings and replanting-Seven litres of paddy + Rs. 5.90 per day or Rs. 15.00 per

day. For persons engaged in weddings-

7. litres of paddy plus Rs. 4.90 per day or Rs. 14 per day]

Non-Adults All agricultural operations-Four litres of paddy + Rs. 2.80 or Rs. 8.00 per day. Explanation. - (1) Ploughing will not include provision of bullocks and ploughs by the labourer. (2) Hours of work for all operations other than ploughing will be seven hours per day and for ploughing five hours per day. (3) Persons required to work at night shall be paid fifty per cent additional wages.

Part II – Harvest

Six litres out of every fifty-four litres of harvested paddy. Explanation. - For arriving at the wages specified above, no deduction shall be made either for kalavady or for any other expenses from out of the harvested keep till the agricultural labourers' wages are paid. Illustration. - If 5,400 litres of paddy is the total amount of paddy harvested, the wages payable for the agricultural labourers engaged for the harvest will be 600 litres and the balance will be 4,800 litres, from which alone, the land-owner have to make any deductions for kalavady or for any other expenses.