

## **UNORGANISED AGRICULTURAL SECTOR WORKERS (CONDITIONS OF WORK AND LIVELIHOOD PROMOTION) BILL, 2007.**

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## Statement of objects and reasons

The unorganised agricultural sector of the Indian economy, accounts for about sixty per cent of total employment in the country. The workers in this sector may be broadly divided into wage workers and self-employed workers. This Bill is intended to provide minimum conditions of work for those agricultural wage workers who are in the unorganised agricultural sector as well as other agricultural workers whose minimum conditions of work are not regulated by any other legislation. It also provides a mechanism for dispute resolution for such workers, as well as for protection and promotion of livelihoods of workers in the unorganised agricultural sector.

## UNORGANISED AGRICULTURAL SECTOR WORKERS (CONDITIONS OF WORK AND LIVELIHOOD PROMOTION) BILL, 2007.

A

BILL

*To provide for minimum labour standards, dispute resolution mechanism and protection and promotion of livelihood for unorganized agricultural sector workers and to provide for other matters connected therewith or incidental thereto.*

*BE it enacted by Parliament in the fifty-seventh year of the Republic of India as follows:-*

### Chapter I PRELIMINARY

#### 1. Short title, extent, commencement and application

(1) The Act may be called Unorganised Agricultural Sector Workers (Conditions of Work and Livelihood Promotion) Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different States and different areas in a State and for different provisions of this Act, within six months from the date of the assent.

## 2. Definitions

For the purposes of this Act, unless the context otherwise requires;

- a) **“Adolescent”** means a person above the age of 14 years and who has not completed 18 years of age.
- b) **"Agriculture"** means:
  - (i) Farming, including the cultivation and tillage of soil etc;
  - (ii) Dairy farming;
  - (iii) Production, cultivation, growing and harvesting of any agricultural or horticultural commodity;
  - (iv) Raising of livestock, bee-keeping or poultry;
  - (v) Fishing and/ or fish farming or sericulture;
  - (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);
  - (vii) Growing fodder or thatching grass or for grazing cattle.
- c) **“Casual worker”** means a person who is casually engaged in agricultural work of a casual nature, in consideration of wages, according to the terms of the daily or periodic work contract.
- d) **"Child"** means a person who has not completed 14 years of age.
- e) **“Employer”** means a natural or juridical person, or an association of such persons, by whom any unorganised agricultural worker is engaged or employed either directly or otherwise, in consideration of wages.
- f) **"Government"** means either Central Government, or State Government, or Union Territory administration, or local government, or Cantonment Boards as the case may be.
- g) **“Migrant worker”** includes inter state and intra state migrant workers.
- h) **“Remuneration”** means as defined in the Equal Remuneration Act, 1976.
- i) **"Self employed agricultural worker "** means any person engaged in agricultural activities in own farm or holding, either individually or with one or more partners.

- j) **“Unorganised agricultural sector”** consists of all agricultural farms or operational holdings operated by private individuals or households either individually or jointly for the production of agricultural goods.

**Explanation 1:** Operational holding means a techno-economic unit constituted of all land that is used wholly or partly for agricultural production without regard to title, size or location.

**Explanation 2:** Farm means any entity engaged in livestock production, fishing, agricultural services, hunting, trapping & game propagation and forestry.

- k) **“Unorganised agricultural sector worker”** means all persons employed or engaged in the unorganised agricultural sector as a self employed agricultural worker or a wage worker in agriculture.
- l) **“Unorganised agricultural worker”** means unorganised agricultural sector workers, whether or not covered by one or more existing laws dealing with conditions of work, as well as agricultural wage workers employed in agricultural enterprises other than the unorganised agricultural sector, who are not eligible for protection within the scope of existing laws that provide for minimum conditions of work as applicable in the State concerned.
- m) **“Wages” means** as defined in clause (vi) of section 2 of the Payment of Wages Act, 1936 (4 of 1936).
- n) **“Wage worker”** means a person employed in agriculture directly by an employer or through any agency or contractor, whether exclusively for one employer or for one or more employers, whether simultaneously or otherwise, in consideration of wages, whether in cash and/or in kind.

### 3. Rules of evidence

In this Act, notwithstanding anything contained in the Indian Evidence Act, 1872, the burden of proof that compliance with the provisions of the Act has been effected will be entirely on the employer wherever applicable.

***[Explanatory Note: This section facilitates shifting of the burden of proof from the workers to the employer. This is a departure from the normal practice and ordinary rules of evidence, which places the burden on the plaintiff/petitioner/complainant.]***

**Part -1****Chapter II****CONDITIONS OF WORK TO BE ENSURED FOR THE UNORGANISED AGRICULTURAL WAGE WORKER****4. Conditions of work of the unorganised agricultural wage worker**

Every unorganised agricultural wage worker shall be entitled to the following conditions of work:

(1) No employer shall employ any unorganised agricultural wage worker in contravention of the following Acts:

- a) Bonded Labour System (Abolition) Act, 1976;
- b) Child Labour (Prohibition and Regulation) Act, 1986;
- c) Minimum Wages Act, 1948.

(2) (a) The normal hours of work of a wage worker shall be limited to eight hours a day beyond which a worker shall be paid overtime at one and a half the normal rate of wages per hour;

Provided that nothing contained in this section shall be deemed to prohibit an agreement between the employer and the wage workers engaged in agriculture for working for less than eight hours 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 wage worker engaged in agriculture is required to work for less than eight hours.

**Explanation:** Nothing contained in this section shall extend the normal hours of work beyond eight hours to give effect to any "custom or practice prevailing in the locality.

(b) Every eight hour working day shall have at least an half hour break, so however that the spread over of work shall not exceed ten hours.

(c) Women and adolescents shall not be employed between the hours of 9 p.m. and 5 a.m., except where permitted under rules made in this behalf.

(d) Every agricultural wage worker shall be entitled to one paid day of rest after completing six continuous days of employment by or under a single employer.

(3) (a) The Central government shall notify a National Minimum Wage.

(b) The National Minimum Wage shall apply to all unorganised agricultural wage workers in employments not notified under the Minimum Wages Act;

Provided that where the wage under the Minimum Wages Act is lower than the National Minimum Wage, the concerned State Government shall amend the prescribed Minimum Wage to bring it in conformity with the National Minimum Wage;

Provided further that till such time as this is done, the wage worker shall be entitled to receive the National Minimum Wage.

(c) For the purpose of fixation of a National Minimum Wage for all employments, the Central government shall appoint a committee *inter-alia* consisting of employer representatives, wage worker representatives and experts within one year, who shall fix the National Minimum Wage after taking into account the minimum basic needs of the wage worker and his/her family,, variations in the cost of living in different areas and such other parameters as may be decided by the Committee.

(d) The National Minimum Wage shall be announced by the Central Government within one year of the implementation of this Act and shall be periodically reviewed through a modality prescribed by the National Board for Promotion of Livelihood of Unorganised Agricultural Sector Workers.

(d) Where the wages are determined by a piece rate system, the earnings of a worker working for 8 hours should be at least equal to the time rated minimum wages fixed for that category of work in the state concerned, and where the rates have not been fixed under the Minimum Wages Act, 1948 in the relevant state, the rates as fixed under clause (b) above.

(e) Wages in employments performed predominantly by women shall be brought on par with employments certified as equivalent in value by an Employment Certification Committee to be constituted by the State Board for Promotion of Livelihood of Unorganised Agricultural Sector Workers. The Employment Certification Committee shall periodically evaluate employments in the state for this purpose.

(f) Wages of workers shall be duly paid for the periods agreed upon. The wage period can on no account exceed one month; any delay in payment beyond this periods will require the employer to pay penal rates of interest, as specified in this behalf, for the period of the delay to the agricultural wage worker.

(g) There shall be no deduction from wages, including in such cases where such wages are paid as advance to the worker, in the form of interest, payments to contractors or agents, overvaluation of goods supplied or basic amenities including accommodation in the case of seasonal migrant workers, fines, inadequate or poor quality output, except in accordance with rules made in this behalf by the State Government.

(h) Every employer shall provide unorganised agricultural wage worker the details of remuneration received by him/her in such form as may be prescribed by the State Government.

(i) Every unorganised agricultural wage worker, except casual workers, shall receive a letter of employment from his/her employer, stating the terms of employment of his/her employment.

(j) Every employer shall maintain such registers and records as may be necessary to verify the employer's claim regarding the employment status of agricultural wage workers and details of payments made to them.

(4) All unorganised agricultural workers shall have the right to organise, by forming trade unions or other membership based organisations, for representation and collective bargaining in various fora. **(Note: This applies to both wage workers and self employed workers)**

(5) No employer shall discriminate against any unorganised agricultural wage worker on the grounds of sex, caste, religion, incidence of HIV-AIDS, migration status, place of origin in employment, wage rates and conditions of work as laid down in this Act.

(6) Every employer shall ensure that personal protective safety equipments are provided to such agricultural workers as are required to handle machinery and agro-chemicals as are hazardous to the life and limb of such workers. The State Board for Promotion of Livelihood of Unorganised Agricultural Sector Workers shall carry out periodic studies on occupational hazards arising in this sector and develop suitable outreach/extension programmes for this purpose.

(7) Every employer shall compensate a agricultural wage worker for any accident or occupational hazard arising out of or in the course of employment that results in any temporary, permanent, partial or total disablement of the wage worker, at rates to be specified in this behalf which shall not be lower than the benefits provided under the 'Unorganised Workers Social Security Act.

Provided further that where the wage worker is covered under the Social Security for Unorganised Workers Act, 2007 such compensation by the employer shall not be payable.

(8) The employer shall ensure that there is no sexual harassment of the agricultural wage worker at the place of work.

(9) The State Board for Promotion of Livelihood of Unorganised Agricultural Sector Workers shall make rules with respect to child care facility to be made available at local levels.

(10) Every employer shall provide in all the lands where agricultural work is carried on such basic amenities and first-aid facilities, and reasonable housing and provision for basic amenities for seasonal migrant workers, as may be prescribed.



### **Chapter III**

## **ENFORCEMENT AND DISPUTE RESOLUTION BODIES**

### **5. Disputes Resolution Council and Conciliation Committees**

(1) The State Government shall, by rules, constitute Dispute Resolution Council (DRC) at District level and Conciliation Committees (CC) at an appropriate level below the district level i.e Block/Tehsil/Mandal level, for resolution of disputes relating to the non observance of provisions of this Act arising amongst the unorganised agricultural wage workers and employers.

(2) The Composition of the DRCs and CCs shall be tripartite and consist of an officer designated by the State Government to be the Member Secretary, one person nominated from the most representative of membership-based organisations of the unorganised agricultural workers in that State, having membership in the district, and a person nominated from the most representative organisation of employers or farmers' organisations in the agricultural unorganised sector in the state. The State government, may, if it thinks fit, appoint two persons as assessors to advise the conciliation Committee on the proceedings before it.

(3) When there is a complaint regarding sexual harassment, the CC/DRC shall co-opt two other members from the Panchayats/Local bodies, who shall be women, at the time of dealing with such complaints.

(4) The honorarium and/ or the allowances to be paid to the workers and employers representatives on the DRC shall be determined by the State Government.

(5) The persons to be appointed as members from each of the categories specified in sub-section (2), the term of office and other related conditions, the procedure to be followed in the discharge of their functions, conduct of meetings, periodicity of meetings and the manner of filling vacancies among the members of the CC/DRC, shall be such as may be prescribed by the State Government.

(Note: In order to determine the most representative organisation, membership figures including the verification of trade unions carried out by the CLC may be relied upon.)

### **6. Functions and powers of the Conciliation Committee and Dispute Resolution Council**

(1) Any unorganised agricultural wage worker or employer, or, organisation representing such worker may raise a dispute relating to the non-observance of conditions of work as specified in this Act by filing a complaint before the Conciliation Committee in the manner prescribed by the State Government. The DRC may also take *suo moto* cognizance of such disputes.

(2) Every complaint so filed shall be deemed to be a dispute under this Act notwithstanding that such a complaint had not been referred to the employer at the first instance, and been rejected.

(3) The status of employment of workers in the dispute raised before the CC or DRC shall not be affected merely for the reason that a complaint regarding their conditions of work has been raised before the DRC or CC.

(4) Upon reference of a dispute, the Conciliation Committee shall proceed to arrive at a conciliated settlement. The Conciliation Committee shall, for the purpose of bringing about a settlement of the dispute, without delay, investigate the dispute and all matters connected therewith, and may do all such things as they think fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(5) The Conciliation Committee may for the purpose of investigating the dispute, after giving reasonable notice, enter the premises to which the dispute relates. The Conciliation Committee shall also have the powers under the Code of Civil Procedure 1908 to enforce the attendance of parties, compel the production of documents and material objects.

(6) The Conciliation Committee may if it thinks fit appoint one or more persons having special knowledge of the matter under consideration to advise it on the proceeding before it.

(7) The time limit for the conclusion of the proceedings of the CC shall not exceed four weeks. Where the parties to the dispute apply in the prescribed manner, whether jointly or separately, to the CC for the extension of such period and the member-secretary of the CC considers it necessary or expedient to extend such period, he/she may for reasons to be recorded in writing, extend such period by such further period as he/she may think fit;

Provided that no proceedings before a CC shall lapse merely on the ground that the period specified under this sub section has expired without such proceedings being completed.

(8) If the Conciliation Committee is able to arrive at a conciliated settlement, it shall record its finding to such effect and shall issue such directions as considered necessary.

(9) Upon failure of such conciliation proceedings, the Conciliation Committee shall record its findings and refer the dispute to the DRC, which shall within two weeks of receipt of reference, refer the matter to the adjudicator provided in this section.

(10) Where a dispute is raised directly before the DRC, the DRC shall ordinarily refer the dispute to the CC below it, under whose jurisdiction the dispute falls.

(11) In cases of disputes raised directly before it or referred to it by the CC under subsection (8) above, the DRC may itself seek to bring about a conciliated settlement.

(12) In such cases, the DRC shall have all the powers mentioned in section 7(4) and 7(5) specified above.

(13) If the DRC is able to arrive at a conciliated settlement, it shall record its finding to such effect and shall issue such directions as considered necessary.

(14) In case of failure of conciliation, the DRC shall record its finding and refer the matter directly to the Adjudicator referred to in section 7, within 4 weeks of the reference of the dispute. Where the parties to the dispute apply in the prescribed manner, whether jointly or separately, to the DRC for the extension of such period and the member-secretary of the DRC considers it necessary or expedient to extend such period, he/she may for reasons to be recorded in writing, extend such period by such further period as he/she may think fit.

Provided that no proceedings before a DRC shall lapse merely on the ground that the period specified under this sub section has expired without such proceedings being completed.

(15) .The DRC shall also monitor the functioning of the CCs.

(16) Where the dispute pertains to any matter covered by any law mentioned in Section 4(1), the CC/DRC shall forward the complaint to the appropriate authority created under the relevant Act for adjudication.

## **7. Adjudication**

(1) The State Government shall by notification in the Official Gazette appoint any officer of the Government not below the rank of a District Labour Officer for each district, or any officer with experience as Civil Judge or as Magistrate to be the Adjudicator under the section. The Adjudicator shall hold sessions in such Block/ Tehsil/Mandal towns and with such frequency, as may be specified in the rules made in this behalf by the State Government, in order to adjudicate upon the disputes referred to it by the DRCs at the Block/ Tehsil/Mandal level.

(Note: NO appeal has been provided for under this Act. Moving the High Courts under Art. 226 of the Constitution would of course be available).

(2) The State Government shall issue such notifications and directions as are necessary to ensure that the adjudication proceedings are concluded expeditiously with minimum loss of time and costs to the parties involved. The award of the Adjudicator shall be publicised in the manner as prescribed by the State Government.

**7A.** The designated department(s) of the State Government concerned shall be responsible for implementation of the provisions of this Act.

**8. Contravention of provisions regarding employment of unorganised agricultural workers**

(1) Whoever contravenes any provisions of this Act or the rules made there under, other than those made punishable under any other law, regarding the employment of unorganised agricultural workers, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to five thousand rupees, or with both, and in case of continuing contravention, with additional fine which may extend up to one hundred rupees for every day during which such contravention continues.

(2). No court shall take cognizance of an offence punishable under this Act or the abetment of any such offence, save on a complaint made by, or the previous sanction in writing of or under the authority of the State Government. No court inferior to that of a Metropolitan Magistrate or a judicial magistrate of the first class shall try any offence punishable under this Act.

(3). No suit, prosecution or other legal proceeding shall lie against any person for anything done in good faith or intended to be done in pursuance of this Act or rules.

(4) No court shall take cognizance of an offence punishable under this Act unless the complaint is made within six months from the date on which the alleged commission of the offence came to the knowledge of the CC or the DRC concerned.

(5) Any person who commits a breach of any conciliated settlement arrived at in the CC or DRC or final award by the adjudicator, shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both, [and where the breach is a continuing one, with a further fine which may extend to two hundred rupees for every day during which the breach continues after the conviction for the first] and the Court trying the offence, if it fines the offender, may direct that the whole or any part of the fine realized from him shall be paid, by way of compensation, to any person who, in its opinion, has been injured by such breach.

(6) Where any money is due to a unorganised sector worker under a settlement or an award, the workman himself or any other person authorized by him in writing in this behalf, or, in the case of the death of the workman, his assignee or heirs may, without prejudice to any other mode of recovery, make an application to the state government for the recovery of the money due to him, and if the state government is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover the same in the same manner as an arrear of land revenue.

## **Part-2**

### **Chapter IV PROTECTION AND PROMOTION OF LIVELIHOOD OF UNORGANISED AGRICULTURAL WORKERS**

#### **9. Measures to safeguard and promote livelihood**

The appropriate Government shall seek to safeguard and promote the livelihood of the unorganised agricultural workers for fulfilling the following objectives:

- a) Promotion of gainful employment opportunities and livelihood options ;
- b) Provision of training facilities for skill upgradation ;
- c) Promotion of labour organisations and cooperative groups to secure gainful employment and dignified conditions of work;
- d) Provision of credit, raw material (input) supply, appropriate technology and adequate marketing and storage facilities for the goods and services produced in the unorganised agricultural sector;
- e) Ensuring social security benefits covering life, health, disability, maternity and old age benefits;
- f) Ensuring access to affordable credit facilities through banking and non banking institutions, in the State or co-operative Sector or private sector ;
- g) Ensuring the right to livelihood including the right over common properties and natural resources in the following manner:
  - i. Ensuring the rights of all types of unorganised agricultural workers having traditional access to common and public property resources for their livelihood ;
  - ii. Ensuring the right of unorganised agricultural workers to share public space to engage in economic activities;
  - iii. Ensuring the right to inhabitation in places where the workers are usually residing, provided that the land has been in their occupation for a specified period of time;
- h) Ensuring that area development plans pay adequate regard to the concerns and protection and promotion of livelihood of unorganised agricultural workers;
- i) Encourage the promotion of associations of self employed agricultural workers with a view to articulation of their problems and representing their interest in various fora;

- j) Ensuring special protection for migrant workers and their families in providing them with ration cards, housing, access to health-care, education to their children, and other state-provided entitlements, on par with local workers.

## **Chapter V**

### **NATIONAL BOARD FOR PROMOTION OF LIVELIHOOD OF UNORGANISED AGRICULTURAL WORKERS**

#### **10. Establishment**

With effect from such date as the Central Government shall establish for the purposes of this Act, a Board to be called the National Board for Promotion of Livelihood of Unorganised Agricultural Workers.

#### **11. Constitution of a National Fund for Unorganised Sector Workers (Agricultural & Non-agricultural)**

The Central Government shall create a National Fund for Unorganized Sector workers (Agricultural and Non- agricultural) to achieve the objectives specified in Chapter IV. The Fund would be utilized only for the programmes and projects recommended by the National Board for Promotion of Livelihood of Unorganised Agricultural Workers and National Board for Promotion of Livelihood of Unorganised Non-agricultural Workers .

#### **12. Functions of the National Board for Promotion of Livelihood of Unorganised Agricultural Workers**

The National Board for Promotion of Livelihood of Unorganised Agricultural Workers shall perform the following functions at the national level:

- a) Monitor & review the existing schemes, policies and programmes of various Ministries and Departments of Government of India for the unorganised agricultural sector and make appropriate recommendations;
- b) Advise the Government regarding the promotion of gainful employment opportunities and promotion of livelihood options and matters relating to welfare of unorganised agricultural sector workers;
- c) Review the working of the State Board for Promotion of Livelihood of Unorganised Agricultural Workers and make suitable recommendations to the Government(s) concerned for further improvement;
- d) Recommend programmes and projects for implementation through the National Fund;

- e) Identify skill and training requirements for both self employed workers and wage workers in the unorganised agricultural sector and to advise the government accordingly;
- f) Collect, compile and collate information and publish statistics with the help of statistical organisation regarding the unorganised agricultural sector and the possibilities and challenges facing the unorganised sector in terms of employment opportunities;
- g) Assess and advise the government on the credit requirements and banking needs of this sector;
- h) Carry out periodic surveys on the condition of work in the unorganised agricultural sector and make suitable recommendations to the government;
- i) Hold public hearings to entertain petitions submitted by the unorganised agricultural sector workers and to explain the efforts made to address the grievances of unorganised agricultural sector workers;
- j) Ensure special protection for migrant workers and their families in providing the ration cards, housing and education to their children;
- k) Provide for guidelines of periodic review of the national minimum wages fixed by the Central Government after taking into account the minimum basic needs of the wage workers and his/her family.

### **13. Composition of the National Board for Promotion of Livelihood of Unorganised Agricultural Workers**

- (1) The National Board for Promotion of Livelihood of Unorganised Agricultural Workers shall be constituted by the Central Government consisting of the following:
  - a) Five representatives of the State Boards for Promotion of Livelihood of Unorganised Agricultural Workers;
  - b) Five representatives of national level membership based organisations of unorganised agricultural sector wage workers;
  - c) Five representatives of national level organisations of unorganised agricultural sector workers including the agricultural self-employed;
  - d) One representative each from the Ministries of Agriculture, Food Processing, Agro and Rural Industries, Labour, Small Industry, Banking, Panchayats, Rural Development, Health, Science and Technology, Finance, Women & Child Development and Social Justice and Empowerment, Tribal Affairs, Development of North-east Region, and the Planning Commission of the Government of India ;

e) Appropriate number of experts in the area of skill formation, finance, marketing, technology and natural resource management.

***[a, b, c and e may be based on the principle of rotation. In b and c above, at least a majority of representatives must be from socially deprived groups such as SC/ST, OBC, and Muslim, and at least two of the five members in each category must be women]]***

(2) A Union Minister in the rank of Cabinet Minister of the Union of India shall be the Chairperson of the National Board for Promotion of Livelihood of Unorganised Agricultural Workers.

(3) An officer in the rank of the Secretary to the Government of India, as designated by the Government of India, shall be the full-time Member-Secretary, who shall be its Chief executive Officer.

(4) The tenure of the members shall be for a period of three years. The National Board for Promotion of Livelihood of Unorganised Agricultural Workers shall meet as often as required but not less than twice a year. The honorarium and/ or the allowances to be paid to the non official members of the National Board for Promotion of Livelihood of Unorganised Agricultural Workers shall be as determined by the Central Government.

(5) The National Board for Promotion of Livelihood of Unorganised Agricultural Workers shall have a secretariat with adequate professional and other staff. The staff of the National Board for Promotion of Livelihood of Unorganised Agricultural Workers shall be governed by the Central Government rules and regulations existing from time to time. The annual budget of the National Board for Promotion of Livelihood of Unorganised Agricultural Workers shall be prepared by the Secretariat.

## **Chapter VI**

### **STATE BOARD FOR PROMOTION OF LIVELIHOOD OF UNORGANISED AGRICULTURAL WORKERS**

#### **14. Establishment**

A State Board for Promotion of Livelihood of Unorganised Agricultural Workers shall be constituted by every State Govt. or Govt of the Union Territory for worker in the unorganised sector.

#### **15. Functions of the State Board for Promotion of Livelihood of Unorganised Agricultural Workers**

Every State Board for Promotion of Livelihood of Unorganised Agricultural Workers shall have the following functions:



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- a) Monitor & review the existing schemes, policies and programmes of various Ministries and Departments of the concerned State Government for the unorganised agricultural sector and make appropriate recommendations;
- b) Advise the Government regarding the promotion of gainful employment opportunities and promotion of livelihood options for unorganised agricultural sector workers;
- c) Recommend the programmes and projects for implementation to the National Board for Promotion of Livelihood of Unorganised Agricultural Workers through the National Fund;
- d) Identify skill and training requirements for both self employed workers and wage workers in the unorganised agricultural sector and to advise the government accordingly;
- e) Collect, compile and collate information and publish statistics with the help of statistical organisation regarding the unorganised agricultural sector and the possibilities and challenges facing the unorganised sector in terms of employment opportunities;
- f) Assess and advise the government on the credit requirements and banking needs of this sector;
- g) Carry out periodic surveys on the condition of work in the unorganised agricultural sector and make suitable recommendations to the government;
- h) Encourage the promotion of labour cooperatives to secure gainful employment and dignified conditions of work;
- i) Hold public hearings to entertain petitions submitted by the unorganised agricultural sector workers and to explain the efforts made to address the grievances of unorganised agricultural sector workers;
- j) Carry out surveys to determine the safety and health standards required in different occupations and employments in the unorganised agricultural sector, and publish manuals and outreach programmes for worker safety;
- k) Review the National Minimum Wages for the state after taking into account the cost of living and minimum basic needs of the agricultural wage workers and his/her family;
- l) Constitute Employment Certification Committee to bring the wages in employments performed predominantly by women on par with employments certified as equivalent in value and periodically evaluate employments in the state for this purpose;

- m) Carry out periodic studies on occupational hazards arising in this sector and develop suitable outreach/extension programmes for this purpose;
- n) Make provisions for improvement in housing, rational use of public spaces keeping in mind the needs of the self employed workers working from their homes/rented premises/streets or public spaces to improve their working conditions .

## **16. Composition of the State Board for Promotion of Livelihood of Unorganised Agricultural Workers**

(1) A State Board for Promotion of Livelihood of Unorganised Agricultural Workers shall consist of the following:

- a) Five representatives of membership based organisations of unorganised agricultural sector wage workers;
- b) Five representatives of organisations of unorganised agricultural sector workers including the self-employed;
- c) One representative each from the Ministries of Agriculture, Food Processing, Agro and Rural Industries, Labour, Small Industry, Banking, Panchayats, Rural Development, Health, Science and Technology, Finance, Women & Child Development and Social Justice and Empowerment, Tribal Affairs, and the Planning Commission /Board of the state Government;
- d) Appropriate number of experts in the area of skill formation, finance, marketing, technology and natural resource management.

***[a, b, and d may be based on the principle of rotation. In a and b above, at least a majority of representatives must be from socially deprived groups such as SC/ST, OBC, and Muslim, and at least two of the five members in each category must be women]***

(2) A Minister in the rank of Cabinet Minister of the State Government shall be the Chairperson of the State Board for Promotion of Livelihood of Unorganised Agricultural Workers.

(3) An officer in the rank of the Secretary to the State Government, as designated by the State Government shall be the Member-Secretary who shall be its Chief executive Officer.

(4) The tenure of the members shall be for a period of three years. The State Board for Promotion of Livelihood of Unorganised Agricultural Workers shall meet as often as required but not less than twice a year. The honorarium and/ or the allowances to be paid to the non official members of the State Board for Promotion of Livelihood of Unorganised Agricultural Workers shall be as determined by the State Government.

(5) The State Board for Promotion of Livelihood of Unorganised Agricultural Workers shall have a secretariat with adequate professional and other staff. The staff of the State Board for Promotion of Livelihood of Unorganised Agricultural Workers shall be governed by the State Government rules and regulations existing from time to time. The annual budget of the State Board for Promotion of Livelihood of Unorganised Agricultural Workers shall be prepared by the Secretariat.

## **Chapter VII MISCELLANEOUS**

### **17. Power to make Rules**

The Central and State Government shall have the power to make rules for the purposes of carrying out the objects of the Act.

### **18. Savings**

(1) This law will not affect the application of any other State or Central Acts which applies to the unorganised agricultural worker or to the employer under this Act. (Note: Even if the employer or establishment is covered, the worker who is not covered under the formal sector law would get benefit under this law for the matter covered here).

(2) Notwithstanding anything contained in this Act, wherever any unorganised agricultural worker is eligible for superior or better benefits under any existing law in force such as the Plantations Labour Act, the worker shall continue to be entitled for such benefits.

### **19. Effect of laws and agreements inconsistent with this Act**

(1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the coming into force of this Act.

(2) Nothing contained in this Act shall be construed to preclude a unorganised agricultural worker from entering into an agreement with his/her employer for granting him/her rights or privileges in respect of any matter which are more favourable to him/her than those to which he/she would be entitled under this Act.

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