

Fourteenth Kerala Legislative Assembly

Bill No. 286

**THE KERALA AGRICULTURAL WORKERS'
(AMENDMENT) BILL, 2021**

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BILL

further to amend the Kerala Agricultural Workers' Act, 1974.

Preamble.—WHEREAS, it is expedient further to amend the Kerala Agricultural Workers' Act, 1974 (18 of 1974) for the purposes hereinafter appearing;

BE it enacted in the Seventy second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Agricultural Workers' (Amendment) Act, 2021.

(2) It shall be deemed to have come into force on the 16th day of January, 2020.

2. *Amendment of section 9.*—In section 9 of the Kerala Agricultural Workers' Act, 1974 (18 of 1974) (hereinafter referred to as the principal Act),—

(1) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Every land owner holding more than twenty Ares but less than forty Ares in extent of agricultural land shall pay contribution to the Fund at the rate of fifty paise per Are, per annum for the entire land held by him, and those holding more than forty Ares of agricultural land shall contribute one rupee per Are, per annum for the entire land held by him in such manner as may be prescribed.”;

(2) in sub-section (2), for the words “five rupees” the words “twenty rupees” shall be substituted;

(3) for sub-section (4) the following sub-section shall be substituted, namely:—

“(4) The Government shall contribute to the Fund every year, by way of grant, an amount equal to that of twenty five per cent of the contribution paid by the registered agricultural workers in every financial year, limited to a maximum of rupees five per capita.”.

4. *Repeal and saving.*—(1) The Kerala Agricultural Workers' (Amendment) Ordinance, 2020 (62 of 2020) is hereby repealed.

(2) Notwithstanding such repeal, anything done or deemed to have been done or any action taken or deemed to have been taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 9 of the Kerala Agricultural Workers' Act, 1974 provides that every land owner holding more than forty ares in extent of agricultural land shall pay contribution to the fund at the rate of twenty-five paise per are per annum for the land held by him in excess of forty ares or part thereof in the manner prescribed. Sub-section (2) of section 9 of the said Act provides that every registered agricultural worker shall pay contribution to the Fund at the rate of five rupees per mensem. Sub-section (4) of section 9 of the said Act provides that the Government shall contribute to the Fund every year, by way of grant, an amount equal to that of the contribution paid by registered agricultural workers in every financial year.

At present, the income of the fund is too insufficient to pay the welfare benefits to the workers under the Scheme. Moreover considering the benefits that are being extended to the agricultural workers, the present rate of land owners contribution and agricultural workers contribution have to be enhanced to meet the various welfare benefits to be given to them as per the provisions of the Scheme. Further it is also decided to enhance the contribution by way of Grant by the Government. Hence, it is found necessary that the relevant provision in the Act has to be amended suitably so as to increase the land owners contribution and agricultural workers contribution payable to the Fund. Therefore, the Government have decided to amend the said Act suitably.

Though a Bill to bring an Act of the State Legislative Assembly on this subject was published as Bill No.175 of the Fourteenth Kerala Legislative Assembly, the same could not be introduced in, and passed by, the Legislative Assembly.

As the Legislative Assembly of the State of Kerala was not in session and as the above proposals had to be given effect to immediately, the Kerala Agricultural Workers' (Amendment) Ordinance, 2020 (7 of 2020) was promulgated by the Governor of Kerala on the 16th day of January, 2020 and the same was published in the Kerala Gazette Extraordinary No.114 dated 16th January, 2020.

A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala, during its session which commenced on the 29th day of January, 2020 and ended on the 12th day of February, 2020;

As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session, the Kerala Agricultural Workers' (Amendment) Ordinance, 2020 (10 of 2020) was promulgated by the Governor of Kerala on the 17th day of February, 2020 and the same was published in the Kerala Gazette Extraordinary No.539 dated 18th February, 2020.

A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Legislative Assembly of the State of Kerala, during its session which commenced on the 2nd day of March, 2020 and ended on the 13th day of March, 2020;

As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session, the Kerala Agricultural Workers' (Amendment) Ordinance, 2020 (24 of 2020) was promulgated by the Governor of Kerala on the 31st day of March, 2020 and the same was published in the Kerala Gazette Extraordinary No. 1012 dated 31st day of March, 2020;

A Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by the Legislative Assembly of the State of Kerala, during its session which convened on the 24th day of August, 2020;

As the provisions of the said Ordinance had to be kept alive and the Legislative Assembly of the State of Kerala was not in session, the Kerala Agricultural Workers' (Amendment) Ordinance, 2020 (62 of 2020) was promulgated by the Governor of Kerala on the 26th day of September, 2020 and the same was published in the Kerala Gazette Extraordinary No. 2218 dated 29th day of September, 2020;

The Bill seeks to replace Ordinance No.62 of 2020 by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any additional expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub section (1) of section 9 proposed to be substituted in the principal Act, by Clause 2 of the Bill seeks to empower the Government to prescribe the manner of payment of contribution to the Fund.

2. The matters in respect of which rules may be made are matters of procedure and are of routine or administrative in nature. Further, the rules, after they are made, are subject to scrutiny by the Legislative Assembly. The delegation of legislative power is, thus, of normal character.

T. P. RAMAKRISHNAN.

EXTRACT FROM THE KERALA AGRICULTURAL WORKERS' ACT, 1974
(18 OF 1974).

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9. *Contribution to the fund.*—(1) Every land owner holding more than forty ares in extent of agricultural land shall pay contribution to the Fund at the rate of twenty-five paise per are per annum for the land held by him in excess of forty ares or part thereof in the manner prescribed.

(2) Every registered agricultural worker shall pay contribution to the Fund at the rate of five rupees per mensem.

(3) Any loan, grant or advance made by the Government of India, the State Government, a local body, or any other institution shall be credited to the Fund.

The loan, grant or advance made by any authority or institution shall be utilised for no purpose other than the purpose for which it was given.

(4) The Government shall contribute to the Fund every year, by way of grant, an amount equal to that of the contribution paid by registered agricultural workers in every financial year.
