



GOVERNMENT OF KERALA

Labour and Rehabilitation (R) Department

**THE KERALA AGRICULTURAL WORKERS
ACT, 1974
(ACT 18 OF 1974)**

(As amended up to 30-4-1990)

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KERALA AGRICULTURAL WORKERS ACT, 1974
(ACT 18 OF 1974)

(As amended up to 30-4-1990)

*provide for the welfare of agricultural workers in the State of Kerala
regulate the conditions of their work.*

Preamble.—WHEREAS, it is expedient to provide for the welfare of agricultural workers in the State of Kerala and to regulate to conditions of their work;

BE it enacted in the Twenty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Agricultural Workers Act, 1974.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint, and different dates may be appointed for different areas and for different provisions of this Act.

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

(a) “adult” means a person who has completed his eighteenth year of age;

(b) “adolescent” means a person who has completed his fifteenth year of age but has not completed his eighteenth year of age;

(c) “agricultural dispute” means any dispute or difference between landowners and landowners or between landowners and agricultural workers or between agricultural workers and agricultural workers which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person.

Explanation.—Where any landowner discharges, dismisses, retrenches or otherwise terminates the services of, or denies employment to, an individual agricultural worker, any dispute or difference between that agricultural worker and his employer connected with, or arising out of, such discharge, dismissal, retirement, termination or denial of employment shall be deemed to be an agricultural dispute notwithstanding that no other agricultural worker nor any union of agricultural workers is a party to the dispute;

- (d) "agricultural land" means any land used for cultivation, but does not include any plantation as defined in the Plantations Labour Act, 1951 (Central Act 69 of 1951);
- (e) "Agricultural Tribunal" means, in relation to any area, the Agricultural Tribunal constituted under this Act for that area;
- (f) "agricultural worker" means a person who, in consideration of the wages payable to him by a landowner, works on, or does any other agricultural operation in relation to, the agricultural land of such landowner;
- [(g) "Board" means the Agricultural Workers' Welfare Fund Board constituted under section 11;"]
- (h) "child" means a person who has not completed his fifteenth year of age;
- (i) "Conciliation Officer" means, in relation to any area, the Conciliation Officer appointed under this Act for that area;
- (j) "family" means husband, wife and their unmarried minor children or such of them as exist;
- (k) "Fund" means the fund established in pursuance of sub-section (1) of section 8;
- (l) "inspector" means an Inspector appointed under sub-section (1) of section 5 or deemed, under sub-section (3) of that section, to be appointed for the purposes of this Act;
- (m) "landowner" means,—
- (i) in relation to a land personally cultivated, the owner of such land ;
 - (ii) in relation to a land held by a cultivating tenant, such cultivating tenant;
 - (iii) in any other case, the person in actual possession of the land, and includes his heirs, assignees and legal representatives.

Explanation I.—For the purposes of this clause,—

- (i) “cultivating tenant” shall have the same meaning as in clause (8) of section 2 of the Kerala Land Reforms Act, 1963 (1 of 1964); and
- (ii) “personally cultivate” means cultivate either solely by one’s own labour or with the help of the members of his family or hired labourers or both, or personally direct or supervise cultivation by such members or hired labourers or both, provided that such members or hired labourers have not agreed to pay or to take any fixed proportion of the produce of the land they cultivate as compensation for being allowed to cultivate it or as remuneration for cultivating it.

Explanation II.—For the avoidance of doubts it is hereby clarified that the Government shall be deemed to be the landowner, where the land referred to in sub-clause (i) or sub-clause (iii) is land owned by, or, as the case may be, in the actual possession of, the Government;

(n) “prescribed wages” means—

(i) wages at such rate, not being—

- (a) less than the minimum rate of wages fixed or revised under the Minimum Wages Act, 1948 (Central Act 11 of 1948); or
- (b) more than fifteen per cent in excess of such minimum rate of wages,

as may be specified by the Government by notification in the Gazette; or

(ii) the agreed rate of wages,

whichever is higher.

Explanation.—For the purposes of this clause, the rate of wages decided by an industrial Relations Committee constituted for any area or the rate of wages agreed at conferences held by the Government or the Labour Department of the Government in respect of any area shall be deemed to be agreed rate of wages for that area during the period covered by such decision;

(o) “prescribed” means prescribed by rules made under this Act;

[“(p) “Scheme” means the Agricultural Workers’ Welfare Fund Scheme framed under sub-section (1) of section 8;”.]

(q) “wages” means all remuneration, whether payable in cash or in kind, which would, if the terms of employment, express or implied, were

¹ Substituted by Act 6 of 1990.

fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, but does not include—

- (i) the value of—
 - (A) any house accommodation, supply of light, water or medical attendance; or
 - (B) any other amenity or any service excluded by general or special order of the Government; or
- (ii) any contribution paid by the employer under any scheme framed under any law for the time being in force;
- (iii) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment.

CHAPTER II

OFFICERS AND AGRICULTURAL TRIBUNAL

3. *Appointment of Conciliation Officers.*—The Government may by notification in the Gazette, appoint for any area specified therein any officer of the Labour Department not below the rank of Assistant Labour Officer 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 Agricultural Tribunals.*—(1) The Government may, by notification in the Gazette, constitute for any area specified therein an Agricultural Tribunal for the purpose of performing the functions of the Agricultural Tribunal under this Act.

(2) An Agricultural Tribunal shall consist of a sole member, who shall be an officer not below the rank of Deputy Collector, appointed by the Government.

5. *Inspectors.*—(1) The Government may, by notification in the Gazette, appoint—

- (a) such officers, or
- (b) such persons as possess the prescribed qualification, as they think fit, to be inspectors for the purposes of this Act and define the local limits within they shall exercise their powers.

(2) Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed,—

- (a) enter, at any time after sunrise and before sunset with such assistants (if any), being persons in the service of the Government, or any local or other public authority, as he thinks fit, premises or places where agricultural workers are employed or where he has reasons to believe that records are kept, for the purpose of examining any register or record of wages required to be kept under this Act or the rules made thereunder and require the production thereof for inspection;
- (b) examine any person whom he finds in any such premises or place and whom he has reasonable cause to believe to be an agricultural worker;
- (c) seize or take copies of such register or record or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by a landowner; and
- (d) exercise such other powers as may be prescribed.

(3) Until Inspectors are appointed under this Act, the Inspectors appointed under the Minimum Wages Act, 1948 (Central Act 11 of 1948), shall be deemed to be Inspectors appointed under this Act for the area in which they exercise jurisdiction under the said Act.

6. *Facilities to be afforded to Inspectors.*—Every landowner shall afford an Inspector all reasonable facilities for making an entry, inspection, examination or inquiry under this Act.

CHAPTER III

SECURITY OF EMPLOYMENT AND WELFARE

7. *Preference for employment as agricultural workers.*—(1) The landowner shall not employ any agricultural worker other than an agricultural worker who has worked in the same land during the previous agricultural season:

Provided that preference shall be given to agricultural workers employed for the previous agricultural operation in the same agricultural and during the same agricultural season:

Provided further that where there are permanent workers of the landowner, such workers shall be given preference over other agricultural workers.

Explanation.—For the purposes of this sub-section, “permanent worker”, in relation to a landowner, means an agricultural worker who is bound by custom or contract or otherwise to work in the agricultural land of that landowner.

(2) Notwithstanding anything contained in sub-section (1), where any agricultural worker has worked in the land of a landowner during three consecutive agricultural seasons, prior to the previous agricultural season, he shall not be denied employment merely on the ground that he has not worked during the previous agricultural season, provided his absence during that season was due to reasons beyond his control.

(3) Nothing contained in sub-section (1) or sub-section (2) shall be deemed to enable the landowner to refuse employment during an agricultural season to an agricultural worker eligible to be employed by the landowner under either of those sub-sections but who has not offered himself for employment on any previous day of that agricultural season.

(4) Where the agricultural workers mentioned in sub-section (1) of sub-section (2) or sub-section (3) are not available or the number of such agricultural workers available is less than the number required by the landowner for the agricultural operation in his land, nothing in those sub-sections shall be deemed to prevent him from employing other agricultural workers.

(5) Notwithstanding anything contained in the foregoing provisions of this section, no landowner shall be under an obligation to employ any agricultural worker—

- (a) who does not offer himself for employment; or
- ¹[(“b) who is more than sixty years of age; or”];
- (c) who is incapacitated and is unable to do the work; or
- (d) who has intentionally caused damage of crops belonging to the owner or caused any other loss to the landowner.

8. *Establishment of Agricultural Workers’* ² [“Welfare Fund”].

(1) The Government may, by notification in the Gazette, frame a scheme to be called the Agricultural Workers’ ³ [“Welfare Fund”] Scheme for the establishment of a ⁴ [“Welfare Fund”] under this Act ⁵ [“for the welfare of agricultural workers”] and there shall be established, as soon as may be after the framing of the Scheme, a fund in accordance with the provisions of this Act and the Scheme.

¹ Substituted by Act 6 of 1990.

² Substituted by *ibid.*

³ Substituted by *ibid.*

⁴ Inserted by *ibid.*

⁵ Inserted by *ibid.*

(2) The Fund shall vest in, and be administered by, a Board constituted under section 11.

(3) Subject to the provisions of this Act, the Scheme framed under sub-section (1) may provide for all or any of the matters specified in the Schedule.

(4) The Scheme framed under sub-section (1) shall be laid, as soon as may be after it is framed, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the Scheme, the Scheme shall thereafter have effect only in such modified form; so however that any such modification shall be without prejudice to the validity of anything previously done under the Scheme.

“[*Explanation.*—The amount standing to the credit of the Provident Fund in existence immediately before the date of commencement of the Kerala Agricultural Workers (Amendment) Act, 1990 shall, on such commencement, be deemed to be the amount standing to the credit of the Agricultural Workers Welfare Fund]”.

²“9. *Contribution to the fund.*—(1) Every landowner holding more than half a hectare but less than one hectare in extent of agricultural land shall pay contribution to the Fund at the rate of rupees ten per annum for the land held by him and those holding one hectare and in excess thereof in extent of agricultural land shall contribute fifteen rupees per annum per hectare of land or part thereof held by him 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”.]

10. *Modification of Scheme.*—(1) The Government may, by notification in the Gazette, add to, amend or vary the Scheme.

¹ Inserted by *ibid.*

² Substituted by Act 6 of 1990.

(2) Every notification under sub-section (1) shall be laid, as soon as may be after it is issued, before, the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the notification or decides that the notification should not be issued, the 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 notification.

11. *Constitution of Board.*—(1) The Government shall, by notification in the Gazette, constitute with effect from such date as may be specified in the notification a Board to be called the Agricultural Workers' ["Welfare Fund"] Board for the administration of the Fund.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Board shall consist of such number of members as the Government may determine and they shall be chosen in such manner as may be prescribed:

Provided that the number of members representing the Government, the landowners and the agricultural workers shall be equal.

(4) The Government shall appoint one of the members of the Board to be its Chairman.

(5) The term of office of, and the manner of filling casual vacancies among, the members of the Board shall be such as may be prescribed.

(6) The names of the Members and the Chairman shall be published in the Gazette.

(7) The Board shall administer the Fund in such manner as may be specified in the Scheme.

12. *Appointment of Officers for assisting the Board.*—(1) The Government may appoint such number of Officers as they think fit for assisting the Board in the administration of the Fund.

(2) The Officer appointed under sub-section (1) shall exercise such powers and discharge such duties as may be prescribed.

13. *Directions by the Government.*—(1) The Government may, after consultation with the Board, give to the Board general instructions to be followed by the Board, and such instructions may include directions relating to the recruitment, conditions of service and training of its employees and the wages to be paid to the employees.

(2) In the exercise of its powers and performance of its duties under this Act of the Scheme, the Board shall not depart from any general instructions issued under sub-section (1), except with the previous permission of the Government.

14. *Protection from attachment.*—(1) The amount standing to the credit of any member in the fund shall not in any way be capable of being assigned or charged and shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the member, and no receiver appointed under the Insolvency Act, 1955 shall be entitled to or have any claim on such amount.

(2) Any amount standing to the credit of a member in the Fund at the time of his death and payable to his nominee under the Scheme shall, subject to any deduction authorised by the Scheme, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or the nominee before the death of the member.

[“(3) Any amount standing to the credit of a member in the Fund at the time of his ceasing to be an agricultural worker, whether on the ground that he is over sixty years of age or that he is incapacitated and is unable to work or on the ground of cessation of his membership due to default in payment of contribution to the Fund or on any other ground, shall, subject to any deduction authorised by the scheme, be paid to him and shall be free from any debt or other liability incurred by that member before his ceasing to be an agricultural worker”.]

15. *Landowner not to reduce wages, etc.*—No landowner shall by reason only of his liability for the payment of any contribution to the Fund reduce whether directly or indirectly the wages of any agricultural worker to whom the Scheme applies.

¹ Substituted by Act 6 of 1990.

CHAPTER IV

HOURS AND LIMITATIONS OF EMPLOYMENT AND WAGES

16. *Hours of work.*—Save as otherwise expressly provided in this Act, no adult agricultural worker shall be required to work for more than eight hours in any day and no adolescent or child for more than six hours in any day:

Provided that nothing contained in this section shall be deemed to prohibit an agreement between the landowner and the agricultural workers for working for less than eight hours or six hours, as the case may be, 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 agricultural worker is required to work for less than eight hours or six hours, as the case may be.

17. *Daily intervals for rest.*—The period of work on each day shall be so fixed that no period shall exceed four hours and that no agricultural worker shall work for more than four hours before he has had an interval for rest for at least half an hour.

18. *Wages payable to agricultural workers.*—(1) Every landowner shall pay to any agricultural worker employed by him the prescribed wages for each day of work done.

(2) The Government may, from time to time, by notification in the Gazette, fix the number of hours of work which shall constitute a normal working day for the purposes of sub-section (1) either for the whole State or any part thereof:

Provided that where the Government have fixed the number of hours of work which shall constitute a normal working day in respect of any of the categories of agricultural workers in the employment in agriculture under Section 13 of the Minimum Wages Act, 1948 (Central Act 11 of 1948), the hours of work so fixed shall, until a notification is issued under this sub-section, be deemed to have been fixed under this sub-section.

19. *Wages for harvest.*—(1) The prescribed 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 the prescribed wages to the agricultural worker concerned.

(2) Notwithstanding anything contained in sub-section (1), where the quantum of prescribed wages is in dispute and such quantum cannot be determined without settling the dispute under the provisions of this Act, an Officer not below the rank of Tahsildar authorised in this behalf by the Government by notification in the Gazette shall, if he is satisfied that the harvested produce if kept in the threshing floor till the settlement of the dispute will perish or be otherwise lost, take such action as he thinks expedient in each case to ensure that the harvested produce does not perish or is not otherwise lost till the settlement of the dispute.

20. *Enforcement of payment of prescribed wages.*—(1) If any landowner pays less than the prescribed wages or refuses to pay the prescribed wages to any agricultural worker, the agricultural worker or an official of the union of which he is a member may make an application to the Conciliation Officer for a direction under sub-section (2).

(2) On receipt of an application under sub-section (1), the Conciliation Officer shall, after giving the applicant and the landowner an opportunity of being heard and after such inquiry, if any, which he may consider necessary, direct,—

- (a) in the case of a claim arising out of the payment of less than the prescribed wages, the payment to the agricultural worker of the amount by which the prescribed wages payable to him exceeds the amount actually paid by the landowner;
- (b) in the case of a claim arising out of non-payment of prescribed wages, the payment of the prescribed wages to the agricultural worker.

(3) If as a result of a direction under sub-section (2), any amount of the prescribed wages becomes payable to an agricultural worker, the Conciliation Officer may,—

(a) in the case of harvest,—

- (i) recover in kind such amount of the prescribed wages at the threshing floor from out of the harvested paddy; and
- (ii) if the harvested paddy or any portion thereof has been removed from the threshing floor in contravention of the provisions of section 19, recover in kind the amount of prescribed wages from the landowner concerned and if such recovery is not possible, the Conciliation Officer shall make a report to the Collector specifying the full particulars regarding the amount or cash value of the prescribed wages due to the agricultural worker concerned and on receipt of such report, the Collector shall proceed to recover the same from the landowner concerned as if it were an arrear of public revenue due on land;

(b) in the case of any work other than harvest, recover in kind the amount of prescribed wages from the landowner concerned and if such recovery is not possible, the Conciliation Officer shall make a report to the Collector specifying the full particulars regarding the amount or cash value of the prescribed wages due to the agricultural worker concerned and on receipt of such report, the Collector shall proceed to recover the same from the landowner concerned as if it were an arrear of public revenue due on land.

Explanation.—In this sub-section, “Collector” means the District Collector or any other Officer appointed by the Government to exercise the powers and perform the functions of a Collector under the Kerala Revenue Recovery Act, 1968 (15 of 1968).

(4) The Conciliation Officer shall have such powers as are necessary to effect the payment of the prescribed wages to the agricultural worker, including the power to enter upon any land on which, or into any building in which, the harvested crop is kept.

21. *Wages or overtime work.*—Where an agricultural worker is required by the landowner to work for more than the number of hours of work fixed or deemed to have been fixed under sub-section (2) of section 18, he shall be entitled in respect of each hour of such overtime work to wages at the rate of twice his ordinary rate of wages for one hour:

Provided that nothing contained in this section shall apply in respect of harvest or any work connected therewith.

CHAPTER V DISPUTES

22. *Settlement of agricultural disputes.*—(1) Where an agricultural dispute exists or is apprehended, the Conciliation Officer may hold conciliation proceedings and shall, for the purpose of bringing about a settlement of the dispute, without delay investigate the same and all matters affecting the merits and the right settlement thereof and may do all such things, as he thinks fit, for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(2) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of conciliation proceedings, the Conciliation Officer shall send a report thereof to the District Labour Officer together with a memorandum of settlement signed by the parties to the dispute.

(3) If no such settlement is arrived, at the Conciliation Officer shall as soon as practicable after the close of the investigation, send to the District Collector through the District Labour Officer a full report setting forth the steps taken by him for ascertaining the facts and circumstances relating to the dispute and for bringing about a settlement thereof, together with a full statement of such facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at:

Provided that in a case where the agricultural dispute relates to an agricultural land situate within the local limits of more than one revenue district, the Conciliation Officer shall send the report to the District Collector in whose jurisdiction the major portion of such land is situate.

(4) If on a consideration of the report referred to in sub-section (3) the District Collector is satisfied that there is a case for reference to an Agricultural Tribunal, he may, by order in writing, refer the agricultural dispute to the said Tribunal for adjudication, and where the District Collector does not make such a reference, he shall record and communicate to the parties concerned his reasons therefor.

(5) Where an agricultural dispute has been referred to an Agricultural Tribunal under sub-section (4), the Tribunal shall hold its proceedings expeditiously and shall, as soon as practicable after the conclusion of the proceedings, but not later than thirty days from the date of receipt of the reference by the Tribunal, submit its award to the District Collector.

(6) The District Collector shall, within a period of fifteen days from the date of receipt of the award referred to in sub-section (5), cause the same to be published in his office and in the office of the Agricultural Tribunal in such manner as may be prescribed and shall also forward copies of the award to the parties concerned.

(7) An award referred to in sub-section (5) shall, subject to any order of the Government under section 26, become enforceable on the expiry of ten days from the date of its publication in the manner provided in sub-section (6).

(8) Every memorandum of settlement referred to in sub-section (2) and, subject to any order of the Government under section 26, every award of an Agricultural Tribunal shall be final and shall be given effect to by the parties to the agricultural dispute.

23. *Appeal.*—(1) Against any order passed by a Conciliation Officer under section 20, an appeal shall lie to the Agricultural Tribunal within a period of thirty days from the date of the order appealed against, and the decision of the Agricultural Tribunal on such appeal shall be final.

(2) The Agricultural Tribunal shall have no power to stay the operation of the order of the Conciliation Officer pending disposal of the appeal.

24. *Decision in appeal in respect of prescribed Wages to be given effect to.*—(1) Where the amount of prescribed wages paid to an agricultural worker under section 18 or recovered under section 20 for payment to an agricultural worker is less than the amount of prescribed wages payable as a result of the decision in appeal, the balance shall be recovered from the landowner concerned as if it were an arrear of public revenue due on land and paid to the agricultural worker concerned.

(2) Where the amount of prescribed wages paid to an agricultural worker under section 18 or recovered under section 20 for payment to an agricultural worker is in excess of the amount of prescribed wages payable as a result of the decision in appeal, such excess shall be recovered from the agricultural worker concerned for payment to the landowner concerned and the provisions of section 39 shall apply to such recovery.

25. *Reference or decision of disputes by Government.*—(1) Notwithstanding anything contained in section 22, where any agricultural dispute exists or is apprehended, the Government may, by order in writing and for reasons to be stated therein,—

(a) refer the dispute to the Agricultural Tribunal constituted for the area in which the dispute exists or is apprehended, for adjudication; or

(b) decide the dispute themselves and pass an award.

(2) Where a dispute is referred to an Agricultural Tribunal under clause (a) of sub-section (1), the provisions of sub-sections (5), (6), (7) and (8) of section 22 shall apply as if the reference to the Tribunal were made by the District Collector under sub-section (4) of that section.

(3) The Government shall cause every award passed by them under clause (b) of sub-section (1) to be published in the Gazette and in such other manner as may be prescribed.

(4) An award referred to in sub-section (3) shall be final, shall be given effect to by the parties to the agricultural dispute and shall be enforceable on the expiry of five days from the date of its publication in the Gazette.

26. *Power of Government as respects awards.*—If the Government are of opinion that it is inexpedient on public grounds affecting national economy or social justice to give effect to the whole or any part of an award referred to in sub-section (5) of section 22, they may, by notification in the Gazette, declare that the award shall not become enforceable on the expiry of the period mentioned in sub-section (7) of the said section.

(2) Where any declaration has been made in relation to an award under sub-section (1), the Government may, within thirty days from the date of publication of the award under sub-section (6) of section 22, make an order rejecting or modifying the award, and such order shall be published in the Gazette.

(3) Where no order has been passed by the Government under sub-section (2), the award shall become enforceable on the expiry of the period of thirty days mentioned in that sub-section.

(4) Where an order has been made by the Government under sub-section (2), the award shall not be enforceable or, as the case may be, the award as modified shall be enforceable on the expiry of a period of five days from the date of publication of such order in the Gazette.

CHAPTER VI

PENALTIES AND PROCEDURE

27. *Penalty for obstructions, etc.*—(1) Whoever obstructs any Inspector or Conciliation Officer in the discharge of his duties under this Act or refuses or wilfully neglects to afford any Inspector reasonable facilities for making an inspection, examination or inquiry authorised by or under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

(2) Whoever wilfully refuses to produce on the demand of an Inspector any register or other document kept in pursuance of this Act or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before, or being examined by, an Inspector acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

28. *Penalty for making false statements, etc.*—Whoever for the purpose of avoiding any payment to be made by him under this Act or under the Scheme or for enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false representation, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

29. *Penalty for breach of settlement or award.*—Any person who commits a breach of any term of any settlement or award shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both, and, where the breach is a continuing one, with a further fine which may extend to one hundred rupees for every day during which the breach continues after conviction for the first such breach, and the court trying the offence may direct that the whole or any part of the fine realised from him shall be paid by way of compensation to any person who in its opinion has been injured by such breach.

30. *Other penalties.*—Whoever contravenes or makes default in complying with any of the provisions of this Act or the Scheme or of any rule made under this Act shall, if no other penalty is elsewhere provided by or under this Act for such contravention or non-compliance, be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both, and, in the case of a continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention.

31. *Enhanced penalty after previous conviction.*—If any person who has been convicted of any offence punishable under this Act is again found guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment for a term which shall not be less than one month, but which may extend to six months and with fine which shall not be less than five hundred rupees, but which may extend to two thousand rupees:

Provided that for the purposes of this section, no cognizance shall be taken of any conviction made more than five years before the commission of the offence which is being punished.

32. *Offences by companies.*—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

33. *Cognizance of offences.*—No court shall take cognizance of any offence punishable under this Act, except on complaint made by, or with the previous sanction in writing of, the Government or an officer authorised by the Government in this behalf by notification in the Gazette, and no court inferior to that of a Magistrate of the First Class shall try any offence punishable under this Act.

34. *Limitation of prosecutions.*—No court shall take cognizance of an offence punishable under this Act unless complaint thereof is made within three months from the date on which the alleged commission of the offence comes to the knowledge of the Government or the officer authorised under section 33.

CHAPTER VII

MISCELLANEOUS

35. *Register of agricultural workers.*—(1) The executive authority of every local authority shall prepare a register of agricultural workers residing within the jurisdiction of that local authority.

(2) The register shall contain such particulars as may be prescribed.

(3) The register shall be maintained by the executive authority in such manner as may be prescribed.

36. *Maintenance of registers and records by landowners.*—(1) Every landowner shall maintain such registers and records as may be prescribed.

(2) The registers and records referred to in sub-section (1) shall contain, such particulars and shall be kept in such place, as may be prescribed.

37. *Bar of jurisdiction of civil courts.*—No civil court shall entertain any suit or other proceedings to set aside or modify any order or decision passed by any authority or officer under this Act in respect of any of the matters falling within its or his scope.

38. *Power to take evidence on oath, etc.*—An authority or officer exercising powers under this Act shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Central Act 5 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
- (e) such other matters as may be prescribed;

and any proceeding before such 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 45 of 1860).

39. *Recovery of money due from landowners.*—(1) Where any money is due to an agricultural worker from a landowner under a settlement referred to in sub-section (2) of section 22, or an award under sub-section (5) of that section or under clause (b) of sub-section (1) of section 25 or an award as modified by the Government under sub-section (2) of section 26, the agricultural worker himself or any other person authorised by him in writing in that behalf or, in the case of the death of the agricultural worker, his assignees or heirs may without prejudice to any other mode of recovery make an application to the District Collector for the recovery of the money due to him and if the District Collector is satisfied that any money is so due, he shall proceed to recover the same as if it were an arrear of public revenue due on land:

Provided that every such application shall be made within one year from the date on which the money became due to the agricultural worker from the landowner:

Provided further that any such application may be entertained after the expiry of the said period of one year if the District Collector is satisfied that the applicant had sufficient cause for not making the application within the said period.

(2) Any amount due from a landowner as contribution to the Fund and any other amount due from a landowner under this Act or the Scheme may if the amount is in arrear, be recovered as if it were an arrear of public revenue due on land.

40. *Power to recover damages.*—Where a landowner makes default in the payment of any contribution to the Fund, the Government may recover from him such damages, not exceeding twenty-five per cent of the amount of arrears, as they think fit.

41. *Effect of laws and agreements inconsistent with this Act and Scheme.*—

(1) The provisions of this Act and the Scheme shall have effect notwithstanding anything inconsistent therewith contain in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this section:

Provided that where under any such award, agreement, contract of service custom or otherwise, any agricultural worker was enjoying immediately before the commencement of this section benefits in respect of any matter, which are more favourable to him than those to which he would be entitled under this Act, the Agricultural worker shall be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed as precluding any agricultural worker from entering into an agreement with a landowner for granting him rights or privileges in respect of any matter, which are more favourable to him than those to which he would be entitled under this Act.

(3) For the avoidance of doubts, it is hereby declared that nothing contained in sub-section (1) or sub-section (2) shall be deemed to enable a landowner to enter into any agreement in contravention of the provisions of section 7.

42. *Exemption.*—(1) Nothing contained in this Act other than ¹["sub-section (1) of section 9, sections 18, 20, 23, 24 clause (b) of sub-section (1), sub-sections (3) and (4) of section 25, sub-section (2) of section 39, section 40"] and sub-section (1) of section 41 shall apply in relation to a landowner who does not hold more than one hectare in extent of land.

Explanation.—Where the landowner is a member of a family, the extent of land held individually by any member of his family or jointly by some or all of the members of such family shall, for the purposes of this sub-section, be deemed to be held by the landowner.

(2) The Government may, by notification in the Gazette, for reasons to be recorded in writing, exempt any landowner or class of landowners or any agricultural land or class of agricultural lands from all or any of the provisions of this Act.

43. *Delegation of powers.*—The Government may, by notification in the Gazette, direct that any power exercisable by them under this Act or the rules made thereunder shall, in relation to such matters and subject to such conditions if any, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Government as may be specified in the notification.

44. *Members of Board, etc., to be public servants.*—Every member of the Board and every officer appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Central Act 45 of 1860).

45. *Power to remove difficulties.*—If any difficulty arises in giving effect to the provisions of this Act or the Scheme or any award or settlement under this Act, the Government may, by order, do anything not inconsistent with such provisions which appears to them necessary or expedient for the purpose of removing the difficulty.

¹ Substituted by Act 6 of 1990.

46. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceeding shall be against the Government or any authority or offices in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the Scheme or any rule or order made under this Act.

47. *Power to make Rules.*—(1) The Government may, by notification in the Gazette, 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) the procedure to be followed by the Conciliation Officer and the Agricultural Tribunal;

(b) the fees to be paid for applications and appeals under this Act;

(c) the powers of the Conciliation Officer necessary for the effective enforcement of the provisions of this Act;

(d) the manner of estimating the cash value of the prescribed wages in kind;

(e) the procedure to be followed by the Government under sections 25 and 26;

(f) any other matter which has to be, or may be, prescribed under the provisions of this Act.

(3) Every rule made under this section and every notification issued under section 45 shall be laid, as soon as may be after it is made or issued, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or notification or decides that the rule or notification should not be made or issued, the rule 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 or notification.

THE SCHEDULE

[See sub-section (3) of section 8]

1. The time and manner in which the contributions shall be paid to the Fund ¹["by the landowners";]
2. ²["(2) The manner of registration of the agricultural workers and the manner in which the agricultural workers shall pay contribution to the Fund";]
3. The number of members of ³["the Agricultural Workers' Welfare Fund Board"] and their term of office.
4. The manner in which the members are to be appointed and removed.
5. The manner in which the Chairman of the Board is to be appointed.
6. The constitution of committees for assisting the working of the Board.
7. ⁴["The manner in which accounts shall be kept, the investment of money belonging to the Fund in accordance with any direction issued or conditions specified by the Government, the preparation of the Budget, the audit of accounts and the submission of reports of Government".]
8. Conditions under which withdrawal from the Fund and any deduction or forfeiture therefrom may be made and the maximum amount of deduction or forfeiture.
9. The fixation of annual rate of interest payable to the members of the Fund by the Board in consultation with the Government.
10. The form in which the employees shall furnish particulars of himself and his family.
11. The nomination of any person or persons to receive the amount at the credit of a member on his death and the cancellation or alteration of such nomination.

¹ Substituted by Act 6 of 1990.

² Substituted by *ibid.*

³ Substituted by *ibid.*

⁴ Substituted and renumbered by *ibid.*

12. Registers and records to be maintained by the employers and the returns to be furnished by them.
13. The powers, if any, which may be exercised by the officers appointed under this Act for the administration of the Scheme.
14. The conditions of service, duties and remuneration of officers working under the Board.
15. [“The form or design of any identity card, token, disc or pass book for the purpose of identifying any member of the Fund and for issue, custody and replacement thereof.
16. The fee to be levied for any of the purposes specified in the schedule.
17. The manner in which the sums transferred under explanation to section 8 are to be brought and credited to the Fund.
18. The manner in which any unclaimed amount standing to the credit of a member is to be dealt with.
19. The further powers if any, which may be exercised by the officers appointed under this Act.
20. The conditions under which any amount due to the Board may be written off.
21. The purposes for and the conditions under which the Fund may be utilised for the Welfare of Agricultural Workers or their dependents such as superannuation benefit, death benefit, maternity benefit, medical assistance, educational assistance to dependent children, house construction advance, advances for renovation and expansion of house or for maintenance or repair to house, advance for purchase of agricultural land, advance for marriage expenses of a member or his daughter/daughters, payment of insurance premium for the members, payment of old age pension etc.
22. The conditions under which and the manner in which any compensation is payable to any member in cases of accident.
23. Provision for payment of pension to the agricultural workers and the conditions and procedure relating thereto.
24. Any other matter not inconsistent with this Act, which is to be provided for in the scheme or which may be necessary or proper for the purpose of implementing this Act and Scheme”.]

¹ Item 16 deleted. item Nos. 9 to 15 renumbered as item Nos. 8 to 14 and items 15 to 24 inserted by Act 6 of 1990

GOVERNMENT OF KERALA

Labour and Rehabilitation (H) Department

NOTIFICATION

G. O. (P) No. 52/90/LBR. ✓

Dated, Thiruvananthapuram, 5th July, 1990.

S. R. O. No. 935/90.—In exercise of the powers conferred by sub-section (1) of section 8 of the Kerala Agricultural Workers Act, 1974 (18 of 1974), and in supersession of the Kerala Agricultural Workers Provident Fund Scheme, 1975 issued under G. O. (Ms.) 62/75/LBR. dated the 14th August, 1975 and published as S.R.O. No. 712/75 in the Kerala Gazette Extraordinary dated the 15th August, 1975, the Government of Kerala hereby frame the following scheme, namely:—

THE KERALA AGRICULTURAL WORKERS' WELFARE FUND
SCHEME, 1990

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This scheme may be called the Kerala Agricultural Workers' Welfare Fund Scheme, 1990.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may by notification in the Gazette, appoint.

2. *Definition.*—(1) In this scheme, unless the context otherwise requires,—

(a) 'Act' means the Kerala Agricultural Workers' Act, 1974 (18 of 1974);

(b) 'Chief Executive' means the Officer appointed as such under sub-section (1) of section 12 of the Kerala Agricultural Workers' Act, 1974;

(c) 'Financial year' means the year commencing on the first day of April;

(d) 'Form' means a form appended to the scheme;

(e) 'Government Security' shall have the meaning assigned to it in the Public Debt Act, 1944 (Central Act 18 of 1944);

- (f) 'Member' means an Agricultural Worker admitted to the Fund;
- (g) 'Register' means the register in which the names of members to the Fund are entered;
- (h) 'Section' means section of the Act;
- (i) 'State' means the State of Kerala.

(2) All other words and expressions used in this scheme but not defined shall have the meanings assigned to them in the Act.

CHAPTER II

THE AGRICULTURAL WORKERS' WELFARE FUND BOARD

3. *Constitution of Board.*—(1) The Board shall consist of twenty-one Directors nominated by Government as hereinafter provided,—

(i) seven members representing the Government of whom one shall be the Chief Executive of the Board and another a representative of the Finance Department;

(ii) seven persons representing the agricultural workers nominated by the Government;

(iii) seven persons representing the landowners nominated by the Government;

(2) One of the Directors shall be appointed by the Government as the Chairman of the Board.

4. *Term of office.*—(1) The term of office of the Board shall be three years.

(2) Government shall have, subject to the provisions contained in Section 3, the right to nominate any person in the Board in the place of a person, who has ceased to be a member.

(3) The Board duly constituted shall continue even after the expiry of three years until a new Board is constituted.

5. *Removal of non-official Directors.*—The Government may by notification in the Gazette, remove from office any Director if in their opinion such Director has ceased to represent the interests which he purports to represent in the Board or if the Government are satisfied that the Director had acted against the implementation of the Act or of the scheme or against due discharge of the functions of the Board or of the Chairman or the office of the Fund:

Provided that before removing a Director under, the clause, he shall be given a reasonable opportunity to show cause why he should not be removed.

6. *Filling up of casual vacancies.*—A Director appointed to fill up a casual vacancy shall hold office for the remaining period of the term of office of the Director in whose place he is appointed.

7. *Resignation.*—Any Director may resign his office by letter in writing addressed to the Government through the Chairman and his office shall fall vacant from the date on which he renders his resignation:

Provided that the Chairman shall send his letter of resignation to the Government directly.

8. *Cessation of membership.*—(1) If a Director or Chairman fails to attend three consecutive meetings of the Board without obtaining prior permission of the Chairman or the Government as the case may be, he shall subject to the provisions of the sub-paragraph (2) cease to be a Director.

(2) A person who ceases to be a Director under sub-paragraph (1) shall be given intimation of such cessation by a letter sent to him by registered post within fifteen days from the date of such cessation. The letter shall indicate that, if he desires to restore his position as Director, he may apply therefore within fifteen days from the date of receipt of such letter. The application for such restoration, if received within the prescribed period shall be submitted to Government and if the Government are satisfied that the reasons for failure to attend three consecutive meetings are adequate, the Directorship may be restored to him.

9. *Disqualification.*—(1) A person shall be disqualified for being nominated as or for being a Director if,—

(a) he is declared to be of unsound mind by a competent court; or

(b) he is undischarged insolvent; or

(c) he has been sentenced by a criminal court to imprisonment for period of more than two years for any offence involving moral turpitude.

(2) If any question arises whether any person is disqualified under sub-paragraph (1) it shall be referred to the Government and the decision of the Government on any such question shall be final.

10. *Meetings.*—(1) The Board shall meet ordinarily once in three months.

(2) The Chairman may whenever he thinks fit, and shall within fifteen days of the receipt of a requisition in writing from not less than one-third of the Directors of the Board, call a meeting thereof.

11. *Notice of meeting and list of business.*—Not less than fifteen days notice from the date of posting, containing the date, time and place of every meeting together with a list of business to be transacted at the meeting shall be despatched by registered post or by special messenger to each Director:

Provided that when the Chairman calls a meeting for considering any matter which, in his opinion is urgent, a notice giving such reasonable time as he may consider necessary shall be deemed sufficient.

12. *Chairman to preside at meetings.*—The Chairman shall preside at every meeting of the Board at which he is present. If the Chairman is absent at any time the Directors present shall elect one of the Directors to preside over the meeting and the Director so elected shall exercise all the powers of the Chairman at the meeting.

13. *Quorum.*—No business shall be transacted or any meeting of the Board unless at least nine Directors are present of whom at least three each shall be from among those nominated under clauses (ii) and (iii) of sub-paragraph (1) of paragraph 3 of the scheme. (See amendment).

14. *Absence from the State.*—If any Director leave the State for a period of six months or more without intimation to the Chairman, he shall be deemed to have resigned from the Board.

15. *Time and place of meeting.*—The meeting of the Board shall be held at the place and time specified in the notice of the meeting issued under paragraph 11.

16. *Disposal of business.*—(1) The minutes of meetings of the Board shall be decided by a majority of votes of the Directors present and voting. In the event of any equality of votes Chairman shall exercise a casting vote.

17. *Minutes of meeting.*—(1) The minutes of meetings of the Board showing inter alia the names of the Directors present thereof shall be circulated to all Directors present in the State not later than fifteen days from the date of the meeting. The minutes shall thereafter be recorded in a Minutes book as a permanent record.

(2) The records of minutes of each meeting shall be signed by the Chairman after confirmation at the next meeting with such modifications, if any, as may be considered necessary.

18. *Acts of the Board not to be invalid by reason merely of any vacancy in or defect in the constitution etc.*—No act or proceeding of the Board shall be deemed to be invalid by reason merely of any vacancy in or any defect in the constitution of the Board.

19. *Fees and allowances.*—(1) The travelling allowance and daily allowance of an official Director shall be governed by the rules applicable to him for journeys performed on official duties and shall be paid initially by the authority paying his salary and claimed later by the concerned Director from the Board and remitted to Government.

(2) Non-official Directors shall be paid travelling allowance and daily allowance at the rates applicable to grade I officers of the Government for attending the meeting of the Board:

Provided that travelling allowance for journeys performed shall be limited to journeys performed from the place of residence within the state:

Provided further that the travelling allowance, and daily allowance of Members of Legislative Assembly and Members of Parliament who are Directors of the Board may be paid in accordance with the rules applicable to them.

20. *Appointment of Sub-committees.*—The Board may appoint with the prior approval of the Government, such sub-committee as it may deem fit for the proper discharge of its duties and members of such committees shall be allowed travelling allowance and daily allowance at the rate and subject to the conditions specified in paragraph 19.

21. *Opening of divisional and local offices.*—The Board may with the prior approval of the Government open such divisional and local offices as it may consider desirable for the purpose of implementation of the Scheme and may also define the functions and duties of the divisional and local offices.

22. *Powers, duties and functions of the Board.*—(1) The Board shall be responsible for—

- (a) all matters connected with the administration of the fund specified in the scheme;
- (b) registration of employers in the fund;
- (c) laying down policies for the deposit of the amount of the fund as directed by Government from time to time;
- (d) submission of annual budget to the Government for sanction;
- (e) submission of annual report to Government on the working of the scheme;
- (f) annual audit of accounts of the Board in accordance with the instructions issued by Government;
- (g) collection of contribution to the fund and other charges;
- (h) launching of prosecutions against the officers;
- (i) speedy settlement of claims and sanction of advances and other benefits;

(j) proper maintenance of accounts;

(k) proper and timely recovery of any amount due to the Board.

(2) The Board shall advise the Government on such matters as the Government may refer to it from time to time.

(3) The Government may call for such reports and returns as they may think fit from the Board and it shall be the duty of the Board to furnish such reports and returns.

23. *Secretary of the Board.*—The Chief Executive shall be the Secretary of the Board, who shall with the approval of the Chairman, issue notice to convene meetings of the Board and shall keep the records of the minutes of the meetings and take necessary steps for carrying out the decision of the Board.

CHAPTER III

APPOINTMENT AND POWERS OF THE CHIEF EXECUTIVE AND OTHER STAFF OF THE BOARD

24. *Chief Executive.*—(1) The Government may appoint an Officer not below the rank of a Deputy Labour Commissioner of the Labour Department or Officers of other departments of the same grade to be the Chief Executive of the Agricultural Workers Welfare Fund Board.

(2) The Government may also appoint as many Welfare Fund Officers as they may consider necessary to assist the Chief Executive from the Labour Department or other Departments on deputation.

(3) The Chief Executive shall not undertake any work not connected with his office without the previous sanction of the Government.

25. *Administrative and financial powers of the Chief Executive.*—(1) The Chief Executive may without reference to the Board, sanction expenditure on contingencies, supplies and services and purchase of articles required for administering the Fund subject to the limit upto which he may be authorised to sanction expenditure on any single item from time to time by the Board with the approval of Government.

(2) The Chief Executive may also exercise such administrative and financial powers other than those specified in sub-paragraph (1), as may be delegated to him from time to time by the Board with the approval of the Government.

(3) The Board may delegate from time to time, subject to such condition as it may deem fit, administrative and financial powers to any officer under its control and supervision to the extent considered necessary for the administration of the scheme.

CHAPTER IV

26. *Registration.*—(1) An Agricultural Worker who is above eighteen years and below sixty years may apply for registration as a member to the Fund. The application for this purpose is to be made (in Form I) before the Chief Executive of the Board or the Welfare Fund Officers having jurisdiction over the area.

(2) The Chief Executive or any other officer authorised for the purpose shall issue an identity card to each Agricultural worker registered in the Fund. The Identity Card shall be in Form No. II.

(3) The Chief Executive shall maintain a Register/Registers in Form No. III for entering the names of the members admitted to the Fund.

27. *Decision on disputes.*—If any question arises whether an agricultural worker is entitled to become or continue as a member of the Fund or as regards the date from which he is so entitled the question shall be referred to the Chief Executive or an officer authorised by the Board in this behalf whose decision thereon shall be final:

Provided that no such decision shall be taken unless all the concerned parties to the dispute have been given an opportunity of being heard.

28. *Remittance of contribution by members to the Fund.*—(1) On receipt of the intimation that the application for membership in the Fund has been accepted, the agricultural worker shall remit Rs. 2 (Rupees two only) per month as his contribution to the Fund in a District Co-operative Bank or in any of its branches in the District in which the agricultural worker resides or in an authorised office of the Board in the respective jurisdiction. Before money is accepted, the bank shall ensure that proper orders of the Chief Executive or an officer authorised by him in this behalf is produced stating that the agricultural worker has been admitted as a member of the Fund.

(2) The date on which the member makes his first monthly contribution shall be the date on which he shall be deemed to have been admitted as a member of the Fund. The bank receiving the money shall issue a credit card in the form as may be prescribed by the Board showing the details of remittance. Future remittances of the member shall also be entered in this card duly attested by the Bank authorities.

(3) If any member defaults in the payment of the monthly contribution, the same may be paid in the subsequent month. If a member does not pay the contribution consecutively for six months, he shall cease to be a member of the Fund:

Provided the Chief Executive may consider the case of request for revival in respect of a defaulter beyond six months and pass appropriate orders on receipt of the defaulted amount with a fine as may be determined by the Board.

[See amendment]

(4) A member shall cease to be a member of the Fund on attaining the age of sixty years.

(5) Every landowner as mentioned in sub-section (1) of section 9 of the Act shall remit the contribution in the Village Office concerned and the Village Officer shall receive the amount and issue receipts in the form as may be prescribed by the Board for the purpose. The Chief Executive or the Officers authorised by the Chief Executive in this behalf shall collect, after giving proper acknowledgement on the 5th working day of the succeeding month, such amount from the Village Officer and he shall credit the same to the Fund.

CHAPTER V

WELFARE MEASURES

29. *Superannuation benefits.*—(1) Every member of the Fund having forty years of continuous contribution shall be entitled to Rs. 25,000 (Rupees twenty five thousand only) as superannuation benefit and for lesser period, proportionate amount shall be paid on superannuation. However a member shall be entitled to an amount of Rs. 5,000 (Rupees five thousand only) provided the period of contribution of the member is not less than thirty six months. A member who has made his contribution for less than thirty six months and who has defaulted contribution and ceased to be a member shall be eligible only for the amount of his contribution together with interest, if any, accrued thereon standing at his credit at the time of closing of accounts.

(2) *Payment of ex-gratia amount.*—In the event of death of a member before superannuation and after the contribution for 12 months, an amount as may be fixed by the Board with the approval of the Government shall be paid to the eligible persons of the family as ex-gratia in the following order of preference:

- | | |
|--|--------------|
| (1) Wife/Husband | Total amount |
| OR | |
| (2) Unmarried daughter and
minor son | Total amount |
| OR | |
| (3) Father and mother who were
solely dependant on the member | Total amount |

[See amendment]

(3) In addition to the superannuation and ex-gratia payments, other welfare measures such as medical assistance scheme, educational scholarship to the dependent children of the members, or for maintenance or repair of house, advance for purchase of agricultural land, advance for marriage expenses of a member or his daughter/daughters, payment of insurance premium for the members, payment of old age pension, maternity benefit, etc., shall be provided by the Board subject to the availability of Funds and with the prior approval of Government. [See amendment].

CHAPTER VI

NOMINATION, PAYMENT AND WITHDRAWAL FROM FUND

30. *Nomination*.—(1) Every member of the Fund shall file in Form No. IV a nomination conferring on the nominee the right to receive the amount that may stand to his credit in the Fund in the event of his death.

(2) A member may in his nomination specify the proportion in which the amount that may stand to his credit in the Fund shall be payable among his nominees.

(3) If a member has a family at the time of making nomination, the making nomination shall be in favour of one or more persons belonging to his family.

(4) If at the time of making a nomination the member has no family the nomination shall be in favour of any person or persons, but if the member subsequently acquires a family the first nomination shall forthwith be deemed to be invalid and the member shall make a fresh nomination in favour of one or more persons belonging to his family.

(5) A nomination made under sub para (1) may at any time be modified by a member after giving notice to the Chief Executive or an officer authorised by him in this behalf if his intention of doing so.

(6) If a nominee predeceases the member, the interest of the nominee shall revert to the member, who make a fresh nomination in respect of such interest.

31. *Payment of accumulation in the credit of deceased member*.—On the death of a member before payment has been made.—

(i) If a nomination made by the member in accordance with this scheme subsists, the amount standing to his credit in the fund, or part thereof to which nomination relates shall become payable to his nominee or nominees in accordance with such nomination; or

(ii) If no nomination subsists or if the nomination relates only to a part of the amount standing to his credit in the Fund or part thereof to which the nomination does not relate, as the case may be, shall become payable to the legal heirs of the deceased member.

32. *Payment of amount to be made promptly.*—(i) If any portion of the amount which has become payable is in dispute or debt the Chief Executive shall make prompt payment of the portion of the amount in regard to which there is no dispute or debt the payment of the balance being settled as soon as possible.

(ii) If the person to whom any amount is to be paid under this scheme is a minor or a lunatic for whose estate a guardian under the Guardians and Wards Act, 1890 (Central Act 3 of 1890) or a manager under the Indian Lunacy Act, 1912 (Central Act 4 of 1912), as the case may be, has been appointed, the payment shall be made to such guardian or manager and in any other case, the amount shall be paid to the persons authorised by law to receive the payment on behalf of the minor or the lunatic.

33. *Mode of payment.*—Any person who claims payment under paragraph 29 shall submit an application in Form No. V to the Chief Executive who may, at the option of the person to whom payment is to be made, make the payment by money order at the cost of the payee, or by Crossed Cheque sent through post or by deposit in the payee's Postal Savings Bank Account, if any.

34. *Enquiry by Chief Executive.*—(i) The Chief Executive shall, on receipt of an application under Paragraph 31, make such enquiries as he may deem fit and make prompt payment of the whole amount or balance thereof after any deduction as provided in the scheme.

(ii) Where no nomination has been filed in accordance with the Scheme, the Chief Executive shall, after appropriate enquiry, pay such amount to the legal heirs.

35. *Undisbursed amount.*—Any amount remitted to a person received back undelivered or not claimed again within a period of three years from that date shall be transferred to a separately maintained account called "Unclaimed Deposit Account".

36. *Statement of contribution to be sent.*—(i) As soon as possible after the close of each financial year, the Chief Executive shall send to each member a statement of his account in the Fund showing the opening balance at the beginning of the period, the amount contributed during the year, and the closing balance at the end of the period.

(ii) Members should satisfy themselves as to the correctness of the annual statement and any error should be brought to the notice of the Chief Executive within one month from the date of receipt of the statement.

CHAPTER VII

37. *Administration of Fund, Accounts and Audits.*—The aggregate amount received as contribution from members and from landowners shall be credited to the account called Agricultural Workers' Welfare Fund Account.

38. *Deposit and Investment of Moneys belonging to the Agricultural Workers Welfare Fund.*—(i) All moneys belonging to the fund shall be invested in such manner as may be specified by Government.

(ii) All expenses incurred in respect of loss, if any, arising from any investment shall be charged to the Fund.

(iii) The Chief Executive shall prepare in Form No. VI a classified summary of the assets of the Fund as on the 15th day of March every year, or on such other date or dates as the Government may specify and shall append to the annual report to be submitted by him to Government under this scheme.

39. *Utilisation of Fund.*—(1) Subject to the provisions of the Act and the Scheme, the Fund shall not except with the previous sanction of Government, be expended for any purpose other than the payment to individual members of the fund or to their nominees or heirs or legal representatives in accordance with the provisions of this scheme.

(2) The Fund shall be operated upon by such officers as may be authorised in this behalf by Government.

40. *Expenses of Administration.*—(1) All expenses of Administration of the Fund including the Fee and allowances payable to the members of the board, salaries, leave and joining time allowance, travelling and compensatory allowances, pension, contribution to the provident fund and other benefits funds instituted for the officers and Employees of the Board the cost of Audit of accounts, legal expenses and cost of all stationary and form incurred in respect of the Board and Divisional and local offices and all expenses incurred in connection with the construction of office building shall be met from the Administration Account of the Fund.

(2) All expenses relating to the administration of the Fund shall be met from that part of the Fund earmarked as Administration Account.

(3) A portion of the fund not exceeding 5% of the total of the contribution realised or expected to be realised in each year as may be decided by the Board with the previous approval of Government shall be set apart as an Administration Account of the Fund.

(4) The initial expenses incurred by Government in connection with the establishment of the Fund shall be treated as loan and such loan shall be repaid from the Administration Account.

41. *Maintenance of the Fund.*—The Accounts of the Fund including the Administration Account shall be maintained by the Chief Executive in such Form and manner as may be, specified by the Board with the previous approval of Government.

42. *Audit.*—(1) The Accounts of the Fund including Administration Account shall be audited in accordance with the instructions issued by Government.

(2) The charges on account of audit shall be paid out of the Administration Account.

43. *Budget.*—(1) The Chief Executive shall place before the Board each year in the first fortnight of January a Budget showing the probable receipt from the contributions and the expenditure which it proposes to incur during the following financial year.

(2) The budget as approved by the Board shall be submitted for sanction to Government within a month of its being placed before the board.

(3) Government may make such modification in the Budget as they consider desirable before sanctioning it.

(4) The Chief Executive may at any time during the year make budgetary re-appropriation of funds sanctioned in the budget by Government subject to the conditions that:

(a) the total amount sanctioned in the budget by Government is not exceeded; and

(b) that funds so re-appropriated are utilised only for meeting such expenses of administration as are to be met from the Administration Account.

(5) Every re-appropriation made shall be reported by the Chief Executive to Government and to the Board.

44. *Members Account.*—An account shall be opened in the office of the Chief Executive in the name of each member, in which amount of contributions shall be credited.

45. *Transfer of accumulations of any existing fund.*—(1) Every authority in charge of, or entrusted with, the management of the Provident Fund in respect of an Agricultural Worker in existence before the commencement of the scheme shall transfer such fund to the Board within such date as the Board may specify in the behalf.

(2) The authority shall remit the accumulations as per sub-paragraph (1) to the Chief Executive or any officer authorised by him along with a statement showing the amount standing to the credit of the agricultural worker on the date of transfer of the total accumulation and amount of advance, if any, taken by the agricultural worker.

(3) The authority shall also furnish to the Chief Executive details of past service of the agricultural worker as well as the details of contribution already made by him.

(See amendment).

CHAPTER VIII MISCELLANEOUS

46. *Annual Report on the working of the Scheme.*—The Board shall approve before the 15th day of June every year and submit to Government before 31st day of July every year a report on the working of the scheme during the previous financial year.

47. *Recovery of the Moneys.*—If any amount is due from a landowner under the provisions of the Act or the Scheme, the Chief Executive or an officer of the Board authorised by the Chief Executive, after due enquiry shall ascertain the amount of arrears and shall issue a certificate for that amount to the Collector of the district and such Collector shall thereupon proceed to recover the same in the same manner as arrears of public revenue due on land.

48. *Conduct of Business.*—(1) All orders and other instruction shall be made and executed to the name of the Board and shall be authenticated by such persons and in such manner as the Board may specify.

(2) All contracts and assurances of properties shall be expressed to be made by the Board and shall be executed on behalf of the Board by the Chief Executive.

49. *Conditions of Service etc., of officers working under the Board.*—The conditions of service of officers working under the Board shall be such as may be prescribed by the Board with the previous approval of the Government.

By order of the Governor,

C. P. NAIR,

Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Sub-section (10) of section 8 of the Kerala Agricultural Workers Act, 1974 (18 of 1974), provides that the Government may, by notification in the Gazette, frame a scheme to be called the Agricultural Workers Welfare Fund Scheme for the welfare of the agricultural workers. This notification is intended to achieve the above object.

FORM No. I

APPLICATION FOR REGISTRATION AS AGRICULTURAL
WORKER IN THE FUND

[See para 24 (1) of the Scheme]

- 26
1. Name of the Worker :
 2. Name of Father/Mother/Guardian :
 3. Address of the worker :
 1. Present Address :
 2. Permanent Address :
 4. Marital Status (whether married/
unmarried/widow/widower) :
 5. Age and date of birth : Day Month Year
(Enclosed document to prove age)
 6. Personal marks of identification :
 - 1.
 - 2.
 7. Area or locality where the
applicant usually works :
 8. Date of commencing the work :
of agricultural worker

I hereby solemnly affirm that the particulars furnished above are true to the best of my knowledge and belief.

Place:

Date:

Signature of Applicant.

Reg. No. allotted by
Registering Authority.

Registering Authority.

KERALA AGRICULTURAL WORKERS WELFARE FUND SCHEME

[See paragraph 36 (3)]

Classified summary of the assets of the Agricultural Workers Welfare Fund for the year.....

<i>Class of Assets</i>	<i>Book value as per (a) below</i>	<i>Market value as on as per (b) below</i>	<i>Remarks as per (c) below</i>
(1)	(2)	(3)	(4)

The summary will show:

- (a) The value for which credit is taken in the accounts for each of the above mentioned classes of assets.
- (b) The market value of such of the above mentioned classes of assets as has been ascertained from published quotation has been arrived at.

Signature of the Chief Executive.

FORM No. II

KERALA AGRICULTURAL WORKERS WELFARE FUND SCHEME

Form of Identity Card

[See para 26 (2) of the Scheme]

Name of employee :

Address :

Registration No. :

(Office Seal)

*Signature of Authorised Officer,**(Registering Authority).*

FORM No. III

KERALA AGRICULTURAL WORKERS WELFARE FUND BOARD

Register of Agricultural Workers

[See para 24 (3) of the Scheme]

1. Serial No. :
2. Name and Address of Agricultural Worker :
3. Name of father/husband :
4. Age and date of birth :
5. Date of Registration :
6. Registration No. allotted :
7. Remarks :

FORM No. V
KERALA AGRICULTURAL WORKERS WELFARE FUND
SCHEME—1990

**Application for payment of accumulation in the
credit of a deceased member**

(See para 31)

-
1. Name of Applicant :
 2. Age and date of birth :
 3. (a) Permanent address :
 - (b) Present address :
 4. Relationship with the member :
 5. Name and address of the member :
 6. Whether the member is married or not :
 7. Reason for the application :
(firm details of accidental, death etc.
should be given)
 8. Details of documents produced :
 9. Amount of financial assistance :
applied for

The particulars furnished above are true to the best of my knowledge and belief.

Signature of Applicant with date.

FORM No. VI

KERALA AGRICULTURAL WORKERS WELFARE FUND SCHEME

[See paragraph 36 (3)]

Classified summary of the assets of the Agricultural Workers Welfare Fund
for the year

<i>Class of Assets</i>	<i>Book value as per (a) below</i>	<i>Market value as onas per (b) below</i>	<i>Remarks as per (c) below</i>
(1)	(2)	(3)	(4)

The summary will show:

- (a) The value for which credit is taken in the accounts for each of the above mentioned classes of assets.
- (b) The market value of such of the above mentioned classes of assets as has been ascertained from published quotation has been arrived at.

Signature of the Chief Executive.

GOVERNMENT OF KERALA

Labour and Rehabilitation (H) Department

NOTIFICATION

G. O. (Rt.) No. 2539/94/LBR. Dated, *Thiruvananthapuram, 1st November, 1994.*

S. R. O. No. 1518/94.—In exercise of the powers conferred by sub-section (1) of section 10 of the Kerala Agricultural Workers Act, 1974 (Act 18 of 1974), the Government of Kerala hereby make the following amendment to the Kerala Agricultural Workers Welfare Fund Scheme, 1990, namely:—

SCHEME

1. *Short title and commencement.*—(1) This Scheme may be called the Kerala Agricultural Workers' Welfare Fund (Amendment) Scheme, 1994.

(2) It shall come into force at once.

2. *Amendment of the Scheme.*—In the Kerala Agricultural Workers' Welfare Fund Scheme, 1990, in paragraph 13, for the words "at least three each", the words "at least one each" shall be substituted.

By order of the Governor,

V. KRISHNAMURTHY,

Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per G. O. (P) No. 52/90/LBR., dated 5-7-1990, the Government had issued the Kerala Agricultural Workers' Welfare Fund Scheme, 1990, Paragraph 13 of the Scheme prescribes that no business shall be transacted at any meeting of the Board unless at least nine Directors present of whom at least three each shall be from among those nominated under clauses (ii) and (iii) of sub paragraph (1) of paragraph 3 of the Scheme. This often causes difficulty to convene the meeting of the Board with quorum and transact business as 3 each Directors nominated under clauses (ii) and (iii) of sub-paragraph (1) of paragraph 3 of the scheme some times do not attend the meeting of the Board. In order to tide over such contingency the Government have decided to amend the above provisions. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA
Labour and Rehabilitation (H) Department

NOTIFICATION

G. O. (Rt.) No. 1353/96/LBR. Dated, Thiruvananthapuram, 15th May, 1996.

S. R. O. No. 452/96.—In exercise of powers conferred by sub-section (1) of section 10 of the Kerala Agricultural Workers' Act, 1974 (18 of 1974), the Government of Kerala hereby make the following amendment to the Kerala Agricultural Workers Welfare Fund Scheme, 1990 issued in notification No. G. O.(P) 52/90/LBR. dated 5th July, 1990, published as S. R. O. No. 935/90 in Kerala Gazette Extraordinary No. 678 dated 5th July, 1990, namely:—

AMENDMENT

1. *Short title and commencement.*—(1) This Scheme may be called the Kerala Agricultural Workers' Welfare Fund (Amendment) Scheme, 1996.

(2) It shall come into force at once.

2. *Amendment of the Scheme.*—In the Kerala Agricultural Workers Welfare Fund Scheme, 1990, in sub-paragraph (2) of paragraph 27, after serial number (3), the following shall be added, namely:—

“(4) Where none of the persons mentioned in serial numbers (1) to (3) exist, nominee of the deceased member.

Total amount”.

By order of the Governor,

K. K. VIJAYAKUMAR,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Kerala Agricultural Workers' Welfare Fund Board has recommended the Government to make provision for payment of ex-gratia amount under sub paragraph (2) of paragraph 27 of the Kerala Agricultural Workers' Welfare Fund Scheme, 1990 to the nominee of the deceased also. Hence Government have decided to amend the said Scheme for the above purpose.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Labour and Rehabilitation (H) Department

NOTIFICATION

G. O. (Rt.) No. 2539/94/LBR. Dated, Thiruvananthapuram, 1st November, 1994.

S. R. O. No. 1518/94.—In exercise of the powers conferred by sub-section (1) of section 10 of the Kerala Agricultural Workers Act, 1974 (Act 18 of 1974), the Government of Kerala hereby make the following amendment to the Kerala Agricultural Workers Welfare Fund Scheme, 1990, namely:—

SCHEME

1. *Short title and commencement.*—(1) This Scheme may be called the Kerala Agricultural Workers' Welfare Fund (Amendment) Scheme, 1994.

(2) It shall come into force at once.

2. *Amendment of the Scheme.*—In the Kerala Agricultural Workers' Welfare Fund Scheme, 1990, in paragraph 13, for the words "at least three each", the words "at least one each" shall be substituted.

By order of the Governor,

V. KRISHNAMURTHY,

Commissioner and Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per G. O. (P) No. 52/90/LBR., dated 5-7-1990, the Government had issued the Kerala Agricultural Workers' Welfare Fund Scheme, 1990, Paragraph 13 of the Scheme prescribes that no business shall be transacted at any meeting of the Board unless at least nine Directors present of whom at least three each shall be from among those nominated under clauses (ii) and (iii) of sub paragraph (1) of paragraph 3 of the Scheme. This often causes difficulty to convene the meeting of the Board with quorum and transact business as 3 each Directors nominated under clauses (ii) and (iii) of sub-paragraph (1) of paragraph 3 of the scheme some times do not attend the meeting of the Board. In order to tide over such contingency the Government have decided to amend the above provisions. This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Labour and Rehabilitation (H) Department

NOTIFICATION

G. O. (Rt.) No. 3034/95/LBR. Dated, Thiruvananthapuram, 22nd December, 1995.

S. R. O. No. 13/96.—In exercise of the powers conferred by sub-section (1) of the section 10 of the Kerala Agricultural Workers Act, 1974 (18 of 1974), the Government of Kerala hereby make the following amendments to the Kerala Agricultural Workers' Welfare Fund Scheme, 1990 issued in notification No. G. O. (P) 52/90/LBR. dated 5th July, 1990 published as S. R. O. No. 935/90 in Kerala Gazette Extraordinary No. 678 dated 5th July, 1990, namely:—

AMENDMENTS

1. *Short title and commencement.*—(1) This scheme may be called the Kerala Agricultural Workers' Welfare Fund (Amendment) Scheme, 1995.

(2) It shall come into force at once.

2. *Amendment of the Scheme.*—In the Kerala Agricultural Workers' Welfare Fund Scheme, 1990, in paragraph 43, after sub-paragraph (3), the following sub-paragraph shall be added, namely:—

(4) (i) The accumulation to the credit of a superannuated agricultural worker in the Kerala Agricultural Workers Provident Fund which stand transferred to the Kerala Agricultural Workers' Welfare Fund, shall be paid to the member if he is alive, or if he is dead, to his nominee/nominees in case a valid nomination exists and where there is no valid nomination to his legal heirs;

(ii) The person entitled to any payment under item (1) is a minor, such payment shall be made to his/her legal guardian;

(iii) The person entitled to payment under item (1), or where any such person is a minor, his/her legal guardian shall make an application to the Welfare Fund Officer for the payment of the sum due;

(iv) On receipt of an application under item (iii) the welfare Fund Officer shall conduct enquiries to ascertain the eligibility of the applicant/applicants for the claim and shall without delay effect payment of the amount found due to the applicant/applicants;

(v) Where no claim is made in respect of any sum standing to the credit of a superannuated worker, the welfare Fund Officer shall make necessary enquiries and find out whether there is any person entitled to receive the same and direct such person/persons if any, to apply for the payment of the sum due. Any application submitted in response to such direction shall be dealt with as specified in item (iv).

By order of the Governor,

K. K. VIJAYAKUMAR,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

There is no provision in the Kerala Agricultural Workers' Welfare Fund Scheme for refund of amounts standing pending in the credit of superannuated agricultural workers under the wound up Provident Fund Scheme which stands transferred to the Kerala Agricultural Workers' Welfare Fund Scheme. Government have decided to make provision for the disbursement of the same.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA
Labour and Rehabilitation (H) Department

NOTIFICATION

G. O. (Rt.) No. 1353/96/LBR. Dated, Thiruvananthapuram, 15th May, 1996.

S. R. O. No. 452/96.—In exercise of powers conferred by sub-section (1) of section 10 of the Kerala Agricultural Workers' Act, 1974 (18 of 1974), the Government of Kerala hereby make the following amendment to the Kerala Agricultural Workers Welfare Fund Scheme, 1990 issued in notification No. G. O.(P) 52/90/LBR. dated 5th July, 1990, published as S. R. O. No. 935/90 in Kerala Gazette Extraordinary No. 678 dated 5th July, 1990, namely:—

AMENDMENT

1. *Short title and commencement.*—(1) This Scheme may be called the Kerala Agricultural Workers' Welfare Fund (Amendment) Scheme, 1996.

(2) It shall come into force at once.

2. *Amendment of the Scheme.*—In the Kerala Agricultural Workers Welfare Fund Scheme, 1990, in sub-paragraph (2) of paragraph 27, after serial number (3), the following shall be added, namely:—

“(4) Where none of the persons mentioned in serial numbers (1) to (3) exist, nominee of the deceased member.

Total amount”.

By order of the Governor,

K. K. VIJAYAKUMAR,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Kerala Agricultural Workers' Welfare Fund Board has recommended the Government to make provision for payment of ex-gratia amount under sub paragraph (2) of paragraph 27 of the Kerala Agricultural Workers' Welfare Fund Scheme, 1990 to the nominee of the deceased also. Hence Government have decided to amend the said Scheme for the above purpose.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA

Labour and Rehabilitation (H) Department

NOTIFICATION

G. O. (Rt.) No. 2976/98. Dated, Thiruvananthapuram, 24th September, 1998.

S. R. O. No. 921/98.—In exercise of the powers conferred by sub-section (1) of section 10 of the Kerala Agricultural Workers' Act, 1974 (18 of 1974), the Government of Kerala hereby make the following further amendments to the Kerala Agricultural Workers' Welfare Fund Scheme, 1990, issued in notification G. O. (P) No. 52/90/LBR. dated 5th July, 1990 and published as S. R. O. No. 935/90 in Kerala Gazette Extraordinary No. 678 dated 5th July, 1990, namely:—

AMENDMENTS

1. *Short title and commencement.*—(1) This Scheme may be called the Kerala Agricultural Workers' Welfare Fund (Amendment) Scheme, 1998.

(2) It shall come into force at once.

2. *Amendment of the Scheme.*—In the Kerala Agricultural Workers' Welfare Fund Scheme, 1990, in Chapter IV,—

(1) for the paragraph heading “25. *Decision on disputes*” the heading “26A. *Decision on disputes*” shall be substituted.

(2) (a) for the paragraph heading “26. *Remittance of contribution by members to the Fund*” the heading “26B. *Remittance of contribution to the Fund by members*” shall be substituted;

(b) for the proviso to sub-paragraph (3) of paragraph 26B so renumbered, the following shall be substituted, namely:

Provided that if any member who has defaulted payment,—

(i) for a period up to twelve months files a request for revival before the Welfare Fund Officer concerned, and

(ii) for a period up to twenty-four months files a request for revival before the Chief Executive.

The Welfare Fund Officer or the Chief Executive Officer, as the case may be, shall consider the case and pass appropriate orders including orders for payment of defaulted amount and with a fine which may be determined by the Board:

Provided further that no such revival shall be allowed in the case of defaults exceeding twenty-four months.

By order of the Governor,

DR. V. RAJAGOPALAN,
Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

Government have decided to incorporate suitable provisions in the Kerala Agricultural Workers' Welfare Fund Scheme, 1990 for enabling the revival of membership of persons who have defaulted payment of contribution to the Fund up to 24 months.

This notification is intended to achieve the above purpose.

GOVERNMENT OF KERALA
Labour and Rehabilitation (H) Department
NOTIFICATION

G. O.(Rt.) No. 2924/99/LBR. Dated, Thiruvananthapuram, 1st September, 1999.

S. R. O. No. 771/99.—In exercise of the powers conferred by sub-section (1) of section 10 of the Kerala Agricultural Workers' Act (Act 18 of 1974) the Government of Kerala hereby make the following scheme further to amend the Kerala Agricultural Workers' Welfare Fund Scheme, 1990 issued under Notification No. G. O. (P) 52/90/LBR, dated 5th July, 1990 and published as S. R. O. No. 935/90 in the Kerala Gazette Extraordinary No. 678 dated 5th July, 1990, namely:—

AMENDMENT

1. *Short title and commencement.*—(1) This Scheme may be called the Kerala Agricultural Workers' Welfare Fund (Amendment) Scheme, 1999.

(2) It shall come into force at once.

2. *Amendment of the Scheme.*—In the Kerala Agricultural Workers' Welfare Fund Scheme, in sub-paragraph (3) of paragraph 27 for the word "advance" occurring before the words "for marriage expenses of a member", the word "assistance" shall be substituted.

By order of the Governor,

DR. C. V. ANANDA BOSE,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The Kerala Agricultural Workers' Welfare Fund Board has recommended the Government to make provision for payment of assistance for marriage of a member or his daughter/daughters in the Kerala Agricultural Workers' Welfare Fund Scheme, 1990 instead of advance for marriage as provided under sub-paragraph (3) of paragraph 27 of Chapter V of the Kerala Agricultural Workers' Welfare Fund Scheme, 1990, as Government in G. O. (Rt.) 3153/97/LBR, dated 11-11-1997 have accorded sanction to implement the Kerala Agricultural Workers' Marriage Assistance Scheme.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA
Labour and Rehabilitation (R) Department
 NOTIFICATION

G.O. (Rt.) No. 3705/2000/LBR.

Dated, Thiruvananthapuram, 2nd November, 2000.

S. R. O. No. 1058/2000.—In exercise of the powers conferred by sub-section (1) of section 10 of the Kerala Agricultural Workers' Act, 1974 (18 of 1974), the Government of Kerala hereby make the following scheme further to amend the Kerala Agricultural Workers' Welfare Fund Scheme, 1990 issued under notification No. G. O. (P) 52/90/LBR, dated 5th July, 1990 and published as S. R. O. No. 935/90 in the Kerala Gazette Extraordinary No. 678 dated 5th July, 1990, namely:—

SCHEME

1. *Short title and commencement.*—(1) This Scheme may be called the Kerala Agricultural Workers' Welfare Fund (Amendment) Scheme, 2000.

(2) It shall come into force at once.

2. *Amendment of the Scheme.*—In the Kerala Agricultural Workers' Welfare Fund Scheme, 1990, in paragraph 43,—

(1) in sub-paragraph (4) (i), for the words, "a superannuated agricultural worker" the words "an agricultural worker" shall be substituted;

(2) in sub-paragraph (4) (v), for the words "a superannuated worker" the words "an agricultural worker" shall be substituted.

By order of the Governor,

DR. C. V. ANANDA BOSE,

Secretary to Government.

Explanatory Note

(This does not form part of the Notification, but is intended to indicate its general purport.)

There is no provision in the Kerala Agricultural Worker's Welfare Fund Scheme for refund of amount standing in the credit of agricultural workers under the Provident Fund Scheme which was transferred to the Kerala Agricultural Workers' Welfare Fund before superannuation, Government have decided to make provision for the disbursement of such amount standing in the credit of all Agricultural Workers without any age limit.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA
Labour and Rehabilitation (R) Department
 NOTIFICATION

G. O. (Rt.) No. 4428/2000/LBR.

Dated, Thiruvananthapuram, 23rd December, 2000.

S. R. O. No. 16/2001.—In exercise of the powers conferred by sub-section (1) of the section 10 of the Kerala Agricultural Workers' Act, 1974 (Act 18 1974), the Government of Kerala hereby make the following amendments to the Kerala Agricultural Workers' Welfare Fund Scheme, 1990, issued in notification G. O. (P) No. 52/90/LBR, dated, 5th July, 1990 and published as S.R.O. No. 935/90 in the Kerala Gazette Extraordinary No. 678 dated 5th July, 1990, namely:—

SCHEME

1. *Short title and commencement.*—(1) This Scheme may be called the Kerala Agricultural Workers' Welfare Fund (Amendment) Scheme, 2000.

(2) It shall come into force at once.

2. *Amendment of the Scheme.*—In the Agricultural Workers' Welfare Fund Scheme, 1990, in paragraph 19; for sub-paragraph (1) and (2) the following shall be substituted, namely:—

“(1) The travelling allowance and daily allowance of an Official Director shall be governed by the rules applicable to him for the journeys performed on official duties and the same shall be paid to him from the funds of the Board;

(2) Non-official Directors shall be paid travelling allowance and daily allowance at the rate applicable to Grade I Officers of the Government and sitting allowance at such rates as may be decided by the Government from time to time for attending the meeting of the Board, or for such other journeys that may be authorised by the Board:

Provided that travelling allowance for journeys performed shall be limited to journeys performed from the place of residence with the State:

Provided further that the travelling allowance and daily allowance of Members of Legislative Assembly and Members of Parliament who are Directors of the Board may be paid in accordance with the rules applicable to them”.

By order of the Governor,

DR. C. V. ANANDA BOSE,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

In all the Welfare Fund Boards/Statutory Corporations, there is provision to pay the travelling allowance of the official members representing Government, directly to them from the respective funds. Similarly the non-official members in such Boards/Corporation are entitled to sitting allowance also. The Kerala Agricultural Workers' Welfare Fund Scheme, 1990 does not contain such provisions. Now the Government deems it necessary to incorporate such provisions and to amend the Kerala Agricultural Workers' Welfare Fund Scheme accordingly. Hence the Notification.

GOVERNMENT OF KERALA
Labour and Rehabilitation (R) Department
 NOTIFICATION

G. O. (Rt.) No. 861/2003/LBR.

Dated, Thiruvananthapuram, 27th March, 2003.

S. R. O. No. 288/2003.—In exercise of the powers conferred by sub-section (1) of section 8 read with section 10 of the Kerala Agricultural Workers' Act, 1974 (18 of 1974), the Government of Kerala hereby make the following further amendments to the Kerala Agricultural Workers' Welfare Fund Scheme, 1990 issued under G. O. (P) No. 52/90/LBR, dated 5th July, 1990 and published as S. R. O. No. 935/90 in Kerala Gazette Extraordinary No. 678 dated 5th July, 1990, namely:—

SCHEME

1. *Short title and commencement.*—(1) This Scheme may be called the Kerala Agricultural Workers' Welfare Fund (Amendment) Scheme, 2003.

(2) It shall come into force at once.

2. *Amendment of the Scheme.*—In the Kerala Agricultural Workers' Welfare Fund Scheme, 1990, in Chapter IV.

(a) in sub-paragraph (1) of paragraph 26, for the words "Sixty years" the words "fifty five years" shall be substituted;

(b) in the marginal heading for the figures and words, "25. Decision on disputes" the figures and words "26A. Decision on disputes" shall be substituted;

(c) in the marginal heading for the figures and words, "26. Remittance of contribution by members to the Fund", the figures and words "26B. Remittance of contribution by members to the Fund", shall be substituted.

By order of the Governor,

ELIAS GEORGE,
Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

As per the Kerala Agricultural Workers' Welfare Fund Scheme, 1990, an Agricultural Worker, who is above 18 years and below 60 years may apply for registration in the Fund. The Government have decided that the upper age limit fixed to the Agricultural Workers to register as a member to the Agricultural Workers' Welfare Fund be reduced to 55 years so as to discourage the tendency to register at the fag end of the superannuation. Further there is duplication in the numbering of paragraphs 25 and 26 in the Kerala Agricultural Workers' Welfare Fund Scheme. Therefore, it is also necessary to correct it by assigning numbers 26A and 26B respectively to the said paragraphs.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA
Law (Legislation-C) Department

NOTIFICATION

No. 15593/Leg. C2/01/Law. Dated, Thiruvananthapuram, 20th August, 2003
29th Sravana, 1925.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 16th day of August, 2003.

By order of the Governor,

V. RAMKUMAR,
Law Secretary.

ACT 18 OF 2003

THE KERALA AGRICULTURAL WORKERS' (AMENDMENT)
ACT, 2003

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

Preamble.—WHEREAS, it is expedient further to amend the Kerala Agricultural Workers' Act, 1974, for the purpose hereinafter appearing;

BE, it enacted in the Fifty-fourth 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, 2003.

(2) It shall come into force at once.

2. *Amendment of section 9.*—In section 9 of the Kerala Agricultural Workers' Act, 1974 (Act 18 of 1974), in sub-section (2), for the words "Two rupees", the words "five rupees" shall be substituted.

GOVERNMENT OF KERALA

Labour and Rehabilitation (R) Department

NOTIFICATION

G.O. (Rt.) No. 1006/2004/LBR. *Dated, Thiruvananthapuram, 7th April, 2004.*

S. R. O. No. 649/2004.—In exercise of the powers conferred by sub-section (1) of section 8 read with section 10 of the Kerala Agricultural Workers' Act, 1974 (18 of 1974), the Government of Kerala hereby make the following amendment to the notification issued under G. O. (Rt.) No. 861/2003/LBR, dated 27th March, 2003 and published as S.R.O. No. 288/2003 in the Kerala Gazette Extraordinary No. 555 dated 1st April, 2003, namely:—

AMENDMENT

In the said notification, in clause 2, sub-clauses (b) and (c) shall be omitted.

By order of the Governor,

ELIAS GEORGE,

Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

There is a duplication in the numbering of paragraphs 25 and 26 in the Kerala Agricultural Workers' Welfare Fund Scheme, 1990 and necessary amendment has been made by assigning numbers 26A and 26B respectively to the said paragraphs as per S.R.O. No. 288/2003. Now the Chief Executive, Kerala Agricultural Workers' Welfare Fund Board has reported that the said amendment has already been done as per S. R. O. No. 921/98. Hence the Government have decided to rectify the discrepancy.

This notification is intended to achieve the above object.

GOVERNMENT OF KERALA
Law (Legislation-C) Department
NOTIFICATION*

No. 21766/Leg.C2/09/Law.

Dated, Thiruvananthapuram, 28th January, 2011.

The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the Governor on the 27th day of January, 2011.

By order of the Governor,

K. MADHUSUDANAN NAIR,
Special Secretary (Law).

ACT 7 OF 2011

**THE KERALA AGRICULTURAL WORKERS'
(AMENDMENT) ACT, 2010**

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

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

BE it enacted in the Sixty-first 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, 2010.

(2) It shall be deemed to have come into force on the 5th day of January, 2010.

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),—

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

* Published in the Kerala Gazette Extraordinary No. 206 dated 28th January, 2011.

“(1) Every landowner 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.”.

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

“(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.”.

3. *Repeal and saving.*—(1) The Kerala Agricultural Workers' (Amendment) Ordinance, 2010 (36 of 2010) 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.
