

Tripura Act No. 9 of 1986.



**The Tripura Agricultural Workers
Act, 1986**



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The following Act of the Tripura Legislative Assembly received assent of the Governor on 10-4-1986 and is hereby published for general information.

TRIPURA ACT NO. 9 of 1986

THE TRIPURA AGRICULTURAL WORKERS ACT, 1984

AN
ACT

to provide for welfare of agricultural workers in the State of Tripura and to regulate the conditions of their works.

Whereas it is expedient to provide for the welfare of Agricultural workers in the State of Tripura and to regulate the conditions of their works ;

BE it enacted in the Thirty Seventh Year of the Republic of India as follows :—

CHAPTER—I

Preliminary

1. **Short title, extent and commencement**—(1) This Act may be called the Tripura Agricultural Workers' Act, 1986.

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

(3) It shall come into force on such date as the State Government may, by notification in the Official 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) “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 agricultural workers ;;

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, retrenchment, 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.

(c) “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) ;

(d) “Agricultural Tribunal” in relation to any area, means the Agricultural Tribunal constituted under this Act for that area ;

(e) “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 including maintenance of livestock in relation to the agricultural land of such landowner ;

- (f) "Conciliation officer" means in relation to any area, the conciliation Officer appointed under this Act for that area ;
- (g) "family" means husband, wife and their unmarried children or any of them as may exist ;
- (h) "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.
- (i) "landowner" means :—
 - (i) in relation to a land under personal cultivation, the owner of such land ;
 - (ii) in relation to a land held by a Bargadar or under Raiyat, such Bargadar or under Raiyat as defined in the Tripura Land Revenue and Land Reforms Act, 1960 (Act 43 of 1960) ;
 - (iii) in any other case, the person in actual possession of the land, and includes his heirs, assignees and legal representatives.

Explanation—I—In the purpose of this clause—

"Personal cultivation", with its grammatical variation and cognate expressions, means cultivation by a person on his own account—

- (i) by his own labour, or
- (ii) by the labour of any member of his family, or
- (iii) by servants or by hired labour on wages, payable in cash or in kind but not as a share of produce, under his personal supervision or the personal supervision of any member of his family ;

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 ;

- (j) "Minor" means a person who has not completed the age of eighteen years ;
- (k) "prescribed wages" means 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 II of 1948) ; or
 - (b) more than fifteen percent in excess of such minimum rate of wages, as may be specified by the Government by notification in the Gazette ; or
 - (c) the agreed rate of wages, whichever is higher.
- (l) "Prescribed" means prescribed by rules made under this Act ;
- (m) "wages" means all remunerations, whether payable in cash or in kind, which would, if the terms of employment, express or implied were 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 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 Officer**—The Government may, by notification in the Official Gazette, appoint for any area specified therein any officer of the Labour Department, not below the rank of 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 Official 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. **Appointment of Inspector**.—(1) The Government may, by notification in the Official Gazette, appoint—

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

(2) Subject to 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, 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 rule 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 (Central Act II 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 enquiry 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 land 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 land owner, means an agricultural worker who is bound by 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 land owner to refuse employment, during an agricultural season, to an agricultural worker eligible to be employed by the land owner 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) or 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
- (b) who is more than sixty-five years of age in the case of male worker or sixty-years of age in the case of a female worker ; or
- (c) who is incapacitated and is unable to do the work ; or
- (d) who has intentionally caused damage of crops belonging to the landowner or caused any other loss to the landowner.

8. Framing of welfare schemes for agricultural workers :—

(1) The State Government may, by one or more Notifications frame one or more schemes, namely Tripura Agricultural Workers Contributory Provident Fund Scheme, Tripura Agricultural Workers Group Insurance Scheme, Tripura Agricultural Workers (Old-age and Invalid) Pension Scheme or any other beneficial schemes of whatever nomenclature as may be found expedient for the agricultural workers on terms and conditions as may be specified in the Notification and different schemes, may be framed for different areas or for different classes of agricultural workers and different date may be appointed for different schemes for different areas.

(2) Any scheme framed by the State Government under sub-section (1) shall provide the mode of administration of such scheme and all other matters incidental thereto.

(3) Every Notification publishing any scheme under sub-section (1) shall be laid as soon as may be after it is made, 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 it is so laid, or session immediately following, the House agrees in making any modification in the scheme, or the House agrees that the scheme should not be made, the scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any modification or annulment shall be without prejudice to the validity of anything done under that scheme.

CHAPTER—IV

Hours and Limitations of Employment and Wages

9. 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 minor for more than six hours in any day :

Provided that nothing contained in this section shall be deemed to prohibit an agreement between the land-Owner 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 effect 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.

10. 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.

11. 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 Official Gazette, fix the number of hours of work which shall constitute a normal working day inclusive of one or more specified intervals for the purpose 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, II 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.

12. **Wages for harvest.**—(1) The prescribed wages for harvest shall be paid at the thrashing floor on which the thrashing takes place and no portion of the produce shall be removed from the thrashing 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 a Labour Inspector authorised in this behalf by the Government by Notification in the official Gazette shall, if he is satisfied that the harvested produce if kept in the thrashing 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.

13. **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, as 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 or in cash such amount of the prescribed wages at the thrashing floor from out of the harvested paddy ; and
 - (ii) if the harvested paddy or any portion thereof has been removed from the thrashing floor in contravention of the provisions of section 12 recover in kind or in cash the amount of prescribed wages from the land owner 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 of 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 or in cash the amount of prescribed wages from the land owner 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 land revenue due on land.

Explanation.—In this sub-section, "Collector" means the Collector of the District or any other officer appointed by the Government to exercise the powers and perform the functions of a Collector under the Tripura Land Revenue and Land Reforms Act, 1960.

- (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.

14. **Wages for over-time work.**—Where an agricultural worker is required by the land owner to work for more than the number of hours of work fixed or deemed to have been fixed under sub-section (2) of Section 11 he shall be entitled in respect of each hour of such over-time work to wages at the rate of twice his ordinary rate of wages for one hour ;

CHAPTER—V

Disputes

15. **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 such Officer as may be specified by the State Government by Notification in this behalf 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 Collector of the District through the Officer appointed under sub-clause (2) a full report setting forth the steps taken by him for ascertaining the facts and circumstance relating to the disputes and for bringing about a settlement thereof, together with 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 situated within the local limits of more than one District, the Conciliation Officer shall send the report to the Collector of the either District with intimation to another.

(4) If on a consideration of the report referred to in sub-section (3), the Collector of the District is satisfied that there is a case of reference to an agricultural Tribunal ; he may, by order in writing, refer the agricultural dispute to the said Tribunal for adjudication and where the Collector of the District 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 Collector of the District.

(6) The Collector of the District 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 19 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 19 every award of an Agricultural Tribunal shall be final and shall be given effect to by the parties to the agricultural dispute.

16. Appeal.—(1) Against any order passed by a Conciliation Officer under section 13 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 power to stay the operation of the order of the Conciliation Officer pending disposal of the appeal.

17. 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 11 or recovered under section 13 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 land owner concerned as if it were an arrear of land 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 11 or recovered under section 13 for payment to an agricultural workers 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 land owner concerned and the procedure contained in Section 32 shall apply for such recovery.

18. Reference of decision of disputes by Government.—

(1) Notwithstanding anything contained in section 15, 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 15 shall apply as if the reference to the Tribunal were made by the Collector of the District under sub-section (4) of that Section.

(3) The Government shall cause every award passed by them under clause (b) or sub-section (1) to be published in the Official 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 Official Gazette.

19. Power of Government in respect of awards.—(1) If the Government is of opinion that it is inexpedient on public grounds effecting 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 15, it may by Notification in the Official 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 15 make an order rejecting or modifying the award and such order shall be published in the Official 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 Official Gazette.

CHAPTER—VI

Penalties and Procedure

20. 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 enquiry 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.

21. **Penalty for making false statements, etc.**—Whoever for the purpose of avoiding any payment to be made by him under this Act or for enabling any other person to avoid such payment, knowingly makes or causes to be made any false statement or false re-presentation, 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.

22. **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.

23. **Other Penalties.**—Whoever contravenes or makes default in complying with any of the provisions of this Act, 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 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.

24. **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 purpose 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.

25. **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 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 shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation,—For the purpose 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.

26. **Cognizance of offences.**—No court shall take cognizance of 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 official Gazette, and no Court inferior to that of a Judicial Magistrate of the First Class shall try any offence punishable under this Act.

27. **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 alleged Commission of the offence comes to the knowledge of the Government or the officer authorised under section 26.

CHAPTER VII

Miscellaneous

28. **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.

Explanation— For the purpose of this section ‘Local authority’ in relation to an agricultural worker means a municipality or a Notified Area Authority established under the Bengal Municipality Act, 1932 as adopted in Tripura or a Gaon Panchayat established under the Tripura Panchayats Act, 1983 under the local jurisdiction of which such agricultural worker resides.

29. **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.

30. **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.

31. Power to take evidence on oath, etc.—Any 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 purpose of section 196, of the Indian Penal Code (Central Act 45 of 1860).

32. Recovery of money due from landowners.—Where any money is due to an agricultural worker from a landowner under a settlement referred to in sub-section (2) of Section 15 or an award under sub-section (5) of that section or under clause (b) of sub-section (1) of Section 18 or an award as modified by the Government under sub-section (2) of Section 19 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 Collector of the District for the recovery of the money due to him and if the Collector of the District is satisfied that any money is so due, he shall proceed to recover the same as if it were an arrear of land revenue due on land :

Provided that every such application shall be made within one year from the date on which the money become 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 Collector or of the District is satisfied that the applicant had sufficient cause for not making the application within the said period.

33. Effect of laws and agreements inconsistent with this Act.—(1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the 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 matter under this Act.

(2) Nothing contained in this Act shall be construed as precluding any agricultural worker from entering into an agreement with a land owner 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 land owner to enter into any agreement in contravention of the provisions of section—7.

34. Exemption.—(1) Nothing contained in this Act other than section—13, 14, 16, 17, clause (b) of sub-section (1) and sub-sections (3) and (4) of section 18 and sub-section (1) of Section 33 shall apply in relation to a land owner who does not hold more than one hectare in extent of agricultural 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 other than sections 11, 13, 14, 16, 17 clause (b) of sub-section (1) and sub-sections (3) and (4) of section 18 and sub-section (1) of section 33.

35. Delegation of Powers.—The Government may, by notification in the Official 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.

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

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

38. 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 18 and 19.
- (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 36 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 modifications or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

By order of the Governor,

A. B. Paul

Deputy Secretary, Law.

