

THE KARAIKAL AGRICULTURAL LABOURER FAIR WAGES ACT, 1970

(No. 25 of 1970)

ARRANGEMENT OF SECTIONS

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**THE KARAIKAL AGRICULTURAL LABOURER
FAIR WAGES ACT, 1970.**

(Act No. 25 of 1970.)

1st August, 1970.

AN ACT

to provide for payment of fair rates of wages for agricultural labourers in the Karaikal region of the Union territory of Pondicherry and for matters incidental thereto.

BE it enacted by the Legislative Assembly of Pondicherry in the Twenty-first Year of the Republic of India as follows:—

Short title, extent, commencement and duration.

1. (1) This Act may be called the Karaikal Agricultural Labourer Fair Wages Act, 1970.

(2) It shall extend to the region known as Karaikal in the Union territory of Pondicherry.

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

(4) It shall remain in force for a period of six years from the date of the commencement of this Act and upon the expiry of this Act, the provisions of section 6 of the General Clauses Act, 1897 (Central Act 10 of 1897), as applicable under section 2 of the Pondicherry General Clauses Act, 1965 (13 of 1965), shall apply as if this Act had then been repealed by a Pondicherry Act.

Definitions.

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

(1) "agricultural labourer" means a person who, in consideration of wages payable to him by a landowner performs manual labour on the agricultural land of such landowner, but does not include —

(a) a pannaiyal as defined in the Karaikal Pannaiyal Protection Act, 1966 (3 of 1966);

1. The Act came into force on the 10th day of September 1970, vide Notification No. B-9494/69-1 dated 5th September, 1970.

2. Substituted by Act 6 of 1974, section 2, w. e. f. 10-9-1973.

- (b) a person engaged in the house-hold work of the landowner or for cleaning cattle-yard, or for storing manure at the backyard of the house;
- (2) "agricultural land" means any land used for the cultivation of paddy, and includes any land used for any purposes subservient thereto, but does not include house-site or land used exclusively for non-agricultural purposes;
- (3) "Conciliation Officer" means a Conciliation Officer appointed under this Act;
- (4) "fair wages" means the rate of wages specified in the Schedule;
- (5) "Government" means the Administrator of the Union territory of Pondicherry appointed by the President of India under article 239 of the Constitution;
- (6) "landowner"—
- (a) in relation to a land personally cultivated, means the owner of such land and includes the heirs, assigns and legal representatives of such owner or persons deriving rights through him, and
- (b) in relation to a land cultivated by a cultivating tenant, means such cultivating tenant.

Explanation.—"cultivating tenant" shall have the same meaning as in sub-clause (b) of clause 2 of the Karaikal Tenants Protection Order, 1960.

- (7) "Revenue Court" means a Revenue Court constituted under this Act.

Appointment of Conciliation Officers.

3. The Government may, by notification in the Official Gazette, appoint for such area as may be specified therein, any officer of the Revenue Department not below the rank of a Tahsildar,

to be a Conciliation Officer for the purpose of performing the functions entrusted to a Conciliation Officer by or under this Act.

Constitution of Revenue Courts.

4. The Government may, by notification in the Official Gazette, constitute for such area as may be specified therein, a Revenue Court which shall be presided over by an Officer not below the rank of a Deputy Collector (Revenue), for the purpose of performing the functions entrusted to a Revenue Court by or under this Act.

Fair wages payable to agricultural labourers.

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

Enforcement of payment of fair wages.

6. (1) If any landowner pays less than the fair wages or refuses to pay the fair wages to any agricultural labourer, the agricultural labourer may make an application to the Conciliation Officer for a direction under sub-section (2).

(2) On receipt of such application, the Conciliation Officer shall hear the applicant and the landowner and after such inquiry, if any which he may consider necessary, direct—

(i) in the case of a claim arising out of the payment of less than the fair wages, the payment to the agricultural labourer of the amount by which the fair wages payable to him exceeds the amount actually paid by the landowner.

(ii) in the case of a claim arising out of non-payment of fair wages, the payment of the fair wages to the agricultural labourer.

Wages for harvest.

7. (1) The fair wages for harvest shall be paid at the threshing floor on which the threshing takes place and no portion of the produce shall be removed from the threshing floor without payment of fair wages to the agricultural labourer concerned.

(2) If, as a result of a direction under sub-section (2) of section 6, any amount of fair wages becomes payable to an agricultural labourer, the Conciliation Officer, or any person authorised by him not below the rank of a Revenue Inspector (hereinafter referred to as the authorised person) may,—

(i) in the case of harvest,—

(a) recover in kind such amount of fair wages at the threshing floor from out of the harvested paddy, and

(b) if the harvested paddy or any portion thereof has been removed from the threshing floor in contravention of the provisions of sub-section (1), the Conciliation Officer or the authorised person shall recover in kind the amount of fair wages from the landowner concerned and if such recovery is not possible, the Conciliation Officer or the authorised person shall recover the amount of cash value of such fair wages from the landowner concerned as if such amount were an arrear of land revenue, and pay the amount so recovered to the agricultural labourer concerned;

(ii) in the case of any work other than harvest the Conciliation Officer, or the authorised person may recover in kind or in cash the amount of such fair wages from the landowner concerned as if such amount were an arrear of land revenue and pay it to the agricultural labourer concerned.

(3) The Conciliation Officer, or the authorised person shall have all such powers as are necessary to effect the payment of the fair wages to the agricultural labourer including the power to enter upon any land on which or into any building in which the harvested paddy is kept.

Appeal.

8. (1) Against any final order passed by a Conciliation Officer under section 6, an appeal shall lie to the Revenue Court within such time as may be prescribed and the decision of the Revenue Court on such appeal shall, subject to the provisions of section 9, be final.

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

Revision by the District Court.

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

Provided that the District Court shall have no power to stay the operation of any decision or order of the Revenue Court pending the exercise of the powers under this section :

Provided further that the powers of the District Court under this section shall not be exercised in respect of an interim order passed by the Revenue Court :

Provided also that the District Court shall not pass any order prejudicial to any party unless he has been given a reasonable opportunity of being heard.

Decision in appeal or revision to be given effect to.

10. (1) Where the amount of fair wages paid under sub-section (2) of section 7 to any agricultural labourer is less than the

amount of fair wages payable as a result of the decision in appeal or revision, the balance shall be recovered from the landowner concerned as if it were an arrear of land revenue and paid to the agricultural labourer concerned.

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

Bar of jurisdiction of civil courts.

11. (1) Save as otherwise provided in this Act, no civil court shall entertain any suit or other proceeding to set aside or modify any order or decision passed by any Officer or authority or in respect of any other matter falling within his or its scope.

(2) No injunction shall be granted by any court in respect of any action taken or to be taken by any officer or authority in pursuance of any power conferred by or under this Act.

Power to take evidence on oath.

12. Any officer or authority exercising powers under this Act shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908 (Central Act 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 any proceeding before the officer or authority 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).

Act to override contract and other laws.

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

Power to make rules.

14. (1) The Government may, by notification in the Official 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 Revenue Court;

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

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

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

(e) any other matter which is required to be, or may be prescribed under this Act.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly, Pondicherry, 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 decides that the rule should not be made or issued, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

THE SCHEDULE

[See section 2(4)]

PART I

Men

All kinds of work during cultivating season. Rs. 3-00 or six litres of paddy plus Re. 1. 25 P per day

Women

All kinds of work during cultivating season. Re. 1.75 P. or five litres of paddy plus 0-25 P. per day.

Explanation.—'Work' does not include ploughing where bullocks and ploughs are provided by the agricultural labourer.

PART II

Harvest

Six litres out of every fifty-four litres of harvested paddy.

Explanation.— For arriving at the wages specified above no deduction shall be made either for kalavady or for any other expenses from out of the harvested heap till the agricultural labourers' wages are paid.

Illustration.— If 5,400 litres of paddy is the total amount of paddy harvested, the wage payable for the agricultural labourers engaged for the harvest will be 600 litres and the balance will be 4,800 litres from which alone, the landowner will have to make any deduction for kalavady or for any other expenses.