



The Tamil Nadu Agricultural Labourer Fair Wages Act, 1969

Act 19 of 1969

Keyword(s):

Agricultural Land, Conciliation Officer, Fair Wages, Landowner, Revenue Court

Amendment appended: 65 of 1981

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TAMIL NADU ACT No. 19 OF 1969*

THE TAMIL NADU AGRICULTURAL LABOURER
FAIR WAGES ACT, 1969.

[Received the assent of the President on the 28th September 1969, first published in the Fort St. George Gazette Extraordinary, on the 29th September 1969 (Asvina 7, 1891).]

An Act to provide for payment of fair rates of wages for agricultural labourers in certain areas in the State of Tamil Nadu and for matters incidental thereto.

BE it enacted by the Legislature of the State of Tamil Nadu in the Twentieth Year of the Republic of India as follows :—

[Short title and commencement.]

1. (1) This Act may be called the Tamil Nadu Agricultural Labourer Fair Wages Act, 1969.

(2) (a) It shall be deemed to have come into force on the 5th day of August 1969 in the taluks in the Thanjavur district specified in Schedule I.

(b) The Government may, by notification, direct that the provisions of this Act shall come into force in any other area on such date as may be specified in such notification† and different dates may be appointed for different areas.

* For Statement of Objects and Reasons, see Fort St. George Gazette Extraordinary, dated the 21st August 1969, Part IV—Section 3, page 149.

† This heading was substituted for the heading "Short title, commencement and duration" by section 2 of the Tamil Nadu Agricultural Labourer Fair Wages (Amendment) Act, 1972 (Tamil Nadu Act 24 of 1972).

‡ The provisions of this Act have come into force in the areas in the newly upgraded taluks of the Tiruvarur and Vedaranyam in the Thanjavur district respectively with effect on and from the 22nd September 1975 and 30th July 1980 vide Government Notifications No. II (2)/Rev/9373/75, dated 24th September 1975 and No. II (2)/Rev/3464(c)/80, dated 31st July 1980.

¹[(3) This Act as amended by the Tamil Nadu Agricultural Labourer Fair Wages (Amendment) Act, 1972, is hereby made permanent.]

²[(4) * * * * *]

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

³[(1) 'adult' means a person who has completed his eighteenth year of age ;]

³[(1-A)] "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 Tanjore Pannaiyal Protection Act, 1952 (Tamil Nadu Act XIV of 1952) ;

(b) a person engaged in the household work of the landowner or for cleaning cattleyard, 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 in relation to any area, the Conciliation Officer appointed under this Act for such area ;

(4) "fair wages" means the rate of wages specified in Schedule II ;

(5) "Government" means the State Government ;

(6) "landowner"—

(a) in relation to a land personally cultivated means the owner of such land and include the heirs, assignees and legal representatives of such owner or persons deriving rights through him, and

¹ This sub-section was substituted for the following original sub-section (3) of section 1 by section 2 (ii) of Tamil Nadu Agricultural Labourer Fair Wages (Amendment) Act, 1972 (Tamil Nadu Act 24 of 1972):—

"(3) It shall remain in force up to and inclusive of the 4th day of August 1972."

² The following original sub-section (4) was omitted by section 2 (iii), *ibid*:—

"(4) Upon the expiry of this Act, the provisions of section 6 of the Tamil Nadu General Clauses Act, 1891 (Tamil Nadu Act I of 1891) shall apply as if this Act had then been repealed by a Tamil Nadu Act."

³ This clause was inserted and the original clause (1) was renumbered as clause (1-A) by section 2(a) of the Tamil Nadu Agricultural Labourer Fair Wages (Second Amendment) Act, 1981 (Tamil Nadu Act 65 of 1981).

(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 clause (aa) of section 2 of the Tamil Nadu Cultivating Tenants Protection Act, 1955 (Tamil Nadu Act XXV of 1955) and in clause (5) of section 2 of the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961 (Tamil Nadu Act 57 of 1961) ;

¹[(6-A) ‘non-adult’ means a person who has not completed his eighteenth year of age ;]

(7) “Revenue Court” means in relation to any area, the Revenue Court constituted under this Act for such area.

Appointment of Conciliation Officers.

3. The Government or any authority empowered by them in this behalf, may, by notification, appoint for any area 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, constitute for any area specified therein, a Revenue Court which shall be presided over by an officer of the Revenue Department not below the rank of a Revenue Divisional Officer 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 and compensation.

²[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 or any officer not below the rank of Revenue Inspector authorised by the Conciliation Officer in this behalf, may make an application to the Conciliation Officer for a direction under sub-section (2).

¹ This clause was inserted by section 2 (b) of the Tamil Nadu Agricultural Labourer Fair Wages (Second Amendment) Act, 1981 (Tamil Nadu Act 65 of 1981).

² This section was substituted for the following original section by section 2 of the Tamil Nadu Agricultural Labourer Fair Wages (Amendment) Act, 1981 (Tamil Nadu Act 64 of 1981):—

“6. *Enforcement of payment of fair wages.*—(1) If any landowner pays less than the fair wages or refuses to pay the fair wages to any

(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, without prejudice to any other penalty to which the landowner may be liable under this Act, 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, together with the payment of such compensation, as the Conciliation Officer may think fit, not exceeding ten times the amount of such excess ;

(ii) in the case of a claim where the landowner refuses to pay fair wages, the payment of the fair wages payable to the agricultural labourer, together with the payment of such compensation, as the Conciliation Officer may think fit, not exceeding ten times, the fair wages payable,

and the Conciliation Officer may direct payment of such compensation in cases where the excess or the amount payable is paid by the landowner to the agricultural labourer before the disposal of the application.]

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. Wages for harvest.

agricultural labourer, the agricultural labourer may make an application to the Conciliation Officer for a direction under sub-section

(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 fair wages to the agricultural labourer.”.

(2) If, as a result of a direction under sub-section (2) of section 6, any amount of ¹[fair wages and compensation] 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 person authorised) may,—

(i) in the case of harvest,—

(a) recover in kind such amount of ¹[fair wages and compensation] 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 person authorised shall recover in kind the amount of ¹[fair wages and compensation] from the land owner concerned and if such recovery is not possible, the Conciliation Officer or the person authorised shall recover the amount of cash value of such ¹[fair wages and compensation] 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 person authorised may recover in kind or in cash the amount of such ¹[fair wages and compensation] 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 person authorised shall have all such powers as are necessary to effect the payment of the ¹[fair wages and compensation] 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.

¹ These words were substituted for the words "fair wages" by section 3 of the Tamil Nadu Agricultural Labourer Fair Wages (Amendment) Act, 1981 (Tamil Nadu Act 64 of 1981).

8. (1) Against any final order passed by a Conciliation Appeal 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.

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 : Revision by the District Court.

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.

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. Decision in appeal or revision to be given effect to.

(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.

Penalties for certain offences. [10-A. Any landowner who pays less than the fair wages or refuses to pay the fair wages or removes any portion of the produce from the threshing floor without payment of the fair wages for harvest, to any agricultural labourer, shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees or with both :

Provided that in imposing any fine for an offence under this section, the court shall take into consideration the amount of any compensation already awarded against the landowner in any proceedings taken under section 6.

Cognizance of offences. 10-B. No Court shall take cognizance of a complaint against any person, for an offence under section 10-A, except on a complaint made by, or with the sanction of, the Conciliation Officer.]

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 authority or officer or in respect of any other matter falling within its or his 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 authority or officer 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 V 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 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 XLV of 1860).

¹ These sections were inserted by section 4 of the Tamil Nadu Agricultural Labourer Fair Wages (Amendment) Act, 1981 (Tamil Nadu Act 64 of 1981).

¹[12-A. (1) The Government may, by notification, amend Schedule II and alter the rate of wages specified in Part I or Part II of Schedule II and different rates of wages may be fixed for different areas. Alteration of rates in Schedule II.

(2) Before issuing the notification under sub-section (1), the Government shall take into consideration the following factors, namely :—

(a) the availability of the labour in the area, or

(b) the price of essential commodities in the area, or

(c) the rise in the cost of living in the area, or

(d) such other factors as may be prescribed.

(3) The Government may, after the publication of the notification under sub-section (1), review at such intervals not exceeding five years, as they may think fit, the fair wages fixed under sub-section (1) and revise the rate of fair wages, if necessary:

Provided that where for any reason the Government have not reviewed the fair wages within any interval of five years, nothing contained in this sub-section shall be deemed to prevent them from reviewing the fair wages after the expiry of the said period of five years and revising them, if necessary and until they are so revised, the fair wages in force immediately before the expiry of the said period of five years shall continue in force.

(4) All references made in this Act to Schedule II shall be considered as relating to Schedule II as for the time being amended in exercise of the powers conferred by this section.

¹ These sections were inserted by section 3 of the Tamil Nadu Agricultural Labourer Fair Wages (Amendment) Act, 1972 (Tamil Nadu Act 24 of 1972).

Minimum Wages Act not to apply.

12-B. The Minimum Wages Act, 1948 (Central Act 11 of 1948) shall in so far as it relates to matters dealt with in this Act, cease to apply to any area in which this Act has already been or is brought into force under subsection (2) of section 1.]

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 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) all matters expressly required or allowed by this Act to be prescribed ;

(b) the procedure to be followed by the Conciliation Officer and the Revenue Court ;

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

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

(e) the manner of estimating the cash value of fair wages in kind.

(3) All rules made under this Act shall be published in the *Fort St. George Gazette* and, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.

(4) Every rule made under this Act shall, as soon as possible after it is made, be placed on the table of both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or both Houses agree that the rule should not be made, 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.

* Now the *Tamil Nadu Government Gazette*.

15. The Tamil Nadu Agricultural Labourers Fair Wages Ordinance, 1969 (Tamil Nadu Ordinance 4 of 1969) is hereby repealed.

SCHEDULE

[See section 1 (2) (a).]

<i>Serial number</i>	<i>Name of taluk.</i>
1	Mannargudy.
2	Thiruthuraipoondi.
3	Mayuram.
4	Sirkali.
5	Nagapattinam.
6	Nannilam.

SCHEDULE II.

[See section 2 (4)].

¹[PART I.*Adults.*

For persons engaged in ploughing, sowing, plucking of seedlings, forming, trimming and maintenance of lands and channels, preparation of land for sowing and transplantation, transport by manual labour of inputs or produce—

Seven litres of paddy + Rs. 2.80 per day
or

Rs. 9.00 per day.

For persons engaged in transplantation, weeding or other agricultural operations not specified—

Six litres of paddy + Rs. 1.80 per day
or

Rs. 7.00 per day.

Non-Adults.

All agricultural operations—

Four litres of paddy + Rs. 1.50.

or

Rs. 5.00 per day.

Explanation.—(1) Ploughing will not include provision of bullocks and ploughs by the labourer.

(2) Hours of work for all operations other than ploughing will be seven hours per day and for ploughing five hours per day.

(3) Persons required to work at night shall be paid fifty per cent additional wages.]

¹[The present Part I of Schedule II was substituted by notification No. 11 (2)/REV/3673/(i)/81. Revenue Department, published in Part II—Section 2 of *Tamil Nadu Government Gazette* Extraordinary, dated the 1st September 1981.

The original Part I of Schedule II read as follows :—

“PART I.

Men.

All kinds of work during cultivation season. Rs. 3.00 or six litres of paddy plus Rs. 1.25 P. per day.

Women.

All kinds of work during cultivation season. Rs. 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.”

The above original Part I of Schedule II was substituted for the following Part I by section 3 of the *Tamil Nadu Agricultural Labourer Fair Wages (Second Amendment) Act, 1981 (Tamil Nadu Act 6 of 1981)*:—

contd.

*Agricultural operations.**Rate of wages.*

(1)	(2)	(3)	(4)
<p>Adults engaged in ploughing, sowing, plucking of seedlings, forming, trimming and maintenance of lands and channels, preparation of land for sowing and transplantation, transport by manual labour of inputs or produce.</p>	<p>Seven litres of paddy+ Rs. 2.80 per day or Rs. 7.20 per day, between 1st June and 30th September and Rs. 6.60 per day between 1st October and 31st May.</p>	<p>Seven litres of paddy+ Rs. 2.80 per day or Rs. 7.20 per day.</p>	<p>Seven litres of paddy+ Rs. 2.80 per day or Rs. 7.30 per day.</p>
<p>Adults engaged in transplantation, weeding or other agricultural operations not specified above.</p>	<p>Six litres of paddy+ Rs. 1.80 per day or Rs. 5.60 per day between 1st June and 30th September and Rs. 5.00 per day between 1st October and 31st May.</p>	<p>Six litres of paddy+ Rs. 1.80 per day or Rs. 5.60 per day.</p>	<p>Six litres of paddy+ Rs. 1.80 per day or Rs. 6.20 per day.</p>

oyntd.

(1)	(2)	(3)	(4)
Non-adults engaged in all agricultural operations.	Four litres of paddy+ Rs. 1.50 per day. or Rs. 4.00 per day between 1st June and 30th Sep- tember and Rs. 3.60 per day between 1st October and 31st May.	Four litres of paddy+ Rs. 1.50 per day. or Rs. 4.00 per day.	Four litres of paddy+ Rs. 1.50 per day. or Rs. 4.40 per day.

Explanation.—(1) Ploughing will not include provision of bullocks and ploughs by the labourer.

(2) Hours of work for all operations other than ploughing will be seven hours per day and for ploughing five hours per day.

(3) Persons required to work at night shall be paid fifty per cent additional wages."]

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 wages 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 have to make any deductions for kalavady or for any other expenses.

TAMIL NADU ACT NO. 65 OF 1981.*

**THE TAMIL NADU AGRICULTURAL LABOURER
FAIR WAGES (SECOND AMENDMENT) ACT,
1981.**

*[Received the assent of the President on the 25th November
1981, first published in the Tamil Nadu Government
Gazette Extraordinary on the 28th November 1981
(Karthigai 13, Thunmathi-2012-Thiruvalluvar Aandu).]*

*An Act further to amend the Tamil Nadu Agricultural
Labourer Fair Wages Act, 1969.*

BE it enacted by the Legislature of the State of Tamil Nadu
in the Thirty-second Year of the Republic of India as
follows :—

Short title
and com-
mencement.

1. (1) This Act may be called the Tamil Nadu Agri-
cultural Labourer Fair Wages (Second Amendment)
Act, 1981.

(2) Sections 2 and 3 shall be deemed to have come into
force on the 24th February 1979.

2-3. *[The amendments made by these sections have been
incorporated in the principal Act, namely, the Tamil Nadu
Agricultural Labourer Fair Wages Act, 1969 (Tamil Nadu
Act 19 of 1969).]*

Validation of
fair wages
paid.

4. Notwithstanding anything contained in section 12-A
of the principal Act or any rule made thereunder or in
any judgment, decree or order of any court or other
authority, all fair wages paid to or received by, or pur-
porting to have been paid to or received by, any agricul-
tural labourer at the rates specified in Part I of Schedule II
to the principal Act, as amended by section 3 of this Act,
for the period commencing on the 24th February 1979
and ending with the 15th October 1980, (hereafter in
this section referred to as the said period), shall, for all
purposes, be deemed to be, and to have always been,
validly paid or received in accordance with law, as if,
section 3 of this Act had been in force at all material times
when such fair wages were paid or received and accor-
dingly,—

*For Statement of Objects and Reasons, see *Tamil Nadu
Government Gazette Extraordinary*, dated the 26th August 1981,
part IV—Section 1, pages 720-721.

(a) all acts, proceedings or things done or taken by any authority, officer or person in connection with payment of such fair wages for the said period shall, for all purposes be deemed to be and to have always been validly done or taken in accordance with law ;

(b) no suit or other proceeding instituted or initiated by a land owner before the date of the publication of this Act in the *Tamil Nadu Government Gazette* for refund of fair wages already paid to, or received by, any agricultural labourer for the said period on the ground that such payment of fair wages was not in accordance with law, shall be maintained or continued in any court ;

(c) no court shall enforce any decree or order directing the refund of any fair wages so paid for the said period.