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commencement of Act, he has been for art involving moral turpitude or for any offence under the Kerala Agricultural Act, 11174; (d) if he has acted against the implementation of the Act or these rules or the discharge of the functions of the Board. (2) If any question arises as to whether any person is disqualified under sub-rule (1) if he is referred to the Government by the Chief Executive and the decision of the Government on such question shall be final. Rules under Section 12 7. Appointment and powers of officer of Board,— (1) The Government may appoint an officer as they deem fit to be the Chief Executive of the Board. (2) The Government may also appoint as many Fund Officers as they may consider necessary to assist the Chief Executive. (3) The Chief Executive shall not undertake any work not connected with his office without the previous sanction of the Government. (4) The Chief Executive and the Fund Officer shall be deemed to be public servants as defined in section 21 of the Indian Penal Code (Central Act 45 of 1900) 6. Administrative and financial powers of Chief Executive— C, Subject to provisions contained in the Act, these rules and the Scheme, the Chief Executive shall perform the functions and powers, namely:— (a) to maintain a register of the members of the Fund; (b) to receive all returns, forms and declarations provided under the Scheme; (c) to call for information from and give directions to, workers and land owners for the purpose of the administration of the Scheme; (d) to require production of registers, records, accounts and other documents necessary for the administration of the Scheme, from any person having custody of such registers, records, accounts or other documents; (e) to receive moneys on behalf of the fund and to effect recoveries; (f) to maintain all accounts of the Fund; (g) to execute contracts, deeds and other documents on behalf of the Fund. (h) to prepare and present the budget of the Board; 5. in K.G. dt. by GO. (Rt), and CEY. dt. 3-5-203. Scanned by CamScanner WINU, U OF LÄBO (Jfi S T/W, C 1." IV, 3 IN KERALA 2352 (i) to make budgetary appropriations in accordance with the provisions in the Scheme; (j) to sanction and pay and withdrawals and advances subject to the provisions in the Scheme and to ensure that the receipts are in accordance with such advances are drawn. (k) generally to exercise powers over the staff working under him subject to the provisions of the Scheme. 12) The Chief Executive may, without reference to Board, sanction expenditures on contingencies, supplies and services and purchases of articles required for the fund subject to the limits 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. (3) The Chief Executive may also exercise such administrative and financial powers other than those specified in sub-rule (1) as may be delegated to him from time to time by the Board with the prior sanction of the Government. (4) The Chief Executive may delegate from time to time his administrative and financial powers to any officers under his control and superintendence to the extent authorised by the Board with the approval of the Government. (5) A statement of any delegation under sub-rule (4) shall be placed before the next meeting of the Board for information

9. Secretary to the Chief Executive shall be the Secretary to the Board. (2) The Secretary shall, with the approval of the Chairman issue notices to convene meetings of the Board and keep the records of minutes and shall take necessary steps for carrying out the decisions of the Board

PART III Rules under section 47(2)(a) and (b) read with section 20 and 23 IO. Application to Conciliation Officer and procedure of Conciliation Officer." 1) An application under sub-section (1) of section 20 shall be made in Form in duplicate with as many additional copies as there are more land-owners than one and shall be presented to the Conciliation Officer either in person or by registered post acknowledgment due within sixty days from the day on which the wages or arrears of wages become due: Provided that the Conciliation Officer may entertain an application received after the said period of sixty days if he is satisfied that the applicant had sufficient reason for not presenting the application within that period. (2) Where an application is presented in person, the Conciliation Officer shall give the applicant an acknowledgement of having received the same. (3) As soon as an application referred to in sub-rule (1) is received by the Conciliation Officer, he shall serve upon the landowner and the applicant by post with certificate of posting a notice in Form 2 to appear before him on a specified date and time together with all relevant documents and witnesses if any, (4) The Conciliation Officer shall record a summary of the evidence of the parties during the hearing. (5) If the landowner or his sufficient reason: the Conciliation Officer may proceed to hear and decide the ex-parte

7. Substituted by 845/93. Scanned by CamScanner •s ether rye by lhe to the g cut the with as to the days
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 be, the tite the Notice the be the In seb.n:'c (3) Appeal te Agricultural Tribunal and Procedure Tribunal
 section shall be before the days the date cn the is together of as there respondents and copies of the order
 oppealed against. so:n as an appca! under section 23 is received the Tribunal sh&ll send by post vat.h
 certificate of posting a notice in



Form 3 to the parties for appearance before the (3) The Agricultural Tribunal shall, hearing the parties and perusing the relevant records, confirm, vary or set aside the order appealed against

12. Court fees on Applications and appeals.— (2) An appeal referred to in rule 11 shall be with court fees stamps of the value of two rupees. PART IV Rules under section 47(2) (a) read with section 22 Settlement of Agricultural Disputes 13. Parties to submit statement.— The agricultural worker or any person representing him before the Conciliation Officer shall forward a statement of the demands to the conciliation office, - with sufficient number of additional copies as there are opposite parties



14. Proceedings before Conciliation Officer.=(1) The Conciliation Officer may hold meeting of the representatives of both the parties jointly or of each party separately: (2) The Conciliation Officer may conduct the proceedings expeditiously and in such manner as he may deem fit and any settlement arrived at in the course of the proceedings shall be recorded in



Form 4. (3) The settlement shall be signed. (a) in the case of a landowner by the landowner or by a person authorised by him in writing in his behalf or an officer of an association of landowner of which such landowners is a member, (b) in the case of an agricultural worker, by an officer of a trade union of agricultural workers duly authorised in this behalf at a meeting of the agricultural workers held for the purpose, provided that in the case of an agricultural worker who is not a member of any union of agricultural workers, the settlement shall be signed by the worker or a person authorised by him in writing in this behalf, or officers of the trade union. Scanned by CamScanner an index cond. and of settleawnt



PART V Rules under section (o) read with section 22 and 25 (i) an agricultural dispute is referred to Agricultural under the , the Government. as the case may be, shall send to the Tribunal and to the concerned in the, (2) Immediately on receipt of the order of reference. the Agricultural Tribunal shall issue dispute, a copy of the order of reference. notice. by registered post to the parties in



Form 5. directing them to appear on the date and specified therein and produce evidence; oral and documentary in support of their respective claim. (3) Immediately on receipt of the copy of the order of adjudication, the parties concerned in the dispute shall submit to the Agricultural Tribunal, Statements if any, in support of their claims with copies served on the opposite parties. (4) of the substance of the evidence of every and such memorandum shall be written and signed by the Agricultural Tribunal in its own hand and shall form part of the record. (5) The sittings of the Agricultural Tribunal shall be held at such times and places as the Tribunal may fix after notice to the parties. (6) The Agricultural Tribunal may accept, admit and call for evidence at any stage of the proceedings before it, in such manner as it may think fit. (7) Any notice, summons or order may be served on the parties by or by registered post. (8) Where there are numerous persons parties to any proceedings before an Agricultural Tribunal and such persons are members of any trade union or association of landowners, the service of notice on any official of such trade union or association shall be deemed to be service on such persons: (9) If without good cause shown, any party to the proceedings before an Agricultural Tribunal fails to attend or to be represented, the Tribunal may proceed to decide the dispute ex-parte (10) The Agricultural Tribunal may, for sufficient cause, set aside after notice to the opposite party, any ex-parte decision made under sub-rule (9), either wholly or in part, on an application supported by an affidavit and made within one week of the decision. (11) Clerical or arithmetical mistakes in the award or errors arising therein from any accidental slip or omission may at any time be corrected by the Agricultural Tribunal either of its own motion or on the application of any of the parties. NOTES: The provisions of section 25 of the Agricultural Workers Act, 1946, in so far as they relate to any proceedings before Agricultural Tribunal is not applicable to proceedings before Agricultural Tribunal in which there are only 3 workmen and one landowner. 11

16. Manner of publication of awards.— The award shall be published in the office of the District Collector and in the office of the Agricultural Tribunal by the respective offices. Scanned by CamScanner THEKE/VltÄ AGRICULTURAL 17. Procedure of Government under section 25. (1) If the Government is satisfied that either on receipt of information from any officer of Government or dispute exists or is apprehended, they may refer the dispute to the Tribunal or may proceed to decide the dispute themselves in accordance with the provisions of sub-rule (2) (2) Where the Government proceed to decide an agricultural dispute, the Government shall decide the dispute after giving the parties an opportunity for being heard. Explanation.— Opportunity to the parties to present their cases at conference held for the purpose shall, for the purposes of this rule, be deemed to be an opportunity for being heard

PART VI Rules under section 47(2) (c) -68. Procedure as respects awards by Government. (1) Where any agricultural dispute is decided and an award is passed by the Government under Section 25(1) (b) of the Act, the rules in Part V shall, mutatis mutandis, be applicable. (2) Every award passed by the Government may also be published in the office of the local authority of the area in which the agricultural land in question is situated

PART VII Rules under 19. Manner of estimating cash value of prescribed wages in kind.— The average retail prices at the nearest market published by the Bureau of Economics and Statistics for the period or three months immediately preceding the months for which the wages are to be estimated shall be taken into account in estimating the cash value of the prescribed wages in kind

PART VIII Rules under section 35 and 36 MISCELLANEOUS— MAINTENANCE OF REGISTERS AND RECORDS 20. Executive authority to prepare and maintain register.— (1) Every agricultural - worker residing within the jurisdiction of a local authority shall present an application in Form 6 before the executive authority of that local authority for entering his name in the register referred in section 35. (2) The executive authority shall prepare and maintain the register in



Form 7. Explanation— In the rule and in rules 21 and 22, authority" means the commissioner in the case of a city corporation or municipality and the executive officer in the case of a township or panchayat

21. Amendment of executive authority may add any entry in, or correct or omit any entry from the register referred to in rule 20 as and when necessary. worker_ whose name has not been included in the register or becomes a resident within the jurisdiction of a local authority; after the preparation of the register may apply to the executive authority of that local authority in Form G for inclusion of his name in (3) On receipt of an application under sub-rule (2), the executive authority shall, such inquiry as it deems fit, either include his name in the register or reject the application and the decision of the executive authority shall be final. Scanned by CamScanner 2356 MANUAL OF LABOUR & INDUSTRIAL LAWS IN KERALA R. 22 22. Revision of register.—The executive authority shall revise the register once in three years

23. Maintenance of register by landowners.— (1) Every landowner shall maintain at his residence or at such other place as may be specified by the Inspector, a register of employment and wages in Form e making entries from day to day. (2) Every such register relating to any calendar year shall be preserved for a period of three years thereafter. (3) Every land owner shall get the signature or thumb impression of every agricultural worker employed by him in the "register of Employment and Wages" at the time of payment of wages to such worker"



24. Ascertainment of the age of agricultural workers.— Where any doubt arises as to the correct age of any agricultural worker, the correct age shall be ascertained on the strength of an authentic extract from the records of a school or church or from the register maintained under the laws relating to registration of births and deaths and, in the absence of any of such records or register, on the strength of the certificate of a registered medical practitioner. -



FORM—I — [See Rule 10(1)] Application under Section 20(1) BEFORE OFFICER APPOINTED UNDER THE AGRICULTURAL WORKERS ACT, 1974 Name(s) of the Agricultural Worker(s) Name(s) and address(es) of the landowner(s). The applicant(s) above named state(s) as follows:— (1) The applicant(s) has/have been employed from. Applicant(s) Opposite party/parties • as. agricultural land belonging to the opposite party/parties which is agricultural land within the meaning of section 2(d) of the Kerala Agricultural Workers Act, 1974.- • (2) The opposite party/parties is/are the landowner(s) within the meaning of section 2(m), of the said Act. (3) The prescribed wage payable to the applicant(s) for the above category of work is Rs. per day. (here enter the dates) in the (here enter the category) PS Rs. per day. (here enter the dates) The total amount payable to the applicant(s) is Rs. per day. CS The balance amount payable is Rs. (4) applicant, therefore, prays that a direction be issued under sub-section (2) of section 20 of the Act for payment of the abovesaid amount. The application is true to the best of my knowledge and information. Station: Signature of the applicant(s)



9. Added by Gdtät.) 1676/78/1- & H dt. 28-10.Å976. published in K.G-No. 49 dt 5-12-1978 as SRO 1129/78 with immediate effect. Scanned by CamScanner THE oa:c: Rote: In UP this portions rom.'-l 10{3)) Notice to the opposite to appear berorc the Conciliation on an application under sub-section 2C(1) {/pp/jca!ion NO.. vs. Opposite patty/partiet; j....l.....,.... has made the (here enter applicant's name) above said application to me under the Kerala Agricultural i'v'orkerg Act, 1047 you are hercby called upon IO appear before me in person or by a duly authorised agent, ablu to answer ali material questions te!ating to the application. or Who shall be accompanied by some person able to answer all such questions, on the , ...dayof... at... A.MJ P.M. to answer the claim with all documents and witnesses, if any. Please take notice that in the csvent or your failure to appear before me on the appointed dutc and time tho application will heard and determined in your absence. Copy of the application is enclosed. D3te: Signatuie of the Conciliation Officer.



FORM-3 [See Rule Notice to the respondents to appear before the Agricultural Tribunal on an appeal under Section 23 Appeal Petition No, Appellant(s) Respondent(s) Take notice that an appeal of which a Copy is enclosed against the decision of the Conciliation Officer for Presented by.... . ,.....area, has been (here enter name of the area) (here enter name of the appellant) and taken on file by this Tribunal and that, (here enter date and time) has been fixed by the Tribunal for the hearing of the appeal. If no appearance is made on your behalf by yourself, or by someone duly authorised to act for you in this appeal, it be heard and decided in your absence. Station: Date-3- Agricultural Tribunal (Place) Scanned by CamScanner Of 1. Of Place: Date : FORM-5 iJotico for hearing of parties to the dispute and for An agricultural dispute, enter under Section '25(1) (Section Off Section not applicable) You are hereby called upon to appear in on. enter (here enter oral and documentary, [in support of your case] You are also hereby informed that you shall have filed a case. with copy served on the opposite before the In the event of your failure to appear on the specified date - aforesaid date, the case- shall be proceeded -within your Station: Dated: FORM-6 [See Rule Form of Application for inclusion in the Register of Before the Executive

Authority 2. 3. 4. 5



6. Date : Name of Agricultural worker Age Father's/Husband's Name Address Name and address of the landowners in whose agricultural land the applicant is working Name of the local authority within whose jurisdiction the agricultural worker was working previously and the serial number of the agricultural worker in the register if his name was entered in the register (here Zcz' Signeu.-e

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FORM—I [Soc Rulo Application under Section 20(1) BEFORE THE CONCILIATION OFFICER APPOINTED UNDER THE AGRICULTURAL WORKERS ACT, 1974 Name(s) and address(es) of the Agricultural Worker(s) {Applicant(s) Name(s) and address(es) of the landowner(s) Opposite party/parties as The applicant(s) above named state(s) as follows:— (1) The applicant(s) has/have been employed from (here enter the dates) the 'category' in the agricultural land belonging to the opposite party/parties which is Zr agricultural land with the meaning of, Section 2(d) of the Kerala Agricultural Workers Act 1974. (2) The opposite party/parties is/are the meaning of section the said Act. (3) The prescribed wage payable to the applicant(s) for the above category of work is Rs the total amount being The amount actually paid to the applicant(s) is Rs. . per day. The balance amount payable is Rs.....,..... (here enter dates) PS. . Rs (4) The applicant, therefore, prays that a direction be issued under sub-section (2) of section 20 of the Act for the payment of the abovesaid amount. (5) The applicant(s) does/do solemnly declare that the facts stated in the application are true to the best of his/her knowledge, belief and information. Station: Signature or thumb impression of the applicant(s). Added by GO.(Rt.) 4676/78/1 & H dt. 282102d978, published in K.G No. 49 dt 5-12-1978 as SRO "1129/78 Scanned by CamScanner

