

**¹THE AGRICULTURAL LABOUR (MINIMUM WAGES)
ORDINANCE, 1984**

ORDINANCE NO. XVII OF 1984

[22nd February, 1984]

An Ordinance to provide for fixation of minimum rates of wages for agricultural labourers.

WHEREAS it is expedient to provide for fixation of minimum rates of wages for agricultural labourers and for matters ancillary thereto;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

1. This Ordinance may be called the Agricultural Labour Short title
(Minimum Wages) Ordinance, 1984.

2. In this Ordinance, unless there is anything repugnant in Definitions
the subject or context,-

- (a) “agricultural labourer” means any person employed in agricultural crop production, but does not include-
- (i) a person employed by the Government;
 - (ii) a person employed in a plantation as defined in clause (iii) of section 2 of the Payment of Wages Act, 1936 (IV of 1936);
 - (iii) a person who works as a family labourer on monthly wages;
 - (iv) a person employed by a company registered under the Companies Act, 1913 (VII of 1913), engaged in production and sale of fish or livestock of any kind;
 - (v) a *bargadar* as defined in the Land Reforms Ordinance, 1984 (X of 1984);

¹ The Ordinance was declared void by the Appellate Division of the Supreme Court of Bangladesh in Civil Appeal No. 48 of 2011 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৮২ সনের ২৪ মার্চ হইতে ১৯৮৬ সালের ১১ নভেম্বর তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৭ নং আইন)।

- (b) “wages” means all remuneration which would, if the terms of contract of employment, express or implied, were fulfilled, be payable to a person in respect of his employment or work done in such employment, but does not include any sum paid to such person to defray special expenses incurred by him in respect of his employment.

Minimum wages for agricultural labour

3. (1) The minimum rate of wages for agricultural labour per day shall be 3.27 kilograms of rice or such amount of money as is equal to the price of this quantity of rice in the local market.

(2) The Government may, by notification in the *official Gazette*, review from time to time the minimum rate of wages fixed under sub-section (1), on the recommendation of the Council of Minimum Wages and Prices for Agricultural Labour constituted under section 4.

(3) The Government may, on review of the minimum rate of wages under sub-section (2), fix different rates of minimum wages for different areas, for different classes of agricultural labourer or different kinds of agricultural labourer.

(4) Notwithstanding anything contained in this section, no rate of minimum wages shall be reviewed earlier than three years from the date on which it was fixed, unless special circumstances so require.

Constitution of Council of Minimum Wages and Prices for Agricultural Labour

4. (1) The Government may, by notification in the *official Gazette*, constitute a Council to be called the Council of Minimum Wages and Prices for Agricultural Labour for the purposes of this Ordinance.

(2) The Council shall consist of a Chairman and such number of other members as the Government may deem fit to appoint.

(3) The Council shall, upon a reference made to it by the Government, recommend to the Government, after such enquiry as the Council thinks fit and after consideration of the economic conditions, costs of living and other relevant factors, the minimum rates of wages for agricultural labour.

(4) The Council may, if the circumstances so demand, recommend different rates of minimum wages for different areas, for different classes of agricultural labourer or for different kinds of agricultural labour.

(5) In making its recommendations, the Council shall take into consideration the views of the Upazila Parishads, if any.

5. (1) No person shall pay any agricultural labourer wages at a rate lower than the rate fixed by or under this Ordinance to be the minimum wages for such labourer.

Payment of minimum wages

(2) Nothing in sub-section (1) shall be deemed to affect, in any way, the right of an agricultural labourer to continue to receive wages at a rate higher than the minimum rate fixed by or under this Ordinance, if under any agreement or contract or otherwise, he is entitled to receive wages at such higher rate, or to continue to enjoy such amenities and other advantages as are customary for such labourer to enjoy.

6. (1) Any person who contravenes the provision of section 5 shall be liable to pay to the aggrieved person compensation of an amount not exceeding two times the amount which would have been paid to him had there been no such contravention.

Compensation and recovery procedure

(2) Notwithstanding anything contained in any other law for the time being in force, a suit for recovery of the wages and compensation payable to an agricultural labourer shall lie to a Village Court.

7. The minimum rates of wages fixed by or under this Ordinance shall not be called in question in or before any Court or authority.

Protection of minimum wages

8. In the Village Courts Ordinance, 1976 (LXI of 1976), in the Schedule, in Part II, *after* item 5, the following new item shall be *added*, namely:-

Amendment of Ordinance LXI of 1976

“6. Suit for recovery of wages and compensation payable to agricultural labourers.”
