

Bill No. 113 of 2012

THE FARMERS WELFARE BILL, 2012

By

SHRI MADHUSUDAN YADAV, M.P.

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BILL

*to provide for establishment of a National Commission for the welfare of farmers
and for matters connected therewith.*

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Farmers Welfare Act, 2012.

Short title
and extent.

(2) It extends to the whole of India.

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

Definitions.

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(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "National Commission" means the National Commission for Farmers established under section 3;

(iii) "natural calamity" includes drought, flood, cyclone, hailstorm, landslide, cloud burst, tsunami, earthquake or fire especially in forest and adjacent areas or such other conditions as may be notified by the appropriate Government from time to time; 5

(iv) "prescribed" means prescribed by rules made under this Act; and

(v) "State Commission" means the State Commission established under section 5.

Establishment
of a National
Commission
for Farmers.

3. (1) The Central Government shall, by notification in the Official Gazette, establish a Commission to be known as the National Commission for Farmers. 10

(2) The Commission shall consist of—

(i) Union Minister of Agriculture, who shall be its Chairperson, *ex-officio*;

(ii) **three members to be appointed by the Central Government from amongst the persons having special knowledge in the field of agriculture; and**

(iii) **three members representing the farmers to be appointed by the Central Government.** 15

(3) **The terms and conditions of service of the Chairperson and other members of the Commission shall be such as may be prescribed.**

(4) **The Commission shall have such number of officers and staff including experts as may be required for its efficient functioning.** 20

Functions of
the National
Commission.

4. (1) It shall be the duty of the National Commission to take such steps, as it may deem appropriate, for the welfare of farmers and their family members.

(2) Without prejudice to the generality of the foregoing provision, the National Commission shall ensure the following provisions for the benefit and welfare of farmers, namely:— 25

(i) good quality seeds, manure, pesticides, fertilizers and other necessary tools and machineries at reasonable price as per their requirements;

(ii) uninterrupted power and water supply at reasonable rates for agricultural operation;

(iii) fix and declare minimum support prices of agriculture commodities before the sowing seasons after taking into consideration all the relevant factors and in particular the following factors, namely:— 30

(a) input cost including capital investment;

(b) labour charges; and

(c) maintenance cost of the farm; 35

(iv) **transportation and marketing facilities for agricultural produce;**

(v) **payment of adequate compensation to farmers or their family members in case of accident or death during agricultural operations;**

(vi) **free medical and health insurance facilities to the farmers and their family members;** 40

(vii) adequate cold storage facility for agricultural products at appropriate places;

(viii) provision of loan facilities or financial assistance to farmers; and

(ix) provision of a comprehensive crop insurance scheme for reparation of loss of crops due to natural calamities.

- 5. (1) There shall be established a State Commission for Farmers by the appropriate Government in each State.** Establishment of a State Commission for Farmers.
- (2) Each State Commission shall work under the National Commission for Farmers to assist it in discharge of its functions.**
- 5 **(3) The State Commission shall consist of—**
- (i) Minister of Agriculture in the State, who shall be its President, *ex-officio*;**
- (ii) three members to be appointed by the appropriate Government from amongst the person having special knowledge in the field of agriculture; and**
- 10 **(iii) three members representing the farmers to be appointed by the appropriate Government.**
- (4) The terms and conditions of service of the President and other members of the State Commission shall be such as may be prescribed.**
- (5) Each State Commission shall have such number of officers and staff including experts to be appointed by the National Commission as may be required for its efficient functioning.** 15
- 6. (1) The State Commission shall establish its District Office in every district within its territorial jurisdiction.** Establishment of District Office by the State Commission.
- (2) The District Office shall be headed by a District Officer to be appointed by the President of the State Commission.**
- 20 **(3) The District Office shall maintain, review and publish a *tehsilwise* list of the farmers once in every six months.**
- 7. (1) Any farmer who intends to avail benefits under this Act shall apply to the District Officer concerned in such form and manner as may be prescribed.** Application for availing benefits.
- (2) The District Officer shall forward each application to the State Commission within** 25 **three days of the date of receipt of the application.**
- (3) The State Commission shall, after holding such enquiry as it may deem necessary, either admit or reject the application, within thirty days from the date of receipt of application:**
- Provided that in case no decision is made on an application within thirty days, the applicant shall be deemed to be eligible for availing benefits under this Act:
- 30 **Provided also that where an application is rejected by the State Commission, it shall record, in writing, the reasons for such rejection and communicate them to the applicant.**
- (4) Any applicant aggrieved by the decision of the State Commission may prefer an appeal to the National Commission in such form and manner as may be prescribed.**
- 35 **(5) The procedure for disposing of an appeal shall be such as may be prescribed:**
- Provided that before disposing of an appeal, the applicant shall be given a reasonable opportunity of being heard.
- 8. The mode of providing relief or benefit to the family members, in case of death of a farmer, shall be such as may be prescribed by the Central Government.** Mode of providing relief or benefit to family members of farmers.
- 40 **9. (1) It shall be the responsibility of the National Commission to ensure effective implementation and proper monitoring of the provisions in this Act.** Responsibility of the National Commission.

(2) For the purpose of sub-section (1), the National Commission shall have power to issue such directives, as it may deem appropriate, to the State Commissions.

Central Government to provide adequate funds to the National Commission.

10. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the National Commission and State Commissions for carrying out the purposes of this Act.

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Power of the Central Government to remove difficulties.

11. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may make such order or give such direction, not inconsistent with the provisions of this Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of two years from the date of commencement of this Act. 10

Act to have overriding effect.

12. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. 15

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the 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. 20
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STATEMENT OF OBJECTS AND REASONS

About seventy per cent. of the population of the country lives in villages out of which approximately ninety per cent. people are engaged in agricultural activities. The economic condition of farmers have remained more or less unchanged so, far. They are always trapped in the vicious cycle of debt and the debt burden passes on to their next generation. The farmers always live in penury and remain apprehensive of their future. Therefore, the Government should take the responsibility of providing them their minimum requirements so as to enable them to perform their agricultural activities. The farmers work not only for earning their livelihood but they also provide succour to the entire nation. Of late, the incidents of committing suicides by the debt ridden farmers have increased manifold. Such cases of suicides can be avoided by providing certain facilities to farmers. If the farmers are provided with agricultural inputs at reasonable rates, the agricultural production will increase manifold which will ultimately benefit not only the farmers but the whole nation. Besides, certain other welfare measures like insurance, health service and financial assistance to farmers will go a long way to alleviate their sufferings.

Therefore, the Bill seeks to provide certain basic facilities like compensation, insurance cover, health services to farmers and their family members. It also provides for supply of good quality seeds, pesticides, manure and fertilizers and uninterrupted power and water supply, etc. to farmers for agricultural activities at reasonable cost so that they may carry out agricultural activities in an efficient manner without any hurdle.

Hence this Bill.

NEW DELHI;
August 28, 2012

MADHUSUDAN YADAV

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a National Commission for Farmers. Clause 4 provides for transportation and marketing facilities for agricultural produce, payment of adequate compensation in case of accident or death and free medical and health insurance facilities to the farmers and their family members. Clause 5 provides for establishment of a State Commission for Farmers in each State. Clause 6 provides for establishment of District Office in every district by the State Commission. Clause 10 provides that the Central Government shall provide adequate funds to the National Commission for carrying out the purposes of this Act. The Bill, therefore, if enacted, is likely to involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two thousand crore will be involved as recurring expenditure per annum from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules relate to matters of detail only, the delegation of legislative power is of a normal character.

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BILL

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(Shri Madhusudan Yadav, M.P.)