

AS INTRODUCED IN LOK SABHA

**Bill No. 114 of 2019**

THE SMALL AND MARGINAL FARMERS' (WELFARE)  
BILL, 2019

By

SHRI RAMAPATI RAM TRIPATHI, M.P.

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BILL

*to provide for certain welfare measures for the small and marginal farmers of the country  
and for the constitution of a welfare fund for their benefits and for matters connected  
therewith and incidental thereto.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Small and Marginal Farmers (Welfare) Act, 2019.
- (2) It extends to the whole of India.

Short title and  
extent.

Definitions.

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

(a) “accident” means an accident caused to a farmer during the course of an agricultural operation by any agricultural machinery and includes an injury due to fall from such machinery, tree or into a well or electric shock, snake bite or attack by any wild or domesticated animal; 5

(b) “agricultural operation” includes any work relating to agriculture, horticulture, sericulture, rearing of sheep, goat, cattle, milch cattle, poultry or any other work connected with or ancillary to agriculture;

(c) “Commissioner” means a Commissioner appointed under section 7;

(d) “Fund” means the Small and Marginal Farmers’ Welfare Fund constituted under section 4; 10

(e) “marginal farmer” means any person who owns agricultural land the size of which is not more than two and a half acres of non-irrigated or irrigated land and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system; 15

(f) “partial disability” means such disability which reduces the working capacity of a farmer temporarily of which he was capable of before the occurrence of that accident;

(g) “permanent disability” means any disability which fully incapacitates a farmer for all agricultural and other works of which he was capable of prior to the occurrence of that accident; 20

(h) “prescribed” means prescribed by rules made under this Act; and

(i) “small farmer” means any person who owns agricultural land not exceeding five acres of non-irrigated or irrigated land and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system. 25

Central Government to formulate a welfare policy for the small and marginal farmers.

3. The Central Government shall, as soon as may be but not later than one year from the commencement of this Act, formulate, in consultation with the State Governments, a comprehensive welfare policy for the small and marginal farmers and implement it in such manner as may be prescribed.

Constitution of Small and Marginal Farmers’ Welfare Fund.

4. (1) **The Central Government shall, for the purpose of this Act, constitute a Fund to be known as the Small and Marginal Farmers’ Welfare Fund.** 30

(2) **The initial corpus of the Fund shall be rupees five hundred crore of which rupees two hundred and fifty crore shall be provided by the Central Government, after due appropriation made by Parliament by law in this behalf, and rupees two hundred and fifty crore shall be provided by the State Governments in such manner as may be prescribed.** 35

(3) **The Central Government and the State Governments shall contribute every year to the Fund in such ratio as may be prescribed.**

(4) **There shall also be credited to the Fund any grants or donation that may be made by any person or institution.**

(5) **The Fund shall be administered by the Central Government in such manner as may be prescribed.** 40

(6) **The Central Government may constitute such Regional Funds as it may consider necessary for the efficient administration of this Act.**

(7) **Every compensation payable under this Act shall be paid out of the Fund in such manner as may be prescribed.** 45

5. (1) If any injury is caused to a small or marginal farmer due to an accident during the course of agricultural operation, such farmer shall be entitled to and receive compensation out of the Fund. Compensation in case of accident.
- (2) The amount of compensation payable under sub-section (1), for injury resulting in total or partial disability, shall be such as may be specified by the Central Government from time to time, by notification in the Official Gazette, Subject to its being not less than fifty thousand rupees in case of partial disability and one lakh rupees in case of permanent disability or death.
- (3) The compensation payable under this Act in case of death shall be paid to the spouse of deceased farmer or to the children or to his legal heir:
- 10 Provided that in case the deceased was unmarried, the compensation shall be paid to his parents.
6. Every person who is eligible to seek compensation under this Act shall apply to the Commissioner in form giving such details as may be prescribed therein: Procedure for claiming of compensation.
- 15 Provided that the application form shall be in the regional language and in case the applicant is illiterate, the Commissioner shall cause the form of the applicant duly filled in.
- 7. (1) The Central Government shall, by notification in the Official Gazette, appoint such number of Commissioners as it deems necessary to entertain and dispose of the applications for claims for payment of compensation.** Appointment of Commissioners.
- 20 (2) On receipt of an application, the Commissioner shall cause such enquiry into the claim as he may deem fit and if it is found that the death or injury was caused to the farmer because of an accident, he shall decide the amount of compensation to be paid to the claimant and shall record in writing reasons for coming to such a decision: Procedure to be adopted by the Commissioner.
- 25 Provided that the Commissioner shall finalise the payment and release the amount within thirty days of filing of an application for claim.
8. Notwithstanding anything contained in any other law for the time being in force, no Civil Court shall have jurisdiction to settle, decide or deal with any decision made by a Commissioner or to enforce any liability incurred under this Act. Bar to jurisdiction of Civil Courts.
9. An appeal shall lie to the High Court concerned if the appeal is made within three months of the decision by the Commissioner. Appeal.
- 30 **10. The Central Government shall provide such financial assistance to the State Governments as may be necessary, for the purposes of this Act.** Central Government to provide financial assistance to State Governments.
11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act. Power to make rules.
- 35 (2) Every rule made under this Act by the Central Government 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 40 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.

#### STATEMENT OF OBJECTS AND REASONS

There are millions of small and marginal farmers in the country. They are very poor but their contribution towards agriculture sector is second to none. While pursuing agricultural operations, they receive injuries quite often leading to partial or permanent disability and in many cases they also die leaving behind their families. It is a matter of concern that while social security schemes have been extended to organised working classes, the small and marginal farmers remain uncovered by such schemes. As a result, whenever a farmer meets with a serious accident and receives serious injury or succumbs to such injury, he and, in his absence, his family members suffer tremendous hardships. The family of such a farmer is, in fact, ruined. There is no social security net for such farmers. Now the State Government gives compensation of few thousand rupees to the victims but that is very meagre amount.

It is, therefore, necessary in national interest that small and marginal farmers are provided with some sort of social security in form of compensation on the occurrence of accidents during the course of agricultural operations. Hence, it is proposed to constitute a Fund for the welfare of small and marginal farmers.

Hence this Bill.

NEW DELHI;  
*June 12, 2019.*

RAMAPATI RAM TRIPATHI

#### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a Small and Marginal Farmers Welfare Fund. Clause 7 provides for the appointment of Commissioners for payment of compensation to farmers. Clause 10 provides that the Central Government shall place necessary funds at the disposal of State Governments for the purposes of this Bill. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that about rupees one thousand crore is likely to be involved as recurring expenditure per annum from the Consolidated Fund of India.

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

#### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill gives power to the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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