

**Bill No. 75 of 2021**

THE FEMALE FARMERS' ENTITLEMENTS BILL, 2021

By

SHRIMATI RAMA DEVI, M.P.

ARRANGEMENT OF CLAUSES

CLAUSES

CHAPTER I  
PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II  
CERTIFICATION OF FEMALE FARMER

3. Certification of Female Farmer.
4. Acceptance of certificate as evidence.

CHAPTER III  
LAND RIGHTS

5. Equal land rights to female farmers.

CHAPTER IV  
WATER RIGHTS

6. Equal right to water resources.
7. No discrimination for irrigation purposes.

CLAUSES

CHAPTER V

LEGAL ACCESS TO CREDIT AND OTHER AGRICULTURAL INPUTS

8. Entitlement of female farmers to get credits, loans and other financial supports.

CHAPTER VI

FUND FOR SUPPORT SERVICES TO FEMALE FARMERS

9. Establishment of Fund.
10. Female farmer friendly technology.
11. Market facilities.
12. Training and capacity building.

CHAPTER VII

IMPLEMENTATION AND MONITORING AUTHORITIES, THEIR RESPONSIBILITIES

13. Responsibilities of Central Government.
14. Responsibilities of State Governments.
15. Responsibilities of local authorities.
16. Female farmers' Entitlement Board.
17. District Vigilance Committees.
18. Redressal of grievances.

CHAPTER VIII

PENALTIES AND PROCEDURES

19. Penalty for non-compliance of provisions of this Act.
20. Cognizance of offences.
21. Actions in good faith.

CHAPTER IX

MISCELLANEOUS

22. Overriding effect.
23. Power to give directions.
24. Power of State Government to restrict the application of the Act to certain areas.
25. Power to remove difficulties.
26. Power to make Rules.

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A

BILL

*to provide for the gender specific needs of female farmers, to protect their legitimate needs and entitlements and to empower them with rights over agricultural land, water resources and other related rights and for functions relating thereto and for matters connected therewith.*

*WHEREAS female constitutes more than fifty per cent. of Indian farmers and about sixty per cent. of the workforce in the farming sector; and in view of the increasing feminisation of agriculture as a result of out-migration of men, entitlements for female farmers are essential for the future growth and health of agriculture, as well as protection of food security in an era of climate change;*

*AND WHEREAS it is necessary to recognize and protect the gender specific needs and rights of the female farmers by empowering and entitling them with enforceable rights over agricultural land, water resources, credit and other related rights;*

*AND WHEREAS the Married Women's Property Act, 1874 recognised the wages, earnings and other property acquired by a married woman in any employment,*

*occupation or trade carried on by her in her individual capacity as her separate property; the Hindu Succession (Amendment) Act, 2005 entitles the daughter of a Joint Hindu family governed by the Mitakshara law, to become a coparcener in her own right in the same manner as the son and clothes her with the same rights and liabilities in the coparcenary property as if she had been a son; the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 recognised the rights of forest-dwelling communities to the forest land and other forest resources;*

39 of 2005  
2 of 2007

*AND WHEREAS the Government of India has recognized the special needs of female farmers by initiating a “Mahila Kisan Shashaktikaran Pariyojana” programme under the National Rural Livelihood Mission;*

*AND WHEREAS India is a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979 which calls for elimination of all forms of discrimination of women by ensuring equal access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;*

*AND WHEREAS the Fourth World Conference on women in September, 1995, in which India participated, called for legislative and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over land and other properties, credit, inheritance, natural resources, and appropriate new technology, etc. as embodied in the Beijing Declaration and Platform for Action;*

*AND WHEREAS it is considered necessary to implement the decisions in so far as they relate to the female farmers’ entitlements under article 253 of the Constitution of India.*

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

## CHAPTER I PRELIMINARY

|                                       |   |                |
|---------------------------------------|---|----------------|
| Short title, extent and commencement. | <p><b>1.</b> (1) This Act may be called the Female Farmers’ Entitlements Act, 2021.</p> <p>(2) It extends to the whole of India.</p> <p>(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.</p>  | 5              |
| Definitions.                          | <p><b>2.</b> In this Act, unless the context otherwise requires,—</p> <p>(a) “agriculture” includes all activities related to cultivation of crops, animal husbandary, poultry, livestock rearing, apiculture, gardening, fishing, aquaculture, sericulture, vermiculture, horticulture, floriculture, agro-forestry, or any other farming activity carried out through self-employment, tenurial cultivation, share cropping, or other types of cultivation including shifting cultivation, collection, use and sale of minor or non-timber forest produce by virtue of ownership rights or usufructuary rights;</p> <p>(b) “agricultural activity” means any activity related to agriculture;</p> <p>(c) “farmer” means any person who is, individually or jointly with any other person,—</p> <p>(i) engaged in agriculture directly or through the supervision of others;</p> <p style="text-align: center;">or</p> | 10<br>15<br>20 |

(ii) contributes to conservation or preservation of agriculture related varieties or seeds or breeds of farm animals; or

5 (iii) contributes through traditional knowledge to any type of innovation, conservation or to propagation of new agricultural varieties or to agricultural cultivation methods or practices or to the practice of crop-livestock integrated farming system; or

(iv) promotes agro-processing and value-addition to primary products.

10 *Explanation.*—(i) The term “farmer” includes, but not limited to, agricultural operational holders, landless cultivators, agricultural labourers, planting labourers, pastoralists, sharecroppers and tenants but does not include the corporate entities operated by or involving farmers.

(ii) In case of landless farmers migrating or moving from one State to another, if anyone stays in a State for at least six months, such person shall be considered as a farmer in that particular State;

15 (d) “guidelines” means the guidelines framed by the Authority under this Act with the previous approval of the Central Government by notification in the Official Gazette.

(e) “land” includes any land or water body utilised for the purpose of agriculture.

20 (f) “female farmer” means, any woman, irrespective of marital status or ownership of land, who is a farmer as defined in sub-section (c) of section 2 and includes—

(i) any woman living in rural area and primarily engaged in agricultural activity, though occasionally engaged in non-agricultural activity; or

25 (ii) any woman living in urban or semi-urban areas and engaged in agriculture; or

(iii) any tribal woman directly or indirectly engaged in agriculture or shifting cultivation or in the collection, use and sale of minor or non-timber forest produce by virtue of usufructuary rights.

30 (g) “prescribed” means prescribed by rules made under this Act;

## CHAPTER II CERTIFICATION OF FEMALE FARMER

35 **3.** (1) A Female Farmer Certificate issued by the Gram Panchayat, after the approval of the Gram Sabha and authenticated by the Village Administrative Officer or an authorized officer of the Gram Panchayat, as may be prescribed, shall be the conclusive proof of declaring a person as a female farmer.

Certification of Female Farmer.

(2) For urban or peri-urban areas, the certificate shall be issued by the urban local body with the approval of any corresponding authority as notified under the rules:

40 Provided that a group of female farmers may obtain the Group Female Farmers’ Certificate in the same process as may be prescribed.

**4.** The certificate issued under section 3 shall be accepted as evidence for the purposes of establishing the status of a person as a female farmer under this Act including in all administrative and judicial proceedings.

Acceptance of certificate as evidence.

**CHAPTER III  
LAND RIGHTS**

|                                     |   |          |
|-------------------------------------|---|----------|
| Equal land rights to female farmer. | 5. Notwithstanding anything contained in any other law for the time being in force, every female farmer shall have equal ownership and inheritance rights over her husband's self acquired agricultural land, or his share of family property, or his share of land transferred by the Government under land reform or resettlement scheme:   | 5        |
|                                     | Provided that concurrence of both the spouses shall be necessary in the case of land transfer or acquisition as per the provision of the provided land acquisition and rehabilitation law.  |          |
|                                     | <i>Explanation.</i> — For the purposes of this section, a female farmer shall be deemed to have ownership and possession of equal and proportional share of agricultural property in her husband's property even, if, it is not mentioned in any of the relevant documents and the fact that she is the wife of a particular person is the conclusive proof to claim ownership and possession of her share of property and to have effective control over such share of property. | 10<br>15 |

**CHAPTER IV  
WATER RIGHTS**

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|--|---|----|
| Equal right to water resources.            | 6. A female farmer shall have equal right, as enjoyed by male farmers, to all water resources connected with the agricultural land to which she is the owner, share holder, possessor or uses for farming activity and shall have access to water, water resources and irrigation facilities for carrying out agricultural activities as defined in this Act. | 20 |
| No discrimination for irrigation purposes. | 7. No female farmer shall be discriminated on the grounds of marital status, religion, caste, ownership or possession of agricultural land while accessing water resources for irrigation purposes.   | 25 |

**CHAPTER V  
LEGAL ACCESS TO CREDIT AND OTHER AGRICULTURAL INPUTS**

|   |  |    |
|---|--|----|
| Entitlement of female farmers to get credits, loans and other financial supports. | 8. Notwithstanding anything contained in any other law for the time being in force and subject to the provisions of this Act,—   |    |
|   | (i) every female farmer or group of female farmers who have a certificate of Female Farmer from the appropriate Authority shall be entitled to Kisan Credit Card which as of now is available mainly to male farmers.  | 30 |
|   | (ii) a female farmer or group of female farmers shall be entitled to borrow money and other financial support for agricultural activity either in her own capacity or as a member of a female farmer group, as may be prescribed in the rules without any discrimination on the grounds of marital status, place of residence, caste, religion, or absence of collateral security. | 35 |

**CHAPTER VI  
FUND FOR SUPPORT SERVICES TO FEMALE FARMERS**

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|------------------------|--|----------|
| Establishment of Fund. | 9. (1) <b>The Central Government shall set up a Central Agricultural Development Fund for Female Farmers (CADFFF) under this Act, which shall be used to empower female farmers and provide facilities such as incentives for development of female farmer friendly technologies, training and capacity building, creation of market facilities, organization of crèches and day care centres, social security for female farmers, old age pensions and other related issues as may be prescribed.</b> | 40<br>45 |
|------------------------|--|----------|

(2) The Fund shall operate at the Central, State and District levels.

(3) The Fund shall be administered under the guidance of an appropriate Authority to be appointed by the Central Government at the Central level and offices of the Authority shall be set up, in consultation with the State Government, at the State and District level in such manner as may be prescribed.

(4) The Fund shall receive contributions and grants from the Central and State Governments, user fees as specified under the rules and guidelines framed under this Act.

(5) The Authority shall support to individual female farmer and groups of female farmers organized in the form of registered female's cooperatives or Mahila Kisan Kendras as per the guidelines framed under the Act.

(6) The appropriate Authority shall frame guidelines with the previous approval of the Central Government by notification in the Official Gazette, for distribution and utilization of the Fund.

(7) The Central Government shall frame a scheme for social security of female farmers, especially old age pension as may be prescribed.

(8) The appropriate Authority shall also have the power to secure land from the Government and other sources for re-distribution of land to female farmers as prescribed under this Act.

20           **10.** Any person who wants to develop female-friendly technology, may qualify for short term and long term loans or grants or subsidies or Financial assistance from the Fund as per the guidelines framed under the Act.           Female farmer friendly technology.

*Explanation.*—The term ‘any person’ in this section includes individuals and small and medium scale industries.

25           **11.** The appropriate Authority shall create and facilitate market facilities for female farmers with the assistance of group of female farmers or of its own in different parts of the country including the establishment of godowns in rural areas.           Market Facilities.

30           **12.** The appropriate Authority shall organise regular and periodical training and capacity building programmes for female farmers in different parts of the country to make them aware of the provisions of this Act and to help them in realising their entitlements and empowerment envisaged under this Act.           Training and capacity building.

## CHAPTER VII

### IMPLEMENTATION AND MONITORING AUTHORITIES, THEIR RESPONSIBILITIES

35           **13.** The Central Government shall be responsible for overall implementation and monitoring of the Act, except as provided in this Act.           Responsibilities of Central Government.

40           **14. (1)** The State Governments shall be responsible for implementation and monitoring of provisions relating to certification of female farmers, realization of land and water rights, operationalization of the Fund at the State and District levels and other responsibilities as mentioned in this Act.           Responsibilities of State Government.

(2) The State Government may appoint Authorities for carrying out such functions.

(3) The offices of the authority set up in consultation with the State Government shall ensure that the land rights and water rights of the female farmers are institutionalized within the state with suitable amendments to the laws and/or Gazette notification.

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| Responsibilities of local authorities.                | <b>15.</b> For implementing different provisions and schemes of this Act, the local Authorities such as the Panchayati Raj Institutions in rural areas and Urban local bodies in urban areas shall be responsible for discharging such duties or responsibilities as may be assigned by notification to them by the concerned State Government. | 5  |
| Female Farmers, Entitlement Board.                    | <b>16. (1) Each State Government shall set up a Female Farmers' Entitlement Board at the State level to advice the State Government in implementation and monitoring of the Act.</b>  | 10 |
|   | <b>(2) The Board shall consist of a practicing female farmer as its Chairperson and two other members dealing with or experienced in technology, credit, inputs and marketing.</b>  | 15 |
|   | (3) The tenure of the Board members shall be such as prescribed.  |    |
|   | (4) The Board shall follow such procedure in regulating its proceedings as may be prescribed.   |    |
| District Vigilance Committees.                        | <b>17. (1) For ensuring transparency in functioning of this Act and accountability of the functionaries, every State Government shall set up a District Vigilance Committee in every district.</b>  | 20 |
|   | <b>(2) The Composition of the Vigilance Committee shall be such as may be prescribed.</b>   |    |
|   | (3) The Vigilance Committees shall look into effective implementation of all the provisions of the Act at the district level.   | 25 |
| Redressal of grievances.                              | <b>18. For expeditious and effective redressal of grievances of female farmers, each State Government shall set up effective institutional mechanism at the taluka or tehsil or block level and an appellate mechanism at the District level in such manner, as may be prescribed.</b>  |    |
|   | <b>CHAPTER VIII</b>   | 30 |
|   | <b>PENALTIES AND PROCEDURES</b>   |    |
| Penalty for non-compliance of provisions of this Act. | <b>19.</b> Whoever fails to comply with provisions of this Act, rules or guidelines made under this Act shall be punished with imprisonment for a term which shall not be less than six months but which may extend to one year and with fine, or with both.  | 35 |
| Cognizance of offences.                               | <b>20. (1)</b> Any person aggrieved by violation of any provision of this Act, rules or guidelines made under this Act may file a complaint, within ninety days from the date of such violation, to a Court not inferior to that of a Judicial Magistrate of the first class or a Metropolitan Magistrate:                                      |    |
|   | Provided that the Court may entertain any complaint after the expiry of the said period of ninety days if it is satisfied that the complainant was prevented by sufficient cause from filing the complaint within time.   | 40 |
|   | (2) For the purposes of sub-section (1), person means—  |    |



(a) any female farmer who is affected;

(b) husband or representative of the female farmer who is affected;

(c) any association of farmers (whether incorporated or not), if it is affected or on behalf of an affected female farmer;

5 (d) any local authority within whose local limits the affected female farmer or association of persons or farmers live.

21. No prosecution or other legal proceedings shall lie against any person for anything done or intended to be done in good faith. Protection of actions taken in good faith.

## CHAPTER IX MISCELLANEOUS

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22. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Overriding effect.

15 23. Notwithstanding anything contained in any other law for the time being in force but subject to the provisions of this Act, the Central Government may, issue directions in writing to any person, officer or any authority in order to give effect to the provisions of this Act and such person, officer or authority shall be bound to comply with such directions. Power to give directions.

20 24. Notwithstanding anything contained in this Act, if the State Government, after consultation with, or on the recommendation of, the local body or authority, is of opinion that certain provision or provisions of this Act need not apply to certain areas of the State, it may, by notification in the Official Gazette, restrict the application of such provision of this Act to such area or areas as may be declared therein and thereupon such provisions of this Act shall not apply to such area or areas. Power of State Government to restrict the application of the Act to certain areas.

25 25. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act to remove the difficulty: Power to remove difficulties.

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

30 (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

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

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

35 (a) issuance of Female Farmer Certificate under section 3;

(b) facilitating financial support for female farmers under section 8;

(c) utilization of Central Agricultural Development Fund for Female Farmers (CADFFF) under section 9;

40 (d) functions and proceedings of the Female Farmers' Entitlement Board under sub-section (4) of section 16;

(e) composition of District Vigilance Committee in every district under section 17;

(f) institutional mechanisms for expeditious and effective redressal of grievances of female farmers under section 18.

(3) 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 Houses agree that the rule or regulation 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. 5 10

## STATEMENT OF OBJECTS AND REASONS

With a gradual decline in the size of farm holdings, small and marginal farmer families are in need of multiple sources of income to come out of the poverty trap. Males in the families in rural area belonging to poor families increasingly tend to go to towns and cities seeking work and income earning opportunities. Consequently, there is an increasing feminization of agriculture. While female farmers are extremely hard working and are also conversant with sustainable agriculture practices, they suffer from several handicaps such as title to land, and access to credit, inputs, insurance, technology and market. As early as 1995, the Fourth World Conference on Female held in Beijing urged developing countries to pay attention to the gender specific needs of female farmers. Legal entitlements to food can be implemented only by improving the productivity, profitability and sustainability of small farm holdings, since small and marginal farmers produce nearly fifty per cent of the foodgrains in the country, as well as milk and a wide variety of vegetables and fruits. In order to safeguard national food security, and to strengthen the livelihood security of rural female, a majority of whom are engaged in crop and animal husbandry, fisheries, agro-forestry and agro-processing, the Bill is being proposed. It is necessary to implement the aforesaid decisions under article 253 of the Constitution in so far as they relate to the female farmers' entitlements.

Hence, this Bill.

NEW DELHI;  
*October 31, 2019.*

RAMA DEVI

## FINANCIAL MEMORANDUM

Clause 9 of the Bill provides for Establishment of a Central Agricultural Development Fund for Female Farmers. It also provides for appointment of an appropriate Authority to administer the Fund at Central, State and District level. Clause 11 empowers the appropriate Authority to create and facilitate market facilities for female farmers. Clause 12 provides for organising training and capacity building programmes for female farmers. Clause 16 provides that State Governments shall set up Female Farmers' Entitlement Board at State level. It also provides for appointment of a practicing female farmer as its chairperson. Clause 17 provides for setting up of District Vigilance Committee. Clause 18 provides for setting institutional mechanisms at taluka or tehsil level for redressal of grievances. The expenditure relating to States shall be borne out of the Consolidated funds of the State Government concerned. However, the expenditure relating to union territories shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten crore per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one thousand crore is also likely to involve.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Authority to make guidelines with the previous approval of the Central Government by notification in the Official Gazette. Clause 26 empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matters in respect of which rules, guidelines may be made or framed relate to matters of procedure or administrative detail and it is not practicable to provide for them in the Bill itself, the delegation of legislative power is, therefore, of a normal character.

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to provide for the gender specific needs of female farmers, to protect their legitimate needs and entitlements and to empower them with rights over agricultural land, water resources and other related right and for other functions relating thereto and for matters connected therewith.

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*(Shrimati Rama Devi, M.P.)*