

AS INTRODUCED IN LOK SABHA

Bill No. 83 of 2021

THE NATIONAL COMMISSION FOR WELFARE OF
FEMALE FARMERS BILL, 2021

By

SHRI RAVNEET SINGH, M.P.

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BILL

*to provide for constitution of a Commission to look into the welfare
and entitlements of female farmers, including land rights*

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

1. (1) This Act may be called the National Commission for Welfare of Female Farmers Act, 2021.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

Definitions.

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

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

(b) 'National Commission' means the National Commission for Welfare of Female Farmers constituted under section 3;

(c) 'prescribed' means prescribed by rules under this Act; and

(d) 'female farmer' means any woman, irrespective of marital status or ownership of land, who undertakes cultivation or any other agricultural activity in her own land or any other land owned by her husband or a family member, or on any other land on a sharing or lease basis.

Constitution of the National Commission.

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

(2) The Commission shall consist of—

(a) a Chairperson — committed to the cause of women, to be nominated by the Central Government;

(b) a Deputy Chairman — committed to the cause of women, to be nominated by the Central Government;

(c) three members, to be nominated by the Central Government from amongst the persons committed to the cause of welfare of women and having experience in the field of women's rights, farmers rights, law or management.

(3) The Central Government may appoint such number of officers and staff, including experts to the Commission as may be required for its efficient functioning.

(4) The salary and allowance payable to, and other terms of conditions of service of the Chairperson, Deputy Chairperson, members, officers, staff and experts of the Commission shall be such as may be prescribed.

(5) The National Commission shall have the power to regulate its own procedure.

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 and development of female farmers.

(2) The National Commission shall —

(a) negotiate all cases relating to the safeguards provided to female farmers and carry out the improvement and monitoring of such safeguards.

(b) safeguard the rights of female farmers over the land they cultivate.

(c) investigate complaints of female farmers related to the deprivation of their rights and safeguards.

(d) extend assistance to the appropriate Government in the planning and implementing policy of the socio-economic development of female farmers.

(e) submit reports to the Central Government regarding the working of the safeguards on an annual basis or at such intervals as it deems fit.

(f) undertake all other functions for the protection, welfare and development of female farmers, as specified by the Central Government.

Central Government to lay report.

5. (1) The Central Government shall cause to be laid before both the Houses of Parliament all the reports submitted to it under clause (e) of sub-section (2) of section 4 along with a memorandum explaining the action taken or proposed to be taken on the recommendations made to the Central Government and the reasons for non-acceptance, if any.

(2) Where the report, or any part of it is related to any of the issues connected with the State Government, a copy of such report shall be forwarded to the State Government, who shall in turn, along with a memorandum explaining the action taken or proposed to be taken on the recommendations made to the State Government, and the reasons for non-acceptance, if any, cause to be laid such reports before the State Legislature.

6. The National Commission shall, while investigating matters under clause (c) of sub-section (2) of section 4, have all the powers of a Civil Court, in particular in respect of the following matters, namely—

Commission to have powers of Civil Court.

(a) summoning and enforcing the attendance of any person from any part of India and examining him/her on oath;

(b) requiring the recovery and production of any document;

(c) receiving evidence on affidavit;

(d) requisitioning any public record or copy thereof from any court or office: issuing commission for the examination of witnesses and documents; and

(e) any other matter which may be prescribed.

7. The appropriate Government shall consult the National Commission on all policies affecting the interest of female farmers.

Appropriate Government to Consult Commission.

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

Central Government to provide funds.

9. 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 :

Power to remove difficulties.

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

10. 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.

Act to have overriding effect.

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

Power to make rules.

(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 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

More than fifty per cent of the population of the country is involved with agriculture in some way or the other. Out of this population, almost seventy per cent are female farmers. More women work on the fields than men, yet only thirteen per cent of them own the land they cultivate. Without ownership over land, they have very little access to credit schemes meant to support farmers. Land rights for women are mediated through the various personal laws, that are followed arbitrarily from State to State. Customary practices sometimes deny the women their right to land even when it is permitted by law. Another issue female farmers face is the wage gap in the agricultural sector. They are often forced to be content with low-paid agricultural jobs. Many schemes and special provisions exist for female farmers, inspite of which their socio-economic situation has not changed. In order to look into their specific needs and ensure their development, a better, empowered institutional mechanism is needed. There is a great need for the constitution of a National Commission for the Welfare of Female Farmers.

Hence this Bill.

NEW DELHI;

November 4, 2019

RAVNEET SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a National Commission for the Welfare of Women Farmers. It also provides for the appointment of a Chairperson, Deputy Chairperson, members, officers, staff and experts to the Commission. Clause 8 provides for the Central Government to provide adequate funds for the functioning of the Commission. The Bill, therefore if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty crore will be involved.

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

MEMORANDUM REGARDING DELEGATED LEGISLATION

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

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