

Bill No. XLVIII of 2019

THE CONSTITUTION (AMENDMENT) BILL, 2019

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further to amend the Constitution of India.

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

1. This Act may be called the Constitution (Amendment) Act, 2019.
2. After article 338B of the Constitution, the following article shall be inserted, namely:—

Short title.

Insertion of
new article
338C.

5 "338C. (1) There shall be Commission for the Farmers to be known as the
National Commission for Farmers.

National
Commission
for Farmers.

10 (2) Subject to the provisions of any law made in this behalf by Parliament, the
Commission shall consist of a Chairperson, Vice-Chairperson and three other Members
who shall be farmers and the conditions of service and tenure of office of the Chairperson,
Vice-Chairperson and other Members so appointed shall be such as the President may
by rules determine.

(3) The Central Government shall in consultation of the Chairperson determine the nature and categories of the officers and other employees required to assist the Commission in the discharge of its functions.

(4) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal. 5

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

(6) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the farmers under this Constitution or under any other law for the time being in force or under any order of the Government or any scheme implemented by the Government and to evaluate the working of such safeguards and schemes; 10

(b) to inquire into specific complaints with respect to the deprivation of the rights and benefits of the schemes of the government;

(c) to participate and advise on the socio-economic development of the farmers and to evaluate the progress of their development under the Union and any State; 15

(d) to present to the president, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards and schemes; 20

(e) to make in such reports the recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the farmers; and

(f) to discharge such other functions in relation to the protection, welfare, development and advancement of the farmers as the President may, subject to the provisions of any law made by Parliament, by rule specify. 25

(7) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any such recommendations. 30

(8) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendations. 35

(9) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (6) have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:— 40

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

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

(c) receiving evidence on affidavits; 45

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents; and

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(f) any other matter which the President may, by rule, determine.

(10) The Union and every State Government shall consult the Commission on all major policy matters affecting farmers.

STATEMENT OF OBJECTS AND REASONS

Agriculture, with its allied sectors, is the largest source of livelihood in India. The Food and Agriculture Organisation (FAO) of United Nations tells us that 70 percent of India's rural households still depend primarily on agriculture for their livelihood, with 82 percent of farmers being small and marginal.

As the Indian economy has diversified and grown, agriculture's contribution to GDP has steadily declined from 1951 to 2011. While agriculture in India has achieved grain self-sufficiency but the production is, resource intensive, cereal centric and regionally biased. The resource intensive ways of Indian agriculture has raised serious sustainability issues too. Increasing stress on water resources of the country would definitely need realignment and rethinking of policies.

With this background, it, therefore, has become imperative to have a permanent commission for farmers on similar lines as that of the National Commission for the Schedule Castes and the National Commission for the Schedule Tribes. This Commission shall have the work of monitoring the existing safeguards, make recommendations as to the measures that should be taken by the Union or any State for their implementation, inquire into specific complaints of the farmers amongst others.

Hence, this Bill.

V. VIJAYASAI REDDY.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of National Commission for Farmers with a Chairman, Vice-Chairman and three other members, and also provides for officers and other employees for the Commission. In respect to this clause of the Bill, an indicative recurring expenditure of about rupees thirty crore per annum is anticipated for the expenses of the National Commission for Farmers. Further, an indicative non-recurring expenditure of rupees ten crore is anticipated towards the creation of building and infrastructure facilities for the office of National Commission for Farmers assuming availability of Government land.

RAJYA SABHA

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(Shri V. Vijayasai Reddy, M.P.)