

Bill No. CVI of 2022

THE CONSTITUTION (AMENDMENT) BILL, 2022

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further to amend the Constitution of India.

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

1. (1) This Act may be called the Constitution (Amendment) Act, 2022. Short title and commencement.
- (2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint. 5

2. After Part XVI of the Constitution, the following Part shall be inserted, namely:— Insertion of new Part XVI.

"PART XVI

SPECIAL PROVISIONS RELATING TO FARMERS

- 342B.** (1) There shall be a Commission for the socio-economic development of farmers to be known as the National Commission for Farmers. National Commission for Farmers.

(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**

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 rule determine.

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

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

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

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

(b) to inquire into the specific complaints with respect to the deprivation of rights and safeguards of the farmers; 10

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

(d) to work out a comprehensive medium-term strategy for food and nutrition security in the country in order to move towards the goal of universal food security over time; 15

(e) to advise on enhancing the productivity, profitability, stability and sustainability of the major farming systems of the country based on an agro-ecological and agro-climatic approach and the harnessing of frontier technologies;

(f) to bring about synergy between technology and public policy and recommend measures for enhancing income and employment potential in rural areas through diversification, application of appropriate technology including Information Technology for information on market, weather, credit facilities and e-commerce, training and market reforms; 20

(g) to suggest measures to attract and retain educated youth in farming and recommend for this purpose; methods of technological upgrading of crop husbandry, horticulture, animal husbandry, fisheries (inland and marine), agro-forestry and agro-processing and associated marketing infrastructure; 25

(h) to recommend such measures that assure a remunerative and stable price environment for farmers including improvements in the storage and marketing infrastructure and procedures as well as adequate and appropriate support to producer organisations; 30

(i) to monitor the prices being realised by farmers for various agricultural commodities all over the country and forward prompt advisories to all concerned agencies or departments for effective action to be taken; 35

(j) to recommend to the Central Government regulation of cost of agricultural inputs including seeds, fertilisers, pesticides, electricity, diesel and farm equipment;

(k) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of the Commission; and

(l) to discharge such other functions in relation to the protection, welfare and development and advancement of the farmers as the President may, subject to the provisions of any law made by Parliament, by rule specify. 40

(6) 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 of such recommendations. 45

(7) 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 of such recommendations.

(8) 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 (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

(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;

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

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

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

(9) The Central and every State Government shall consult the Commission on all major policy matters affecting farmers".

3. In article 366 of the Constitution, after clause (10), the following clause shall be inserted, namely:—

"(10A) "Farmer" means a person actively engaged in the economic and/or livelihood activity of growing crops and producing other primary agricultural commodities and will include all agricultural operational holders, cultivators, agricultural labourers, sharecroppers, tenants, poultry and livestock rearers, fishers, beekeepers, gardeners, pastoralists, non-corporate planters and planting labourers, as well as persons engaged in various farming related occupations such as sericulture, vermiculture, and agro-forestry, and shall also include tribal families or persons engaged in shifting cultivation and in the collection, use and sale of minor and non-timber forest produce".

Amendment
of article
366.

STATEMENT OF OBJECTS AND REASONS

Agriculture plays a vital role in India's economy. According to the census of 2011, 54.6% of the population is engaged in agriculture and allied activities and it contributes 17.4% to the country's Gross Value Added. Like Indian culture, agriculture in India is highly pluralistic and multi-dimensional. India's ecological diversity, crop diversity and diet diversity are inextricably inter-connected.

2. The share of agriculture in total employment jumped to 39.4% in the year 2020-21 from 38% in 2019-20. Agriculture sector plays an important role in the livelihood of people in India, providing employment and income. This sector has also shown resilience in the face of the COVID-19 pandemic when most of the other sectors of the economy registered marginal or negative growth. The share of agriculture and allied sectors in the Gross Value Added (GVA) of the country at current prices in 2019-20 was 16.5%. Although, the growth of GVA in 2019-20 was only 2.8% as compared to 6.3% in 2016-17, it was higher than all the other sectors of the economy.

3. A National Commission on Farmers was established in the year 2004 through an executive order and was later disbanded in the year 2006. The contribution of the Commission has been immense in highlighting the issues around the agriculture industry, including those of increase in number of farmer suicide, use of sustainable and viable means of farming etc. It also gave pragmatic solutions to farmer distresses and the recommendations encompassed issues of access to resources and social security entitlements.

4. The importance of the agriculture sector is evident from the aforementioned data, therefore, it is only imperative that active measures are taken to revolutionize the sector and address the challenges faced by the industry by making the National Commission on Farmers a constitutional body. It will be entrusted with the task of highlighting and addressing the issues faced by the primary stakeholders of the sector *i.e.*, the farmers which would ensure a holistic development of the whole sector.

Hence, this Bill.

ASHOK KUMAR MITTAL.

FINANCIAL MEMORANDUM

Sub-clause (2) of clause 2 of the Bill, *inter alia*, provides that the National Commission for Farmers shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of the offices of the Chairperson, Vice-Chairperson and Members so appointed shall be such as the President may, by rule determine.

2. The Bill therefore, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an exact estimate of expenditure both recurring and non-recurring, which will be involved from the Consolidated Fund of India. However, it is estimated that a recurring expenditure of about fifty crore rupees will be involved per annum from the Consolidated Fund of India.

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

RAJYA SABHA

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further to amend the Constitution of India.

(Dr. Ashok Kumar Mittal, M.P.)