

Bill No. 196 of 2018

THE PAYMENT OF SUBSISTENCE ALLOWANCE TO FARMERS
AND AGRICULTURAL LABOURERS BILL, 2018

By

DR. Udit RAJ, M.P.

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BILL

to provide for the payment of subsistence allowance to farmers and agricultural labourers in order to provide social security to them and their family members and for matters connected therewith or incidental thereto.

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

1. (1) This Act may be called the Payment of Subsistence Allowance to Farmers and Agricultural Labourers Act, 2018.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

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

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

Definitions.

10 (a) "agricultural labourer" means any person who works on land belonging to others for wages in cash or kind having a total family income of not more than rupees three thousand per month from all sources;

(b) "applicant" means a farmer or agricultural labourer who has applied for the subsistence allowance;

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

(d) "family" means the members of a family related to each other by blood, marriage or adoption and normally residing together and sharing meals or holding a common ration card;

(e) "farmer" means any person who owns agricultural land not exceeding four hectares and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system having a total family income of not more than rupees five thousand per month from all sources; and

(f) "prescribed" means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law for the time being in force, the appropriate Government shall pay subsistence allowance at the rate of:—

(a) rupees five thousand per month to every farmer; and

(b) rupees two thousand per month to every agricultural labourer.

Subsistence allowance to the farmers and the agricultural labourers.

Sub-Divisional Officer to work as the nodal Officer.

4. (1) The appropriate Government shall appoint an officer not below the rank of Sub-Divisional Officer as the nodal officer for the purpose of identification of beneficiaries under the provisions of this Act.

(2) The nodal officer shall invite applications in such form, as may be prescribed, for availing of subsistence allowance under the provisions of this Act from amongst farmers and agricultural labourers who are eligible for payment of subsistence allowance under the provisions of this Act and who have been working as such farmer.

Block Development Officer to receive applications.

5. The appropriate Government shall designate an officer not below the rank of Block Development Officer for the purpose of receiving applications from farmers and agricultural labourers for payment of subsistence allowance under this Act.

Application for subsistence allowance.

6. Any person who intends to apply for subsistence allowance under this Act shall apply to the Block Development Officer for registration of his name in such form as may be prescribed under sub-section (2) of section 4.

Block Development Officer to collect and forward the applications.

7. (1) The Block Development Officer shall collect all the applications and forward them to the Sub-Divisional Officer.

(2) The Sub-Divisional Officer shall, after holding such inquiry as he may deem necessary, but, in no case later than thirty days from the date of receipt of applications, either admit or reject the application:

Provided that in case no decision is made on an application within thirty days, the applicant shall be deemed to be eligible for payment of subsistence allowance under this Act.

(3) The Sub-Divisional Officer shall record, in writing, the reasons for rejection of an application, if any, under the Act.

(4) Any applicant aggrieved by the decision of the Sub-Divisional Officer may prefer an appeal to the District Magistrate in such form and manner as may be prescribed.

(5) The procedure for disposing of an appeal shall be such as may be prescribed:

Provided that before disposing of an appeal, the applicant shall be given a reasonable opportunity of being heard.

(6) It shall be the duty of the Sub-Divisional Officer to maintain, review and publish a tehsilwise list of the beneficiaries under the Act once in every six months.

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8. The mode of payment of subsistence allowance to the farmers and agricultural labourers and their family members, in case of death of a farmer or agricultural labourer, shall be such as may be prescribed by the Central Government. Mode of Payment of subsistence allowance to family members of agricultural labourers or farmers.
9. Every State Government and Union territory administration shall set up a special cell at the district and the State level for the purposes of monitoring the implementation of the provisions of the Act. Every State Government and Union territory administration to set up a special cell.
10. (1) **The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the Farmers and Agricultural Labourers Welfare Fund.** Constitution of Farmers and Agricultural Labourers Welfare Fund.
- (2) **The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.**
- (3) **There shall also be credited to the Fund such other sums as may be received by way of donation, contribution or assistance.**
- (4) **The Fund shall be utilized for carrying out the purposes of this Act.**
11. **The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for carrying out the purposes of this Act.** Central Government to provide adequate funds.
12. (1) Whoever contravenes the provisions of this Act shall, on conviction, be liable to a fine which may extend to one thousand rupees. Penalty.
- (2) In case the convicted person is an employee of the Central/State Government/ Union territory administration, the penalty provided under sub-section (1) shall be in addition to the departmental disciplinary action initiated against him.
13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force but except as above, the provisions and the rules made under this Act shall be in addition to and not in derogation of any other law for the time being in force. Act to have overriding effect.
14. (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) 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 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

Agriculture is a prominent sector of Indian economy. About two-third population of the country is dependent on agriculture for their livelihood. Recent times have witnessed phenomenal growth in other sectors due to heavy public-private investments. Lack of investment in agriculture has resulted in de-accelerated growth and increase in input-cost of agricultural produce. To overcome the resource constraints, agriculturalists fall back upon loans secured at high rates of interests from banks and financial institutions. Failed crops, ineffective pesticides, poor quality of seeds and high debts have led to multiple incidents of suicides by farmers across the country.

A healthy agricultural sector is essential not only for food security of the nation but also to keep inflation and prices of essential commodities under check. An unprofitable and debt-ridden agricultural sector would not be able to provide for even the basic needs of farmers, agricultural labourers and their dependents. Therefore, there is an urgent need to address the basic needs of the farmers and agricultural labourers.

The Central and State Governments are under constitutional obligation to ensure the survival of the farmers and to provide financial resources for agriculture in order to prevent any further loss of lives.

In view of the above, the farmers and agricultural labourers need the support of the State so that their economic handicap do not come in the way of their survival and social development.

Hence this Bill.

NEW DELHI;
November 27, 2018.

UDIT RAJ

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for payment of subsistence allowance to the farmers and the agricultural labourers. Clause 9 provides for setting up of special cells at the District and State level for the purposes of monitoring the implementation of the provisions of the Act. Clause 10 provides for constitution of a Farmers and Agricultural Labourers Welfare Fund. Clause 11 provides that Central Government shall provide adequate funds to the State Governments for carrying out the purposes of the Act. 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 thousand crores per annum would involve from the Consolidated Fund of India.

A non-recurring expenditure of rupees one hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only the delegation of legislative power is of a normal character.

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