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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill Which was introduced on the 25th February, 2016 by Shri Balvantsinh Rajput, M.L.A. is Published under rule 127-A of the Gujarat Legislative Assembly rules for general information.

GUJARAT BILL NO. 6 OF 2016.

THE SMALL AND MARGINAL FARMERS (WELFARE) BILL, 2015

A BILL

to provide for certain welfare measures for the small and marginal farmers of the State and for the constitution of a welfare fund for their benefits and for matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty-Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Small and Marginal Farmers (Welfare) Act, 2016.

Short title and extent.

(2) It extends to the whole of the State of Gujarat.

Definitions.

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

(a) “accident” means an accident caused to a farmer during the course of an agricultural operation by any agricultural machinery and includes an injury due to fall from such machinery, tree or into a well or electric shock, snake bite or attack by any wild or domesticated animal;

(b) “agricultural operation” includes any work relating to agriculture, horticulture, sericulture, rearing of sheep, goat, cattle, milch cattle, poultry or any other work connected with or ancillary to agriculture;

(c) “Commissioner” means a Commissioner appointed under section 7;

(d) “Fund” means Small and Marginal Farmers’ Welfare Fund constituted under section 4;

(e) “marginal farmer” means any person who owns agricultural land the size of which is not more than two and a half acres of non-irrigated or irrigated land and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system;

(f) “partial disability” means such disability which reduces the working capacity of a farmer temporarily of which he was capable of before the occurrence of that accident;

(g) “permanent disability” means any disability which fully incapacitates a farmer for all agricultural and other works of which he was capable of prior to the occurrence of that accident;

(h) “prescribed” means prescribed by rules made under this Act; and

(i) “small farmer” means any person who owns agricultural land not exceeding five acres of non-irrigated or irrigated land and includes a share-cropper or a person who cultivates land belonging to others under the tenancy system.

3. The State Government shall, as soon as may be but not later than one year from the commencement of this Act, formulate, a comprehensive welfare policy for the small and marginal farmers and implement it in such manner as may be prescribed.

State Government to formulate a welfare policy for the small and marginal farmers.

4. (1) The State Government shall, for the purpose of this Act, constitute a Fund to be known as the Small and Marginal Farmers’ Welfare Fund.

Constitution of Small and Marginal Farmers’ Welfare Fund.

(2) The initial corpus of the Fund shall be rupees one hundred crore after due appropriation made by the State Legislature by law in this behalf, in such manner as may be prescribed.

(3) There shall also be credited to the Fund any grants or donation that may be made by any person or institution.

(4) The Fund shall be administered by the State Government in such manner as may be prescribed.

(5) Every compensation payable under this Act shall be paid out of the Fund in such manner as may be prescribed.

5. (1) If any injury is caused to a small or marginal farmer due to an accident during the course of agricultural operation, such farmer shall be entitled to and receive compensation out of the Fund.

Compensation
in case of
accident.

(2) The amount of compensation payable under sub-section (1), for injury resulting in total or partial disability, shall be such as may be specified by the State Government from time to time, by notification in the Official Gazette, Subject to its being not less than fifty thousand rupees in case of partial disability and one lakh rupees in case of permanent disability or death.

(3) The compensation payable under this Act in case of death shall be paid to the spouse of deceased farmer or to the children or to his legal heir:

Provided that in case the deceased was unmarried, the compensation shall be paid to his parents.

6. Every person who is eligible to seek compensation under this Act shall apply to the Commissioner in prescribed form giving such details as may be prescribed therein:

Procedure for
claiming of
compensation.

Provided that in case the applicant is illiterate, the Commissioner shall cause the form of the applicant duly filled in.

7. (1) **The State Government shall, by notification in the Official**

Appointment

(2) On receipt of an application, the Commissioner shall cause such enquiry into the claim as he may deem fit and if it is found that the death or injury was caused to the farmer because of an accident, he shall decide the amount of compensation to be paid to the claimant and shall record in writing reasons for coming to such a decision:

Procedure to be
adopted by the
Commissioner.

Provided that the Commissioner shall finalize the payment and release the amount within thirty days of filing of an application for claim.

8. Notwithstanding anything contained in any other law for the time being in force, no Civil Court shall have jurisdiction to settle, decide or deal with any decision made by a Commissioner or to enforce any liability incurred under this Act.

Bar to
jurisdiction of
Civil Courts.

9. An appeal shall lie to the High Court if the appeal is made within three months of the decision by the Commissioner.

Appeal.

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

Power to make
rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules, may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

STATEMENT OF OBJECTS AND REASONS

There are millions of small and marginal farmers in the state. They are very poor but their contribution towards agriculture sector is second to none. While pursuing agricultural operations, they receive injuries quite often leading to partial or permanent disability and in many cases they also die leaving behind their families. It is a matter of great concern that while social security schemes have been extended to organised working classes, the small and marginal farmers remain uncovered by such schemes. As a result, whenever a farmer meets with a serious accident and receives serious injury or succumbs to such injury, he and, in his absence, his family members suffer tremendous hardships. The family of such a farmer is, in fact, ruined. There is no social security net for such farmers.

It is, therefore, necessary that small and marginal farmers are provided with some sort of social security in form of compensation on the occurrence of accidents during the course of agricultural operations. Hence, it is proposed to constitute a Fund for the welfare of small and marginal farmers.

Hence this Bill.

Gandhinagar

Dated the 15th May, 2015

BALVANTSINH RAJPUT

M.L.A.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a Small and Marginal Farmers Welfare Fund. Clause 7 provides for the appointment of Commissioners for payment of compensation to farmers. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of the State. It is estimated that about rupees one hundred crore is likely to be involved as recurring expenditure per annum from the Consolidated Fund of the State.

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

Gandhinagar
Dated the 15th May, 2015

BALVANTSINH RAJPUT
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the State Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

Gandhinagar
Dated the 15th May, 2015

BALVANTSINH RAJPUT
M.L.A.

Gandhinagar
Dated the 25th February, 2016

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.
