

PUNJAB VIDHAN SABHA

Bill No. 37-PLA-2017

**THE PUNJAB STATE FARMERS AND FARM WORKERS
COMMISSION BILL, 2017**

(Bill as passed by the Punjab Vidhan Sabha)

The following Bill was passed by the Punjab Vidhan Sabha :—

A

BILL

to provide for the establishment of the Punjab State Farmers and Farm Workers Commission to examine and review the status of agriculture and allied sectors in the State and that of rural infrastructure; to suggest measures of economically viable and ecologically sustainable agriculture development and to provide for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Sixty-eighth Year of the Republic of India as follows :—

1. (1) This Act may be called the Punjab State Farmers and Farm Workers Commission Act, 2017. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

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

- (a) “agriculture” shall include horticulture and the use of the land for any purpose of husbandry inclusive of the keeping or breeding of livestock, poultry, piggery, fishery or bees and the cultivation of agro forestry and the like;
- (b) “Chairperson” means the Chairperson of the Commission;
- (c) “Commission” means the Commission constituted under section 3 of this Act;
- (d) “farmer” means a person who owns or cultivates land and whose means of livelihood is income from cultivation of such land or partly by income from cultivation of such land and partly by income he gets as wages in cash or kind or partly in cash or partly in kind from other allied agricultural occupations he performs;

- (e) "farm worker" means a person principally engaged with a farmer in the capacity of a worker on hire and who gets his wages in cash or kind in connection with the agricultural operations he performs;
- (f) "Fund" means the Punjab State Farmers and Farm Workers Corpus Fund constituted under section 19 of this Act;
- (g) "Government" means the Government of the State of Punjab in the Department of Agriculture;
- (h) "Member-Secretary" means the Member-Secretary of the Commission;
- (i) "prescribed" means prescribed by rules made under this Act; and
- (j) "private entity" means all individuals not on Government pay roll and all Companies, Societies, Cooperatives, partnership firms, charitable organizations and limited liability partnership firms.

3. (1) The Government shall, by notification in the Official Gazette, constitute a body to be known as the Punjab State Farmers and Farm Workers Commission to exercise the powers conferred upon and perform the functions assigned to it under this Act.

(2) The Commission shall consist of;—

- (a) Chairperson; : Non-official Member
- (b) A representative of Farm Workers; : Non-official Member
- (c) Vice Chancellor, Punjab Agricultural University, Ludhiana; : *Ex officio* Member
- (d) Vice Chancellor, Guru Angad Dev Veterinary and Animal Sciences University, Ludhiana; : *Ex officio* Member
- (e) Financial Commissioner (Development); and : *Ex officio* Member
- (f) A serving or a retired officer, not below the rank of the Secretary to Government of Punjab. : Member-Secretary

4. (1) The Government shall appoint the Non-official members of the Commission and their salary and perks and other terms and conditions of service shall be fixed by the Government in consultation with the Department of Finance.

Appointment of non-official members.

(2) The Chairperson shall be a person who is a practicing/progressive farmer with at least a graduate degree or an eminent agricultural scientist and who has sufficient exposure regarding current domestic and international agricultural scenario.

(3) The salary and allowances and other terms and conditions of appointment of the Member-Secretary shall be fixed by the Government in consultation with the Department of Finance.

5. (1) The Non-official members of the Commission shall hold office for such period, as may be specified by the Government, but not exceeding five years.

Term of office of non-official members.

(2) Subject to the provisions of this Act, Non-official member, except one who is removed under sub-section (2) of section 6 shall be eligible for renomination only once.

6. (1) A Non-official member may, by way of notice in writing under his hand addressed to the Government, resign from his office.

Resignation and removal of non-official members.

(2) Notwithstanding anything contained in sub-section (1), the Government may, by order, remove from the office, a Non-official member, if he,—

- (a) is an un-discharged insolvent; or
- (b) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) refuses to act or becomes incapable of acting; or
- (e) remains absent from three consecutive meetings of the Commission, without obtaining leave; or
- (f) has in the opinion of the Government so abused the position of non-official member, as to render such person to continue in office being detrimental to the interest of the Commission or public interest :

Provided that no such person shall be removed under this sub-section unless he has been given a reasonable opportunity of being heard in the matter.

Disqualifications.

7. No person shall be eligible for appointment as a Non-official member, if he,—

- (a) is not a citizen of India; or
- (b) has not attained the age of 21 years; or
- (c) is of unsound mind and stands so declared by a competent court; or
- (d) is convicted and sentenced to imprisonment for an offence which in the opinion of the Government, involves moral turpitude; or
- (e) has been dismissed from the service of the Government for misconduct and has been declared to be disqualified for employment in public service; or
- (f) is adjudged insolvent.

Casual vacancy.

8. In the event of death, resignation or disqualification of Non-official member or of his becoming incapable of acting before the expiry of his term of office, a casual vacancy shall be deemed to have occurred in such office and such vacancy shall be filled as early as possible by appointment of a person thereto as member who shall hold office for the unexpired term of his predecessor.

Headquarter of the Commission.

9. The headquarter of the Commission shall be located at Chandigarh or Sahibzada Ajit Singh Nagar.

Advisory Councils.

10. (1) The Commission shall have as many Advisory Councils as required. The members of the Advisory Council shall be nominated by the Commission and shall hold the term for three years.

(2) These Advisory Councils shall provide the Commission subject specific inputs for advising the Government in policy and programs and other related matters.

Committees.

11. The Commission may from time to time constitute such committee or committees for undertaking specific functions or discharging specific duties as may be authorized by the Chairperson. The action taken by these Committees shall be brought before the Commission for its approval.

Meetings of the Commission.

12. (1) The meetings of the Commission shall be convened by the Chairperson as and when required and at such time and place as he thinks fit.

(2) The Member-Secretary, in consultation with the Chairperson, shall call the meetings of the Commission.

(3) The meetings of the Commission shall be presided over by the Chairperson and in his absence, the members present shall elect one from amongst themselves to preside over such meeting.

(4) At least three members of the Commission shall form a quorum for the meeting of the Commission.

(5) As far as possible, the issues in the Commission shall be decided unanimously but where there is difference of opinion amongst the members of the Commission, the same shall be taken on the basis of the opinion of the majority of the members present.

13. (1) The Commission shall regulate its own procedure.

Procedure to be regulated by the Commission

(2) Every decision of the Commission shall be taken by passing a resolution and shall be authenticated by the signatures of the Chairperson or in his absence by such other member as may be authorized by the Commission in this behalf.

(3) Every instrument on behalf of the Commission shall be authenticated by the signature of the Member-Secretary:

Provided that in the absence of Member-Secretary, or when it is considered necessary under the circumstances of the case, the Commission may, by an order in writing and by recording reasons thereof, authorize any member or officer of the Commission to authenticate any instrument

14. No act or proceedings of the Commission shall be questioned or shall be invalid merely by reason of,—

Vacancies not to invalidate proceedings of the Commission.

- (i) any vacancy or defect in the constitution thereof ; or
- (ii) any defect in the nomination or co-option of a member; or
- (iii) any procedural irregularity not affecting the merits of a case.

15. (1) Without prejudice, the Commission shall have the following powers and functions, namely:—

Powers and functions of the Commission.

- (a) to provide for rights and welfare of those dependent on agriculture;
- (b) to frame an agricultural policy which contributes to increase farmers' income while providing for ecological and economic sustainability and agriculture productivity;

- (c) to collect data, information, analyze, inquire consult, review, monitor, survey, undertake studies and suggest measures for,—
- (i) improving the status of agriculture and allied sectors, rural infrastructure, agriculture extension and education, quality and delivery of agricultural goods/ inputs and services by all entities including both, Government and private;
 - (ii) promoting the off-farm job creation in rural areas;
 - (iii) market interventions, mechanization and adoption of new technologies for agriculture production, value addition, post harvest handling and processing of the produce;
 - (iv) domestic and international markets to assess the competition, future trends, local demand, export potential, import substitution; and
 - (v) promotion of cooperatives for delivery of goods/inputs and services with an aim to increase the efficiency and the economic sustainability of rural economy;
- (d) to consider demands and grievances of those dependent on agriculture and various farmers' Associations and Unions and to meet their representatives from time to time and make suitable policy recommendations to the Government.
- (e) to consider any other issue, which is relevant to the above or is specially referred to the Commission by the Government; and
- (f) to requisition and utilize the services of any organization or officer or any other person for the purpose of fulfilling its mandate under this Act.

(2) The Government shall consult the Commission on matters relating to welfare of those dependent on agriculture and matters referred to by the Commission to the Government:

16. (1) Subject to the provisions of this Act, the Commission may initiate a *suo-motu* inquiry on matters relating to its mandate and for the purpose of the inquiry, the Commission shall have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 (Act No. 5 of 1908) in respect of the following matters, namely:—

Inquiry by
Commission.

- (i) summoning and enforcing the attendance of any person and examining him on oath;
- (ii) requiring the discovery and production of documents;
- (iii) receiving evidence on affidavits;
- (iv) requisitioning any public record or copy thereof from any court or office;
- (v) issuing summons for the examination of witnesses; and
- (vi) such other matters, as may be prescribed.

(2) Notwithstanding anything contained in any other law for the time being in force, the Commission may during inquiry of any complaint under this Act, examine any record to which this Act applies which is under the control of public authority or private entity, and no such record shall be withheld from it on any ground.

(3) In case of non-compliance of directions of the Commission by the public authority, it may recommend to the higher public authority to initiate disciplinary proceedings against the defaulting officer, and in case of non-compliance by a private entity, it may ask the respective legal Authority to proceed against it as per law.

17. (1) The Member-Secretary shall assist the Commission in carrying out the purposes of this Act. He shall,—

Functions of the
Member-
Secretary

- (i) administer day to day affairs of the Commission and supervise and manage the day to day functioning of the Commission and issue directions, orders or instructions to the employees of the Commission in consultation with the Chairperson;
- (ii) make arrangements for proper maintenance and custody of all records, securities, cash and the properties of the Commission;

- (iii) endorse and transfer promissory notes, Government . and other securities and endorse, sign, encash, cheques and other negotiable instruments on behalf of the Commission;
- (iv) sign all deposit receipts and operate the accounts of the Commission with bank(s) and the financing agencies ;
- (v) institute, conduct, defend, compromise, refer to arbitration, legal proceedings in favour of or against the Commission or its officers or employees through any officer or employee of the Commission or otherwise through legal practitioners or any other person authorized by him in this behalf;
- (vi) determine, powers, duties and responsibilities of the employees of the Commission in consultation with the Chairperson;
- (vii) enter into negotiations and contracts and rescind and make such notes, deeds and instruments as may be necessary on behalf of the Commission in relation to any of the object of the Commission or otherwise in the interest of the Commission;
- (viii) take necessary steps as may be necessary to avoid any loss or prevent damage or loss to the assets, properties and interests of the Commission;
- (ix) appoint custodians of books and records and other properties of the Commission; and
- (x) exercise all such powers as may be delegated to him by the Commission or by the Chairperson.

(2) The Member-Secretary may, in consultation with the Chairperson, delegate any of his powers to an officer of the Commission for effective and efficient functioning of the Commission.

18. (1) The Commission may appoint such number of officers and other employees, as it may consider necessary, to carry out the provisions of this Act, in consultation with the Department of Finance through the Government.

(2) The terms and conditions of service of the officers and other employees of the Commission shall be such, as may be decided by the Government in consultation with the Department of Finance.

Appointment of
officers and
other employees.

(3) All the employees of the Commission shall perform their duties under the superintendence and control of the Chairperson.

19. (1) There shall be constituted a Fund to be called the Punjab State Farmers and Farm Workers Corpus Fund and there shall be credited thereto any grants made to the Commission by the Government and all sums received by the Commission from such other sources as may be decided upon by the Government.

Funds of the
Commission

(2) The Government may, after due appropriation made by the State Legislature by law in this behalf, make to the Commission grants of such sums of money as the Government may consider necessary.

(3) The Fund referred to in sub-section (1) shall be applied for meeting salary, allowances and other remuneration of the Chairperson, Member-Secretary, officer(s) and other employees of the Commission and the expenses of the Commission in the discharge of its functions under this Act and expenses on objects and for purposes authorized by this Act.

(4) The Chairperson and Member-Secretary of the Commission shall be authorized to undertake statutory expenses such as wages, bills, contingent and miscellaneous expenses to a limit delegated by the Commission.

20. (1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed.

Accounts and
audit.

(2) The accounts of the Commission shall be audited by the Accountant General at such intervals as he may consider appropriate and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General.

(3) The Accountant General or any person appointed by him in connection with the audit of accounts of the Commission under this Act shall have the same rights and privileges and the authority in connection with such audit as the Accountant General generally has in connection with the audit of the Government account(s) and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Commission.

(4) The accounts of the Commission as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon, shall be forwarded annually to the Government by the Commission.

Annual report

21. The Commission shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Government.

Action on Commission's reports.

22. Upon receipt of a report made under section 21, the Government may take such action thereon, as it may consider appropriate.

Annual report and audit report to be laid before State Legislative Assembly.

23. The Government shall cause the annual report, together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Government, and the reasons for the non-acceptance, if any, of any of such recommendations, and the audit report to be laid, as soon as may be, after the reports are received before State Legislative Assembly.

Powers to make reference to Commission.

24. (1) The Government shall have the power to make a reference to the Commission with regard to any matter of policy or in respect of any act done by the Commission in contravention of the provisions of this Act or the rules made thereunder.

(2) The Commission shall report to the Government about the action, if any, it proposes to take or has taken upon the reference made under this section and shall furnish an explanation, if it fails to take action.

(3) If the Commission fails within a reasonable time to take action on such reference to the satisfaction of the Government, it may after considering explanation submitted by the Commission, issue such directions consistent with this Act, as may be considered necessary and the Commission shall comply with such directions.

(4) The Government may, at any time, arrange for an inspection of or inquiry into the affairs of the Commission by such authority or person, as it may specify, to satisfy about the proper and effective functioning of the Commission and also upon any matter connected with the administration and finances of the Commission.

(5) The Commission may authorise any person to represent it at the inspection or inquiry referred to in sub-section (4),

(6) On receipt of the report of inspection or inquiry referred in sub-section (4), the Government may examine the same and give such directions, as it may consider necessary to the Commission.

(7) The Chairperson shall within a period of thirty days from the date of receipt of the directions given under sub-section (6), send an intimation to the Government about the action taken by the Commission in pursuance of the said directions.

(8) On the expiry of the period specified in sub-section (7), the Government may after considering the intimation, if any, received from the Chairperson, issue such directions to the Commission, as it may consider necessary and the Commission shall comply with such directions.

25. All members, officers and employees of the Commission shall be deemed, while acting or purporting to act in pursuance of any provision of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act No. 45 of 1860).

Members of the Commission to be public servants.

26. No suit or other legal proceedings shall lie against the Commission or its authorities, or any employee or officer of the Commission for anything which is done or intended to be done in good faith under this Act or the rules or the regulations made thereunder.

Protection of action taken in good faith.

27. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Official Gazette, make such provision(s), not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty :

Power to remove difficulties.

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

(2) Every order made under this section, shall be laid as soon as may be, after it is made, before the House of the State Legislature.

28. (1) The 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 section shall be laid, as soon as may be after it is made, before the House of the State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees 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. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under the rule.