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PART-IV

GOVERNMENT OF MEGHALAYA

LAW (B) DEPARTMENT

NOTIFICATION

The 24th May, 2019.

No.LL(B).18/2019/8.—The Meghalaya Farmers' (Empowerment) Commission Ordinance, 2019 (Ordinance No. 2 of 2019) is hereby published for general information.

MEGHALAYA ORDINANCE NO. 2 OF 2019.

Promulgated by the Governor on the 21st May, 2019.

Published in the Gazette of Meghalaya Extra-Ordinary issue dated 24th May, 2019.

THE MEGHALAYA FARMERS' (EMPOWERMENT) COMMISSION ORDINANCE, 2019

An

Ordinance

to provide for empowerment to the farmers of Meghalaya by constituting the Meghalaya Farmers' (Empowerment) Commission to act as a bridge between the farmers and the Government and would, *inter alia*, study and identify key issues of the farmers in the State of Meghalaya as also suggest remedial measures to make farming sector more attractive and remunerative for farmers and youth. The Commission shall engage itself in the formulation of long-term and short-term policy measures for the benefit of farmers and devise ways and means for better implementation of the government policies relating to agriculture, allied sectors, food processing and value chain development in the State of

Meghalaya. The Commission shall render such advice to the Government of Meghalaya on all matters connected therewith, and incidental thereto. The Commission shall examine various facets of farming activities including but not limited to climate change, sustainable farming practices, implementation of various commodity specific Missions, markets and international agreements, and their impact on farmers and farming activities and would assist the Government in formulating appropriate policies and programmes for mitigation as well as adaptation.

AND WHEREAS State Assembly is not in session and the Governor is satisfied that circumstances exist which render it necessary for him take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor is pleased to promulgate the following Ordinance:-

CHAPTER I Preliminary

**Short title,
extent and
commencement.**

1. (1) This Ordinance shall be called the Meghalaya Farmers' (Empowerment) Commission Ordinance, 2019.
- (2) It extends to the whole state of Meghalaya.
- (3) It shall come into force from the date of its publication in the Official Gazette.

Definitions.

2. In this Ordinance, unless the context otherwise requires,-
 - (a) "Agriculture" means growing or cultivation of plants or produce of agriculture, horticulture, animal husbandry, dairying, herbal and medicinal plants, apiculture, sericulture, or any such other activity for the purpose of food, fodder, fibre, fuel, bio-fuel, and raw materials etc. for agro- industries;

- (b) “**Commission**” means ‘the Meghalaya Farmers’ (Empowerment) Commission’ constituted under this Ordinance;
- (c) “**farmer**” means any person(s) who-
- (i) cultivates crops by cultivating the land himself; or
 - (ii) cultivates crops by supervising the cultivation of land through any other person;
 - (iii) any person who engages in fisheries, dairying, poultry, and other animal husbandry activities, and allied sectors like sericulture, apiculture etc.;
 - (iv) any person who engages in agro-forestry, non timber forest produce etc;
 - (v) any persons who are agricultural labourers, sharecroppers, tenants engaged in various farm related occupations;
- (d) “**Government**” means the Government of Meghalaya;
- (e) “**Ordinance**” means the Meghalaya, Farmers’ (Empowerment) Commission Ordinance, 2019;
- (f) “**Nodal Department**” means the Agriculture Department of the Government;
- (g) “**produce**” includes agricultural produce, livestock and its products, fishery products, Sericulture and Apiculture products, and such other products as may be considered appropriate by the Commission from time to time;
- (h) “**regulations**” mean regulations made by the Commission under Section 14 in accordance with the provisions of this Ordinance; and
- (i) “**rules**” mean the rules made under this Ordinance.

CHAPTER II
Constitution of the Commission and Functions of
Farmers' (Empowerment) Commission.

**Constitution of
the Commission,
officers and other
employees.**

3. (1) There shall be a Commission, to be known as the Farmers' (Empowerment) Commission, to discharge the functions assigned to the Commission under this Ordinance.
- (2) The Commission shall be a body corporate by the name of aforesaid, having perpetual succession and a common seal with the power to acquire, hold and dispose of properties, both movable and immovable, and to contract, and shall by the said name sue and be sued.
- (3) The Commission shall consist of a sole member who shall be its Chairperson. The Chairperson to be appointed by the Government shall be a person of technical qualification, outstanding calibre and eminence, with long experience in agriculture policy formulation and implementation.
- (4) The Commission may engage such officers and other employees as may be necessary, either against sanctioned posts, or on contractual basis, or on deputation basis, or such other short-term or medium term basis, for the efficient discharge of its functions and the process of such engagement, the salaries, allowances and other conditions of service of such officers and employees of the Commission shall be periodically informed to the Agriculture Department.
- (5) The Chairperson shall be the Chief Executive of the Commission and shall exercise such powers and perform such duties as may be prescribed under the rule.

Term of office and conditions of the service of Chairperson and Member.

- 4.(1)The Chairperson shall hold office for a term not exceeding five years from the date of assuming the office and shall not be eligible for reappointment in the Commission.
- (2)The Chairperson may at any time, resign from office by writing under his hand addressed to the State Government.
- (3)The State Government may remove a person from the office of Chairperson, if that person :-
- (a)becomes an undischarged insolvent, or
 - (b) gets convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude, or
 - (c) becomes of unsound mind and stands so declared by a competent court, or
 - (d) refuses to act or becomes incapable of acting, or
 - (e) in the opinion of the State Government has so abused the position of Chairperson as to render that person's continuance in office detrimental to the public interest:

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

- (4)A vacancy caused under sub-section (2) or sub-section (3) shall be filled by a fresh nomination or appointment, as the case may be.

Salaries and allowances to be paid out of grant made by State Government.

5. The salaries, allowances or remuneration payable to the Chairperson, and the administrative expenses including salaries, allowances etc. payable to the officers and other employees shall be paid out of the grants made by the State Government out of its budgetary allocation either in the form of a Corpus Fund, or in the form of annual grants, as the case may be.

Vacancies etc. not to invalidate proceedings of the Commission. 6. No proceedings of the Commission or any Committee thereof shall be invalid by reasons only of the existence of any vacancy in or any defect in the Constitution of the Commission or such Committee as the case may be.

CHAPTER III

Functions of the Commission

Functions of the Commission. 7. The Commission shall discharge the following functions, namely:-

- (i) to make suitable policy recommendations to the State Government based on sound economic principles for the benefit of farmers and farming sector in the State of Meghalaya;
- (ii) to assess the general farming situation and condition of the farmers in the State;
- (iii) to identify specific needs of the farmers and farming associations on issues and challenges they are facing, and to suggest specific measures to address the issues;
- (iv) to set a medium term and long term goals – social, economic and ecological goals for the farming sector in order to make the sector most competitive;
- (v) to suggest measures to improve the various stages of agriculture produce viz., grading, processing, storage, transport, channels of distribution and all other functions involved so there is no value erosion at any stage and the farmers realize complete value for their produce;
- (vi) identify and recommend measures for raising financial resources for the implementation of the various measures suggested by the Commission;

- (vii) to review periodically and suggest effective and innovative measures to strengthen the Implementation and Monitoring of the various Central and State Government schemes and commodity specific missions launched by the Government at various times, to ensure effective outcomes of the same;
- (viii) to induct various technologies for enhancing productivity that may include Mobile apps, Artificial Intelligence based crop husbandry, Seed Technology and Tissue Culture and other new methods and practices;
- (ix) to take steps to promote climate change resilient natural farming methods such as Zero Budget Natural Farming (ZBNF) in the State;
- (x) to suggest ways and means for availability of financial services to the farmers of Meghalaya;
- (xi) to suggest measures to mitigate and alleviate farmer's distress arising out of debt burden;
- (xii) to set up Seed Villages and develop a comprehensive seed management system for conservation and propagation of indigenous and climate change resilient varieties of seeds in the State;
- (xiii) to suggest measures to secure Geographical Indications and Intellectual Property Rights for all niche and high value crops which are unique to the State of Meghalaya;
- (xiv) to recommend environment friendly Irrigation systems, organic fertilizers and bio pest management systems to farmers;
- (xv) to oversee the implementation of Crop/Animal Insurance programmes for Agriculture and allied sectors;

- (xvi) to oversee the implementation of Soil Health Card programme to support farmers in the soil health care screening;
- (xvii) to improve governance and delivery of services to farmers using the provisions of the Meghalaya Community Participation and Public Services Social Audit Act 2017;
- (xviii) to consider demands and grievances of farmers and farmers' Associations and Unions and to establish a channel of communication with their representatives;
- (xix) to consider and advise Government on any other issue which is specially referred to the Commission by the State Government.
- (xx) the Commission shall submit to the Government an annual report of its functions and duties discharged in a financial year.
- (xxi) to encourage the farmers to form associations, and/or cooperative societies so their voice is collectivized, and heard with respect; and
- (xxii) to implement such Externally Aided Projects that have a direct bearing on farmer empowerment and mobilization, as also their economic upliftment.

CHAPTER IV

Procedure and Powers

Procedure and powers.

8.(1)The Commission shall devise its own procedures. It may call for such records and information and officials, as it considers necessary from the relevant Departments of the Government and autonomous research and training institutions who shall furnish such records, information and documents, relevant to the Commission's objectives and render such information and assistance as may be required by the Commission.

- (2) The Commission may set up sub-committee (s) or study team(s) on specific issues. It may also engage consultants to study any aspect which is covered by its terms of reference and may require the services of the officers and staff either on deputation, or on a contractual basis.
- (3) While the Commission shall be free to have a sitting anywhere in the State, the Government shall provide the Commission sufficient office space to accommodate the officials and staff, as well as space to facilitate the meetings with the farmers and/or their unions and associations.

CHAPTER V

Finance, Accounts and Audit

**Grant by State
Government etc.**

- 9.(1) The State Government shall under appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grant such sums of money and in such manner as the State Government in consultation with the Commission may think fit for being utilized for the purposes of this Ordinance. The grant could be in the form of a Corpus Fund, or annual grants, as the case may be.
- (2) The Commission may, subject to such terms and conditions as may be specified in this behalf by the State Government, may receive grants from the Government of India, North Eastern Council, International Funding Agencies, Indian Council of Agricultural Research, National Bank for Agriculture and Rural Development or other funding Organizations of similar nature, so it can meet its obligations mandated under the Ordinance.

- (3) The Commission may be serviced either by the Nodal Department or any such other organization, as may be notified by the Government.
- (4) The Commission may spend such sums of money as it thinks fit for performing the functions under this Ordinance, and such sums of money shall be treated as expenditure payable out of the grant referred to in sub-sections (1) and sub-section (2).
- (5) The Commission may invest any or whole of its available or surplus financial resources in mutual funds, or in commercial banks for generating regular income, to meet its mandated obligations. It will be open for the Commission to generate resources of its own, to reduce the financial burden on the Government.

**Accounts, audit
and
accountability**

- 10.(1) The Commission shall maintain proper accounts and other relevant records and prepare annual statement of accounts in such form as may be prescribed by the State Government in consultation with the Accountant General, Meghalaya.
- (2) The annual accounts of the Commission shall be audited by the Accountant General, Meghalaya.
- (3) The Accountant General, Meghalaya shall have the same rights and privileges and the authority in connection with such Audit as the Accountant General, Meghalaya generally has in connection with the Audit of Government accounts 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 officers of the Commission.

- (4) The Accounts of the Commission, as certified by the Accountant General, Meghalaya together with the Audit report thereon shall be forwarded annually to the State Government by the Commission.
- (5) The Chairperson of the Commission will periodically brief the Chief Minister of the Government of Meghalaya about the discharge of the functions of the Commission.

CHAPTER VI

Miscellaneous

**Chairperson,
Members and the
staff of the
Commission to be
public servants.**

11. The Chairperson, the Officers and other employees of the Commission shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code and Section 2 (c) of the Prevention of Corruption Act, 1988.

**Protection of acts
done in good
faith.**

12. No suit, prosecution or other legal proceedings shall lie against Chairperson of the Commission or any officer of the Commission for anything which is in good faith done or intended to be done under this Ordinance or the rules made thereunder.

**Power to make
rules.**

13. (1) The State Government may, by notification in the official gazette make rules for carrying out the provisions of this Ordinance.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
- (a) the salaries, allowances and facilities to be made available to, and the other terms and conditions of service of the Chairperson.
- (b) the form in which the annual statement of accounts shall be maintained.

(c) any other matter which is required to be, or may be prescribed.

(3) Every rule made under this Ordinance shall be laid, as soon as may be after it is made before the State Legislature.

Power to make regulations.

14. The Commission may make regulations, not inconsistent with this Ordinance and Rules made thereunder for the administration of the affairs of the Commission.

Power to remove difficulty.

15. If any difficulty arises in the implementation of any provisions of this Ordinance, Government may, as exigency requires, by order not inconsistent with the provision of this Ordinance, do anything, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

Dated, Shillong
The 21st May, 2019.


(TATHAGATA ROY)
Governor of Meghalaya.

Dated Shillong,
The 24th May, 2019.

A. K. SANGMA,
Additional Secretary to the Govt. of Meghalaya,
Law Department.