

Farmers' Agreement on Price Assurance and Farm Services (Dispute Resolution) Rules, 2020

UNION OF INDIA

India

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Rule

FARMERS-AGREEMENT-ON-PRICE-ASSURANCE-AND-FARM-SERVICES of 2020

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Farmers' Agreement on Price Assurance and Farm Services (Dispute Resolution) Rules, 2020 Published vide Notification No. G.S.R. 655(E), dated 21.10.2020 Last Updated 28th October, 2020 G.S.R. 655(E). - In exercise of the powers conferred by section 22, read with sub-sections (8) and (9) of section 14, of the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 and in supersession of the Farmers' Agreement on Price Assurance and Farm Services (Dispute Resolution) Rules, 2020, published vide G.S.R. 456 (E), dated the 20th July, 2020, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely: -

1. Short title and commencement.

(1) These rules may be called the Farmers' Agreement on Price Assurance and Farm Services (Dispute Resolution) Rules, 2020. (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1) In these rules, unless the context otherwise requires, - (a) "Act" means the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020; (b) "appellant" means a party who has filed an appeal before the Appellate Authority; (c) "Appellate Authority" means the Appellate Authority referred to in rule 9; (d) "applicant" means a person who makes an application to the concerned Sub-divisional Authority for deciding a dispute arising from a farming

agreement;(e)"Form" means a form appended to these rules;(f)"opposite party" means a person against whom the applicant has claimed relief;(g)"respondent" means a person against whom an appeal is filed before the Appellate Authority;(h)"Sub-Divisional Authority" means the authority referred to in rule 3.(2)All words and expressions used herein and not defined, but defined in the Act, shall have the meaning as assigned to them in the Act.

3. Jurisdiction of Sub-divisional Authority.

- If any dispute arises under a farming agreement in respect of any farming produce, the Sub-divisional Magistrate having jurisdiction over the land on which such produce is produced or intended to be produced, shall be the Sub-divisional Authority to decide such dispute:Provided that where more than one Sub-divisional Magistrates have jurisdiction to decide such dispute, the Sub-divisional Magistrate having jurisdiction over the largest portion of the land on which such produce is produced or intended to be produced, shall be the Sub- divisional Authority to decide such dispute.

4. Application to Sub-Divisional Authority.

(1)Any party to a farming agreement may, in case of a dispute thereunder, approach the concerned Sub- Divisional Authority by filing an application in Form-1 along with an affidavit, a copy of farming agreement, memorandum of conciliation proceeding, if any, any document in support of the claims made therein and proof for having served a copy of such application with documents on the opposite party.(2)The applicant may serve a copy of the application along with documents on the opposite party either in person or through a registered post or by any other mode and if it is served at the address of the opposite party given in the farming agreement, it shall be deemed to have been duly served on the opposite party:Provided that in case where it is served through a registered post, it shall be deemed to have been served on the opposite party after lapse of seven days therefrom.

5. Conciliation board.

(1)On receipt of the application under sub-rule (1) of rule 4, if the Sub-Divisional Authority finds that the farming agreement did not provide for conciliation process, it shall, within fourteen days from the date of receipt of the application, appoint a conciliation board which shall be chaired by an officer serving under the supervision and control of that authority.(2)The Sub-Divisional Authority shall, considering the nature, gravity and monetary value involved in the dispute, simultaneously appoint members as recommended by the disputing parties, to the conciliation board, in equal numbers such that total number of appointed members to represent such parties shall be either two or four:Provided that, if a party fails to recommend members within seven days, the Sub-Divisional Authority may appoint such members as it thinks fit, to represent such parties.

6. Procedure to be followed by conciliation board.

- For conciliation, the following procedure shall be followed by the conciliation board,

namely.-(a)the chairperson of the conciliation board shall fix the date and the time of each conciliation session, where all parties have to be present;(b)each disputing party shall provide to the conciliation board a brief memorandum setting forth the issues, which need to be resolved;(c)the conciliation board may ask disputing parties to furnish such other information as may be required by it in connection with the issues to be resolved;(d)the parties shall ordinarily be present personally at the conciliation sessions notified by the conciliation board:Provided that the disputing parties may be represented by an authorized person with the permission of the conciliation board, but not by any legal practitioner;(e)if a party fails to attend a session fixed by the conciliation board deliberately or willfully for two consecutive times, conciliation shall be deemed to have failed and the conciliation board shall report such matter to the Sub-Divisional Authority.

7. Time limit for completion of conciliation.

(1)The process of conciliation under rule 6 shall be completed within a period of thirty days from the date of appointment of conciliation board.(2)On settlement of the dispute, a Memorandum of Settlement shall be drawn accordingly in Form-2 and duly signed by the disputing parties and thereupon, it shall be binding upon them.(3)In case the dispute is not settled, the conciliation board shall prepare a brief report stating the brief issues, efforts made by it to resolve those issues, the cause for failure of conciliation and any other matters that the conciliation board deems appropriate.(4)A copy of the brief report prepared under sub-rule (3) shall be provided to the Sub-Divisional Authority and to each of the parties.

8. Dispute settlement through Sub-Divisional Authority.

(1)If the conciliation board fails to resolve the dispute or the parties to the transaction are unable to resolve the dispute within thirty days as mentioned in sub-rule (1) of rule 7, an aggrieved party may, within fourteen days therefrom, make an application to the concerned Sub- Divisional Authority to decide the dispute.Provided that the Sub-Divisional Authority may allow the aggrieved party to file such application within twenty-one days instead of fourteen days, if such party shows reasonable or justifiable cause for the delay.(2)On receipt of the application under sub-rule (1) or where, after receiving the application under sub-rule (1) of rule 4, the Sub-divisional Authority finds that the farming agreement had provided for conciliation process, but the parties have failed to settle their dispute through conciliation as provided under sub- section (2) of section 13, of the Act, the Sub-Divisional Authority shall-(i)issue notice to both parties and they shall attend proceedings before the Sub- Divisional Authority on the designated date;(ii)hear both the parties by taking into account circumstances and the documentary evidence provided by the parties:Provided that the Sub-Divisional Authority may, if required, make necessary inquiries to arrive at its decision.(3)The Sub-Divisional Authority shall decide the dispute in a summary manner subject to the conditions specified in sub-section (2) of section 14 of the Act, by passing a reasoned order within thirty days from the date of its filing, after giving an opportunity of being heard to the concerned parties.

9. Appellate Authority.

- The Collector of the concerned district or the Additional Collector nominated by the Collector of the district shall be the Appellate Authority to decide the appeal against the order passed by the Sub-Divisional Authority under sub-rule (3) of rule 8.

10. Procedure for disposing of appeal.

(1) A party aggrieved by the order of the Sub-Divisional Authority may, within thirty days of passing of such order, file an appeal to the Appellate Authority in Form-3 or by electronic filing of such appeal: Provided that the appellate authority may allow such appeal to be filed within forty-five days instead of thirty days, if such party shows reasonable or justifiable cause for the delay. (2) The appellant shall comply with the following requirements in filing appeal, namely:-(i) the appeal memo shall be in writing and duly signed and verified by the appellant; (ii) the certified copy of the order passed by the Sub-Divisional Authority along with supporting documents shall accompany the appeal memo. (iii) the appeal memo may be filed personally or through an advocate. (3) The Appellate Authority shall dispose of the appeal by passing an order within thirty days from the date of filing of such appeal, after giving the concerned parties a reasonable opportunity of being heard. (4) The order under sub-rule (3) of rule 8 passed by the Sub-Divisional Authority or under sub-rule (3) of Rule 10 passed in appeal by the Appellate Authority shall have the force of the decree of the civil court and shall be enforceable as such, and the decretal amount shall be recovered as arrears of land revenue. Form-1 (See rule 4) Application to the Sub-divisional Authority under the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 Before The Sub-Divisional Authority, _____ Applicant Vs _____ Opposite Party Sir, The undersigned makes this application for appropriate order of the Sub-divisional Authority as per the provisions of the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020, on the basis of the following facts and information:-

1. Name of the applicant and Father's name

2. Full address of the applicant

3. Age of the applicant

4. Occupation of the applicant

5. Brief particulars of the applicant's engagement in agricultural activities

6. Brief particulars of the relevant farming agreement, including parties to such agreement

7. Nature of dispute arising out of or relating to the farming agreement

8. Whether any documents or affidavits of applicant or any witnesses are annexed (give details)

9. Any other information that may be necessary and helpful in the disposal of the case.

VerificationVerified, at this day of , 20 , that the contents of the above application are true and correct to my knowledge and belief.(Applicant)Form-2[See rule 7(2)]Memorandum of Settlement

1. Name and designation of Chairperson

2. Name and address of 1st disputant (farmer)

(i)Name and address of 1st conciliator representing farmer(ii)Name and address of 2nd Conciliator representing farmer

3. Name and address of 2nd disputant (sponsor)

(i)Name and address of 1st conciliator representing sponsor(ii)Name and address of 2nd conciliator representing sponsor

4. Brief recital of the dispute(maximum 300 words)

5. Brief of the settlement (maximum 200 words)

6. We, both disputants, herewith express our mutual consent with the settlement of dispute as aforesaid and accordingly we resolve to implement the settlement resolution forthwith.

7. If dispute is not settled, brief report as required under Rule 8 of the Farmers' Agreement on Price Assurance and Farm Services (Dispute Resolution) Rules, 2020 (max. 200 words)

Signature of the parties

Signature/Thumb expression of 1stdisputant(Farmer) Signature of 2nd disputant(Sponsor)

Witness (Name with Signature) (1)

(2)

Signature of Chairperson ofConciliation Board

1 2 3 4

(Name and Signature of other members representing the disputants) Copy to: (i) Sub-Divisional Authority of the jurisdiction. (ii) Chairperson of the conciliation board. (iii) Every member of the conciliation board. Form-3 [See rule 10(1)] Format for Memorandum of Appeal to the Appellate Authority

1. Personal details of Appellant and Respondent:

(i) Name and address of appellant with telephone/mobile No. (ii) Name and address of respondent with telephone/mobile No. [*in case of Sponsor e-mail ID may also be furnished]

2. Order against which appeal is filed with appeal details (copy of order along with documents to be attached):

(i) Authority passing the order appealed against (ii) Date of decision/order passed (iii) Date of serving the order Order relates to recovery payable to ----- or -----
(Yes/No) (iv) If Yes, amount of Recovery in Rs. -----
Payable to (v) Order relates to penalty (Yes/No) (vi) If Yes, amount of Penalty in Rs. (vii) Any other, please specify

3. Ground of appeal and additional documents:

(i) Ground of appeal (each ground should not exceed 100 words) (a) (b) (c) (ii) Additional documentary evidences, if any, other than produced during proceeding before Sub-Divisional Authority

4. Appeal filing details:

(i) Whether there is delay in filing the appeal (Yes/No) (ii) If 4(i) is Yes, mention the ground for condonation of delay (maximum. 100 words) (iii) Details of appeal fee paid

5. Relief sought with mention of any interim relief i.e. stay order (in max. 100 words)

Form of Verification I, the appellant, do hereby declare that what is stated above is true to the best of my information and belief. It is also certified that I have personally gone through the relevant provisions of the Act and the rules framed thereunder.

Place: Name and signature of the appellant with seal

Date: