

പതിമൂന്നാം കേരള നിയമസഭ
അഞ്ചാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിട്ട ചോദ്യം നം. 428

29.06.2012 ൽ മറുപടിയ്ക്ക്

കാർഷിക കടാശ്വാസ നിയമം ഭേദഗതി

ചോദ്യം

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ശ്രീ.കെ.കെ.ജയചന്ദ്രൻ
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മറുപടി

ശ്രീ.കെ.പി.മോഹനൻ
(ബഹു. കൃഷിയും മൃഗസംരക്ഷണവും അച്ചടിയും
സ്റ്റേഷനറിയും വകുപ്പ് മന്ത്രി)

(എ) കാർഷിക കടാശ്വാസ നിയമം ഭേദഗതി ചെയ്യുന്നതിന് സർക്കാർ ഉദ്ദേശിക്കുന്നുണ്ടോ; എങ്കിൽ ഭേദഗതി നിർദ്ദേശങ്ങൾ എന്തൊക്കെയാണെന്ന് വിശദമാക്കാമോ;

(എ) ഉണ്ട്.
2006 ലെ കേരള കർഷക കടാശ്വാസ നിയമത്തിന്റെ 2-ാം വകുപ്പിന്റെ (vii) -ാം ചട്ടത്തിൽ "ഈ ആക്ടിന്റെ പ്രാരംഭതീയതിയിലേക്ക് അതിനുമുമ്പോ" എന്ന വാക്കുകൾക്ക് പകരം "ഈ ആക്ടിന്റെ പ്രാരംഭതീയതിയിലേക്ക് അതിനുമുമ്പോ അല്ലെങ്കിൽ സംസ്ഥാനത്തെ ഏതെങ്കിലും പ്രത്യേക ദുരന്തബാധിത പ്രദേശത്തെ സംബന്ധിച്ച്, സർക്കാർ ഗസറ്റ് വിജ്ഞാപനം മൂലം നിശ്ചയിച്ചുകൊടുക്കുന്ന അങ്ങനെയുള്ള ഏതെങ്കിലും തീയതിക്കോ അതിനുമുമ്പോ" എന്ന വാക്കുകൾ ചേർക്കുന്നതിനാണ് ഉദ്ദേശിച്ചിട്ടുള്ളത്.

(ബി) ഏതു സാഹചര്യത്തിലാണ് ഭേദഗതി നിർദ്ദേശങ്ങൾക്ക് രൂപം നൽകിയിട്ടുള്ളതെന്ന് വ്യക്തമാക്കാമോ;

(ബി) വയനാട് ജില്ലയിൽ കർഷകരുടെ ആത്മഹത്യകൾ അധികമായി റിപ്പോർട്ട് ചെയ്യുന്നതിനെ തുടർന്ന് ജില്ലയിലെ കാർഷിക പ്രതിസന്ധി സംബന്ധിച്ച് സർക്കാർ പാനം നടത്തിയതിന്റെ അടിസ്ഥാനത്തിൽ വയനാട് ജില്ലയിലെ കർഷകരുടെ 31.10.2011 വരെയുള്ള കാർഷിക കടങ്ങൾ കടാശ്വാസ കമ്മീഷന്റെ പരിധിയിൽ കൊണ്ടുവരുന്നതിന് തീരുമാനിച്ചതനുസരിച്ചാണ് 2006 ലെ കേരള കർഷക കടാശ്വാസ കമ്മീഷൻ ആക്ടിന്റെ ഭേദഗതി നിർദ്ദേശങ്ങൾക്ക് രൂപം നൽകിയിട്ടുള്ളത്.

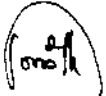

(സി) കർഷക ആത്മഹത്യകൾ ആവർത്തിക്കാനിടയായ സാഹചര്യം എന്തായിരുന്നു; ഇത് പൂർണ്ണമായും ഒഴിവാക്കുന്നതിനുള്ള നിർദ്ദേശം ഭേദഗതിയിലുണ്ടോ; വിശദമാക്കാമോ;

(സി) പ്രകൃതിക്ഷോഭം മൂലവും മെട്രോണാണാകുന്ന രോഗബാധമൂലവുമുള്ള കൃഷിനാശം, കാർഷിക ഉല്പന്നങ്ങൾക്കുണ്ടാകുന്ന വിലയിടിവ്, സുകാഡു പണമിടപാട് സഹായങ്ങളിൽ നിന്ന് അധികം പെരിശ്ശേടുക്കുന്ന വായ്പ തിരിച്ചടയ്ക്കാൻ കഴിയാത്ത അവസ്ഥ, വ്യാപകമായ കടബാധ, സാമ്പത്തിക

എന്നിരിക്കട്ടെ. കർഷക ആത്മഹത്യ ആവർത്തിക്കാനിടയാക്കിയ സാഹചര്യം വേഗം പരിഹരിക്കാനായി കർഷക ആത്മഹത്യ തടയുന്നതിനായി എടുത്തു വന്ന നടപടികൾ പരിമിതമായിട്ടുള്ളതാണ്. വിവിധ തരത്തിൽ കർഷകർക്ക് ക്ഷേമനി വഴി വരുമാനം ലഭിക്കുന്നതിനായി കർഷകരുടെ 2011 ഓക്ടോബർ 31 നുവരുന്ന കരാർബാധകതകൾക്ക് മാത്രം കർഷകർക്ക് പരിധിയിൽ ക്രെഡിറ്റ് ലഭിക്കാൻ ഉദ്ദേശിച്ചിട്ടുള്ളതാണ്. അതു വഴി കർഷകർക്ക് കടക്കണിയിൽ നിന്നും അടുത്തു വരുന്ന ആത്മഹത്യയിൽ നിന്നും രക്ഷിക്കാൻ കഴിയുന്ന ആത്മഹത്യ തടയുന്നതിനായി മാർഗ്ഗരേഖകൾ ഉണ്ടാക്കിയെന്നും ലിസ്റ്റിൽ സ്വീകരിച്ചു വരുന്നുണ്ട്.

(ഡി) കർഷക ആത്മഹത്യ തടയേണ്ടത് സംബന്ധിച്ച കേസിൽ സർക്കാർ നൽകിയ സത്യവാങ്മൂലം എന്തായിരുന്നു പകർപ്പ് ലഭ്യമാക്കാമോ?

(ഡി) കർഷക ആത്മഹത്യ സംബന്ധിച്ച് ശ്രീ.ബോസിന് അട്ടിമേറ്റി ബഹു ഹൈക്കോടതിയിൽ ഹയൽ ചെയ്ത കേസിലെ താല്പര്യപ്രകാശനത്തിൽ സർക്കാർ നൽകിയ സത്യവാങ്മൂലത്തിന്റെ പകർപ്പ് അന്വേഷണമായി നേർത്തിട്ടുണ്ട്.

 
 സെക്ഷൻ ഓഫീസർ

അനുസ്മരണം

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**BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM**

W.P(C) No. 30254 of 2011

Baisil Attipety (Party in Person) : Petitioner

Vs.

Union of India & Others : Respondent

**COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS 2
TO 4 IN THE ABOVE CASE**

**ROSHEN D. ALEXANDER
GOVERNMENT PLEADER WITH A.G.**

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BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM

W.P(C) No. 30254 of 2011

Baisil Attipety (Party in Person) : Petitioner
Vs.
Union of India & Others : Respondent

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Dated this the 13th day of January, 2012.

ROSHAN L. ALEXANDER,
GOVERNMENT PLEADER WITH A.G.

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BEFORE THE HONOURABLE HIGH COURT OF KERALA
AT ERNAKULAM

W.P(C) No. 30254 of 2011

Baisil Attipety (Party in Person) : Petitioner

Vs.

Union of India & Others : Respondent

**COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS 2
TO 4 IN THE ABOVE CASE**

I, K.N. Sujatha, W/o. Premkumar K. Nair, aged 51 years, residing at Thiruvananthapuram, now at Ernakulam do hereby solemnly affirm and state as follows:

1. I am the Under Secretary to Government, Agriculture Department, Government Secretariat, Thiruvananthapuram. I am conversant with the facts of the case as gone out by the records. I am competent to authorize to file this Counter Affidavit on behalf of the respondents 2 to 4.

2. All the averments and allegations contained in the Writ Petition except those that are expressly admitted or otherwise dealt with hereunder are false and hence denied. The Writ Petition is not maintainable either in law or on the facts of the case.

3. At the outset itself it is submitted that, the State had witnessed a steady increase in the number of farmers' suicide from 1999 up to 2005. In the year 2006, Government of India has approved a Rehabilitation Package for the farmers in the suicide prone Districts in various states in the Country. Altogether 31 districts were identified in total, which included 3 districts in State of Kerala viz, Wayanad, Palakkad and Kasaragod. Accordingly various schemes and

projects have been implemented and being implemented in Wayanad district. Under the package, Rs. 50 lakhs was disbursed among 1665 beneficiaries as ex-gratia assistance from PMNRF. Rs.3318.08 crore was disbursed as additional credit flow to various commercial banks, Regional Rural Banks & Urban Co-operative Banks and Co-operative Banks in Wayanad district. Under the component interest waiver of the package as on 31.03.2008, an amount of Rs. 56.48 crores was claimed by commercial banks including RRBs and UCBs and Rs.31.91 crores was claimed by Co-operative Sector in Wayanad district. Loans for an amount of Rs.139.83 crores have been rescheduled in Wayanad district under the package. It is worthwhile to mention that some projects are implemented and some other projects are being implemented for major irrigation, minor irrigation, seed replacement, watershed development, micro irrigation, horticulture development, extension services and subsidiary income activities which include livestock development and fisheries sector under the Rehabilitation Package in Wayanad district. The Kerala Farmers' Debt Relief Commission Act, 2006 came into force on 18.01.2007 so as to provide relief to farmers who are in distress due to indebtedness. By virtue of the Act a Commission was also constituted. Resultantly, rate of farmers' suicide was descending from 2006 to 2011. But, in November 2011 there was a sudden increase in the suicide rate of farmers, in Wayanad district.

4. It is submitted that concerned by the farmers' suicide in Wayanad district, Government have constituted a Committee headed by the Agricultural Production Commissioner and experts from the Kerala Agricultural University and the Kerala Veterinary and Animal Sciences University. The Committee visited Wayanad district and after holding discussions at various levels such as political leaders, representatives of farmers' organisations and farmers, submitted a report to the Government on the present situation of agriculture distress in Wayanad. The true copy of the report dated 15.11.2011 is produced herewith and marked as Exhibit R2(a). The report was formulated

after having detailed discussions with various stake holders which provided valuable inputs so as to understand the dimensions the present agricultural scenario prevailing in Wayanad District. The report has specifically mentioned and appreciated the trends and tendencies as well as immediate causes of distress in Wayanad and suggested various recommendations for providing immediate relief to farmers. By Ext. R2(a) Report the Commission recommended for temporary stay of recovery proceedings initiated by Governmental agencies for a period of one year. The Commission also recommended to defer coercive recovery for Commercial Banks and Co-operative Banks for one year. Commission also recommended for suitable amendment to the Kerala Farmers' Debt Relief Act, 2006 enable the Commission to consider those loans outstanding as on 31.10.2011. It was also recommended to study the situation of the Wayanad District Co-operative and Primary Co-operative Banks and the remedial measures taken to equip them to provide credit to farmers. It was also recommended to study the role and interest structure of micro credit agencies operating in Wayanad and if necessary special legislation may be considered to curb the practice of collecting excessive interest. The Commission also recommended for minimum support price system for crops like pepper, coffee, ginger, cardamom and also suggested designation of Marketfed as procurement agency. The Commission also suggested for procurement of paddy. It was further suggested that the Government schemes implemented in the district should be put to scrutiny by a special monetary and evaluating committee. Commission recommended for the formation of Farmer Care Group and also recommended that the Government may examine proposal to improve all agricultural operation under NREGs. Commission also suggested for a realistic revision in compensation for crop damage by wild animals.

5. It is pertinent to point out that, on the basis of Exhibit R2(a) report, on 16.11.2011 Government took the following decisions in

order to mitigate the problems faced by the farmers and to provide them immediate relief.

- i. *Moratorium will be declared for a period of one year for recover of loans initiated by Government agencies like Housing Board, Co-operative Housing Federations, Backward Classes Development Corporation and Vegetable and Fruits Promotion Council, Kerala. It was also decided to exempt penal interest on loans and to give a remission of 10% on the interest paid, to those who repaid the dues in time.*
- ii. *A special State Level Bankers' Committee will be convened to discuss deference of coercive revenue recovery proceedings by Commercial Banks and Co-operative Banks for a period of one year.*
- iii. *Provisions of the Kerala Farmers' Debt Relief Commission Act, 2006 by which it was mandated to entertain applications received till 31.05.2009 on the loans outstanding as on January, 2006 will be amended so as to enable the Commission to consider all agricultural loans of farmers outstanding as on 31.10.2011 in Wayanad district.*
- iv. *A meeting of NABARD, Kerala State Co-operative Bank, District Co-operative Banks and Land Development Banks will be convened to discuss the measures required to equip the District Co-operative Banks and Primary Co-operative Banks to provide agriculture credit to farmers.*
- v. *Role as well as interest structure of Micro credit agencies operating in Wayanad (and in the State in general) will be studied and if necessary special legislation will be considered to curb the practice of collecting excessive interest which is leading the farmers to greater indebtedness.*

- vi. *The suggestion for procurement of agricultural produces giving them a support price is accepted in principle and it is decided to prepare a detailed scheme for this purpose.*
 - vii. *It was decided to procure paddy in Wayanad district. Government will compensate additional expenditure for transportation of paddy to rice mills in Kozhikode and Palakkad districts, by giving transport subsidy.*
 - viii. *A special monitoring system will be constituted in Wayanad district for scrutiny of Government programmes with Minister (Agriculture) as Chairman, Minister (Welfare of Scheduled Tribes, Youth Affairs, Museum and Zoo) as member and the Agricultural Production Commissioner as Convener.*
 - ix. *It was decided to prepare guidelines to distribute subsidies for which the farmers are eligible, in the form of cash subsidies.*
 - x. *Farmer Care Groups (Karshaka Mitra Samithi) will be constituted in every Grama Panchayat headed by the Panchayat President and also including Agriculture Officer, Veterinary Officer, representative of one or two relevant voluntary agencies of the Panchayat, President of Primary Co-operative Bank and other officers of relevant departments.*
 - xi. *A proposal to include all agricultural operations under the NREGs will be submitted to the Central Rural Development Ministry.*
 - xii. *Action will be taken to give compensation for crop damage by wild animals after proper assessment of the damages since the present compensation of Rs.2000/- is not sufficient.*
6. Pursuant to the decision taken on 16.11.2011, Government have taken the following actions :-
- (i) By virtue of G.O. (Ms) No. 451/11/RD dated 15.12.2011, moratorium for a period of one year has been declared for the revenue recovery proceedings on

all types of loans initiated in Wayanad district by Government Agencies like Housing Board, Co-operative Housing Federations, Backward Classes Development Corporation and Vegetable & Fruits Promotion Council, Kerala and Co-operative Banks. It was also decided to exempt penal interest on the above loans and to give 10% remission on the interest paid for regular re-payment. True copy of G.O. (Ms) No. 451/11/RD dated 15.12.2011 is produced herewith and marked as **Exhibit R2(b)**.

(ii) A special meeting of State Level Bankers Committee meeting (SLBC) was held on 23.11.11 and the following decisions were taken.

(ii.a) Government of Kerala would declare Wayanad as a distressed district.

(ii.b) Commercial banks would consider writing off of agriculture loans availed by farmers who have committed suicide. The same would be considered by the respective banks on a case-to-case basis. However Chief Minister earnestly requested that this should positively happen as a gesture of sympathy from the banks' side.

(ii.c) Declaring 1 year moratorium for agriculture loans availed by farmers from Commercial banks.

(ii.d) Rescheduling of existing loans. Short Term Loans to be converted to Medium Term Loan and Medium Term Loans to be converted to Long Term Loans.

(ii.e) Fresh loans to be given liberally on merits.

(ii.f) Waiver of penal interest would be considered on receipt of the approval/directions from respective banks' boards/RBI.

More attention to be given by banks in reducing complaints on Education loans. An evaluation study to be done for the

purpose of increasing the loan amount. A true copy of the minutes of Special meeting of SLBC , Kerala held on 23.11.2011 is produced and marked as Exhibit R2(c). Accordingly, as per GO(Ms) No. 279/11/AD dated 30.12.11, Government of Kerala declared the District of Wayanad as Agricultural distress affected district . A true copy of the G.O.(Ms) No. 279/11/AD dated 30.12.11 is produced and marked as Exhibit R2(d).

- (iii) Action is being taken to amend the provisions of the Kerala Farmers' Debt Relief Commission Act, 2006 so as to enable the Commission to consider the Agricultural loans up to 31.10.11 taken by farmers in Wayanad District
- (iv) A Meeting of NABARD, Kerala State Co-operative Bank and District Co-operative Banks has been held on 30.11.11. In the meeting it was decided to completely write-off the loans taken by those who have committed suicide, to re-schedule the loans so as to make it beneficiary to farmers by exempting penal interest, to take necessary action to provide incentive for regular re-payment of loans etc. and to change the policy of NABARD.
- (v) Special legislation regarding the role of Micro Credit Agencies is being examined.
- (vi) A Decision will be taken soon on the procurement of agricultural produces.
- vii. By virtue of G.O.(Ms) 255/11/AD dated 23.11.11 it was decided to procure paddy in Wayanad district through Supplyco and also to give transport subsidy in order to compensate the expenditure required for transportation of paddy to rice mills in Kozhikode and Palakkad districts. A true copy of the G.O.(Ms)

255/11/AD dated 23.11.11 is produced and marked as Exhibit R2(e). By virtue of GO(Rt.) No. 2355/11/AD dated 16.12.11 guidelines for the implementation of paddy procurement have been issued. A true copy of the GO(Rt.) No. 2355/11/AD dated 16.12.11 is produced and marked as Exhibit R2(f).

- (viii) By virtue of G.O.(Ms) No. 272/11/AD dtd. 13.12.11 a special monitoring system was constituted with Hon'ble Minister for Agriculture as Chairman, the Hon'ble Minister for Welfare of Scheduled Tribes, Youth Affairs, Museum and Zoo as member and the Agricultural Production Commission as Convenor for evaluation of progress of Government programmes. A true copy of the G.O.(Ms) No. 272/11/AD dtd. 13.12.11 is produced and marked as Exhibit R2(g).
- (ix) Distribution of subsidies in the form of cash to farmers is being examined.
- (x) By virtue G.O.(Ms) No. 256/11/AD dtd. 22.11.11 Farmer Care Groups (Karshaka Mitra Samithi) has been constituted in every Grama Panchayat headed by the Panchayat President and also including the Agriculture Officer, Veterinary Officer, representatives of one or two relevant voluntary agencies of the Panchayat, President of Primary Co-operative Bank and other officers of relevant departments as members. These Groups will meet on specified dates regularly and will provide information on agriculture practices, plant protection, price forecast etc to farmers. These Samithies will eventually become Counselling Centres and will provide the required confidence and support to

vulnerable farmers. A true copy of the G.O.(Ms) No. 256/11/AD dtd. 22.11.11 is produced and marked as **Exhibit R2(h).**

- (xi) Government has issued a detailed circular with No. 65108/DD2/2011/LSGD dated 14.12.11 on the operations that can be taken under Mahatma Gandhi National Employment Guarantee Scheme Rural in farmers land. A true copy of the 65108/DD2/2011/LSGD dated 14.12.11 is produced and marked as **Exhibit R2(i).**
- (xii) Instructions has been issued to ensure that compensation as per G.O.(Rt) No. 297/2010/F&WLD dated 7.7.2010 has been given to eligible farmers for crop damage by wild animals. A true copy of the G.O.(Rt) No. 297/2010/F&WLD dated 7.7.2010 is produced and marked as **Exhibit R2(j).**

7. The averments made in paragraphs 1 to 3 of the writ petition are not entirely correct and hence denied. Government of Kerala is deeply concerned about suicide of farmers in Wayand District and have taken all possible measures to curb it. The measures taken by the State as explained in paragraphs 1 to 6 above shows the deep concern of the Government. Petitioner cannot attribute any inaction of lethargy on the part of the Government.

8. The averments made in paragraphs 8 to 10 of the writ petition are not entirely correct and hence denied. Government have already taken measures to help farmers in Wayanad District. The Kerala State Farmers' Debt Relief Commission is still recommending debt reliefs to farmers. Apart from this, various projects are being implemented under Agriculture Department also.

9. The averments made in paragraph 14 of the writ petition are not entirely correct and hence denied. The Kerala Farmers Debt Relief

Commission Act 2006 came into force on 18.01.2007 to provide relief to those farmers who are in distress due to indebtedness. By virtue of the Act, a Commission was constituted with powers to pass such awards after adjudication and also to recommend appropriate measures for the redressal of grievances of such farmers through conciliation and negotiation and for matters connected therewith or incidental thereto. In exercise of the powers conferred by subsections (1) and (3) of section 3 of the Kerala Farmers Debt Relief Commission Act 2006, Government have constituted the Kerala Farmers Debt Relief Commission.

The powers and functions of the Kerala Farmers Debt Relief Commission are as follows:

- (i) To recommend to the Government either to declare a district or districts or part thereof or a crop or crops or a farmer, as distress affected area, distress affected crop or distress affected farmer as the case may be;
- (ii) To fix, in the case of creditors other than institutional creditors, a fair rate of interest and an appropriate level of debt, to be payable as the Commission may consider just and reasonable by a farmer declared as distress affected or related to an area or crop declared as distress affected area or distress affected crop.
- (iii) To undertake conciliation for settlement of disputes between indebted farmers and creditors, other than institutional creditors, on the basis of the fair rate of interest and appropriate level of debt.
- (iv) To adjudicate disputes between farmers and creditors, other than institutional creditors and to pass awards which shall be binding on both parties.
- (v) To enter into negotiations with the creditors for loan waiver, interest rate relief, loan rescheduling or loan moratorium to farmers.
- (vi) To recommend to Government regarding the extent and the

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manner in which the debt relief to be granted to the farmers.

- (vii) To recommend to take over the entire or partial debt and exonerate the farmers from the effects of the debt.
- (viii) To recommend to the Government to do such acts as may be necessary to ensure that future credit requirements of the farmers are met through such agencies as may be prescribed.

In order to claim relief under the Act, a farmer should file application before the Kerala State Farmers Debt Relief Commission in the prescribed form with supporting documents. The Commission after hearing the parties would pass orders recommending Government to take over a part of the debt of the farmers, if found eligible. The Commission can pass orders recommending Government to take over any liability due from a farmer on or before the commencement of the Act and payable to co-operative societies/banks or to a creditor. But this does not include any loan amount taken by the farmer for commercial purpose or luxury other than agriculture and allied commercial purposes.

10. As per GO (Ms.) No.37/09/AD dated 20.02.2009, Government fixed the date of receipt of individual applications for debt relief as 31.05.2009. Hence the Commission can consider only the applications received within the stipulated time of 31.05.2009 and also consider the loans taken on or before the commencement of the Act, ie 18.01.2007. Now in the background of repeated farmers' suicide, Government have decided to amend the provisions of the Kerala Farmers' Debt Relief Commission Act, 2006 so as to enable the Commission to consider all agricultural loans outstanding as on 31.10.2011 in respect of the farmers in Wayanad district.

11. It is submitted that, by virtue of the actions as explained above the Government have taken all possible, necessary and immediate steps to address the issue of suicide of farmers in Wayanad District. It is uncharitable on the part of the writ petitioner to attribute any lethargy or negligence the part of the State to address the issue,

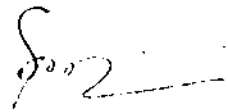
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Government of Kerala, having deep concern on the issue of suicide of farmers have taken sufficient steps and necessary measures .

12. The reliefs prayed for by the petitioner in the writ petition against the Government and its Officers are already addressed by the Government. Therefore it is submitted that in the facts and circumstances of the case this Honourable Court may be pleased to accept this counter affidavit and dismiss the writ petition.

All the facts stated above are true to the best of my knowledge, belief and information.

Dated this the 13th day of January, 2012



DEPONENT

Solemnly affirmed and signed before me by the deponent who I know on this the 13th day of January, 2012 at the office of the Advocate General, Ernakulam.

ROSHEN D. ALEXANDER
GOVERNMENT PLEADER WITH A.G.



രൂഷൻ ഡി. അലക്സാണ്ടർ .