

# **The Himachal Pradesh Relief of Agricultural Indebtedness Rules, 1978**

HIMACHAL PRADESH

India

## **The Himachal Pradesh Relief of Agricultural Indebtedness Rules, 1978**

### **Rule**

### **THE-HIMACHAL-PRADESH-RELIEF-OF-AGRICULTURAL-INDEBTEDNESS RULES, 1978**

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The Himachal Pradesh Relief of Agricultural Indebtedness Rules, 1978 These rules were published in Himachal Pradesh Government Gazetted (Extra.) dated 28th June ,1978.

### **1. Short title and commencement.**

(1) These rules may be called the Himachal Pradesh Relief of Agricultural Indebtedness Rules, 1978. (2) They shall come into force on the date of their publication in the Official Gazette.

### **2. Definition.**

- In these rules, unless there is anything repugnant to the subject or context. (a) "the Act" means the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 (No. 17 Act of 1976. (b) "Form" means a form appended to these rules. (c) "Section" means a section of the Act.

### **3. Determination of debt.**

(1) A small farmer may within three years from the date of incurring the debt, apply under sub-section (1) of section 14 to the authority for the local areas within which such small farmer ordinarily resides. (2) Any of the creditors of a small farmer may unless the small farmer has already made an application under sub-section (1) of section 14, apply under sub-section (2) of that section in the manner and to the authority referred to in sub-rule (1) for such determination of debt. The application of the creditor shall not be entertained if the small farmer makes an application under

sub-rule (1) within the period referred therein.(3)Where application are made to more than one authority, the authority to whom an application in respect of the same debt is first made shall be an authority to determine the debt. If application in respect of the same debt are pending before any other authority the said application shall be transferred to whom the first application was made.(4)An application by a small farmer or a creditor shall be in form I and shall be accompanied by a court-fee stamp of fifty paise only.(5)An application by a small farmer or a creditor may be presented before the authority personally or through an authorised representative with the permission of the authority.

#### **4. The procedure to be followed by an authority in a proceeding.**

(1)As soon as an application is received by an authority, he shall issue notice to both the parties inform II, fixing a date of appearance and hearing At the time, of hearing the authority shall record the evidence, if any, of both sides, first of the applicant and then of the opposite party and while recording evidence, cross-examination of the parties and their witnesses by the opposite parties or their representatives, if permitted by the authority shall be allowed. The evidence shall be recorded in the narrative form. After hearing the parties, the authority shall determine the actual debt in question showing the principal and interest upto the date of such order and he shall record the reasons of such determination;(2)When an application made to an authority is transferred to another authority under sub-section (3) of section 14, the authority before whom the application has been transferred shall follow the procedure laid down in sub-rule (1).(3)The parties shall be entitled to certified copies of the final order on payment of a fee of rupee one and such fee shall be payable in court fee stamps.

#### **5. Order of determination of debt and interest.**

- The order showing determination of the debt and the interest shall be in form III

#### **6. Order of the authority under section 16.**

- In every case, the authority shall make an order under section 16.

#### **7. Appeal.**

(1)A Memorandum of Appeal may be presented to the Appellate Officer by the appellant personally or through an authorised representative with the permission of the Appellate officer.(2)The Memorandum of Appeal shall be in form IV and shall be accompanied by a certified copy of the order appealed against together with a court-fee stamp of five rupees.(3)On receipt of a Memorandum of Appeal the Appellate officer shall fix a date for hearing and shall issue notice to the parties intimating the date of hearing and shall dispose of the appeal as expeditiously as possible giving reasons for his decision.(4)A certified copy of the order of the Appellate Officer, may on application, be granted on payment of a fee of rupees 2 in court-fee stamps.

## **8. Maintenance of Register.**

- Every authority and Appellate Officer shall maintain a register showing the particulars of all application under section 14 and all appeals under section 20 and the register shall contain the following particulars: -(a)Serial No.(b)Date of filing.(c)Name(s) of applicant.(d)Name(s) of opposite party/respondent.(e)Date when final order is passed.(f)Final order in brief.(g)Amount of Court-fees realised. Form I (See Rule 3) To The..... (Authority) Naib Tehsildar, Tehsil/Sub-Tehsil. Sir, I beg to make an application under section 14(1)/14(2) of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 and the particulars are given below: -

**1. Name and address of the creditor(s).**

**2. Name and address of the small farmer(s).**

**3. Date of incurring debt or debts.**

**4. Amount of principal with respect of each creditor.**

**5. Amount and rate of interest with respect of each creditor.**

**6. Extent of small farmers, land holding for the whole family specifying how much is irrigated and non-irrigated land and how much owned and how much occupied as tenant.**

**7. Any other family income through profession or service in the preceding year of filing the petition.**

**8. Total income of the small farmers family in the preceding year.**

**9. Relief sought with reasons.**

I now pray for an order under section 15 of the Act. Yours faithfully, Small Farmer/Creditor. Form II (See Rule 4(1)) To..... Small farmer/Creditors Sir, Shri..... of ..... has submitted an application under section 14(1) or 14(2) (as may be applicable) before me on..... (date:) and the said application has been set down for hearing before me on..... at AM/PM. You are directed to attend and show cause why the application shall not be allowed. In case you fail to appear and/or show cause in writing without any reasonable excuse, the application shall be heard ex-parte, in case you are physically or mentally infirm or you cannot read and write (which fact you have to prove to my satisfaction), you may send your authorised representative. Yours faithfully,..... Authority Official Designation. Form III (See Rule 5) Order Name..... Designation Present..... Authority for..... Tehsil.....

- 1. Name and address of the applicant small farmer/creditor.**
- 2. Name and address of the opposite party/parties.**
- 3. Amount of debt determined with principal and interest.**
- 4. Reasons for coming to such finding on the basis of evidence.**
- 5. Order of the authority.**

Authority Seal and official designation of authority. Form IV (See Rule 7(a) To..... (Name and designation of the Appellate Officer) Appellate Officer..... Sub-Division/District. Sir, I beg to prefer an appeal under section 20(1) of Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 against the decision/order of the authority..... and the particulars are given below: -

- 1. Name and address of the applicant small farmer/creditor/debtor.**
- 2. Name and address of opposite party/creditor/small farmer.**
- 3. Amount of debt (Principal and interest involved).**
- 4. Date of disposal of the case before the authority.**
- 5. If a certified copy has been enclosed.**
- 6. Brief reasons for preferring the appeal, against the order of the authority.**

I pray for an order under section 20(4) of the Act modifying or setting aside the order of the authority. Yours faithfully, Appellant/Small Farmer/Creditor

Appointments And Delegation Government of Himachal Pradesh Revenue Department Simla-2, the 5th August, 1976 No. Revenue 2-A(2)2/76. - In exercise of the powers vested in him under section 20 of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 (Act No. 17 of 1976) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to appoint all the Collectors in Himachal Pradesh as Appellate Officer within their respective Districts with immediate effect. (R.H.P. dated 21.8.1976, pages 1232) Simla-2, the 5th August, 1976 No. Revenue 2-A(2)2/76. - In exercise of the powers vested in him under sub section (1) of section 19 of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 (Act No. 17 of 1976) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to authorise all the Collectors in Himachal Pradesh to transfer within their respective Districts, any application made under section 14 of the said Act, from one authority to another for disposal. (R.H.P. dated 21.8.1976, p 1232) Simla-2, the 5th August, 1976 No. Revenue 2-A(2)2/76. - In exercise of the powers vested in him under sub section

(2) of section 2 of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 (Act No. 17 of 1976) and all other powers enabling him in this behalf, the Governor, Himachal Pradesh is pleased to appoint all the Tehsildars being Assistant Collectors of the first grade, as officers for deciding the question whether a person is a marginal farmer or a small farmer or a landless agricultural labourer or a rural artisan as and when any such question arises, within their respective tehsils, with immediate effect. (R.H.P. dated 21.8.1976, p. 1232) Simla-2, the 16th January, 1978 No. Revenue 2-A(3)-2/76. - In exercise of the powers conferred by sub-section (2) of section 2 of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976, the Governor, Himachal Pradesh is pleased to appoint all Tehsildars in Himachal Pradesh as officers to whom question arising under the said sub-section shall be referred for decision. (R.H.P. dated 4.2.1978, pages 118) Simla-2, the 16th January, 1978 No. Revenue 2-A(3)-2/76. - In exercise of the powers conferred by sub-section (1) of section 20 of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 (Act No. 17 of 1976), the Governor, Himachal Pradesh is pleased to appoint all Sub-Divisional Magistrates to be Appellate Officers to hear appeals against any decision or order of the authorities within their respective jurisdictions. (R.H.P. dated 4.2.1978, pages 118) Simla-2, the 16th January, 1978 No. Revenue 2-A(3)-2/76. - In exercise of the powers conferred by clause (d) of sub-section (1) of section 20 of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976 (Act No. 17 of 1976), the Governor, Himachal Pradesh is pleased to appoint all Naib-Tehsildars working in Tehsils as authorities for carrying out purposes of the said Act in respect of local areas within their respective jurisdictions. (R.H.P. dated 25.2.1978, p 208) Simla-2, the 23rd June, 1978 No. Revenue 2-A(3)-2/76. - In continuation of this Department's notification No Revenue 2-A(3)-2/76 dated the 16th January, 1978 the Governor, Himachal Pradesh in exercise of the powers conferred by sub-section (2) of section 2 of the Himachal Pradesh Relief of Agricultural Indebtedness Act, 1976, is pleased to appoint Sub-Divisional Magistrate, Ani, as officer to whom question arising under the said sub-section in cases pertaining to Ani Sub-division shall be referred for decision. (R.H.P. dated 1.7.1978. pages 618)