

The Assam Agricultural and Rural Debt Relief Scheme, 1990

ASSAM

India

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THE-ASSAM-AGRICULTURAL-AND-RURAL-DEBT-RELIEF-SCHEME-1990 of 1990

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The Assam Agricultural and Rural Debt Relief Scheme, 1990Published vide Notification No. Coop. 303/89/Part, dated 5th October, 1990 in the Assam Gazette Extraordinary No. 209, dated the 26th November, 1990 pages 1167-1173Last Updated 10th February, 2020Notification No. Coop. 303/89/Part. - Assam Agricultural and Rural Debt Relief scheme, 1990 formulated and accepted by the State Government for weaving of Co-operative loan upto Rs. 10,000 per borrower disbursed by the Co-operative Bank through PACS/LAMPS/FSS and Primary Land Mortgage Banks falling overdue for recovery as on 2nd October, 1989, is hereby published for general information.

Chapter I

1. Short title, commencement and application.

(a)The Scheme shall be called "Assam Agricultural and Rural Debt Relief Scheme, 1990;(b)It shall come into force with effected from 15th May, 1990;(c)It shall apply to all eligible loans of Assam Co-operative Apex Bank Ltd. Assam Co-operative Central Land Mortgage Bank Ltd. District Central Co-operative banks and Primary Land Mortgage Banks as defined hereinafter.

2. Definition.

- In this scheme, unless the context otherwise requires-(a)"Agriculture" includes horticulture, animal husbandry, Forestry, Dairy and Poultry Farming, pisciculture (fisheries), Irrigation, farm mechanisation development of agricultural land and other allied activities, whether or not under taken jointly with agricultural and expression "agricultural operations" shall be construed

Accordingly;Explanation. - Gold and Jewel loans taken for agricultural as defined above will be covered under the Scheme.(b)"artisan" means an individual who is engaged in any activity of rural development relating to cottage and village industry, handicrafts, Weaving and other rural crafts;(c)"Bad crop year" in respect of a borrower means year in which fifty percent or more of his crop land is affected by any natural calamity as certified by the Sub- divisional Officer;Explanation. - If fifty percent or more crop land of a village is affected by any natural calamity, as certified by the Sub-Divisional Officer, it will be taken all the borrowers of that village experienced a "Bad crop year";(d)"Borrower" means an individual farmer, weaver or artisan or landless cultivator who had borrowed a loan or loans from one or more banks for any activity of agricultural or artisan and activity and who is a non-wilful defaulter;(e)"Bank" means the State Co-operative Bank, Central Co-operative Bank, Primary Co-operative Society, State Land Development Bank, and Primary Land Development Bank lending to individuals for Agricultural or artisan activity;Explanation. - Primary Co-operative Society includes PACS, LAMPS, FSS and Primary processing Society, Primary Industrial Co-operative Society lending to artisans.(f)"Effective date" means 2nd October, 1989.(g)"eligible loan" means-(i)that part of the short term loans, including converted rescheduled medium term loan, availed of by an individual borrower on or after 1st April, 1986, instalments of a term loan, failing due after 2nd October, 1986, which was overdue to a bank as on the effective date and includes overdue interest;Explanation. - The certificate of Sub-Divisional Officer will be required for the above categories of eligible loans;(ii)"Chronic overdue" means overdue including overdue interest of an individual farmer, weaver or artisan or landless cultivator who had borrowed a loan or loans from one or more banks, and who had overdue aged more than 3 years as on the effective date;Explanation. - The certificate of Sub-Divisional Officer will not be required for this category of eligible loans;(iii)The loans taken by a borrower who died on or before 2nd October, 1989. The certificate of Sub-Divisional Officer will not be required for this category of eligible loans;(iv)The overdue loan of a borrower who had been declared insolvent or whose petition is pending in the Court on or before 2nd October, 1989, for being declared insolvent subject to the provisions of Section 3 of the scheme. The certificate of Sub-Divisional Officer will not be required for this category of eligible loans;Explanation. - (1) In the case of an artisan the expression "short term loan" shall include working capital loan or cash credit limit availed of and the expression "term loan" shall include block Capital loan or composite loan. A working Capital loan is in the nature of running amount like cash credit block capital loan is a term loan which is repayable within a period not less than three years. A composite loan will have the elements of both the working capital and block capital loans.(2)Medium term converted loan would mean a short term production loan which has been converted into medium term loan due to natural calamity. The medium term rescheduled loan, would be a medium scheme converted loan, the maturity of which has been extended.(h)"Non-wilful defaulter" is a borrower of loan (s) who did not repay loan or loan installments due and experienced two or more years, whether consecutive or not, which were had crop year (s) one of which was the year in which the default occurred. In case of artisan or weaver, non-repayment because of loss of assets will also be treated as a non-wilful default;Explanation. - In case of a borrower having chronic overdue, it will be presumed that he did not have capacity to pay and as such he will be classified as a non-wilful defaulter.(i)"Wilful defaulter" is a borrower of loans for agriculture who did not repay the loan instalments due in that year which was not a bad crop year.

Chapter II

3. Relief and its extent.

- Branches of State Co-operative Bank, Central Co-operative Bank, Primary Land Development Bank, PACS, LAMPS, Processing Co-operative Societies, Artisan Co-operative Societies and Industrial Co-operative Societies and F.S.S. shall provide debt relief upto a limit of Rs. 10.00.000 to a borrower of eligible loans.

4. Identification of borrowers and determination of eligible Loan.

(1) Branch Managers of State Co-operative Bank, Board of Directors /Managing Committees of Central Co-operative Bank, PACS, LAMPS, FSS, Processing Co-operative Societies, Industrial Co-operative Societies, Artisan Co-operative Societies and Primary Land Development Bank, as the case may be will have the authority to determine eligible loans with the approval of Block Level Bankers Committee in the Block and sanction weaver of loan as provided in Clause 5 below. In the case of primary Land Development Banks, approval of Chief Executive Officer of State Land Development Bank shall be obtained before submission of details to the Block Level Bankers Committee. The Chief Executive Officer shall scrutinise the details as furnished by Primary Land Development Banks, before according approval. Explanation. - In case of those Blocks where the Block Level Bankers Committee are either not in existence or not functioning the function of the Block Level Bankers Committee under this scheme will be. discharged by District Level Consultative Committee for Bankers. (2) The Convenor of Block Level Banker Committee of District Level Consultative Committee for Bankers, as the case may be, will act as coordinator for implementation of this scheme. He would convene meetings of the Block Level Bankers Committee or district Level Consultative Committee for Bankers as the case may be to-(a) compile a list of borrowers with details of their principal, interest and overdues as required under the scheme; and (b) verify whether the concerned Village/borrowers experienced bad crop year in terms of clause 2 (c) subject to those conditions being met; the said Block Level Bankers Committee or District Level Consultative Committee for Bankers; as the case may be, will approve the waiver of loans under this scheme and debt relief to eligible borrowers will be provided automatically without any further reference to regional office/head office of Banks or any other State/Central Government authorities.

5. Adjustment in the Loan accounts.

(1) If the waiver amount is sufficient to clear the outstanding principal and interest, such accounts should be closed and the borrowers advised in writing about the extent or relief provided and closure of the account. In cases where the principal and interest exceed Rs. 10.000.00 such borrowers should be advised about the relief provided to them and the balance outstanding in the account. Such borrowers should be advised to repay the balance amount. (2) Credits may be given in the eligible loan account to the extent of outstanding principal and interest subject to the maximum of Rs. 10,000/- and the aggregate amount held in the account called "Receivable from the Government of India/State Government under Debt Relief Scheme" till the amount is received from

the Central/State Co-operative Bank/Central Co-operative Bank/Central Co-operative Land Development Bank as the case may be, either by book adjustment or in cash. Central Co-operative Bank shall prefer claims on behalf of their affiliated PACS/FSS/Artisan societies and Central Land Development Bank shall prefer their claim on behalf of their affiliated Primary Land Development Banks. Explanation. - The interests shall be adjusted first and the balance will be adjusted towards principal.

6. Eligibility of beneficiaries for fresh loan.

- The borrower whose loan accounts are closed/adjusted under Section 5(2) of this scheme shall be considered as eligible for fresh loans and advances by the Bank for the ensuing seasonal agricultural operation, provided however, that any such borrower who fails to repay any loan or loan instalments falling due after 2nd October, 1989 or remaining overdue on the effective date will be considered as defaulter.

7. Submission of claim statement.

- Central Co-operative Bank/Branches of State Co-operative Bank and State Land Development Bank shall prepare and submit consolidated claims in respect of the amount of relief to the State Co-operative Bank. The State Land Development Bank shall submit this scheme in respect of primary Land Development Banks.

8. Interest claims.

(1) The claim statement submitted to the State Co-operative Bank shall cover interest dues on the outstanding loan amount only upto and inclusive of effective date and not beyond. (2) The interest that has accrued on the outstanding loan amount after the effective date till date of adjustment of the said loan as provided hereinafter shall be borne and paid by the beneficiaries to the financing institution, such unpaid dues will be construed to the default and unless this is paid by the beneficiary he will not be entitled to any fresh loan.

9. Payment of claim amount.

(1) In order to maintain liquidity of State Co-operative bank a part of the claim amount will be disbursed in advance to them by the Government, of India/NABARD out of their share and State Government shall also release on the matching basis. (2) Subject to payment made by the Government of India/National Bank/State Government, the State Co-operative Bank shall as soon as possible but not later than three months from the date of receipt of the claims, complete payment of the full amount to the Bank as defined in Clause 2(e) of this Scheme.

10. Adjustment of claim in proportion to the amount of loan availed of.

- In cases where a borrower had taken loan from more than one bank, the claim amount shall be adjusted in proportion to the amount of loan taken from each of the banks.

11. Release of payment.

- All payment to be made by Government of India/State Government shall be routed through State Co-operative Bank. On receipt of claim, State Co-operative Bank shall release payment to the claimants as mentioned in clause 7 of the Scheme, by way of book adjustment or in cash, provided that, book adjustment shall be made only in respect of outstanding to which this scheme relates. The said claimants shall on their turn pass on the amount in the same manner to concerned Co-operative Societies/Beneficiaries as the case may be.

12. Publicity for the Scheme.

- A copy of the Scheme will be printed in regional languages and displayed on the notice board of the banks as defined in the scheme. The State Co-operative Bank will be responsible for making arrangement for the same.

13. Dues from liquidated societies.

- The dues from members of the societies under liquidation/merger will come under the purview of the scheme.

14. Administrative guidelines.

- The State Government will issue suitable administrative guidelines for smooth and expeditious implementation of the Scheme, in line with the guidelines issued by Reserve Bank of India and NABARD.