

The Jammu and Kashmir Government Aid to Agriculturists and Land Improvement Act, 1993 (1936 A. D.)

JAMMU & KASHMIR

India

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Act 7 of 1993

- Published on 14 May 1936
- Commenced on 14 May 1936
- [This is the version of this document from 14 May 1936.]
- [Note: The original publication document is not available and this content could not be verified.]

The Jammu and Kashmir Government Aid to Agriculturists and Land Improvement Act, 1993 (1936 A. D.) Act No. 7 of 1993 [Received assent of His Highness the Maharaja Bahadur on 14th May, 1936/2nd Jeth, 1993, and published in Government Gazette dated 12th Har, 1993.] Preamble. - Whereas it is expedient to consolidate and amend the law relating to, and make better provision for, grant of loans by the Government for the agricultural improvements and for relief of distress among zamindars; It is hereby enacted as follows :-

1. Title, extent and commencement.

(1) This Act may be called the Jammu and Kashmir Government Aid to Agriculturists and Land Improvement Act, 1993. (2) It extends to the whole of the Jammu and Kashmir State. (3) It shall come into force on 19th Har, 1993.

2. Repeal of, and reference to previous rules.

(1) On and from the day on which this Act comes into force, all Rules and Standing Orders, as per Schedule A annexed to this Act, regarding grant of taccavi for construction of wells, etc., and for relief of distress amongst zamindars shall, except as regards the recovery of advances made before this Act comes into force, and of costs incurred by the Government in respect of such advances and of the interest thereon, be repealed. (2) When in any Regulation or rules passed or issued before this Act comes into force, reference is made to the Rules and Standing Orders repealed under sub-section (1) above, the reference shall, as far as may be practicable, be read as applying to this Act, or the corresponding part of this Act.

3. Definitions.

- In this Act, unless there is something repugnant in the subject or context,-(1)"improvement" means any work which adds to the letting value of land, and includes the following, namely :-(a)the construction of wells, tanks and other works for the storage, supply or distribution of water for the purpose of agriculture, or for the use of men and cattle employed in agriculture ;(b)the preparation of land for irrigation ;(c)the drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or waste-land which is culturable ;(d)the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes ;(e)the planting of trees for agricultural purposes and construction of cattle sheds ;(f)installation of plant, machinery and improved farm implements with a view to adopting modern methods of agriculture and for developing agricultural industry ;(g)the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto ;(h)such other works as the [Government] [Substituted for 'Council' by Act No X of 1996.] may, by notification in the Government Gazette, declare to be improvements for the purposes of this Act ;(2)"distress" means any extraordinary natural [or other] [Inserted by Act No. V of 1966.] calamity affecting agricultural operations or resources, such as the failure or destruction of crops or damage to articles of husbandry or cattle by draughts, frost, rust, floods, cloud-burst, hail, blight, locusts, fire or by disease or other physical visitations ;(3)[by the term 'Agriculturists' is meant a person who is a member of an Agricultural class under the Jammu and Kashmir Alienation of Land Act, V of 1995, and also includes for the purpose of this Act a person who ordinarily resides in a village as defined in the Jammu and Kashmir Village Panchayat Act, 1958.] [Sub-section (3) substituted by Act No. V of 1966.]

4. Authority for grant of loans and purposes for which loans may be granted.

(1)Subject to such rules as may be made : [under section 17] [Substituted by Act No. V of 1966.] below loans may be granted under this Act by such officer, as may, from time to time, be empowered in this behalf by the [Government] [Substituted for 'Council' by Act No. X of 1996.]- (a)to any person having a right to make any improvement, for the purpose of making that improvement ;(b)to any proprietor or occupancy tenant of agricultural land [or to any other person ordinarily residing in a village as defined in the Jammu and Kashmir Village Panchayat Act, 1958] [Inserted by Act No. V of 1966.] for the relief of distress ; or(c)to any person for advancement of any other purpose directly connected with agricultural objects or pursuits.(2)Loans may be granted, with the consent and in the interests of persons mentioned in clauses (a) to (c) of sub-section (1) of this section, to any other person, for the purposes specified.(3)Under special circumstances of exceptional nature, the Revenue Minister [or the Minister for Rehabilitation] [Inserted by Act No. VI of 1966 with effect from 1-4-1966.] may also recommend to Government for grant of other free aid.

5. Mode of dealing with application for loan for purposes (a) and (c) of section 4 (1).

(1)When an application for a loan for purposes mentioned in clauses (a) and (c) of section 4 (1) of

this Act is made, the officer to whom the application is made, may, if it is, in his opinion, expedient that public notice be given of the application, publish a notice in the usual manner, calling upon all persons objecting to the loan for the particular purpose to appear before him at a time and place fixed therein and submit their objections.(2)The officer shall consider every objection submitted under sub-section (1), and make an order in writing either admitting or overruling it :Provided that, when the question raised by an objection is in the opinion of the officer, one of such a nature that it cannot be satisfactorily decided except by a Civil Court, he shall postpone his proceedings on the application until the question has been so decided.(3)If the officer is satisfied that the application for grant of loan may be allowed, he shall determine whether the loan may be advanced in lump sum or by instalments, and in the latter case, to what extent and at what intervals.

6. Period for repayment of loans for purposes (a) and (c) of section 4 (1).

(1)Every loan granted under this Act for purpose mentioned in clauses (a) and (c) section 4 (1) of this Act, shall be, made repayable by instalments (in the form of an annuity or otherwise) within such period from the date of the actual advance of the loan, or, when the loan is advanced in instalments from the date of the advance of the last instalment actually made, as may be fixed by the officer granting the loan.(2)The period for repayment, fixed as aforesaid, shall not ordinarily exceed twenty years, and shall be determined having regard to the durability of the work for the purpose of which the loan is granted and to the expediency of the cost of the work being paid by the generation of persons who will immediately benefit by the work.(3)[Notwithstanding anything contained in sub-sections (1) and (2), any loan granted for purposes of purchasing seeds, fertilisers, pesticides and insecticides, under sub-clause ee of sub-section (1) of section 4 shall be repaid by the borrower in lump within one year from the date of the advance of the last instalment.] [Added by Act No. XII of 1973, Section 2.]

7. Loans for relief of distress.

(1)Measures adopted under section 4, for relief of distress, shall ordinarily be in the form of loans for-(a)[purchase of food grains or seeds ;] [Substituted by Act No. V of 1966.](b)purchase of bullocks, foals or cattle ;(c)purchase of fodder for storage against drought ;(d)purchase of other articles of husbandry ; or(e)construction of new sheds for cattle in cases where old sheds have been burnt or destroyed by floods or other causes beyond control.(2)Loans for relief of distress shall ordinarily be advanced in lump sum.

8. Period for repayment of loans for relief of distress.

(1)Every loan granted under this Act for relief of distress shall be made repayable by instalments within such period from the date of the loan of the advance actually made, as may be fixed by the officer granting the loan.(2)[The period for repayment, fixed as aforesaid in respect of loans for relief of distress, shall not exceed 10 years having regard to the capacity of the grantee to pay.] [Substituted by Act No. VI of 1966 with effect from 1-4-1966.]

9. Recovery of loan.

(1) Subject to such rules as may be made under section 8 all loans granted under this Act, all interest (if any) chargeable (thereon) and costs (if any) incurred in making the same, shall, when they become due, be recoverable by the Tehsildar of the Tehsil concerned in all or any of the following modes, namely :- (a) from the borrower as if they were arrears of land revenue due by him ; (b) from his surety (if any) as if they were arrears of land revenue due by him ; (c) out of the land for the benefit of which the loan has been granted as if they were arrears of land revenue due in respect of that land ; (d) out of the property comprised in the collateral security (if any) according to the procedure for the realization of revenue by sale of immovable property other than the land on which that revenue is due : Provided that, no proceeding in respect of any land under clause (c) shall affect any interest in that land which existed before the date of the order granting the loan, other than the interest of the borrower, and of mortgagees of, or persons having charges on, that interest, and, where the loan is granted under section 4 with the consent of another person, the interest of that person, and of mortgagees of, or persons having charges on that interest. (2) When any sum due on account of any such loan, interest or costs is paid to the Tehsildar by a surety or an owner of property comprised in any collateral security, or recovered under sub-section (1) by the Tehsildar from a surety or out of any such property, the Tehsildar shall, on the application of the surety or the owner of that property (as the case may be) recover that sum on his behalf from the borrower, or out of the land for the benefit of which the loan has been granted, in manner provided by sub-section (1). (3) It shall be in the discretion of the Tehsildar acting under this section to determine the order in which he will resort to the various modes of recovery permitted by it.

10. Order granting loan for improvement conclusive on certain points.

- A written order under the hand of an officer empowered to make loans under this Act, granting a loan to, or with the consent of, a person mentioned therein, for the purpose of carrying out an improvement work described therein, for the benefit of land specified therein, shall for the purposes of this Act, be conclusive evidence- (a) that the work described is an improvement within the meaning of this Act ; (b) that the person mentioned had at the date of the order a right to make such an improvement ; and (c) that the improvement is one benefiting the land specified.

11. Liability of joint borrowers as among themselves.

- When a loan is made under this Act to the members of a village community or a society incorporated under the Co-operative Societies Act of 1993 or to persons on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed, marked or sealed by each of them or his agent duly authorised in this behalf, and by the officer making the order, that statement shall be conclusive evidence of the portion of that amount which as among themselves each of those persons is bound to contribute.

12. Exemption of improvements from assessment to land revenue.

(1)When land is improved with the aid of a loan granted under this Act the increase in value derived from the improvement shall not be taken into account in revising the assessment of the land revenue on the land:Provided that, where the improvement consists of the irrigation of land assessed at unirrigated rates, the increase, may be so taken into account after the expiration of such period as may be fixed by rules to be framed by the Revenue Minister with the sanction of the Government.(2)Nothing in this section shall entitle any person to call in question any assessment of land revenue otherwise than as it might have been called in question if this Act had not been passed.

13. Powers for suspension and remission of loans.

- When it appears for sufficient cause that the loan granted under this Act cannot be repaid within the period fixed for repayment, or when any portion of the loan granted is found to be irrecoverable, or when for any special cause it appears that the loan ought not to be recovered, the powers for suspension and remission of the loan shall be the same as are laid down in the general rules of suspension and remission of land revenue in force under orders of Government.

14. Court-fees and stamp duties.

(a)Applications for loans under this Act shall be exempt from court-fees.(b)An instrument executed by a person taking advances under this Act or by his sureties, as security for the repayment of such advances, including an instrument whereby a landlord binds himself to consent to the transfer, in the event of default in such repayment, of any land or interest in land, on the security of which any such loan is made to his tenant, shall be exempt from stamp duty.

15. Training of apprentices.

- Every recipient of loan for improvements under this Act, shall, if required, make such provisions for the training of apprentices in agricultural methods, as the [Government] [Substituted for 'Revenue Minister' in section 15 by Act No. X of 1996.] may from time to time prescribe.

16.

[Omitted.] [Section 16 omitted by Act No. V of 1966.].

17. Power to make rules.

- The [Government] [Substituted for the words 'Revenue Minister with the approval of the Council' in section 17 by Act No. X of 1996.] may, from time to time, by notification in the Government Gazette, make rules consistent with this Act to provide for the following matters, namely :-(a)the manner of making applications for loans ;(b)the officers by whom loans may be granted ;(c)the manner of conducting enquiries relative to applications for loans, and the powers to be exercised by

officers conducting those enquiries ;(d)the nature of the security to be taken for the due application and repayment of the money, the rate of interest at which and the conditions under which, loans may be granted, and the manner and time of granting loans ;(e)the inspection of works for which loans have been granted ;(f)the instalments by which, and the mode in which loans, the interest to be charged on them and the costs incurred in the making thereof, shall be paid ;(g)the manner of keeping and auditing the accounts of the expenditure of loans and of the payments made in respect of the same ; and(h)all other matters pertaining to the working of the Act.

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of Revenue Department Notifications etc., repealed [vide section 2 (1) of the Jammu and Kashmir Aid to Agriculturists and Land Improvement Act No. VII of 1993],

S. No.	No. and date of circular or order and referenceto Zabita Mal	Subject
1.	Circular No. 20 of 1947 (vide Zabita Mai Part I, pages253-257)	Rules regarding grant of PartTaccavi.
2.	Circular No. 1 of Baisakh 1949 (wide pages 258-260 of ZabitaMai Part I).	Rules regarding grant ofTaccavifor, purchase of seedin Kashmir Province.
3.	Council Resolution No. 24 dated 6th Assuj, 1986 (vide page260 of Zabita Mai. Part I).	Term of protective leases for wells etc. constructed withthe aid ofTaccavi.
4.	His Highness, Order dated 23rd January, 1915 on para 66 onlyof the Assessment Report of Samba Tehsil	Protective leases for wells in Samba Tehsil.
5.	His Highness, Order No.2214 dated 12th February, 1917 on para56 of Assessment Report of Sir Ranbir Singh Pura Tehsil.	Protective leases for wells in Sir Ranbir Singh Pura Tehsil.
6.	Ailan No. 10, dated 1st Badhon, 1980, pages 207-208 ofRevenue Circulars and Hidayats, 1972-1984.	Taccavi, for purchase of cattle and for wells etc.