

Haryana Kisan Pass Book Act, 1994

HARYANA

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Act 13 of 1994

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Haryana Kisan Pass Book Act, 1994 Haryana Act No. 13 of 1994 Received the assent of the President of India on the 1st July, 1994, and was published in the Haryana Gazette, (Extra), Legislative Supplement, Part I, dated July 14, 1994/Asadha 23, 1916 An Act to provide for the issue of Kisan Pass Books to Kisans containing record of rights and liabilities of his agricultural holdings in a revenue estate and to enable them to have credit facilities and for other matters connected or incidental thereto. Be it enacted by the Legislature of the State of Haryana in the Forty-fifth year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Haryana Kisan Pass Book Act, 1994. (2) It extends to the whole of the State of Haryana. (3) It shall come into force on such date, as the State Government may by notification, appoint. Presently a farmer is entirely dependent on the Patwari for all matters connected with the records regarding his/her land. He/she is not certain about his/her rights over the land and whenever he/she has to obtain a loan or, even for minor matter, has to go to the Patwari to get copies of the land he/she owns. This causes him/her a lot of inconvenience and also leads to malpractices because of unscrupulous persons who are able to take advantage of his/her ignorance. In many cases it has led to civil litigation and consequent unnecessary expenditure by the farmer. The State Government earlier issued Kisan Pass Books during 1969, but due to its non-legal status and lack of evidentiary value, these proved to be of no use to the farmer. The proposed 'Haryana Kisan Pass Book Act', would declare the Kisan Pass Book as legal document to : (i) to remove the dependence of the farmer on the Patwaris for obtaining copies of the record of his/her land. (ii) enable the farmer to know the actual possession of his/her holdings. (iii) provide greater security to the farmer in legal/financial matters relating to his/her land. (iv) the entries contained therein shall be presumed to be true and carry legal/evidentiary value. (v) make the eligibility of the farmers to get loans from the financial institutions. (vi) ensure that the record of his/her land remains up-to-date.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"agriculture" includes making land fit for cultivation, cultivation of land, improvement of land including development of sources of irrigation, soil conservation and land development measures, raising and harvesting of crops, horticulture, forestry, cattle breeding, animal husbandry, dairy farming, seed farming, pisciculture, sericulture, bee- keeping, piggery, poultry farming and other activities including transportation of agricultural produce, etc., as are generally carried on by agriculturists, dairy farmers, cattle breeders, poultry farmers and other categories of persons engaged in similar activities and the words 'agricultural purposes' shall be construed accordingly;(b)"co-operative society" means a co-operative society as defined in the Haryana Co-operative Societies Act, 1984 (Haryana Act 22 of 1984);(c)"financial assistance" means an assistance rendered by way of loans, advances or otherwise for the purposes of agriculture by a financial institution or Government;(d)"financial institution" means and includes -(i)a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949 (Central Act 10 of 1949);(ii)the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955);(iii)a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959);(iv)a corresponding new bank as specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970);(v)the Agricultural Refinance and Development Corporation established under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act 10 of 1963);(vi)Agricultural Finance Corporation Limited, a Company incorporated under the Companies Act, 1956 (Central Act 1 of 1956);(vii)Regional Rural Bank established under the Regional Rural Banks Act, 1976 (Central Act 21 of 1976);(viii)the National Bank for Agriculture and Rural Development established under the National Bank for Agriculture and Rural Development Act, 1981 (Central Act 61 of 1981);(ix)the Haryana State Co-operative Bank or any other co-operative society;(x)the Haryana Land Reclamation and Development Corporation;(xi)the Haryana Agro Industries Corporation;(xii)the Haryana State Khadi and Village Industries Board;(xiii)the Haryana State Harijan Kalyan Nigam;(xiv)the Haryana State Backward Classes Kalyan Nigam;(xv)the Haryana Women and Weaker Sections Development Corporation;(xvi)any other institution which may be notified in this behalf by the State or Central Government.(e)"form" means a form appended to this Act;(f)"Kisan" means a person having an interest in a holding whether as a land owner, tenant, mortgagee, Dholdar or Pattadar including lessee of Panchayat or Government land except holder of a plot allotted for residential purposes;(g)"Kisan Pass Book" means a Pass Book containing certified extracts from record-of-rights maintained under section 31 of the Punjab Land Revenue Act, 1887, showing the nature and extent of interest of a Kisan in his agricultural holding or holding in a revenue estate and other particulars as may be prescribed;(h)"land" means land which is not occupied as the site of any building in a town or village and is occupied or has been let for agricultural purposes or for purposes subservient to agriculture, or for pasture, and includes the sites of buildings and other structures on such land;(i)"prescribed" means prescribed by rules made under this Act;(j)"Public Servant" means the servant as defined in section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860);(k)"revenue officer" means the circle revenue officer or any other officer appointed by the State Government for the purpose of this Act;(l)"Sub-Registrar" shall have the same meaning as assigned to it in the Registration Act, 1908 (Central Act 16 of 1908);(m)Words and expressions defined in the Punjab Tenancy Act (Punjab Act 10 of 1887) and

Punjab Land Revenue Act (Punjab Act 17 of 1887) but not defined in this Act, shall, wherever used herein, be construed to have the meaning assigned to them by the said Acts; and (n) Words and expressions used to denote the holder of any right, title or interest shall be deemed to include the predecessors and successors of any right, title or interest of such person.

3. Act to override other laws.

- The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything contained in the Registration Act, 1908 (Central Act 16 of 1908), or in any other law for the time being in force.

4. Issue of Kisan Pass Book.

- As soon as may be after the commencement of this Act, there shall be issued by each Patwari, a Kisan Pass Book to every Kisan in his revenue estate : Provided that in respect of co-sharers an entry shall be made showing therein and nature of their interest in the joint holding other than the holding owned jointly by Jumla Mushtarka Malkan Wa Deegar Haqdarans in the Kisan Pass Book issued to each of them : Provided further that in the revenue estate where settlement or consolidation operations are being conducted a fresh Kisan Pass Book shall be issued as soon as operations are concluded and record of rights is prepared.

5. Contents of Kisan Pass Book.

(1) The Kisan Book shall be in such form containing such particulars of the Kisan and valid for such period as may be prescribed. (2) The Kisan Pass Book shall be completed by such persons and in such manner as may be prescribed. (3) On the presentation of the Kisan Pass Book at the time of attestation of mutation or otherwise with regard to any changes in the interest of the holding of the Kisan, the revenue officer after being satisfied of the correctness of the changes on the basis of the mutation proceedings and other relevant evidence, shall make an entry with respect to such changes in the Kisan Pass Book in such form and manner as may be prescribed. (4) It will be obligatory on the part of the Kisan Pass Book holder to get it updated after the expiry date mentioned on title page of the Kisan Pass Book, otherwise it will not be entertained as legal document whenever presented. Soon after the consignment of the next Jamabandi of the revenue estate in the Sadar Office but not later than 30th April, the holder of the Kisan Pass Book shall hand it over to the patwari for updating the entries according to the new Jamabandi against receipt as may be prescribed. However, pending updation of the Kisan Pass Book, the entries therein for the period of the preceding Jamabandi would continue to remain valid for that period only.

6.

(1) Every entry made in the manner prescribed in section 5 of the Kisan Pass Book issued under Section 4 shall be presumed to be true until the contrary is proved. (2) The entries in the Kisan Pass Book shall carry the same evidentiary value as if these were certified copies of the record-of-rights

and other public record for all intents and purposes, before the public servant, courts or financial institutions.(3)If there be any mistake in the Kisan Pass Book, the same can be challenged by making an application to the Sub-Division Officer (Civil) who shall make such appropriate orders to rectify it as he deems fit.

7. Transfer not to be registered except on production of Kisan Pass Book.

(1)No transfer made by the holder of a Kisan Pass Book in respect of any land specified in such Kisan Pass Book or any interest in such land or any crop standing thereon shall be registered by the Sub-Registrar unless the Kisan Pass Book is produced before him, and on the production thereof, he shall incorporate the particulars of the transfer registered by him in such form and manner as may be prescribed.(2)Any transfer effected in contravention of this section shall be void.

8. Alteration not to be made in the Revenue record except on production of Kisan Pass Book.

(1)No alteration in the revenue record shall be made by the revenue officer as a consequence of any transfer of land or any interest therein except on the production of the Kisan Pass Book.(2)It shall be lawful for the revenue officer to direct the transferor or transferee of any right or interest in the land to produce the Kisan Pass Book on demand within fifteen days by issuing him a notice and it shall be incumbent upon such transferor or transferee to produce the Kisan Pass Book either personally or through an authorised agent for making an entry indicating the change.(3)Any alteration made in contravention of this section shall be void.

9. Grant of financial assistance by financial institutions.

(1)Financial assistance will be granted by a financial institution to a Kisan on production of Kisan Pass Book. However, production of Kisan Pass Book will not be necessary for crop loans advanced by co-operative societies.(2)A financial institution granting any financial assistance to the holder of the Kisan Pass Book shall incorporate in the Kisan Pass Book the factum of such financial assistance and where such financial assistance has been given on the security of any holding the financial institution shall also make an entry against the holding on the security of which the financial assistance has been granted by it, and the entry so made shall have the effect of creating a charge in favour of the financial institution on the holding against which the entry has been made and the holder of the Kisan Pass Book shall be debarred from alienating the said holding until the outstanding amount of the financial assistance granted by the financial institution has been repaid together with interest due thereon :Provided that where any charge on any land or interest therein was created by a Kisan in favour of a financial institution before the commencement of this Act, it shall not debar him from creating, after such commencement, a subsequent charge on such land or interest therein in favour of a financial institution as security for any financial assistance given to him by such institution :Provided further that the financial institution which sanctions the first loan after the issue of the Kisan Pass Book shall ascertain and verify within fifteen days all outstanding loans (except crop loan) advanced by co- operative societies and encumbrances created by the

Kisan, as the case may be, by procuring an affidavit to that effect and shall enter and authenticate the details thereof in the Kisan Pass Book.(3)The financial institution shall endorse a copy of the relevant entries incorporated in the Kisan Pass Book to the revenue officer as well as the Sub-Registrar within the local limits of whose jurisdiction the whole or any part of the property which has been so charged is situated and on receipt of the same the revenue officer shall cause necessary entry to be made in the record of rights maintained under the Punjab Land Revenue Act, 1887.

10. Priority of charge.

- A charge or mortgage created on any land or interest or crops standing thereon after the commencement of this Act, in favour of Government shall have priority over a charge or mortgage on such land or interest created by a Kisan in favour of a financial institution as security for financial assistance given to him by the financial institution after the commencement of this Act.

11. Periodicity of Kisan Pass Book.

- A Kisan Pass Book issued under section 4 and made upto date shall remain in force until the next Jamabandi and shall be valid thereafter only if it has been made upto date and so certified in the manner as may be prescribed.

12. Cost of Kisan Pass Book.

- The Kisan Pass Book shall be issued to a Kisan on payment of such amount as may be prescribed.

13. Protection of action taken in good faith.

- No suit or other legal proceedings shall lie against the Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

14. Penalty for disobedience of orders of revenue officer and for interpolation etc. in the Kisan Pass Book.

(1)If any person fails or refuses to produce a Kisan Pass Book on demand by a revenue officer or interpolate or erase anything in the Kisan Pass Book with an intent to defraud any authority under the Act or makes any false statement knowing or having reasons to believe the same to be false or which he does not believe to be true with a view to gain wrongfully, shall be liable to be punished with an imprisonment which may extend to six months or with fine which may extend to five hundred rupees or with both.(2)No court shall take cognizance of an offence punishable under sub-section (1) except on a complaint made by the revenue officer. However, financial institutions may inform the revenue officer about any tampering within the Kisan Pass Book coming to their notice. Each page of the Kisan Pass Book will be serially numbered and name of the Kisan written on each

page to avoid tampering with.

15. Power to make rules.

(1)The State Government may, by notification in the official gazette and subject to the condition of previous publication, make rules to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such rules may provide for -(a)the form, particulars and period of validity of the Kisan Pass Book under sub-section (1) of section 5;(b)persons and manner for the completion of Kisan Pass Book under sub-section (2) of section 5;(c)the form and manner in which the entry shall be made in the Kisan Pass Book under sub-section (3) of section 5;(d)the form and manner in which the particulars of the transfer shall be incorporated in the Kisan Pass Book under sub-section (1) of section 7;(e)the manner in which the Kisan Pass Book shall be made upto date and certified under section 11;(f)the amount of Kisan Pass Book under section 12;(g)any other matter for which provision is in the opinion of the Government necessary for giving effect to the purposes of this Act.(3)Every rule made under this section or any other provision of this Act shall be laid as soon as may be after it is made before the House of State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.