

# **Haryana Agricultural Credit Operations and Miscellaneous Provisions (Banks) Rules, 1974**

HARYANA

India

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### **Rule**

### **HARYANA-AGRICULTURAL-CREDIT-OPERATIONS-AND-MISCELLANEOUS PROVISIONS (BANKS) RULES, 1974**

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Haryana Agricultural Credit Operations and Miscellaneous Provisions (Banks) Rules, 1974 Published vide Haryana Notification No. G.S.R. 108/H.A. 34/73/S. 23/74. dated 28th August, 1974

#### **1. Short title.**

- These rules may be called the Haryana Agricultural Credit Operations and Miscellaneous Provisions (Banks) Rules, 1974. Haryana Government Agriculture Department No. G.S.R. 108/H.A. 34/73/S. 23/74. dated 28th August, 1974 - In exercise of the powers conferred by sub-section (1) of Section 23 of the Haryana Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1973 and with reference to Haryana Government Agriculture Department notification No. G.S.R. 93/H.A. 34/73/S. 23/74, dated the 26th July, 1974, the Governor of Haryana hereby makes the following rules, namely:-

#### **2. Definitions.**

- In these rules, unless the context otherwise requires, -(a) "Act" means the Haryana Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1973 : (b) all other terms and expressions used herein and not defined but defined in the Act, shall have the meanings assigned to them in that Act.

### **3. Charge on crops or other movable property [Section 3(2)].**

(1)An agriculturist desirous of creating a charge on the movable property owned by him or on the crops raised by him, standing or otherwise, or other produce from land cultivated by him to the extent of his interest therein, in favour of a bank to secure financial assistance from that bank, shall obtain a certificate in form I appended to these rules, from the co-operative society or co-operative societies in the area where the agriculturist resides and of which he is a member.(2)The certificate in form I shall be accompanied by an affidavit of the applicant to the effect that the certificate filed by him related to all the co-operative societies of which he is a member. In case the applicant is not a member of any co-operative society, he shall give an affidavit to that effect.

### **4. Preparation and publication of list of co-operative societies [Section 3]**

- The Registrar, Co-operative Societies, Haryana, shall prepare a list of all the co-operative societies registered in the State along with the area of operation of each society, as on 30th June, and get it published in the official Gazette by the 31st August, each year.

### **5. Distrain and sale of property[Section 3(5)]. (1)**

- If an agriculturist fails to repay to the bank, the whole or part of the loan obtained by him by the due date, the bank shall serve him with at least fifteen days clear notice informing him that if he fails to pay the amount due within the period specified in the notice, the property charged to the bank shall be distrained and sold through an official of the State Government, designated in this behalf by the State Government.(2)On the agriculturist failing to make the payment to the bank within the period as specified in the notice under sub-rule (1), the bank shall apply to the Tehsildar, within whose jurisdiction the agriculturist resides or holds property charged in favour of the bank, giving the particulars of the property on which the charge was created and the amount due and request the Tehsildar for distraint and sale of the said property.(3)The Tehsildar on being satisfied that the agriculturist had failed to pay the amount due to the bank within the period as specified in the notice under sub-rule (1) shall, after giving the defaulter a reasonable opportunity of being heard, distrain the movable property charged in favour of the bank and sell it by public auction.(4)The Tehsildar shall make payment of the dues of the bank out of the proceeds of such sale and refund to the agriculturist excess amount, if any.

### **6. Variation of extinguishment of charge [Section 4(2)].**

- As soon as an agriculturist creates a charge on land or any other immovable property which he owns or in which he has an interest or the charge so created is varied or extinguished, the bank shall send intimation thereof to the Tehsildar concerned or any other authority charged with the maintenance of records of such property or interest, as the case may be, for making suitable entries in the records.

## **7. Application be lending bank [Section 8(1)].**

- If an agriculturist who has created a charge or mortgage on any land or interest therein in favour of a bank for any financial assistance given to him by that bank and has failed to repay the whole or any part of the amount of such assistance, the bank may apply to the Sub-Divisional Officer (Civil) of the sub-division in which such agriculturist resides or owns property for its recovery by the sale of such land or of any interest therein or any other immovable property upon which the payment of such financial assistance was charged or mortgaged in accordance with the provisions of section 4 of the Act.(2)On such an application, the Sub-Divisional Officer (Civil), if he is satisfied that the agriculturist created a charge or mortgage on such land or interest therein or on any other immovable property in favour of the applicant bank, he shall issue a notice to the agriculturist or to his heir or legal representative, as the case may be, informing him that if the sum due to the bank is not paid within one month of the receipt of the notice the same shall be recovered by sale of such land or interest therein or other immovable property by public auction.(3)If the agriculturist or his heir or legal representative fails to pay the amount due to the bank within one month from the date of the receipt of notice, the Sub-Divisional Officer (Civil) shall pass orders for the payment of sum due to the bank by the sale of his land or any interest therein or any other immovable property. While passing such orders he shall keep in view the provisions of sections 5 and 6 of the Act and of rule 8 of these rules.(4)When such property has been sold by public auction, out of the sale proceeds of such auction, the amount due to the applicant bank shall be paid to it by the Sub-Divisional Officer (Civil) after deducting two per cent (of the sale-proceeds) as recovery charges. The amount deducted on account of recovery charges shall be deposited into the Government Treasury under the appropriate head of the account. The excess amount, if any, shall be paid to the agriculturist or his heir or legal representative, as the case may be.

## **8. Acquisition and sale of property by bank [Section 9(1)].**

(1)The property referred to in rule 7, shall not be sold if at the time of auction no person offers to purchase it for a price which is sufficient to pay to the bank the money due to it. The Sub-Divisional Officer (Civil) shall, however, make enquiries from the applicant bank if it itself wants to acquire such property or interest therein.[Section 9(2)]. (2) If the said bank wants to acquire such property or interest therein, it may acquire it in accordance with the provisions of sub- section (1) of section 9 of the Act. The said bank shall dispose it of by sale within a period of three years.Form[(See rule 3(2)]

**1. Name of the loanee -----**

**2. Father's name of the loanee -----**

**3. Address of the loanee -----**

- 4. Name of the Co-operative Society -----**
- 5. Area of operation of the co-operative Society -----**
- 6. Date on which the society was registered -----**
- 7. Whether the loanee is a member of the Society -----**
- 8. No. of shares held by the loanee -----**
- 9. Amount of loan advanced by the society to the loanee -----**
- 10. Date on which the loan was advanced -----**
- 11. (a) Total loan outstanding against the loanee -----**  
(b)Overdues, if any, and the date from which arrears are overdue -----
- 12. Purpose for which the loan was advanced -----**
- 13. Details of property movable or immovable, pledged by the loanee in favour of the society -----**

It is certified that the above particulars are correct to the best of my knowledge and belief. Secretary of the Society.