

The M.P. Agriculturists Loans Rules, 1962

MADHYA PRADESH

India

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Rule THE-M-P-AGRICULTURISTS-LOANS-RULES-1962 of 1962

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The M.P. Agriculturists Loans Rules, 1962 Published vide Notification No. 6225-48-92-7-NII of 1962, M.P. Gazette Part 4(Ga), dated 4-1-1963, Pg 1 Notification No. 6225-48-92-VII-NII of 1962. - In exercise of the power conferred by Section 4 of the Agriculturists' Loans Act, 1884 (XII of 1884), and in supersession of all rules previously made on the subject, the State Government hereby makes the following rules, namely:-

1.

(1) These rules may be called The Madhya Pradesh Agriculturists' Loans Rules, 1962. (2) In these rules, unless the context otherwise requires-(a) 'Act' means the Agriculturists' Loans 1884 (XII of 1884); (b) 'Controlling Officer' means the Commissioner of a Division; (c) 'Form' means form appended to these rules. The manner of making Application for Loans

2.

Application for Loans shall be in Form A and they may be made to any Revenue Officer or to any other officer competent to advance loans. Printed copies of the form shall be supplied free of cost at all tahsil offices and offices of officers competent to grant loans and shall be distributed on tour by Revenue Inspectors and Village Level Workers whenever they are required. In the case of oral application, the form shall be filled in for the applicant by a revenue official or an official of the office of the officer competent to grant the loan. Note: Such applications are exempted from court-fees. The Power of Sanction

3.

Loans may be granted only by officers to whom an allotment of funds for the purpose has been made by competent authority and only within the limits of that allotment.

4.

Subject to the provisions of Rule 3, loans may be granted by the following officer to the extent mentioned against them to any individual:

Name of Officer	Maximum limit
1	2
1. Commissioners	Rs. 10,000
2. Collectors	5,000
3. Sub-Divisional Officers	1,000
4. Tahsildar including Naib-Tahsildars exercising powers of a Tahsildar under the Madhya Pradesh Land Revenue Code, 1959	500
5. Block Development Officers	500
6. Agricultural Assistants	500
7. Circle Auditors, Inspectors of Co-operative Societies, District organizers of Co-operative Societies, Co-operative and Panchayat Inspectors and Co-operative Extension Officers	500

5.

The Controlling Officers shall, out of the allotment of funds for the purpose of granting loans under the Act in their divisions apportion a definite amount to each district. Collectors may make allotments to such officers competent to grant loans as they consider it desirable to employ in granting loans. The inquiry into applications and the method of Granting Loans

6.

Revenue Officer or any other officer competent to grant loans to whom an application is presented, if he is not empowered to dispose it of himself, shall forward it to the officer immediately superior to himself who is so empowered. (2) An officer to whom an application is presented may either proceed to dispose of himself or forward it to any other officer competent to grant loans subordinate to himself, who is empowered to dispose it of.

7.

With a view to facilitate the prompt distribution of loans under the Act, Collectors and such officers competent to grant loans, authorised by them may draw advances from the treasury in lump sums on abstract bills and distribute loans on tour in the manner prescribed in the note appended to Article 148 of the Civil Accounts Code. This system is specially appropriate when petty advances are made for the purchase of seed and fodder.

8.

Whenever non-official agency is available, it may be employed to aid in making inquiries and disbursing loans.

9.

Loans to individuals may be granted under the Act on the security of their land or on furnishing collateral security, where necessary, up to three-fourth of the value of the property.

10.

When the amount of the loan under the Act together with-(a)the amount of the loan, if any, under the Land Improvement Loans Act, 1883, and(b)such other dues, if any, which are entitled to priority over the loans under the Act and the Land Improvement Loans Act, 1883does not exceed three quarters of the borrower's interest in the value of land held by him, no collateral security shall be required.

11.

Where-(a)the borrower have no interest in land, or(b)the amount of the loan, under the Act together with-(i)the amount of the loan, if any, under the Land Improvement Loans Act, 1883, and(ii)other dues, if any which are entitled to priority over the loans under the said two Acts, exceeds three-quarters of the borrower's interest in the value of the land, the borrower shall provide a surety and security shall be taken from him which may either be personal or may consist of a transferable interest in land. In the latter case the land must be mortgaged in Form B and the mortgage deed attested by two witnesses,

12.

When an application is received from the members of a village community, or from a group of cultivators, then notwithstanding the fact that all or any of such members or cultivators owe loans under the Land Improvement Loans Act, 1883 or other dues which are entitled to priority over the loans under the Act and the Land Improvement Loans Act, 1883, their joint personal security may ordinarily be accepted as sufficient to ensure the repayment of a loan :Provided that the amount advanced on such security shall not exceed-

- | | | |
|-----|-----------------------------------|---|
| (a) | Where the borrower holds dry land | Twenty times the land revenue or rent of the holding, or Rs.25 per acre of net cropped area in the preceding year, whichever is less; and |
| (b) | Where the borrower holds wet land | Twenty-five times the land revenue or rent of the holding orRs. 30 per acre of net cropped area in the preceding year,whichever is less. |

13.

(1)Copies of all orders granting loans in which immovable property has been hypothecated and of mortgage deeds in Form B shall be sent to the registering officer, as required by Section 89 of the Indian Registration Act, 1908. All copies shall be certified as 'true copies' by the officer granting the loan.(2)When loans are made under these rules, the order granting the loan shall be in Form C or D.Note :-The financial limits laid down in Rule 4 do not apply to the title of the loans made on joint responsibility, but only to the individual amounts by which this total is made up.The Rate of Interest at which and the conditions under which Loans may be granted

14.

Interest shall be charged on loans made under these rules at the rate of seven naye paise per rupee per annum or seven per cent per annum: provided that if an instalment of principal or interest be not paid on the date fixed, it shall be at the discretion of the Collector of the district to charge interest upon such instalment from the date of default at the rate of fourteen paise per rupee per annum or fourteen per cent per annum. Interest on every loan shall run from the date on which the loan is made and shall be calculated to the nearest naye paisa in the case of loans granted after the 1st April, 1960.

15.

An applicant receiving a loan under these rules shall be required to sign or affix his thumb impression to the order granting the loan, a copy of which shall then be given to him.

16.

The officer granting the loan shall state in the order granting the loan the purpose for which the loan is to be applied and the period during which it shall be so applied.

17.

Should there be any doubt as to application of the loan in the manner specified in the order granting the loan, the Collector shall inquire into the matter, and if he finds that the loan has been misapplied he may order its recovery with interest in a lump sum.The Re-payment of Loans

18.

The date or dates fixed for the repayment of a loan shall ordinarily be fifteen days before the date fixed for payment of the instalment of land revenue on the crop produced or benefited by the loan. But in the case of loans granted for raising crops such as seasonal fruits, vegetables and the like, suitable dates may be fixed corresponding approximately to the dates on which such crops are marketed.

19.

The period fixed for the repayment of loans shall not, except for special reasons with the sanction of the Commissioner, be longer than five years. Ordinarily loans made for the purchase of seed should be repaid from the crops produced from the seed and loans made for the purchase of plough cattle should ordinarily be repaid within three years. Suspension

20. [[Substituted by MP Rajpatra, Extraordinary, dated 17-5-1984]

Whenever suspensions or remissions of land revenue are granted in year in which crops have failed in any area or in which crops could not be grown in any area in consequence of any order made under any law by a competent authority, such suspensions or remissions shall carry with them automatically, suspensions of taccavi instalments which fall due in the same year. The effect of the suspension of an instalment shall be to postpone for one instalment period the payment of all the remaining instalments due on the loan. No interest shall be charged on such postponed instalment for the period of postponement.]

21.

In individual cases genuine hardship owing to causes other than those attributable to failure of crops the Commissioner may direct postponement of one instalment at his discretion. In such cases the payment of subsequent instalments shall remain unaffected but no interest shall be charged on such postponed instalment for the period of postponement.

22.

Suspension may be granted by the Commissioner or under his orders by other subordinate officers who are empowered to grant loans under Rule 4, provided that the amount of the loan on account of which the instalment to be suspended is due does not exceed the amount up to which the officer granting the suspension is empowered to sanction loans, and provided further, that when a general suspension of instalments of loans is considered necessary on account of the particular circumstances of a tract or the character of the season the sanction of the State Government shall be obtained. Remission

23.

The State Government are authorised to sanction the remission arrears in the case of any loan and also a general remission of loans on account of the particular circumstances of a tract or the character of the season. Form A (See Rule 21) Form of application for loan under the Agriculturists' Loans Act, 1884. Name of Village..... Patwari Halka No..... Name of Tahsil Name of Revenue Inspector's Circle

S.No.

States

Name, Father's name and residence of the applicant					
Right in which the land is held	Khasra No.	Area	Land Revenue	Details of cattle owned	Stock of seed
(1)	(2)	(3)	(4)	(5)	(6)
					(7) (8)

Liabilities

Arrears of Land Revenue	Taccavi arrears	Co-operative loan	Other debts	Total	Area normally cultivated by the applicant
(9)	(10)	(11)	(12)	(13)	(14)

Requirements

For seed	For implement	For cattle	Details of security offered	Amount sanctioned	Signature of applicant
(15)	(16)	(17)	(18)	(19)	(20)

Signature of applicant. Form B (See Rule 11) Form of mortgage-deed to be taken as security for loans under Agriculturists' Loans Act, 1884. Whereas.....has on.....received from the Collector of acting on behalf of the Governor of Madhya Pradesh, as order under the Agriculturists' Loans Act, 1884, in virtue of which he is entitled to receive the aggregate sum of Rs..... as a loan from the Governor of Madhya Pradesh for the purpose of..... and whereas collateral security for the punctual repayment of the said loan according to the terms of the order is demanded from the said....[I, the said or] [To be used when the borrower alone gives collateral security.] [I the said..... and we.....or] [To be used when the borrower and his sureties all give collateral security.] [we.....] [To be used when the collateral security is given by sureties only.] mortgage to the Governor of Madhya Pradesh the immovable property mentioned in the schedule below together with all crops now actually growing or which may hereafter, while any money is owing on this security, be grown upon the said immovable property as a collateral security, and agree that if I will fail (or the said fails) duly to apply the said loan or to repay any instalment of the said loan or interest chargeable thereon or costs (if any) incurred in the making thereof, on the date on which it may become due, it shall be lawful for the said Collector of acting on behalf of the mortgagee, the Governor of Madhya Pradesh without any further consent on my part (or on the part of the said.....) or his legal representative to sell the immovable property and the crops hereinbefore expressed to be mortgaged or any part thereof either together or in parcels and either by public auction or private contract without the intervention of the Court, as the said Collector shall deem proper, and apply the proceeds to the discharge of the liabilities accruing under the mortgage-deed, including all outstanding instalments with such interest as may be due thereon and costs (if any) incurred in making the loan. It shall further be lawful for the said Collector to recover all moneys accruing due under this instrument in the same manner as an arrear of land revenue under the Madhya Pradesh Land Revenue Code, 1959. Note-The copy sent to the registering officer should be certified to be 'true copy' and the property mortgaged should be sufficiently

described. Form C (See Rule 13)

1. The sum of Rs(in words.....) is hereby granted as a loan under the Agriculturists' Loans Act, 1884 for the purpose of..... to the persons and in the amounts entered in the table annexed.

2. The grant is subject to the following conditions:

(a) That all persons named below shall be responsible for the total amount of this loan; (b) that the amount of the loan with interest chargeable thereon as exhibited below, and costs (if any) incurred in the making thereof shall be repayable by the persons named and at the sub-treasury..... on the dates and in accordance with the instalments (if any) specified in table; (c) that this loan shall be applied solely to the purpose specified above, and that if it shall be proved to the satisfaction of the Collector that any part of the loan has not been so applied the whole amount of the loan shall, with such interest, as may have become due thereon, as well as costs (if any) be deemed to have at once become due; (d) that if any instalment is not paid on the due date, compound interest at 7 per cent annum/14 per cent per annum shall be payable from the date on which the instalment fell due to the date of payment; (e) that if loan is misapplied, then without prejudice to the provisions of condition (c) the borrower shall on an order in writing passed by a Revenue Officer not below the rank of a Sub-Divisional Officer be liable to pay by way of penalty such sum not exceeding twice the amount of loan outstanding as such officer may by order fix, unless, the borrower refunds the amount of loan and satisfies such officer that the misapplication was due to reasons beyond his control. Signature of Officer granting the loan.

S. No.	Name of recipient with father's name and place of residence	Village with Settlement No. and tahsil	Total amount advanced to each recipient
(1)	(2)	(3)	(4)
			Signature of recipient in token of having received the sum and understood and agreed to the terms and conditions recited overleaf.
Date or dates of repayment	Amount of principal to be repaid on each date	Rate of interest	
(5)	(6)	(7)	(8)

Form D (See Rule 13) Order granting a loan under the Agriculturists' Loans Act, 1884

1. The sum of Rs..... (in words.....) is hereby granted to..... son(s) of..... resident of..... tahsil..... as a loan carrying interest at the rate of per annum under the Agriculturists' Loans Act, 1884, for the following purpose(s), namely :

2. The conditions subject to which the loan is granted are as follows:-

(a) That the amount of this loan shall be paid to the aforesaid on the production of this order at the tahsil of.....(b) That the amount of this loan, with interest chargeable thereon, and costs (if any) incurred in the making thereof shall be repayable by the borrower(s) to the Tahsildar or the Officer granting the loan on the dates and by the amount specified below :

Date Principal Date Principal

(c) That this loan shall be applied solely to the purpose(s) specified above, and that, if it shall be proved to the satisfaction of the Collector, that any part of the loan has been misapplied the whole amount of the loan shall, with such interest as may have become due thereon, as well as costs (if any) be deemed to become due at once.(d) That the loan shall be applied in the manner and within the period or periods specified below and if it is not so applied, the loan shall be held to have been misapplied.(e) That if any instalment is not paid on the due, date, interest at per annum may, at the discretion of the Collector, be charged on such instalment from the date of default.(f) That if any instalment is not paid on the due date, all further instalments shall, with such interest as may have become due, as well as costs (if any) incurred in making the loan, become due immediately.(g) That if any part of the land mortgaged as security for the payment of the loan is transferred, all instalments falling due after the transfer shall, with such interest as may be due thereon as well as costs (if any) incurred in making the loan, become due at once.(h) That all payments shall be credited first towards the interest and the balance, if any, shall be applied to the reduction of the principal.(i) That if the loan is misapplied, then without prejudice to the provisions of condition (c) the borrower shall on an order in writing passed by a Revenue Officer not below the rank of Sub-Divisional Officer be liable to pay by way of penalty such sum not exceeding twice the amount of loan outstanding as such officer may by order fix, unless the borrower refunds the amount of loan and satisfies such officer that the misapplication was due to reasons beyond his control.(j) [.....] [Here should be entered any special conditions not already contained in the form.] Dated.....Signature of the Officer granting the loan.I/We understand and agree to the aforesaid terms and conditions.Dated.....Signature(s) of the Officer(s) to whom the loan is grantedNote-No receipt stamp is required in the case of loan under the Agriculturists' Loans Act.Table showing the details of repayment

Page No. and Volume No. of the Khata	Date of transaction	Amount of interest due	Repayment on account of			
Principal	Interest	Total	Balance of principal due	Signature of Tahsildar/Patel	Remarks	
(1)	(2)	(3)	(4)	(5)	(6)	(7) (8) (9)