

---

## **GUJARAT AGRICULTURAL CREDIT (PROVISION OF FACILITIES) RULES, 1980**

### CONTENTS

1. Short title
2. Definitions
3. 3
- 3A. 3A
- 3B. 3B
- 3C. 3C
4. 4
- 4A. 4A
5. 5
6. 6
7. 7
- 7A. 7A
- 7B. 7B
8. 8
9. 9
10. 10
11. 11
12. 12
13. 13
14. 14
15. 15
16. 16
17. 17
18. 18
19. 19

## **GUJARAT AGRICULTURAL CREDIT (PROVISION OF FACILITIES) RULES, 1980**

(Published in G.G.Gaz. Pt. IV-B, Ext.d-2.4.1980) and amended subsequently by the following Notifications:- 1. No. GHN-101-LNF-1084-6801/N-1, D.8.10.1984; Published in G.G.Gaz.Pt.IV-B, Ext.,d.19.10.1984 p.227; and 2. No. GHN-21-INF-1079-2336-N(i), d.30.11.1985; Published in G.G.Gaz. Pt. IV-B, Ext. d. 11.12.1985, p.235. NOTE: In the footnotes appearing hereinafter, reference to amending Notifications is made by Serial No. as given to them above. In exercise of the powers conferred by section 37 of the Gujarat Agricultural Credit (Provision of Facilities) Act, 1979

(Gujarat 19 of 1979), the Government of Gujarat hereby makes the following rules, namely:-

**1. Short title :-**

These rules may be called the Gujarat Agricultural Credit (Provision of Facilities) Rules, 1980.

**2. Definitions :-**

In these rules, unless the context otherwise requires,-

(a) "the Act" means the Gujarat Agricultural Credit (Provision of Facilities) Act, 1979;

(b) "section" means the section of the Act;

(c) "Form" means a Form appended to these rules;

(d) "Authorised Officer" means the Collector of the district or any officer duly authorised by him;

(e) All words and expressions used herein and not defined in these rules but defined and used in the Act, shall have the meaning respectively assigned to them in the Act.

**3. 3 :-**

For the purposes of creating charge on land under section 5 of the Act on land or any other immovable property which is owned by an agriculturist or in which he has an interest in respect of any financial assistance given to him by a bank, he may make a declaration in Form 'A'.

**3A. 3A :-**

An appeal shall be filed within two months commencing from the date of the communication of the decision of an officer authorised by the State Government under sub-section (4) of section 10.

**3B. 3B :-**

(1) Every appeal shall be presented to the State Government in person by the appellant or as the case may be by his duly appointed agent to the State Government during office hours or sent by registered post.

(2) Every such appeal shall-

(a) be written legibly in ink or typed or printed in English language or in the Gujarati language on a durable foolscap or other paper similar to it in size and quality.

(b) be accompanied by the decision or order (either in original or certified copy thereof) in respect of which such appeal has been made.

(c) specify the name and address of the appellant and also the designation and address of the authority from whose order or decision the appeal has been filed.

(d) state clearly the grounds on which the appeal is made.

(e) state precisely the relief which the appellant claims.

(f) state the date of the decision or order complained against.

(g) if an appeal preferred is made after the expiry of the period of limitation, State concisely how the appeal is in time or the reasons why the appellant wants any delay in filing the appeal to be condoned.]

### **3C. 3C :-**

For getting exemption from registration of the charge, variation or mortgage as referred to in sections of the said Act, a bank shall have to send within a period of six weeks, from the date the variation made in the charge, a copy of the instrument along with a copy of the concerned document in writing with a covering letter to the Registering officer for the purpose of the said section 8.]

### **4. 4 :-**

If any agriculturist fails to repay to the bank on or before the due date the whole or part of the financial assistance obtained by him, it shall be lawful for the bank to serve him or his heir or legal representatives 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, it shall be lawful for it to distrain and sell through an authorised officer the crops or other movables charged to the Bank to the extent of the agriculturist's interest therein and appropriate the proceeds of such sale towards all moneys due to the bank from that agriculturist.

### **4A. 4A :-**

Where an agriculturist has secured any financial assistance given to him by a bank in accordance with the provisions of the Act in respect of which the amount of loan so granted is misused, the officer authorised shall inquire into and after giving him an opportunity of being heard decide upon the question of misuse and

his decision shall be final subject to an appeal to the State Government.]

**5. 5 :-**

On agriculturist's failing to make the due payment to the bank within the period specified in the notice under Rule 4 the bank may apply to the "authorised officer" within whose jurisdiction the agriculturist resides or holds such property.

**6. 6 :-**

Every application under Rule 5 shall be in Form B and shall be made on a court fee stamp of a prescribed amount <sup>1</sup> [as specified in the Bombay Court-fees Act, 1959].

1. Amended by No. GHN-21-INF-1079-2336-N(i),d.30.11.1985; Published in G.G.Gaz. Pt. IV-B, Ext. d. 11.12.1985,p.235., d. 30-11-1985.

**7. 7 :-**

The authorised officer may after making such inquiry as he deems fit, make an order, on the agriculturist or his heir or legal representatives, directing the payment of any sum due to the bank on account of assistance availed of by the agriculturist, by the sale of any land or interest therein on which a charge or mortgage is created as a security. This order shall be in Form 'D'.

**7A. 7A :-**

When the bank itself has acquired any agricultural land or interest therein in exercise of the powers vested in it under sub-section (1) of section 12, it shall dispose it of within a period of six months commencing from the date such land or interest therein was so acquired by the bank.]

**7B. 7B :-**

This period of six months may be extended further by the District Collector or by an officer authorised by him as long as deemed to be reasonable, but the entire period for disposing of the agricultural land or interest therein, should not be more than one year.]

**8. 8 :-**

The authorised officer [shall] before making an order to sell any land or interest therein on which a charge is created, serve a notice in writing to an agriculturist or the heirs or legal representatives of the agriculturist. The notice shall be as in Form 'C'.

**9. 9 :-**

The notice referred to in Rule 8 shall be served by delivering a copy to the agriculturist or his heir or legal representative or to any adult male member of his family at his usual place of residence or to his authorised agent, or when such service cannot be effected, by affixing a copy of the notice on some conspicuous part of his residence.

**10. 10 :-**

If the amount specified in the <sup>1</sup> [order] referred to in Rule 7 or any part thereof is not paid within the time allowed therefor or if no cause is shown or where cause shown is considered by the authorised office to be insufficient the authorised officer shall distrain the said property.

1. Substituted by No. GHN-21-INF-1079-2336-N(i), d.30.11.1985; Published in G.G.Gaz. Pt. IV-B,Ext. d. 11.12.1985, p.235. d.30.11.1985 for "notice".

**11. 11 :-**

The authorised officer shall make proper arrangements for custody and preservation of the distrained property during the interval between distraint and sale thereof. The applicant or any officer of the bank concerned if so authorised by the applicant shall, if required by the authorised officer, undertake the custody and preservation of the property distrained.

**12. 12 :-**

The distraint shall be made at any time between sunrise and sunset.

**13. 13 :-**

If crops or ungathered produce of the land belonging to the agriculturist or his heir or legal representative are distrained, the authorised officer may cause them to be sold when fit for reaping or gathering or at his option may cause them to be reaped or gathered in due season stored in proper place until sold.

**14. 14 :-**

The purchaser shall not be permitted to carry away any part of the said property until he has paid for it in full.

**15. 15 :-**

(1) Where any crop produce or other movable property is distrained and sold in accordance with the above rules, the dues and other charges incidental to such distraint and sale shall be deducted from

the sale proceeds and the balance shall be appropriated towards the repayment of the dues of the bank.

(2) The agriculturist or his heir or legal representative shall be given receipt for the amount discharged from the sale- proceeds.

**16. 16 :-**

Where prior to the date fixed for sale, the agriculturist or his heir or legal representative or any person acting on his behalf or any person claiming an interest in the said property distrained pays the full amount due including interest and other expenses incurred in the distraint, custody and preservation of the said property charged, the authorised officer shall not proceed with sale, and shall release the property forthwith in favour of the person claiming the said property and paying for the same.

**17. 17 :-**

A copy of the document creating a charge or variation of the declaration referred to in section 5 shall not be a carbon copy but shall be a neatly hand-written printed or type-written or be a cyclostyled copy of type-written matter on only one side of the paper.

**18. 18 :-**

The village accountant (Talati) or such other revenue officer [may be designated by the District Collector as and when necessary] shall make a note of the particulars of charges or mortgage in the Record of Rights relating to the land over which the charge or mortgage has been created.

**19. 19 :-**

The Bank shall likewise given an intimation the village accountant (Talati) or such other revenue officer <sup>1</sup>[may be designated by the District Collector as and when necessary] as soon as the financial assistance given by it to the agriculturist ceases to be outstanding and thereupon the village accountant (Talati) or such other revenue officer <sup>1</sup> [may be designated by the District Collector as and when necessary] shall make a suitable note in the Record of Rights about the release of the land from the charge or mortgage as the case may be.

1. Inserted by No. GHN-21-INF-1079-2336-N(i),d.30.11.1985; Published in G.G.Gaz. Pt. IV-B, Ext. d. 11.12.1985,p.235., d. 30-11-85.

