

Himachal Pradesh Kisan Pass Book Act, 1996

(Act No. 6 Of 1998)

CONTENT

1. Short title, extent and commencement.-
2. Definitions.-
3. Act to override other law.-
4. Issue of Kisan Pass Book.-
5. Contents of Kisan Pass Book.-
6. Presumption of truth as to entries.-
7. Transfer not to be registered except on production of Kisan Pass Book.-
8. Alteration not to be made in the revenue record except on production of Kisan Pass Book.-
9. Grant of financial assistance by financial institutions.-
11. Periodicity of Kisan Pass Book.-
12. Cost of Kisan Pass Book.-
13. Protection of action taken in good faith.-
14. Penalty for disobedience of orders of Revenue Officer and for interpolation etc. in the Kisan Pass Book.-
15. Power to make rules.-
16. Continuation of rules and validation of action taken there under.-

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An Act to provide for the issue of Kisan Pass Books to Kisans containing record-of-rights and liabilities of their agricultural holdings in a revenue estate and to enable them to have credit facilities and for other matters connected or incidental thereto.

Himachal Pradesh Kisan Pass Book Act, 1996

(Act No. 6 Of 1998)

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Forty-seventh

Year of the Republic of India as follows:-

1. Short title, extent and commencement.-

(1) This Act may be called the Himachal Pradesh Kisan Pass Book Act, 1996.

(2) It extends to the whole of the State of Himachal Pradesh.

(3) It shall come into force on such date, as the State Government may, by notification, appoint.

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) "financial assistance" means an assistance rendered by way of loans, advances or otherwise for the purposes of agriculture by a financial institution or Governments;

(c) "financial institution" means and includes,-

(i) a banking company as defined in clause (e) of section 5 of the Banking Regulation Act, 1949 (10 of 1949);

(ii) the State Bank of India constituted under the State Bank of India Act, 1955 (23 of 1955);

(iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (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 (5 of 1970);

[(v) a corresponding new bank as specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980)];

(vi) The Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956, (1 of 1956);

(vii) the Regional Rural Bank established under the Regional Rural Banks Act, 1976 (21 of 1976);

(viii) the National Bank for Agriculture and Rural Development established under the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981);

(ix) the Co-operative Bank and a Co-operative Society registered or deemed to be registered under the Himachal Pradesh Co-operative Societies Act, 1968, (3 of

1969) the object of which is to provide financial assistance as defined in clause (b) of this section to its members;

(x) the Himachal Pradesh State Co-operative Agricultural and Rural Development Bank, and the Primary Agricultural and Rural Development Bank established under the Himachal Pradesh Co-operative Agriculture and Rural Development Bank Act, 1979 (23 of 1979);

(xi) any other financial institution notified by the State Government in the Official Gazette, as a financial institution for the purposes of this Act;

(d) "Kisan" means a person having an interest in a holding whether as a land owner, tenant, mortgage, pattadar, including lessee of Panchayat and Government land, except holder of a plot allotted for residential purposes;

(e) "Kisan Pass Book" means a Pass Book containing certified extracts from record-of-rights maintained under section 32 (2)

(a) of the Himachal Pradesh Land Revenue Act, 1954 (6 of 1954) showing the nature and extent of interest of a Kisan in his agricultural holding or holdings in a revenue estate and other particulars as may be prescribed;

(f) "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 structure on such land;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "public servant" means the public servant as defined in section 21 of the Indian Penal Code, 1860 (45 of 1860);

(i) "Revenue Officer" means the circle Revenue Officer or any other officer appointed by the State Government for the purposes of this Act;

(j) "Sub-Registrar" shall have the same meaning as is assigned to it in the Registration Act, 1908 (16 of 1908); and

(k) the word 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; and all the words and expressions defined in the Himachal Pradesh Tenancy and Land Reforms Act, 1972 (8 of 1974), and Himachal Pradesh Land Revenue Act, 1954 (6 of 1954), but not defined in this Act shall wherever used herein be construed to have the meanings assigned to them by the said Acts.

3. Act to override other law.-

The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything contained in the Registration Act, 1908 (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-shares an entry shall be made showing the extent and nature of their interest in the joint holding :

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-right is prepared.

5. Contents of Kisan Pass Book.-

(1) The Kisan Pass 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 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. Presumption of truth as to entries.-

(1) Every entry made, in the manner prescribed in section 5, in 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 or courts or financial institutions.

(3) If there is any mistake in the Kisan Pass Book, the same can be challenged by making an application to the Assistant Collector Grade-II 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 1[may] be granted by a financial institution to a Kisan on production of Kisan Pass Book. However, production of Kisan Pass Book 2[may] not be necessary for crop loan advanced by the financial institution.

(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 financial institutions 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 Himachal Pradesh Land Revenue Act, 1954.

Section 10 omitted vide H.P. Act No. 20 of 1998.

[10. XX]

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 up-to-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 demanded by a Revenue Officer or interpolate or erase anything in the Kisan Pass Book with an intent to defraud any authority under this Act or makes any false statement knowingly 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 with in the Kisan Pass Book coming to their notice. Each page of the Kisan Pass Book will be serially numbered and name of the Kisan be 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 (2) of section 5;

(b) person and the manner for the completion of the 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 cost of Kisan Pass Book under section 12; and

(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 State Legislative Assembly 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 Assembly agrees in making any modification in the rule or the Assembly 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.

16. Continuation of rules and validation of action taken there under.-

The Himachal Pradesh Kisan Pass Book Rules, 1982 framed under section 168 of the Himachal Pradesh Land Revenue Act, 1954, and in force immediately before the commencement of this Act, shall continue to be in force after that date until amended, varied or rescinded, as if such rules were made under this Act, and any action taken (including Kisan Pass Books issued) in pursuance of those rules shall be as valid and operative as if it has been taken in accordance with the provisions of this Act.