



**The Punjab Agricultural Credit Operations and Miscellaneous Provisions  
(Bank) Act, 1978**

Act 5 of 1979

**Keyword(s):**

Agro-industries Corporation, Bank, Financial Assistance, Registrar

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## **The Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978**

(Pb. Act No.5 of 1979)

*[Received the assent of the President of India on the 7<sup>th</sup> March, 1979  
and first published in Punjab Government Gazette (Extraordinary),  
Legislative Supp., part I, dated 27<sup>th</sup> March, 1979]*

An Act to make provisions to facilitate adequate flow of credit for agricultural production and development through banks and other institutional credit agencies and for matters connected therewith or incidental thereto.

### **COMMENTARY**

ε **Preamble:** A preamble is merely a prefatory statement declaring motives of a statute, reasons and intent of law, affording a general key to the construction of the Act. AIR 1960 SC 1080. But it occupies a subordinate position to the provisions of the Act. AIR 1961 SC 954.

ε **Object of the Act:** The considerations prompting the enactment of this statute is to encourage the commercial banks to provide financial assistance to the agricultural sector. It needs no elaboration to establish that in the modern struggling era financial assistance is as much essential for the augmentation of agricultural produce as it is for giving impetus to industry, which has made spectacular strides in almost every field, but our agriculture still lags behind as compared with that in some of the advanced nations. The principal cause is the lack of adequate funds particularly with the not too affluent farmers and others

engaged in pursuit of agriculture. Finance at reasonably low rates and on manageable terms has to be found.

Even with the nationalization, the banks are or were chary of making advances to the agriculturists. The main problem was the difficulty of making recoveries, which under the existing law is expensive and time consuming process and sometimes proves ineffective. This Act makes a drastic departure from the common law processes, cuts out the red tape, devises a short procedure for effecting recoveries with little cost to the creditors. The statement of objects and reasons was published in the Punjab Gazette (Extra) dated 04.09.1978, at page 1486.

Be it enacted by the Legislature of the State of Punjab in the Twenty-ninth Year of the Republic of India as follows:

## **CHAPTER I**

### **PRELIMINARY**

1. **Short title, extent and commencement:** (1) This Act may be called the Punjab Agricultural Credit Operations and Miscellaneous Provisions (Banks) Act, 1978.
2. It extends to the whole of the State of Punjab
3. It shall come into force on such <sup>1</sup>[date as the State Government may, by notification, appoint and different dates may be appointed for different provisions of this Act and for different areas of the State].

### **COMMENTARY**

**Interpretations:** The general principals are that (1) when the language is precise and unambiguous the words declare the intention of the Legislature and should be interpreted in their natural and ordinary sense, but (2) when alternative constructions are equally open the one content with the smooth working of the system proposed to be regulated is to be adopted in preference to one which introduces confusion and uncertainty. AIR 1961 SC 1540 (also 493 and 674), AIR 1961 SC 936 State of MP Vs. CJ Patel., AIR 1972 SC 971, 1976 Rev. LR 313 (DB). There is a general presumption in favour of the constitutionality of a statute. *Waverly Mills V Rayman & Co.* AIR 1963 SC 90, *Ram Sarup V. Samunder Singh* AIR 1972 P & H 280. The Court should presume that the legislature did not intend to exceed its powers. *State of MP v. Dhababhai NCPHC Co.*, AIR 1972 SC 614.

Even in the case of apparent errors the court cannot proceed on the presumption that any provision has been enacted by an oversight. It is for the legislature to correct any real error. *Arjan Singh v. state of Punjab* AIR 1970 SC 703; 1969 Cur. LJ I. The case of clerical errors is different but "clerical errors" has to be give a very limited meaning. Even *casus ommissus* occurring through inadvertence, if unprovided for, must be disposed of on the assumption that it has been deliberately omitted. *Mansha Ram v. Tej Bhan*, AIR 1962 Punjab 110.

The interpretation of statute is done by the courts of law and not by officers of Govt. Any instructions issued by Government or interpretations made by it, are not binding on the court. They are clothed with no authority against the legal or vested rights of the subjects. *JK Steels v. Union of India.* Air 1970 sc 1173.

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1. Appointed the 18<sup>th</sup> June 1978 as the date on which the said Ac shall come into force vide Punjab Govt. agriculture Deptt. Notification No. SO-30/PA-5/79/S.I/78 dated 4<sup>th</sup> September 1978 (Extraordinary)

Where a statute confers jurisdiction on an authority, that jurisdiction must be deemed to include and imply all powers that are necessary or incidental to the effective exercise of such jurisdiction. *MSS Sastriar v. Dy. R.C.S. Ranipet*. AIR 1971 Mad. 343. But jurisdiction cannot be conferred by consent of the parties and lack of inherent jurisdiction will render all acts of the tribunal null and void. An objection as to want of jurisdiction cannot be waived. *Swadeshi Leather Stores v. Sales tax Officer Agra*, 1972 (29) Sales Tax Cases 308.

2. **Definitions:-** In this Act, unless the context otherwise requires:
- (a) "agriculture" and "agricultural purpose" shall include making land fit for cultivation, cultivation of land, improvement of land including development of sources of irrigation, raising, protecting and harvesting of crops, horticulture, forestry, planting and farming, cattle breeding, animal husbandry, dairy farming, seed farming, pisciculture, apiculture, sericulture, piggery, poultry farming and such other activities as are generally carried on by agriculturists, dairy farmers, cattle breeders, poultry farmers and other categories of persons engaged in similar activities including marketing of agricultural products, their storage and transport and the acquisition of implements and machinery in connection with any such activity;

- (b) "agriculturist" means a person who is engaged in agriculture;
- (c) "Agro-Industries Corporation" means a company or other body corporate one of the principal objectives of which is to undertake activities connected with or intended for the development of agriculture and not less than fifty-one per centum of the paid up share capital of which is held by the Central Government or by any State Government or Governments or partly by the Central Government and partly by one or more State Governments;
- (d) "bank" means -
  - (i) a banking company as defined in the Banking Regulation Act, 1949
  - (ii) the State Bank of India constituted under the State Bank of India Act, 1955;
  - (iii) a subsidiary bank as defined in the State Bank of India (Subsidiary Bank) Act, 1959;
  - (iv) any of the Banks mentioned in column 2 of the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act 1970;
  - (v) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949;
  - (vi) the Agricultural Refinance Corporation, constituted under the agricultural Refinance Corporation Act, 1963;
  - (vii) the Agro-Industries Corporation as defined in sub clause (c);
  - (viii) the Agricultural Finance Corporation Limited, a company incorporated under the Companies Act, 1956 and ;
  - (ix) any other financial institution notified by the State Government in the Official Gazette as a bank for the purpose of this act.
- (e) "co-operative society" means a co-operative society as defined in clause (c) of section 2 of the Punjab Co operative Societies Act, 1961, the object of which is to provide financial assistance as

defined in clause (f) of this section to its members and includes the co-operative land mortgage bank ;

- (f) "financial assistance" means assistance granted by way of loans, advances, guarantee or otherwise for agricultural purposes ;
- (g) "Registrar" means the Registrar as defined in clause (f) of section 2 of the Punjab Co-operative Societies Act, 1961.

### **COMMENTARY**

The object of the definition clause is that the terms and expressions defined should be interpreted in accordance with the definition provided unless it is inconsistent with the provisions of the Act or the context otherwise requires, *Ummini v. Verava*, 1969 KLJ 440. *Lakshmi Prasad V. GK Iyer*, 1970 KLJ 367 = 1970 KLT 330. The Act defines the term "agriculture" in a manner so as to extend its scope much more than what is conveniently understood by the term in common parlance or in the dictionary. And then it has not been defined exhaustively so that in spite of its wide ambit and base means several matters more than those expressly mentioned. In other words the definition is not complete. *of. State of TN v. Pyare Lal*. 1970 Sales Tax Reporter 319 (SC).

## **CHAPTER II**

### **RIGHTS OF AGRICULTURISTS TO CREATE CHARGE ON LAND AND INTERESTS THEREIN IN FAVOUR OF BANKS**

- 3. Charge on crop and other movable property in favour of bank :
  - (1) It shall be lawful for an agriculturist to create a charge on the movable property owned by him or on the crops raised by him

standing or otherwise to the extent of his interest therein, in favour of a bank, to secure financial assistance from that bank, notwithstanding that he may not be the owner of the land on and from which the crop is raised.

- (2) Notwithstanding anything to the contrary contained in the Punjab Co-operative Societies Act, 1961 or any other law for the time being in force, no charge in respect of financial assistance extended by a co-operative society to an agriculturist shall have priority over a charge on the crops raised by him, standing or otherwise, or any other movable property in respect of any financial assistance given to him by a bank ;

Provided that the financial assistance made by the bank is:

- (a) prior in point of time to that of the financial assistance extended by the co-operative society ;
- (b) on a certificate in the form prescribed, from the co-operative society or co-operative societies in the area where the agriculturist resides.
- (3) A co-operative society in the area where the agriculturist holds land shall on demand by him issue a certificate referred to in subsection (2).
- (4) The Registrar or any other person appointed by him in this behalf, shall prepare a list of co-operative societies registered under the Punjab Co-operative Societies Act, 1961, and publish the same in the Official Gazette after such intervals as may be prescribed.



(5) A bank may distrain and sell through an official of the State Government, designated in this behalf by the State Government, the crop or other produce or other movables charged, to that 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 agriculturists.

4. **Creation of charge on land in favour of bank by declaration:**

(1) Where an agriculturist creates a charge on land or any other immovable property which he owns or in which he has an interest in respect of any financial assistance given to him by a bank, he may make a declaration on the lines of the form set out in the Schedule or as near thereto as circumstances permit, declaring that thereby he creates, in favour of the bank, a charge on such land or other immovable property, or his interest therein, as the case may be, to secure the financial assistance given to him by the bank.

(2) A declaration made under sub-section (1) may be varied from time to time by the agriculturists with the consent of the bank in whose favour the declaration has been made and every such variation shall take effect as if it had been an original declaration.

### **COMMENTARY**

Section 3 enables an agriculturist to create a charge on his movable property including standing crop and produce of his lands to the extent of his

interest, whether or not he is the owner of such land. The next section 4 contemplates the creation of a charge on land or other immovable property owned by the agriculturist. Once such charge has been created and the money has been advanced, the non-payment thereof on the terms stipulated will enable the financing concern to invoke the drastic provisions like those of the Land Revenue Act for effecting recovery of the amount advanced in accordance with the procedure laid down in Chapter IV, section 8 (3) of which enables recovery as arrears of land revenue.

### CHAPTER III

#### CHARGES AND MORTGAGES IN FAVOUR OF BANKS AND THEIR PRIORITIES

5. **Removal of disability in creation of charges and mortgages:**

Notwithstanding anything to the contrary contained in the Punjab Cooperative Societies Act, 1961, or any other law for the time being in force and notwithstanding that any land or interest therein stands already charged or mortgaged to a cooperative society, it shall be lawful for an agriculturist to create a charge or mortgage on such land or interest therein in favour of a bank as security for any financial assistance given to the agriculturist by that bank.

6. **Priority of charges and mortgages in favour of Government, bank and co-operative society:** (1) Notwithstanding anything to the contrary contained in any law for the time being in force but subject to any prior claim of the State Government in respect of land revenue: -

- (a) no charge or mortgage created on any land or interest therein after the commencement of this Act, in favour of the State Government or a cooperative society shall have priority over a charge or mortgage on such land or interest created by an agriculturist in favour of a bank as security for financial assistance given to the agriculturist by the bank after the commencement of this Act and prior to the charge or mortgage in favour of the State Government or the cooperative society; and
  - (b) any charge or mortgage created on any land or interest therein in favour of a bank in respect of financial assistance given to an agriculturist by that bank shall have priority over any other charge or mortgage that may have been created over such land or interest in favour of any persons other than the State Government, a co-operative society or any other bank, prior to the date on which the charge or mortgage was created in favour of the bank.
- (2) Where different charges or mortgages over the same land or interest therein have been created by an agriculturist in favour of the State Government, a co-operative society or a bank or more than one bank, any such charge or mortgage created as security for financial assistance given by the State Government, co-operative society or the bank or banks by way of term loan for development purposes shall have priority over the other charges or mortgages created in favour of the State Government, co-operative societies or any of the banks; provided that prior notice of any such financial assistance by

way of term loan, the charges or mortgages by way of security for term loan for development purposes had been given to the State Government, co-operative society or bank and the State Government, co-operative society or bank concurred in such financial assistance and where more than one such charge or mortgage is as security for financial assistance given by way of term loan; the charges or mortgages by way of security for term loan for development purposes will rank for priority in accordance with the dates of their creation.

*Explanation:* - For the purposes of this section, "term loan for development purposes" shall mean financial assistance which would generally lead to improvement of agriculture or building up of assets in agriculture but shall not include financial assistance for meeting working capital, expenses for seasonal agricultural operations and marketing of crops.

(3) Nothing contained in this section shall apply to borrowings only from one or more co-operative societies including land mortgage banks.

**7. Restriction on creation of tenancy by agriculturist borrower: -**

(1) Notwithstanding anything contained in any law for the time being in force an agriculturist who has availed himself of financial assistance from a bank by creating a charge or mortgage on land or interest therein, shall not, so long as the financial assistance continues to be outstanding, lease or create any tenancy rights on such land or interest therein without prior permission in writing of the bank if he has not already leased or created tenancy rights thereon at the time of availing of the financial assistance from the bank.

- (2) Any lease granted or tenancy rights created in contravention of this section shall be void.

#### **CHAPTER IV**

##### **ARRANGEMENTS FOR RECOVERY OF DUES BY BANKS**

###### **8. Recovery of dues of bank through prescribed authority.-**

(1) An official of the State Government notified by the State Government as the prescribed authority for the purpose of this section may, on the application of a bank, make an order against any agriculturist or his heir or legal representative, directing the payment of any sum due to the bank on account of financial assistance availed of by the agriculturist, by the sale of any land or any interest therein upon which the payment of such money is charged or mortgaged :

Provided that no order shall be made by the prescribed authority under this section for the sale of any land or any interest therein or any other immovable property upon which the payment of money is charged are mortgaged unless the agriculturist or the heir or legal representative of the agriculturist as the case may be, has been served with a notice by the prescribed authority calling upon him to pay the amounts due.

(2) Every order passed by the prescribed authority under sub-section (1) shall be deemed to be a decree of a civil court and shall be executed in the same manner as a decree of such court.

(3) The bank shall pay to the State Government such fee as may be prescribed for the services rendered by the State Government in connection with the recovery of dues of the bank.

(4) Nothing contained in this section shall debar a bank from seeking to enforce its rights in any other manner open to it under any other law for the time being in force.

**9. Right of bank to acquire & dispose of immovable property.-** (1) Notwithstanding anything contained in any law for the time being in force, a bank shall have the power to itself acquire agricultural land or interest therein or any other immovable property which has been charged or mortgaged to it by an agriculturist in respect of any financial assistance availed of by him, provided the said land or interest therein or any other immovable property has been sought to be sold by public auction and no person has offered to purchase it for a price which is sufficient to pay to the bank the money due to it.

(2) A bank which acquires land or interest therein or any other immovable property in exercise of the power vested in it under sub-section (1) shall dispose it of by sale, within a period to be specified by the State Government in this behalf.

(3) If the bank, has to lease out any land acquired by it under sub-section (1), pending sale thereof as indicated in sub-section (2), the period of lease shall not exceed one year at a time and the lessee shall not acquire any interest in that property notwithstanding any provision to the contrary contained in any other law for the time being in force.

## COMMENTARY

This Chapter IV elaborates the procedure for effecting recoveries of moneys advanced by the banks. A simple and summary method has been devised for the purpose. The principal officer of the creditor bank has been authorised, on failure of the debtor agriculturist to make the payment of the dues of the bank, to forward a certificate to the Collector upon which the letter proceed to realise the bank dues including interest, etc. as arrears of land revenue vide section 8-A(3). This could set in motion the special machinery envisaged in section 67 et seq. of the Punjab Land Revenue Act, Section 67, 68 and 69, which are relevant for this purpose are reproduced hereunder:

67. **Processes for recovery of arrears** :- Subject to the other provisions of this Act, an arrear of land revenue may be recovered by any one or more of the following processes, namely:

- (a) by service of writ of demand on the defaulter;
- (b) by arrest and detention of his person;
- (c) by distress and sale of his movable property and uncut or un-gathered crops;
- (d) by transfer of the holding in respect of which the arrears is due;
- (e) by attachment of the estate or holding in respect of which the arrear is due;
- (f) by annulment of the assessment of that estate or holding;
- (g) by sale of that estate or holding;
- (h) by proceedings against other immovable property of the defaulter.

68. **Writ of demand**:- A writ of demand may be issued by a Revenue Officer on or after the day following that on which an arrear of land revenue accrues.

69. **Arrest and detention of defaulter:-** (1) At any time after an arrear of land revenue has accrued a Revenue-officer may issue a warrant directing an officer named therein to arrest the defaulter and bring him before the Revenue-officer.

(2) When the defaulter is brought before the Revenue officer the Revenue Officer may cause him to be taken before the Collector, or may keep him under personal restraint for a period not exceeding ten days and then, if the arrear is still unpaid, cause him to be taken before the Collector.

(3) When the defaulter is brought before the Collector, the Collector may issue an order to the officer-in-charge of the civil jail of the District, directing him to confine the defaulter in the jail for such period, not exceeding one month from the date of order, as the Collector thinks fit.

(4) The process of arrest and detention shall not be executed against a defaulter who is a female, a minor, a lunatic or idiot."

*Note:* - The processes available for recovery as arrears of land revenue make for speedy and inexpensive method for effecting recoveries of credit advanced. The provision cannot be said to offend the principles of natural justice nor is there any repugnancy in this and the Central Code of Civil Procedure. *Chhotalal v. State of Gujarat AIR 1973 Guj. 159.* The Act does not exclude the other methods for making recoveries. Even this does not involve the vice of discriminatory discretion. *ef. Indu Bhushan v. State of UP AIR 1972 All. 557 (DB).* It is not necessary to exhaust other remedies before making use of the provisions of Land Revenue Act. *ef. Mysore State v. Venkata Rao (1973) 2 Mys. LJ 455.* Where the defaulter sold his property during the pendency of recovery proceeding under this Act, the bona fide transferee who had no notice of these proceedings will not be effected *C. Bhandhar v. Dy. C.T.O. AIR 1976 SC 656.* Where recovery proceedings are to be started under the Land Revenue Act a demand notice has to issue before taking other drastic action. In the absence of such notice the proceedings will not be maintainable in law. *Homely industries v. Sales Tax Officer, Kanpur. AIR 1976 SC 2086.*



## CHAPTER V

### FINANCING OF CO-OPERATIVE SOCIETIES BY BANKS

10. **Bank eligible to become member of co-operative society:** -

Notwithstanding anything contained in the Punjab Co-operative Societies Act, 1961 or any law for the time being in force, it shall be lawful for a bank to become a member of a co-operative society.

11. **Power of co-operative societies to borrow from bank:** -

Notwithstanding anything contained in the Punjab Co-operative Societies Act, 1961, it shall be lawful for any co-operative society to borrow from a bank.

12. **Inspection of books of co-operative society by banks:** - (1) a

bank shall have the right to inspect the books of any co-operative society which has either applied to the bank for financial assistance or is indebted to the bank on account of financial assistance granted earlier.

(2) The inspection may be carried out by an officer or any other member of the staff of the bank with the previous sanction in writing of the Registrar;

(3) The officer or any other member of the paid staff of the bank undertaking such inspection, shall, at all reasonable times, have access to the books of accounts, documents, securities, cash and other properties belonging to or in the custody of the co-operative society inspected by him, and shall also be supplied by such society such information, statements and returns as may be required by him to assess the financial conditions of the society in order to ensure the safety of financial assistance to be made or already made to it.

**13. Disputes between bank and co-operative society:** - (1)

Notwithstanding anything contained in any other law for the time being in force, any dispute touching the constitution, management or the business of a co-operative society, between a bank financing a co-operative society and the co-operative society so financed other than disputes regarding the disciplinary action taken by the society or its committee against a paid employee of the society, shall be referred by either of the parties to the dispute to the Registrar for decision.

(2) Where any question arises whether, for purposes of sub-section (1) a matter referred to for decision is a dispute or not, the question shall be decided by the Registrar whose decision shall be final.

**14. Settlement of disputes:** - (1) If the Registrar is satisfied that any matter referred to him or brought to his notice is a dispute within the meaning of section 13, the Registrar shall decide the dispute himself or refer it for disposal to the nominee or a board of nominees appointed by him.

(2) Where any dispute is referred under sub-section (1) for decision to the Registrar's nominee or board of nominees, the Registrar may at any time, for reasons to be recorded in writing, withdraw such dispute from his nominee or board of nominees and may decide the dispute himself or refer it again for decision to any other nominee or board of nominees appointed by him.

(3) Notwithstanding anything contained in Section 13, the Registrar may, if he thinks fit, suspend proceedings in regard to any dispute if the question at issue between a co-operative society and a bank is one involving

complicated questions of law and fact, until the question has been tried in a regular suit instituted by one of the parties to the dispute, but if such suit is not instituted within two months from the registrar's order suspending proceedings, the Registrar shall take action as is provided in sub-section (1).

15. **Procedure for hearing of disputes:** - The Registrar or his nominee or board of nominees shall hear the dispute under section 14 in the manner prescribed by the Registrar in this behalf.

16. **Decision of Registrar or his nominee or board of nominees:** - When the dispute is referred for decision, the Registrar or his nominee or the board of nominees may, after giving a reasonable opportunity to the parties to the dispute to be heard, make an award on the dispute, on the expenses incurred by the parties to the dispute in connection with the proceedings and fees, expenses payable to the Registrar or his nominee or as the case may be, to the board of nominees. Such an award shall not be invalid merely on the ground that it was made after the expiry of the period fixed for deciding the dispute by the Registrar and shall be binding on the parties to the dispute.

17. **Recovery of money awarded:** - Every award given by the Registrar or his nominee or the board of nominees under section 16, shall, if not carried out, on a certificate signed by the Registrar, be deemed to be a decree of a civil court and shall be executed in the same manner as a decree of such court.

18. **Powers of banks to proceed against defaulting members of co-operative society:** - (1) If a co-operative society is unable to pay its debts to a bank from which it has borrowed, by reason of its members defaulting in the payment of the money due by them, the bank may direct the committee of

such society to proceed against such members by taking action under the Punjab Co-operative Societies Act, 1961.

(2) If the committee of the co-operative society fails to proceed against its defaulting members within a period of ninety days from the date of receipt of such direction from the bank, the bank may itself proceed against such defaulting members in which even the provisions of the Punjab Co-operative Societies Act, 1961, the rules and bye-laws made thereunder shall apply as if all references to the society or its committee in the said provisions, rules and bye-laws were references to the bank.

(3) Where a bank has obtained a decree or award against a co-operative society indebted to it, the bank may proceed to recover such moneys firstly from the assets of the co-operative society and secondly from the members of the co-operative society to the extent of their debts due to the society.

**19. Audit, inspection and inquiry reports of societies to be available to the banks:** - The Registrar shall draw the attention of the bank financing a co-operative society to the defects noticed in every audit, inquiry or inspection of such societies conducted as per provisions of the Punjab Co-operative Societies Act, 1961 and shall also supply a copy of such audit, inquiry or inspection report if demanded, in writing by the bank.

**CHAPTER VI**  
**MISCELLANEOUS**

20. **Exemption from legislations relating to money lending and agriculturist's debt relief:-** Nothing in any law for the time being in force dealing with money lending or agriculturists' debt relief shall apply to financial assistance availed of by an agriculturist from a bank.

21. **Mortgages executed by managers of joint Hindu Families: -** (1) Notwithstanding anything contained in any law for the time being in force, mortgages executed after the commencement of this Act by the manager of joint Hindu Family in favour of a bank for securing financial assistance for an agricultural purpose shall be binding on every member of such joint Hindu family.

(2) Where a mortgage executed in favour of bank is called in question on the ground that it was executed by the manager of joint Hindu family for a purpose not binding on the members (whether such members have attained majority or not) thereof, the burden of proving the same shall lie on the party alleging it.

22. **Modified application of section 8 of Act 32 of 1956: -** Section 8 of the Hindu Minority and Guardianship Act, 1956 shall apply to mortgages in favour of a bank subject to the modification that reference to the court therein shall be construed as reference to the Collector or his nominee and the appeal against the order of the Collector or his nominee shall be to the Commissioner.

23. **Power to make rules:** - (1) The State Government may make rules to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act and all such rules shall be published in the Official Gazette.

(2) The rules framed under sub-section (1) shall be subject to previous publication.

(3) Every rule made under this section 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 session 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 or omitted to be done under that rule.

## **SCHEDULE**

### **Declaration under section 4(1)**

I, ..... (aged ..... years)  
 residing at ....., being desirous of  
 availing my self of financial assistance from the ..... Bank, make  
 this declaration as required by sub-section (1) of section 4 of the Punjab  
 Agricultural credit Operations and Miscellaneous Provisions (Banks) act, 1978  
 that I, ..... own land/other immovable property have interest as

a tenant in the land specified below, and I hereby create a charge on the said land, other immovable property, interest in land in favour of the bank for securing the financial assistance which the bank may make and for all future assistance, if any which the bank may make to me together with interest and costs and expenses thereon.

| Name of Revenue Estate | Name of Tehsil | Name of District | Khasra Number | Boundaries South, North, East, West | Area in acres |
|------------------------|----------------|------------------|---------------|-------------------------------------|---------------|
| 1                      | 2              | 3                | 4             | 5                                   | 6             |
|                        |                |                  |               |                                     |               |
|                        |                |                  |               |                                     |               |
| Encumbrances, if any   |                |                  |               |                                     |               |

| Assessment Rupees | Paise | Approximately value | Nature | Amount | Remarks, if any |
|-------------------|-------|---------------------|--------|--------|-----------------|
| 7                 | 8     | 9                   | 10     | 11     | 12              |
|                   |       |                     |        |        |                 |
|                   |       |                     |        |        |                 |
|                   |       |                     |        |        |                 |

In witness whereof, I, ..... hereunder set my hand this .....day of..... In the year ..... and .....

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Witnesses:

Signed and delivered by the above-named in the presence of: -

(1) .....

(2) .....

Signature of Declarant

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