

Tripura Land Pass Book Act, 1982

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TRIPURA



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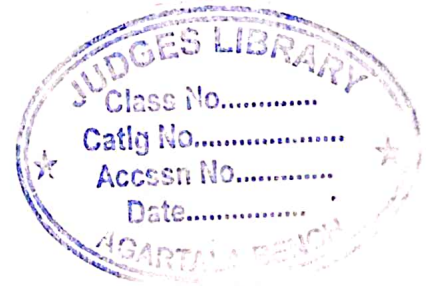
PART-III—Acts of the Tripura Legislature.

GOVERNMENT OF TRIPURA
LAW DEPARTMENT.

No. F. 2(2)-Law/Leg/83.

Dated, Agartala, the 16th March, 1983.

The following Act of the Tripura Legislative Assembly received assent of the President on the 24th February, 1983 and is hereby published for general information.



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TRIPURA ACT. NO. 2 OF 1983.

THE TRIPURA LAND PASS BOOK ACT, 1983.

An

Act

to provide for the issue of Pass Book to land-holders and to provide for credit facilities for persons engaged in agriculture on presentation of Pass Book and for matters connected therewith.

BE it enacted by the Legislative Assembly of Tripura in the Thirty third Year of the Republic of India as follows :—

CHAPTER—I
Preliminary.

1. (1) This Act may be called the Tripura Land Pass Book Act, 1982.

(2) It extends to the whole of the State of Tripura.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint ; and different dates may be appointed for different areas and for different provisions of this Act.

Definitions.

2. 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, raising and harvesting of crops and such other activities as are generally carried on by an agriculturist ;

(b) 'agriculturist' means a person who is engaged in agriculture.

(c) 'bank' means a banking company as defined in clause (c) of section 5 of the Banking Regulation Act, 1949, and includes—

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

Short title,
extent and
commencement.

10 of 1949.

23 of 1955.

38 of 1959.

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

5 of 1970.

(iii) a corresponding new bank as specified in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 and in the First Schedule to the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 ;

40 of 1980.

(iv) the Agricultural Refinance and Development Corporation established under the Agricultural Refinance and Development Corporation Act, 1963 ;

10 of 1963.

(v) a Regional Rural Bank established under the Regional Rural Banks Act, 1976 ;

21 of 1976.

(vi) any banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949 ;

10 of 1949.

(vii) any other financial institution which may be notified in this behalf by the State Government ; and

(viii) a co-operative society including an agricultural development bank registered or deemed to be registered under the law relating to Co-operative societies for the time being in force.

(d) 'financial assistance' means an assistance by way of loans, advances, guarantee or otherwise for the purpose of agriculture ;

(e) 'land' means land used for agricultural purposes or for purposes subservient to agriculture and which is assessed by the Government to land revenue/land tax, but not being land appurtenant to residential building situated within a municipality or notified area or a Cantonment ;

(f) 'land-holder' means the person to whom the land belongs and includes a lessee, a mortgagee with possession, an under-raiyat or a bargadar ;



- (g) 'loans or advances' means loans or advances for agricultural purposes ;
- (h) 'prescribed' means prescribed by the rules made under this Act ;
- (i) 'pass book' means a land pass book issued under section 4 of this Act ;
- (j) 'revenue officer' shall have the same meaning as in the Tripura Land Revenue and Land Reforms Act, 1960, and includes any officer empowered by the State Government to exercise and perform the powers and functions of a revenue officer under this Act ; and
- (k) 'Registrar' and 'Sub-Registrar' shall have the same meanings, respectively, as assigned to them in the Registration Act, 1908.

16 of 1908

Act to over ride other laws.

3. The provisions of this Act or any rule made thereunder shall have effect notwithstanding anything in any law relating to co-operative societies, for the time being in force, in the State or in any enactment (including the Registration Act, 1908) other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

CHAPTER—II

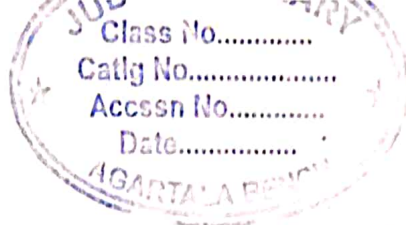
Issue of Pass Books and matters relating thereto.

4. (1) On the commencement of this Act, it shall be lawful for a Revenue Officer to provide for facilities for agricultural credit by the issue of pass books, in such form as may be prescribed, to land-holders having, for the time being, land within the local limits of his jurisdiction.

(2) A land-holder, who desires to have a pass book, may make an application to the concerned Revenue Officer, in such form and on payment of such fee, as may be prescribed, for the issue of such pass book to him.

(3) Every application referred to in sub-section (2) shall contain full particulars of the parcels of land owned by the applicant or in relation to which the applicant holds an interest or in relation to the crops, if any, standing on such parcels of land or in relation to which the applicant holds any interest.

Issue of pass Books etc.



(4) On receipt of the application made under sub-section (2), the Revenue Officer shall make, or cause to be made, in such manner as may be prescribed, an inquiry about the creditworthiness of the applicant, and in doing so, in particular, he shall make an inquiry about the title of the applicant in relation to the parcels of land specified in the application or any interest held by the applicant therein or in respect of any crops standing thereon; and where, after such inquiry, the Revenue Officer is satisfied with regard to the title of the applicant relating to all or any of the properties aforesaid or any part thereof, he may issue a pass book to the applicant indicating therein the extent of creditworthiness of the applicant and the properties in relation to which the applicant has title and the extent of incumbrances, if any, existing in relation to any of such properties on the date of issue of the pass book.

(5) The Revenue Officer shall retain a copy of the pass book issued by him under sub-section (4) and send a true-copy thereof to the Registrar/Sub-Registrar within the local limits of whose jurisdiction the properties specified in the pass book are situate, and on receipt thereof, the Registrar or Sub-Registrar shall place the copy of the pass book on his records.

(6) If the Revenue Officer is satisfied that any pass book issued by him has been lost or destroyed, he may issue a duplicate pass book, on payment of such fee, as may be prescribed.

(7) Every entry made by the Revenue Officer in a pass book issued by him shall be presumed to be correct.

(8) The entries in the pass book shall be prima-facie evidence of the title of the holder thereof in respect of the land or other interest in the land or crops specified therein and shall be accepted as such by a bank for the purpose of granting financial assistance to the holder of the pass book whether or not on the security of the properties specified in the pass book.

5. (1) A bank granting any financial assistance to the holder of a pass book, shall make an endorsement on the pass book indicating the amount of such financial assistance and where such financial assistance has been given on the security of any property, the bank shall also make an

Endorsements
on pass Book.

endorsement against the property on the security of which the financial assistance has been granted by it; and the endorsement so made shall have the effect of creating a charge in favour of the bank on the property against which the endorsement has been so made and the holder of the pass book shall be debarred from alienating the said property until the outstanding amount of the financial assistance granted by the bank has been repaid together with interest due thereon.

(2) A copy of every endorsement made by a bank in pursuance of the provisions of sub-section (1), shall be forwarded to the revenue officer and another copy of such endorsement shall be forwarded to the Registrar or to the Sub-Registrar within the local limits of whose jurisdiction the whole or any part of the property which has been so charged is situate, and on receipt of the copy of such endorsement,—

(i) the revenue officer shall make the necessary entries in the record-of-rights maintained by him under the Tripura Land Revenue and Land Reforms Act, 1960 and the rules made thereunder; and

(ii) the Registrar or the Sub-Registrar shall place, or cause to be placed, such endorsement on the copy of the pass book forwarded to him under section 4.

(3) The holder of the pass book may also produce the endorsement made by the bank on the pass book before the Registrar or the Sub-Registrar to enable him to satisfy himself as to whether a copy of the said endorsement has or has not been placed on his records, and in case it has not been so done, to get the said endorsements copied on the pass book which had been forwarded to him under section 4.

6. (1) No transfer made by the holder of a pass book in respect of any parcel of land specified in such pass book or any interest in such land or any crop standing thereon shall be registered by the Registrar or Sub-Registrar unless the pass book is produced before him; and on the production of the pass book, he shall make an endorsement thereon indicating the particulars of the transfer registered by him.

Transfers not to be registered except on production of pass book.



(2) Any transfer made by the holder of a pass book without complying with the provisions of sub-section (1) shall be void.

Removal of disability in creation of charges.

7. Where any charge on any land or interest therein or crops standing thereon was created in favour of a co-operative society before the commencement of this Act, it shall be lawful for a land-holder to create, after such commencement, a subsequent charge on such land or interest therein or crops standing thereon in favour of a bank as security for any financial assistance given to the agriculturist by that bank.

Priority of charges.

8. No charge or mortgage created on any land or interest or crops standing thereon, after the commencement of this Act, in favour of Government or a co-operative society shall have priority over a charge or mortgage on such land or interest created by a land-holder in favour of a bank as security for financial assistance given to the land-holder by the bank after the commencement of this Act, and prior to the charge or mortgage in favour of Government or the co-operative society.

CHAPTER—III

Miscellaneous.

Protection of action taken in goodfaith.

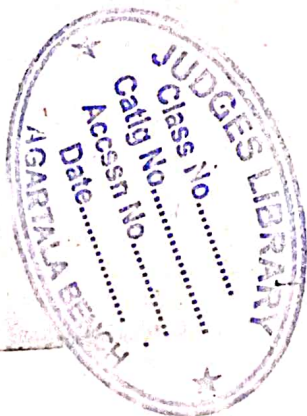
9. No suit or other legal proceedings shall lie against the Government or any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rule made thereunder.

Power to make rules.

10. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) the form in which pass books may be issued under sub-section (1) of section 4 ;
- (b) the form to be used for an application and the fee therefor under sub-section (2) of section 4 ;
- (c) the manner in which the revenue officer may make, or cause an inquiry to be made, under sub-section (4) of section 4 ;



- (d) the fees required to be paid for a duplicate pass book under sub-section (6) of section 4 ; and
- (e) any other matter which has to be, or may be, prescribed under this Act.

(3) Every rule made by the State Government under this Act, shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen 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 Legislative Assembly agree in making any modification in the rule or the Legislative Assembly agree 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.

S. R. Sinha,
Deputy Secretary to the
Govt. of Tripura.