

An Appraisal of the Agrarian Crisis in Punjab with Reference to the Punjab Settlement of Agricultural Indebtedness Act, 2016

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Abstract: *It would not be incorrect to say that Punjab is no longer the food basket of India due to its various factors and agrarian crisis is one of them. At present, the agriculture sector in India particularly in Punjab is facing significant challenges. The primary reasons behind this include financial crises in agriculture, land mismanagement, and recurring floods and droughts, all of which have severely impacted the sector. Initially, Punjab was the richest State in India in terms of per capita income, but its current economic status has declined. The agrarian crisis in the State has led to low earnings and a debt trap for poor farmers and agricultural workers, often forcing them into suicidal distress. This paper aims to analyze the factors responsible for the agrarian crisis in India and propose preventive measures to address the crisis. Additionally, the researcher will provide a detailed discussion and critical analysis of the Punjab Settlement of Agriculture Indebtedness Act, 2016.*

Keywords: Agrarian crisis, Agriculture sector, preventive measures, Law

1. Introduction

Days have gone when Punjab had earned the title of “India’s bread basket.” The state was viewed as the most dynamic and progressive state of the country, particularly on account of its success in the agrarian sector during the green revolution. [1] Of all the states of India, Punjab’s agricultural growth rate was the highest during the 1960s to the middle of the 1980s which was the first phase of the green revolution. Today’s Punjab is the story of farmers’ suicide, youth unrest and the storey of a dying civilisation. The present condition of Punjab with regard to agrarian crisis has put the whole community of Punjabis to slow death. Farmers and the youth are the worst victims of this crisis. [2]

Over the past few decades, the state has witnessed the drastic condition of its economy and has moved downward in the ranking of the richest states in the country. In Punjab the crisis in agriculture sector is cleared and manifested itself in the form of low productivity, increases in the costs of production, low income, shrinking employment, indebtedness of the majority of the farmers and ecological imbalance. [3] One of the main consequences of this agrarian distress has been that the marginal and small farmers, who find it increasingly hard to sustain on farming, are getting pushed out from agricultural sector. [4] These farmers are not being fully absorbed outside this sector due to the unfavourable nature and structure of the industrial sector in the state. As many as 6,550 industrial units have been declared sick and 18,770 units have shut down or migrated out of Punjab since 2007. [5] Thus, a large chunk of ‘reserve army of labour’ is prevalent in the economy. [6] It is estimated that about 75 lakh persons are unemployed in Punjab and the numbers are adding up each day. [7] The picture is very drastic in the remote as well as border areas. In these areas most of the young farmers have become the victims of suicides. The state administration is also not

taking necessary steps for the upliftment of small and poor farmers and it pushes such people to the extreme. Villagers fear seeking help from State officials since they are often accused of causing the suicide, which is a crime under the Bharatiya Nyaya Sanhita, 2023. [8]

Factors Responsible for Agrarian Crisis:

There are number of factors responsible for agrarian crisis [9]

- **Scarcity of water:** The scarcity of water is due to failure of rainfall, failure of bore wells and sharp decrease in ground water table.
- **Improper supply of electricity:** This results in the inability of the farmers to irrigate their fields.
- **Lack of work culture:** Earlier farmers used to work in their fields and their families helped them. But now the farmers have left it to hired labour. Thus farmers have lost the farming experience and the quality of farming and produce is also deteriorating.
- **Increasing prices of inputs:** The prices of inputs such as seeds, fertilizers and pesticides have gone up and prices of crops have been pushed down to the extent even below the cost of production.
- **Financial stress:** The farming community experiences the financial stress due to price crash of agricultural produce and as a result there is increase in the debt burden. Financial stress is appearing due to ill management of finance. Farmers take loans beyond their repay capacity and do not have proper planning to return the credit. They also utilize the loan for the purposes other than for which it was taken.
- **Lack of cooperation among farmers:** In the past farmers worked together by pooling their resources. They helped one another in various farm operations. But now the situation is changed and the farmers work in isolation without bothering for others.
- **Nuclear family:** Majority of the suicide victims belonged to nuclear families and there is disintegration of joint

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families in rural areas which has been considered as one of the hidden reasons for suicides. Emphasizing the importance of joint family Deshpande (2002) asserted that in joint family each member was secure. The joint family in olden days was extending moral support to its members at the time of crises. The majority of victims who committed suicides surprisingly came from nuclear families.

- **Declining productivity:** Being an agricultural country, India needs help in the agriculture sector and farming. There are endless causes of low productivity in Indian agriculture like Overdependence on Monsoons & Erratic Irrigation, Slow Adoption of High Yielding Varieties, Imbalanced Fertilizer Application, Limited access to credit and post-harvest facilities, inadequate rural infrastructure and support services etc. It's essential to boost productivity in this sector, where almost 50% of India's workforce is employed and working day and night for it. Low productivity in Indian agriculture is the biggest challenge. The reason behind this is that it directly affects the income of the farmers, causes food insecurity, and affects the economic growth of our nation [10].

Preventive Measures to Combat Agrarian Crisis:

Punjab is a famous land that fulfills the slogan of former Prime Minister of India Lal Bahadur Shastri i.e. "Jai Jawan Jai Kisaan". Now, both are in a drastic situation, one is the victim of drugs and another is of indebtedness and political apathy. The government should take care of the requirements of all sections of the farmers of the state. Indian agriculture has always been a victim of high price volatility, climate risks, and indebtedness. Since the majority of farmers i.e. 86 percent of them are small and marginal with declining and fragmenting landholdings, these uncertainties make them even more vulnerable and risk-prone. [11] While taking into account the livelihood of these small farmers the Indian government's last two budgets were pro-agriculture. More resources were allocated to agriculture and a number of programs were initiated to increase irrigated area, improve soil health, promote agro-processing, and cover production risk, among many others. [12] Despite the taking of these steps the agrarian distress is silently spreading across all the states especially the Punjab. Therefore the following measures shall be helpful to address the agrarian challenges and brings together various ongoing programs under one umbrella:

- **Diversifying income schemes:** Development and transformation of agriculture is very slow in India. Therefore, the process of generating higher income from agriculture is also slow. The higher income can be generated by increasing the production. It can be achieved through an aggressive push to improve technologies by strengthening the seed sector and knowledge dissemination system or agricultural diversification in favor of high value commodities and the development of value chains by linking production and marketing centers. The Success of agrarian sector depends upon the production and marketing through promotion of contract farming, cluster farming, farmer producer organizations and self-help groups [13].
- **Generating employment opportunities:** Agriculture is becoming crowded and does not provide regular employment opportunities. In the absence of regular employment in rural areas, the rural population, especially youth, is migrating to urban areas to obtain better opportunities and income. Incentives should be provided in the rural areas. Aggregating raw and processed products such as employment in the area of Lijjat Papad, which employs more than 43,000 women); self-employment in agro-processing, agro-advisory, agriculture and rural transport, etc.; private sector engagement in custom-hire services, secondary and tertiary processing; location-specific non-farm employment in micro, small and medium enterprises, linked with the large manufacturing sector; and engagement in government programs, schools, and agriculture extension. [14]
- **Reducing risks in agriculture:** Farmers in India faces number of risks. Both production and price risks are creating ongoing agrarian distress. Natural calamities like droughts, floods, temperature fluctuations, and unseasonal rains and hailstorms are increasing and adversely affecting agricultural production. Falling in the farm harvest prices badly affects incomes of farmers. To cover these risks the government of India has launched the prime minister's National Agricultural Insurance Scheme. The scheme is good but the compensation is insufficient and does not cover the risk of falling prices. The government should cover both production and price risks under this scheme. Such an approach could bundle promotion of climate-smart agriculture with value added weather advisory services and effective implementation of agricultural insurance, helping to ensure minimum support prices [15].
- **Crop diversification:** Crop diversification provides better conditions for food security and enables farmers to grow surplus products for sale at market and thus help to obtain increased income to meet other needs related to household well-being. Crop diversification can enable farmers to gain access to national and international markets with new products, food and medicinal plants [16].
- **To develop and reform the rural economy:** The majority of Punjab's population is rural and therefore the rural development must be the core of an agricultural policy. Under the current scenario, primary production of all food grains, pulses, oilseeds, fruits and vegetables primarily procures in villages but their storage, milling, processing, packaging and distribution takes place in the cities. So the industries should be established in the villages that produce and manufacture the products used in agriculture and animal production. The agricultural commodities should be stored, processed and packed in the villages. Implementation of such steps will enhance the economy of the villages. Internet services at the cheaper rates must be provided in the villages [17].
- **Debt protection:** To prevent suicides, farmers must be provided just compensation. Those who get burdened by debt must be given "debt counselling" to prevent possible suicide. There should be a law that would allow a debt-ridden farmer to file for bankruptcy in extreme situations [18].
- **Training agricultural scientists:** The faculty of Punjab Agriculture University was highly diversified in the

1960s and 1970s. A large number of faculty members were trained in the US, Canada, Australia, or England. However, currently there is much inbreeding, with more than 95 per cent faculty having received their basic and doctoral degrees from PAU. For novel ideas to be infused into the educational system, training in advanced countries is a must. The state government should provide regular funding for sending Assistant Professor-level scientists for receiving at least one-year post-doctoral training in cutting-edge technologies in advanced countries. To cover the agrarian crisis the Punjab Government enacted Settlement of Agricultural Indebtedness Act, 2016 [19].

The Punjab Settlement of Agricultural Indebtedness Act, 2016: [20]

The Punjab Government has enacted this law to provide relief to agriculturists, agricultural labourers and other persons dependent upon agriculture, and to provide for fair and expeditious settlement of their debt related disputes and for the matters connected therewith or incidental thereto. [21] The Act has also defined various terms like agriculture, [22] agriculturist, [23] agricultural labour, [24] debt. [25] The Act has also made a provision for deemed discharge it is provided that notwithstanding anything contained in any other law for the time being in force or in any contract or other instrument having the force of law or otherwise,- [26]

- a) Every debt, together with any interest payable thereon, owed on the commencement of this Act by a debtor, shall be deemed to be wholly discharged, if it is so decided/determined by an order in writing by the Forum or the Tribunal on an application filed under this Act; and
- b) Every property pledged or mortgaged by a debtor whose debt is deemed to be discharged under clause (a) shall stand released and shall vest in him free from all encumbrances when such debt is deemed to be discharged.

It is also provided that the interest payable on the debt shall be calculated at such rate as may be notified by the Government. The interest payable on the debt, shall be simple interest calculated on yearly basis. [27] The Act also empowered the State Government to establish a District Agriculture Debt Settlement Forum (hereinafter referred to as Form) at every district of the State to carry out the purposes of this Act within the territorial jurisdiction of such district. [28] The Forum shall consist of three members including a Chairman, to be appointed by the Government. [29] The Chairman of the Forum shall be a retired District and Sessions Judge or a retired Additional District and Sessions Judge. [30] The members of the Forum shall be eminent persons, one representing community of farmers and other the creditors who provide agricultural loans. [31] The Forum shall have the jurisdiction to make settlement between the debtor and his creditor if –

- 1) The loan has been taken by the debtor or provided by the creditor for agricultural purposes; and
- 2) The total debt of the debtor does not exceed rupees fifteen lacs. [32]

The State Government is also empowered to establish a Punjab Agricultural Debt Settlement Tribunal (hereinafter

referred to as Tribunal) comprising of three members including a Chairman. [33] The Chairman of Tribunal shall be a retired Judge of a High Court. [34] Two members of the Tribunal shall be appointed by the Government from amongst the eminent persons having experience in social service, agriculture, financial services, banking and civil services. [35] The quorum of the Forum or the Tribunal shall be two members including the Chairman. [36] The Act has also laid down various provisions to protect the rights of debtors against creditors such as:

Moreover, an application for determination and settlement of debt can be filed under Section 9 of this Act. A debtor or any of his creditors may apply to the Forum within whose jurisdiction, the debtor resides or holds any land to determine and settle the debt between the debtor and his creditor(s) [37]. But an application to the Forum shall be made in writing and signed by the applicant [38]. Further, an application under this Act, shall be presented to the Chairman [39] and it shall contain the following particulars, namely:

a) In the case of a debtor -

- The place where he resides or holds land;
- The particulars of all claims against him together with names and residences of his creditors;
- A statement that his total amount of debts does not exceed rupees fifteen lacs;
- A statement whether he has previously filed an application in respect of the same debt before the Forum and if so, then the outcome thereof; and
- A statement of grounds of application and relief claimed alongwith copies of documents relied upon; and

b) in the case of a creditor(s) –

- The place where the debtor resides or holds land;
- The amount and particulars of his claim against such debtor; and a statement of grounds of application and relief claimed along with copies of documents relied upon.

As far as the Section 11 of the Act is concerned it deals with the procedure on receipt of application. On receipt of an application under section 9, the forum shall pass an order fixing a date and place for hearing the application [40]. The Forum may pending its final decision on application, make such interlocutory order including the order for keeping the recovery of debt in abeyance, as it may deem necessary in the interest of justice [41]. Further, Notice could be issued for calling upon the creditor to submit statement [42]. As per Section 12 (1) of the Act on the date fixed under sub-section (1) of section 11, the Forum shall issue notice to the creditor of the debtor to submit a statement of debt owed to such creditor by the debtor. Such statement shall be submitted to the Forum in writing giving details of every transaction of debit and credit in the account of the debtor within a period of two weeks along with the copies of documents to be relied upon in support of his claim: Provided that the Forum may extend this period up to one month for submission of statement of debts for the reasons to be recorded in writing: Provided further that for extension beyond a period of one month, the creditor shall not be entitled to receive any

interest for that period and the recovery of loan shall be stayed till the settlement of debt.

Every debt owed to a creditor of which no statement has been submitted to the Forum in compliance with the provisions of sub-section (1), shall be deemed to be duly discharged for all purposes and all occasions against such creditor, and every debt owed to two or more creditors jointly, of which such statements or statements signed by all such creditors or their recognized agents has or have not been so submitted, shall be deemed to be so discharged against such creditors as have failed to submit the said statement, but only to the extent of their respective shares in the said debt [43]: In the proviso clause of Section 12 (2) it is mentioned that no such debt shall be deemed to have been discharged against any creditor whose name has not been included in the application made under Section 9. According to Section 12 (3) of the Act if a debtor or a creditor fails to appear before the Forum without sufficient cause after due service, the Forum shall proceed ex-parte to determine and settle the debt.

In addition to this, Section 14 of the Act deals with power of the Forum to adjudicate. If a creditor or a debtor, as the case may be, challenges the genuineness or enforceability or the total amount of debt or principal or rate of interest or amount of interest or date of raising of any debt included in an application, the Forum shall adjudicate upon the issue [44]. Moreover, according to *Section 14 (2) of the Act*, the Forum shall determine in the case of each debt, shown in the application made by the debtor or his creditor under section 9 or in the statement furnished by the creditor under section 12, other than a debt, declared nongenuine or unenforceable, the principal amount originally advanced, the amount paid by the debtor towards the principal or interest or both and the amount of principal and interest payable as notified under this Act. The Forum shall decide every application submitted under section 9 within a period of three months from the date of application [45]. Where the debtor is found to have repaid to the creditor an amount equal to, or exceeding, double the principal amount, or the debtor on being apprised of such finding, pays any amount, which makes the total repayment equal to double the amount of principal, the Forum shall declare the debt as fully discharged and thereupon the provisions of clause (b) of section 3, shall apply [46].

As per Section 12 (5), the Forum shall keeping in view the outstanding amount of principal and interest as determined under sub-section (2), and the paying capacity of the debtor, order the repayment of the amount of debt, settled or determined in such installments as it may deem fit. If the Forum finds that the provisions of the Punjab Regulation of Accounts, Act, 1930, have not been complied with by the creditor, it may, for the reasons to be recorded in writing disallow the interest partly or wholly for the period of non-compliance. The creditor shall issue a duly authenticated passbook to the debtor, clearly giving the details of his loan account [47].

Further, Section 16 of the Act is concerned with re-opening of transaction: If the Forum has reason to believe-

a) That the interest charged by the creditor, is excessive; or

b) That the transaction between the parties thereto, was substantially unfair; the Forum shall exercise all or any of the following powers, namely:

- re-open the transaction, take an account between the parties and relieve the debtor of all liabilities in respect of any excessive interest;
- notwithstanding any agreement, purporting to close previous dealing and to create a new obligation, re-open any account, already taken between them and relieve the debtor of all liabilities in respect of any excessive interest, and if anything has been paid or allowed in account in respect of such liabilities, order the creditor to repay any sum, which it considers to be repayable in respect thereof; and
- set aside either wholly or in part or revise or alter any security given or agreement made in respect of any loan, and if the creditor has parted with the security, order him to indemnify the debtor in such manner and to such extent, as it may deem fair and proper.

Provided that, in the exercise of these powers, the Forum shall not –

- 1) re-open any agreement purporting to close previous dealings and to create a new obligation which has been entered into by the parties or any persons from whom they claim at a date, more than five years from the date of the transaction; and
- 2) do anything which affects any decree of a civil court passed before the commencement of this Act.

Moreover, The Government may by notification in the Official Gazette, 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 [48]. Further, the Government may issue directions to the Forum or the Tribunal for carrying out the purposes of the Act and in particular with regard to speedy settlement of the debt cases before them [49].

So these are the various important provisions of the Settlement of Agricultural Indebtedness Act, 2016. But these provisions are not adequate to curb the problem of indebtedness of the small and marginal farmers. The Act has not made any provision to compensate the family members of deceased farmers who died with suicidal deaths. In 2018 this Act has also been amended. The Amendment Act of 2018 had made a provision for the setting up of Divisional Agricultural Forums to streamline the the process of money lending to farmers. From the analysis of the law it can be said that the Act does not entitle the indebted farmers to file for relief at an early stage, or protect property from moneylenders or creditors.

2. Conclusion

To curb the problem of agrarian crisis the government should implement various policies that affect land use, crop choices, fertiliser use, irrigation practices and energy inputs to complement each other towards the common goals of sustainability and growth and to protect the properties of indebted farmers from moneylenders. Therefore through the better regulation, the agrarian crisis should be curbed and the problems of all the farmers should be easily addressed. The

Act should also be amended and it must entitle the indebted farmers to file a relief at an early stage. In addition to this, implementation of Swaminathan Commission Report is need of the hour.

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- [4] Ibid
- [5] Ibid.
- [6] Ibid.
- [7] Ibid.
- [8] Section 226: Attempt to Commit Suicide to Compel or Restrain Exercise of Lawful Power “Whoever attempts to commit suicide with the intent to compel or restrain any public servant from discharging his official duty shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both, or with community service”.
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- [18] Ibid.
- [19] Ibid.
- [20] Punjab Act No. 15 of 2016.
- [21] Preamble to the Punjab Settlement of Agricultural Indebtedness Act, 2016.
- [22] According to Section 2(a), "agriculture" shall include horticulture and the use of the land for any purpose of husbandry inclusive of the keeping or breeding of livestock, poultry, piggery, fishery or bees and the cultivation of agro forestry and the like.
- [23] According to Section 2(b) "agriculturist" means a person who owns or cultivates land and whose means of livelihood is income from cultivation of such land or partly by income from cultivation of such land and partly by income he gets as wages in cash or kind or partly in cash or partly in kind from other occupation he performs.
- [24] According to Section 2(c) "agricultural labourer" means a person who follows any one or more of the following occupations in the capacity of a labourer on hire or exchange, whether paid in cash or in kind or partly in cash and partly in kind:- (i) farming including cultivation and tillage of soil, etc; (ii) dairy farming and fisheries; (iii) production, cultivation, growing and harvesting of any horticultural commodity; (iv) raising of livestock, fees or poultry; and (v) any practice performed on a farm as incidental to or in conjunction with farm operations (including any forestry or timbering operations) and preparation for market and delivery to storage or to market or to carriage for transportation of farm products.
- [25] According to Section 2(h), "debt" includes all liabilities of a debtor in cash or in kind secured or unsecured, payable under a decree or order of a civil court or otherwise, whether due or not, but shall not include,- (i) a debt due to the Central Government or State Government; (ii) a debt due to a Corporation or Forum or any other organization established by the Government of the State of Punjab or Government of India under the relevant law; (iii) any debt incurred for the purposes of trade; (iv) any rent due in respect of any property let out to a debtor; (v) any debt due to a bank or cooperative society; (vi) any liability arising out of breach of trust or any tortious liability; (vii) any liability in respect of wages or remuneration due as salary or otherwise for services rendered; (viii) a debt barred by law of limitation; (ix) land revenue or any other sum recoverable as arrears of land revenue; and (x) any liability in respect of maintenance whether under a decree of civil court or otherwise.
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- [39] Section 10 of the Punjab Settlement of Agricultural Indebtedness Act, 2016.
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- [44] Section 14(1) of the Punjab Settlement of Agricultural Indebtedness Act, 2016.
- [45] Section 12 (3) of the Punjab Settlement of Agricultural Indebtedness Act, 2016.
- [46] Section 12 (4) of the Punjab Settlement of Agricultural Indebtedness Act, 2016.
- [47] Section 12 (6) of the Punjab Settlement of Agricultural Indebtedness Act, 2016.
- [48] Section 26(1) of the Punjab Settlement of Agricultural Indebtedness Act, 2016.
- [49] Section 27 of the Punjab Settlement of Agricultural Indebtedness Act, 2016.