

ANDHRA PRADESH (TELANGANA AREA) AGRICULTURAL DEBTORS RELIEF RULES, 1959

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ANDHRA PRADESH (TELANGANA AREA) AGRICULTURAL DEBTORS RELIEF RULES, 1959

In exercise of the powers conferred by Section 64 of the A.P.(T.A) Agricultural Debtor s Relief Act, 1956 (Hyderabad Act XVI of 1956), the Governor of Andhra Pradesh hereby makes the following Rules under the said Act, the same having been previously published as required by sub section (1) of the said section :

1. Short title and commencement :-

The rules may be called The Agricultural Debtors Relief Rules, 1959

; and shall come into force from the date of their publication in the Andhra Pradesh Gazette.

2. Definitions :-

In these rules unless there is anything repugnant in the subject or context

(a) the Act means the A.P.(T.A) Agricultural Debtors Relief Act, 1956 ;

(b) Code means the Code of Civil Procedure, 1908 ;

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

(d) Government means the Government Andhra Pradesh ;

(e) Section means a section of the Act ;

(f) Words and expressions used in these rules but not defined shall have the meanings assigned to them in the Act.

3. Financing of crops for other purposes :-

The other purposes for which loans may be advanced for the `financing of crops within the meaning of clause (7) of Section 2 shall be

(i) Labour charges;

(ii) Transport charges;

(iii) Purchase of fodder;

(iv) Inter cultivating;

(v) Threshing;

(vi) Field bunding, levelling and terracing ;

(vii) Hire or purchase of plough, cattle and agricultural implements ; and

(viii) Current expenses of running agricultural machinery, e.g. pumps or engines including fuel charges.

4. Seasonal finance :-

The purpose for which advancing of loans shall be seasonal finance within the meaning of clause (13) of Section 2 shall be

(i) Raising of crops during the ploughing season or later, ploughing, sowing, harrowing, weeding, harvesting, purchase of seeds and

manure ;

(ii) Labour charges ;

(iii) Transport charges ;

(iv) Purchase of fodder ;

(v) Inter cultivating ;

(vi) Threshing ;

(vii) Hire or purchase of plough, cattle and agricultural implements ;

(viii) Maintenance of the debtor and his dependants and of his cattle and repairs to Agricultural implements ;

(ix) Current expenses of running agricultural machinery, e.g. pumps or engines including fuel charges.

5. Application under sub section (1) of Section 4 and sub section (1) of Section 8 :-

(1) Applications under sub section (1) of Section 4 shall be made within a period of six months from the commencement of these rules.

(2) Applications under sub section (1) of Section 4 shall be in Forms 1 and 2 and applications under sub section (1) of Section 8 shall be in Form 3. They shall be written in ink and duly signed and attested by the two witnesses, and shall be presented to the Court during office hours by the applicants personally or by their authorised agents or sent by registered post addressed to the Court and shall be received by the Court or by such person as may be authorised by it to receive them.

6. Manner of service of notice under Section 15 :-

(1) The notice mentioned in clause (a) of Section 15 shall be served on the debtor or the creditor, as the case may be, by delivering a copy of the notice to him.

(2) The general notice mentioned in clause (b) of Section 15 shall be served by affixing a copy of it in some conspicuous place in the Court house, Office of the Tahsildar and the Village Chavidi.

(3) Every notice under Section 15 shall state that the list of debtors who have made applications for adjustment of debts or against

whom applications have been made shall be available for inspection at all reasonable times in the court.

7. Form of statement under Section 15 :-

The statement which a debtor or creditor is required to submit under Section 15 shall be in Form 4 or 5 as the case may be.

8. Manner of determining the value of debtor s property under sub section (1) of Section 29 :-

(i) For the purposes of sub section (1) of Section 29, the value of the debtor s movable and immovable property shall be determined by the Court in the manner specified in this rule.

(ii)Immovable property : The Court shall determine the value of any immovable property by taking into consideration

(a) the bona fide sales and leases of the property in question during the preceding five years ;

(b) the bona fide sales and leases of similar properties in the neighbourhood during the preceding five years ;

(c) the nature of the property, its location, the use to which it is put, and other kindred factors which will enable the Court to determine the value of the property ;and

(d) the valuation of the property in question made by the Land Valuation Officers appointed by Government in this behalf.

(iii) Movable property : The court shall determine the value of movable property by taking into consideration the valuation of the property in question made by the Land Valuation Officers appointed by Government in this behalf and also by questioning the parties concerned and by taking such other enquiries as it may think fit.

(iv) The Land Valuation Officers appointed by Government may be appointed by the Court as Commissioner under Order XXVI in Schedule I to the Code of Civil Procedure, 1908, for the purpose of making an enquiry for determination of the value of debtor s movable and immovable property.

9. Manner of determining the market value of debtor s property under sub section (4) of Section 29 :-

For the purposes of sub section (4) of Section 29, the market value of the debtor s lands shall be determined by the Court by taking into consideration

(a) the bona fide sales and leases of the lands in question during the preceding five years, if any ; and

(b) the bona fide sale and leases of similar lands in the neighbourhood during the preceding five years ; and after ascertaining the valuation of the lands in question from the Tahsildar concerned.

10. Forms of award :-

(i) The award under sub section (2) of Section 32 shall be in Form 6 and the award under sub section (2) of Sec. 33 shall be in Form 7.

(ii) The Court shall send a copy of the award passed under sub section (2) of Section 33 to the Primary Agricultural Development Society concerned or the A.P. Central Co operative Agricultural Development Bank, as the case may be.

11. Certification of Court under proviso to sub section (4) of Section 33 :-

(i) An application for a certificate of the Court under the proviso to sub section (4) of the Section 33 shall be in Form 8 and shall be presented by the Manger of the Bank or society, as the case may be, to the Court concerned during the office hours personally or through an authorised agent or sent by registered post addressed to the Court. Every such application shall be received by the Court or by such person as may be authorised by it in this behalf.

(ii) On receipt of such application the Court shall, after making such enquiry as it deems fit, issue the requisite certificate in favour of the Bank or society, as the case may be.

12. Application under clause (i) sub section (3) of Section 38 :-

Application under clause (i) of sub section (3) of Section 38 shall be in Form 9.

13. Manner in which property may be sold under Section 41 :-

(i) Every sale of property, whether movable or immovable under Section 41 or sub section (3) of Section 55 shall be held by an officer of the Court in accordance with the procedure laid down for the sale of such property under the Code.

(ii) A certificate in Form 10 shall be issued to the purchaser of property by the officer conducting the sale under this rule.

14. Recovery of Court fees :-

The Court fees payable under sub section (1) of Section 46 shall be recovered as arrears of land revenue.

15. Form of Register of Debt Adjustment Awards and Index :-

As required under Section 48, the Register of Debt Adjustment Awards in the form of a file book with numbered butts in Form 11 and an Index relating thereto in Forms 12 and 13 shall be kept in all registration offices.

16. Form of Particulars to be sent under section 49 :-

Particulars to be included in the memorandum to be sent by the Court to the Sub Registrar or Registrar as the case may be, under Section 49 shall be in Form 14 and shall be endorsed on the certified copy of the award sent for registration under the said Section 49.

17. Procedure in Code to be followed generally :-

In respect of any matter for which no provision is made in the Act or these rules, the procedure laid down in the Code shall, so far as may be, followed by the Court in the proceedings before it.

18. Conditions subject to which authorised persons may advance loans :-

The authority under sub section (1) of Section 62 to any person to advance loans to debtors who are parties to any proceedings under the Act or in respect of whose debts an adjustment has been made under the Act (hereinafter referred to in this rule as the authorised person) shall be in Form 15. It shall not be granted except on the following conditions :

(i) The authorised person shall not advance loans to any debtor except for the purpose of seasonal finance not exceeding the maximum limits which the Collector has fixed in this behalf under Rule 19. The authorised person shall not knowingly advance any loan to any debtor who had previously taken a loan from another authorised person unless such previous loan has been fully paid or unless he (the authorised person) agrees to discharge the liability of the debtor in respect of such previous loan.

(ii) The authorised person shall not unreasonably withhold

permission required by a debtor under sub section (1) of Section 62 for sale of standing crops or the produce of his land and if the authorised person himself buys the crops or produce he shall pay the debtor the price thereof at the market rate.

(iii)

(a) The authorised person shall keep regularly in Form 16, a separate account of each loan advanced to a debtor : Provided that where the loans to any debtor are advanced on a current account, the authorised person may keep the account of all transactions relating to such loans.

Explanation : For the purposes of this clause the term `current account includes, in the case of banks, accounts relating to overdrafts, cash credits and pronote accounts, which are maintained in the form of current account.

(b) The authorised person shall, within one month after the expiry of every year, supply every debtor a full and correct statement of accounts signed by him or his agent. Such statement of accounts shall show all transactions entered into during the year and the balance outstanding on account of each loan on such date as Government may prescribe either generally or for a particular area and shall contain particulars as in Form 17 :

Provided that where the loans are advanced on a current account, it shall be sufficient to furnish particulars of the balance due on the whole of such account on the prescribed date. In the case of banks, the requirements of this clause shall be deemed to have been complied with if a full statement of accounts has been supplied to the debtor by means of pass book or otherwise from time to time, throughout the year and intimation is given within one month after the expiry of the year, of the amount of the balance remaining due on the prescribed date.

(c) The statement of accounts shall be furnished to the debtors by registered post and an acknowledgment obtained thereof at the cost of the authorised person.

(iv)

(a) The authorised person shall not charge or recover interest at a rate higher than the rate notified by Government under Rule 20.

(b) If any repayment is made in respect of a loan, interest on such

loan shall be calculated up to the date of such repayment ; and if the loan or any part of it is outstanding, interest shall be calculated only on the balance of the principal still outstanding.

(v) The authorised person, unless specially exempted by Government, shall allow such officer as may be appointed in this behalf by Government to inspect the accounts maintained by him.

(vi) Government may in its discretion cancel the authority granted by it for breach of any of the foregoing conditions or for any other reason.

19. Collector to fix maximum limits up to which advance may be made :-

The Collector shall, by notification, in the Official Gazette, fix maximum limits up to which persons authorised under Section 63 may advance loans to debtors , who are parties to any proceedings under the Act, or in respect of whose debts an adjustment has been made under the Act, for seasonal finance once a year. Such limits shall come into force from the 1st day of the months next to that in which the notification is published by the Collector and shall remain in force till the end of the months in which a fresh notification is published by the Collector in this behalf in the next year. Such limits may be fixed separately for different crops and for different areas having regard to the reasons and nature and productivity of crops.

20. Government to fix maximum rates of interest :-

Government shall, from time to time, by notification in the Official Gazette, fix a rate of interest not exceeding six per cent per annum at which loans for seasonal finance may be advanced by persons authorised under Section 63.

21. Further time for filing appeals under Section 66 (d) :-

In computing the period of limitation for the filing of appeals under clause (d) of Section 66, the further period that may be allowed shall be three years from the date of the commencement of the Act.