

TRIPURA AGRICULTURAL DEBTORS RELIEF RULES, 1976

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TRIPURA AGRICULTURAL DEBTORS RELIEF RULES, 1976

In exercise of the powers conferred by S. 29 of the Tripura Agricultural Debtors Relief Act, 1975 (Tripura Act No. 1 of 1976), the Governor of Tripura hereby makes the following rules, namely :-

1. Short title and commencement :-

- (1) These rules may be called the Tripura Agricultural Debtors Relief Rules, 1976.
- (2) They will come into force on and from the date of their publication in the official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires,

- (a) "Act" means the Tripura Agricultural Debtors Relief Act, 1975 ;
- (b) "Form" means a Form appended to these rules;
- (c) "Code" means the Code of Civil Procedure, 1908;

(d) "Section" means the section of the Act;

(e) "Tribunal" means a Tribunal as may be established by the State Government under S. 5 of the Act ;

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

3. Manner of making application and form of notice :-

(2) All applications under sub-S.

(1) of S. 6 of the Act shall be in Forms 1 and 2 and applications under the sub-S.

(3) The notice as required to be given under S. 11 of the Act upon the debtor or the creditor shall be in Form 4 and the notice required to be given under S. 8 of the Act upon the debtor or the creditor shall be in Form 5. Every notice shall be accompanied by a copy of the application to be furnished by the applicant.

4. Form of statement under S. 11 :-

The statement which a debtor or creditor is required to submit under S. 11 shall be in Form 6 or 7 as the case may be.

5. Mode of serving notice :-

(1) Every notice under the Act may be served either by tendering or delivering a copy thereof to the person on whom it is to be served, or his authorised agent or any adult male member of his family usually residing with him.

(2) If service of notice cannot be effected as above, or if acceptance of service so made is refused, the notice may be served by pasting a copy thereof on the door of the usual or last known place of residence of the person to whom it is addressed or by publication in a local newspaper.

(3) When a notice be pasted on the door of a place of residence under sub-R. (2) the acknowledgement of this having been so pasted shall be taken from two responsible neighbours.

(4) In addition to the notice stated above, the Tribunal shall affix copies of notice in the manner stated in Cl. (b) of S. 11 of the Act.

6. Marking of documents by the Tribunal :-

There shall be endorsed on every document which has been admitted in evidence in proceeding the following particulars,

namely

(a) the number and title of the proceeding ;

(b) the name of the person producing the document;

(c) the date on which it has been produced, and the endorsement shall be signed or initialled by the Presiding Officer of the Tribunal. The documents which are produced on the debtor's side shall be marked as D, D-1, D-2, and so on and the documents which are produced on the creditor's side shall be marked as C, C-1, C-2, and so on.

7. Manner of recording evidence :-

The evidence of each witness shall be taken down in writing by the Presiding Officer in the form of a narrative, and, when completed, shall be read over in the presence of the Presiding Officer and all the witnesses, and the Presiding Officer shall, if necessary, correct the same, and shall sign it.

8. Provision for appearance :-

A person may himself or through his authorised representative, appear and act before a Tribunal, District Collector or Revenue Commissioner.

9. Procedure to be followed in the matter of disposal of appeals and revision under the Act :-

(1) Every appeal shall be preferred in the form of a memorandum and presented to the District Collector concerned during the office hours by the appellant or his duly authorised agent and shall be received by the District Collector or by such person as may be authorised by him to receive the same.

(2) Every application for revision shall be similarly presented to the Revenue Commissioner.

(3) Every memorandum shall be accompanied by a copy of the order appealed from or objected to unless the authority to which the memorandum is presented dispensed with its production.

(6) If the District Collector or the Revenue Commissioner admits the appeal or revision he may reverse, vary or confirm the order appealed from or may direct such further investigation in this connection to be made, or such additional evidence to be taken as he may think necessary, or he may himself take such additional

evidence.

(7) Where a memorandum of appeal is admitted, the District Collector or proper officer of the appellate court shall endorse thereon the date of presentation, and shall register the appeal in the Register of Appeals.

(8) Where an application for revision is filed, the Revenue Commissioner, or any other officer duly authorised by him in this behalf shall endorse therein the date of presentation, and shall register the application for revision in the Register of Applications for Revision.

10. Power to suspend execution of orders of Tribunal or District Collector :-

Where an appeal is admitted or application for revision is filed, the District Collector or the Revenue Commissioner in which such appeal or application is made, may, for sufficient cause, direct the execution of the order of the Tribunal or District Collector, as the case may be, be stayed pending the disposal of the appeal, or as the case may be, of the revision application.

11. Judgment :-

(1) It shall not be necessary for the Revenue Commissioner when confirming an order of a Tribunal or District Collector to do more than recording an order dismissing an application for revision and confirming the order of the Tribunal or District Collector.

(2) In all other cases the Tribunal or District Collector deciding the applications under S. 6 or under S. 8 of the Act or the appeal shall record a judgment. The judgment shall contain a concise statement of the case, the point for determination, the decision thereon, and the reasons for such decision. The judgment shall be dated and signed by the Presiding Officer.

12. Orders to be in writing :-

All orders made or passed by courts in relation to any proceeding under the Act or these rules shall be in writing, dated and signed by the Presiding Officer of the Court.

13. 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, be followed by the Tribunal, District Collector or Revenue

Commissioner in the proceeding or inquiry before it.

14. Registers :-

15. Fees :-

Every application under S. 6 and S. 8 of the Act shall be affixed with a Court fee stamp of rupees two and every memorandum of appeal and revision under the Act shall be affixed with a Court fee stamp of rupees three.