

TRIPURA AGRICULTURAL INDEBTEDNESS RELIEF ACT, 1979

8 of 1980

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An Act to provide relief from indebtedness to agricultural labourers, rural artisans and small farmers in the State of Tripura and for matters connected therewith Be it enacted by the Legislative

Assembly of Tripura in the Thirtieth Year of the Republic of India as follows

CHAPTER 1
Preliminary

1. Short title and commencement :-

(1) This Act may be called the Tripura Agricultural Indebtedness Relief Act, 1979.

(2) It shall be deemed to have come into force on the thirty-first day of March, 1979.

2. Definitions :-

In this Act, unless the context otherwise requires

(b) "Civil Court" means a civil court within the meaning of the Tripura (Courts) Order, 1950, and includes Nyaya Panchayats established under S. 42 of the United Provinces Panchayat Raj Act, 1947, as extended to Tripura, and includes also any court exercising appellate or revisional jurisdiction over civil courts ;

(c) "Co-operative Society" means a society registered under the provisions of the Tripura Co-operative Societies Act, 1974;

(f) "farmer" means a person who is engaged in agriculture ;

(g) "landless labourer" means a person who does not hold any agricultural land and whose principal means of livelihood is manual labour on agricultural land ;

(h) "marginal farmer" in relation of a person not belonging to Scheduled Tribe means a farmer who owns or cultivates as share cropper land measuring not more than one hectare of nal or lunga or two hectares of other agricultural land and in relation of a person belonging to a Scheduled Tribe means a farmer who owns or cultivates as share cropper land measuring not more than two hectares of nal or lunga or four hectares of other agricultural land ;

(i) "Official Gazette" means the Tripura Gazette ;

(j) "prescribed" means prescribed by rules made under this Act ;

(k) "rural artisan" means a person who does not hold any agricultural land and whose principal means of livelihood is production or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto,

and also a person who normally earns his livelihood by practising a craft either by his own labour or by the labour of members of his family in the rural areas and whose annual income does not exceed rupees two thousand four hundred per annum ;

(1) "share cropper" means a person who under the system generally known as adhi, barga, bhag or any other term cultivates the land of any person on condition of delivering a share of the produce of such land to that person ;

(m) "Tribal Jhumia" means a landless tribal agriculturist who lives mainly on jhuming (shifting cultivation).

CHAPTER 2

Relief from indebtedness

3. Discharge of and consequences thereof :-

Notwithstanding anything contained in any other law for the time being in force or any contract or other instrument having force by virtue of any such law, and save as otherwise expressly provided in this Act, the consequences as hereinafter set forth shall, with effect from the date of commencement of this Act, ensue, namely :

(a) every debt advanced before the commencement of this Act including the amount of interest, if any, payable by a debtor to a creditor, shall be deemed to be wholly discharged ;

(b) no such debt due from the debtor shall be recoverable from him or from any movable or immovable property belonging to him, nor shall any such property be liable to be attached and sold or proceeded against in any manner in the execution of any decree or order relating to such debt against him ;

(e) every debtor undergoing detention in a civil prison in execution of any decree for money passed against him by a civil court in respect of any such debt shall be released ;

(f) every movable property pledged by a debtor shall, on the commencement of this Act, stand released in favour of such debtor, and the creditor shall be bound to return the same to the debtor forthwith ;

4. . :-

(1) Every creditor referred to in Cl. (f) S. 3 shall, within such period as may be prescribed, furnish to the Tribunal having jurisdiction over the area where such creditor has his ordinary place of

business, a statement in such form as may be prescribed containing the names of all persons who have pledged movable property with him, the nature and description of such property, the amount advanced and due as on the commencement of this Act, the rate of interest and such other particulars as may be prescribed.

(2) A debtor referred to in Cl. (f) of S. 3 may also make an application to the Tribunal having jurisdiction over the area where his creditor has his ordinary place of business for an order for the delivery of the movable property pledged by the debtor.

(4) Where the movable property pledged by the debtor is in the possession of any transferee of the creditor, the creditor shall redeem the said property from such transferee and produce it on or before the date specified in the order referred to in sub-S. (3).

(6) After such production on recovery of deposit of the property pledged, the Tribunal shall deliver the said property to the debtor.

(7) Pending determination of the question under sub-S. (3), no creditor or the transferee of the creditor shall sell or pledge or otherwise dispose of any movable property pledged by the debtor.

(9) The provisions of Ss. 100 and 165 of the Code of Criminal Procedure, 1973 (II of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under sub-Ss. (5) and (8)

5. Debtors to apply in certain cases :-

(1) A debtor referred to in Cl. (g) of S. 3 may make an application to the Tribunal having jurisdiction over the area within which such debtors ordinarily reside, for an order releasing the mortgaged property and for the grant of a certificate of redemption.

(3) Pending orders under sub-S. (2), no creditor or the transferee of the creditor shall transfer or otherwise assign his interest in, or exercise his right of foreclosure in respect of the property mortgaged by the debtor.

(4) Where the mortgaged property has been transferred or any right therein has been assigned to any bank by the creditor, the Tribunal shall recover from the creditor such amount as is due to such bank in respect of the said mortgaged property, as if it were an arrear of land revenue, and shall pay the same to the bank.

6. Appeals :-

Any person aggrieved by any order or decision made by the Tribunal under S. 4 or S. 5 may, within sixty days from the date of communication of the order or decision to him, appeal to the Appellate Tribunal subject to payment of such fees as may be prescribed.

CHAPTER 3

Miscellaneous

7. Constitution of Tribunals and Appellate Tribunals :-

8. Powers of Tribunal and Appellate Tribunal :-

(1) The Tribunal and the Appellate Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) for summoning and enforcing the attendance of any person and examining him on oath and for requiring production of any document.

(2) In any proceedings under this Act any party may be represented by an agent authorised in writing, except by a legal practitioner as defined in S. 2 of the Advocates Act, 1961 (XXV of 1961).

(3) The procedure to be followed by the Tribunal and the Appellate Tribunal in any proceedings before it shall, subject to the provisions of this Act, be in accordance with such rules as may be prescribed.

9. Execution of order or decision of Tribunals and Appellate Tribunals :-

Every order or decision of the Tribunal or the Appellate Tribunal made under this Act shall be deemed to be a decree within the meaning of Cl. (2) of S. 2 of the Code of Civil Procedure, 1908 (Act V of 1908), and may be put to execution, if necessary, through a Civil Court of competent jurisdiction.

10. Penalty :-

(1) Any person failing to furnish the statement under S. 4 or to comply with the order made or direction given under that section or S. 5 or otherwise contravening the provisions of either of the said sections shall be punished with imprisonment for a term which shall not be less than three months but which may extend to one year and with fine which shall not be less than one thousand rupees but which may extend to five thousand, rupees,

(2) Every offence punishable under sub-S. (1) shall be tried in a summary way and the provisions of Ss. 262 to 264 (both inclusive) of the Code of Criminal Procedure, 1973 (II of 1974), shall, as far as may be, apply to such trial.

11. Offences by companies :-

12. Penalty for molestation :-

Whoever molests, or abets the molestation of, a debtor for the recovery of a debt by him to a creditor shall, on conviction, be punishable with imprisonment of either description which may extend to one year, or with fine which may extend to rupees two thousand, or with both.

13. Burden of proof :-

In any suit or proceeding, the burden of proving that the debtor is not entitled to the protection of this Act shall, notwithstanding anything in any other law for the time being in force, lie on the creditor.

14. Bar of jurisdiction of civil courts :-

(1) No civil court shall have jurisdiction in respect of any matter which the Tribunal or the Appellate Tribunal is empowered by or under this Act to determine.

(2) No order passed or proceeding taken by any officer or authority under this Act shall be called in question in any court of law.

15. Certain offences to be cognizable :-

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (II of 1974), offences punishable under this Act or any rule made thereunder shall be cognizable.

16. Protection of action taken in good faith :-

No suit, prosecution or other legal proceeding shall lie against any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

17. Power to make rules :-

(1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislative Assembly, while it is in

session for a total period of 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 session immediately following, the Legislative Assembly make any modification in the rule by way of amendment or repeal, 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 repeal shall be without prejudice to the validity of anything previously done under that rule.

18. Effect of other laws :-

Save as otherwise provided in this Act, the provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

19. Power to remove difficulties :-

(2) Every order passed under sub-S. (1) shall be laid before the State Legislature.

20. Repeal and savings :-

(1) On and from the date of commencement of this Act, the Tripura Agricultural Debtors Relief Act, 1975 (I of 1976) (hereinafter referred to as that Act) or so much thereof as relates to matter covered by the provisions of this Act, shall stand repealed.