

---

## **SAURASHTRA AGRICULTURAL DEBTOR'S RELIEF RULES, 1954**

### **CONTENTS**

1. Short title
2. Definitions
3. Seasonal Finance
4. Application under sub-section (1) of section 4
5. Application for recording settlement under section 9
6. Manner of publication of general notice under section 13
7. Form of statement under section 13
8. Form of statement under section 15
9. Manner of determining the value of debtors property under sub-section (1) of section 27
10. Manner of determining the market value of debtors property under sub-section (5) of section 27
11. Forms of award
12. Application under clause (i) sub-section (3) of section 36
13. Procedure under a debtors property is ordered to be sold under section 39 or sub-section (2) of section 51
14. Recovery of Court fees
15. Form of Register of Debt Adjustment Awards and Index
16. 16
17. Procedure in Code to be followed generally
18. Conditions subject to which authorised person may advance loans
19. Collector to fix maximum limits up to which advance may be made
20. Government to fix maximum rates of interest

**SCHEDULE 1 :-** SCHEDULE A

**SCHEDULE 2 :-** SCHEDULE B

**SCHEDULE 3 :-** SCHEDULE A

**SCHEDULE 4 :-** SCHEDULE B

**SCHEDULE 5 :-** SCHEDULE

## **SAURASHTRA AGRICULTURAL DEBTOR'S RELIEF RULES, 1954**

Whereas the draft of the Saurashtra Agricultural Debtor's Relief

Rules, 1954, was published under Government notification, Revenue Department No. RD/IV//57-288, dated 4th September 1954 with a view to invite objections and suggestions from members of public so as to reach this Department on or before 23rd September, 1954; And whereas no objection or suggestions were received from public during the prescribed time limit; Now, therefore, in exercise of the powers conferred by Section 60 the Saurashtra Agricultural Debtor's Relief Act, 1954, the Government of Saurashtra is pleased to make the following Rules:-

**1. Short title :-**

These Rules may be called the Saurashtra Agricultural Debtor's Relief Rules, 1954 .

**2. Definitions :-**

in these Rules, unless the context otherwise requires:-

- (i) "Act" means the Saurashtra Agricultural Debtor's Relief Act, 1954 ;
- (ii) "Code" means the Code of Civil Procedure, 1908 ;
- (iii) "Form" means a form appended to these Rules;
- (iv) "Government" means the Government of Saurashtra ;
- (v) "Section" means a section of the Act;
- (vi) Words and expressions used in the Act and not defined in these Rules shall have the meanings assigned to them in the Act.

**3. Seasonal Finance :-**

The purposes, advancing of loans for which shall be "Seasonal Finance" within the meaning of clause (10) of Section 2 , shall be:-

- (i) Raising of crops during the ploughing season or later for ploughing, sowing, harrowing, weeding, harvesting, purchase of seeds and manure;
- (ii) Labour charges;
- (iii) Transport charges;
- (iv) Purchase of fodder;
- (v) Inter cultivating;
- (vi) Thrashing;

- (vii) Hire or purchase of plough, cattle and agricultural implements;
- (viii) Maintenance of the debtor and his dependents and of his cattle and repairs to agricultural implements;
- (ix) Current expenses of running agricultural machinery, e.g. pumps or engines, including fuel charges.

**4. Application under sub-section (1) of section 4 :-**

Applications under sub-section (1) of Section 4 shall be in Forms Nos. 1 and 2. They shall be presented to the Board during office hours by the applicants personally or shall be sent by registered post addressed to the Board and shall be received by the Civil Judge constituting the Board or by such person as may be authorised by him to receive them.

**5. Application for recording settlement under section 9 :-**

The debtor or creditor may apply to the Board, the Appellate or Revisional Court in Form No. 3 for recording the settlement arrived at with his creditor(s) or debtor's and requested to pass an award in terms of the settlement.

**6. Manner of publication of general notice under section 13 :-**

The general notice under clause (b) of Section 13 shall be published by affixing copies of it at the office of the Board concerned and of the Mamlatdar or Mahalkaris of the Talukas or Mahals concerned. Such notice shall state that the list of debtors, who have made applications for adjustment of debts or against whom applications have been made, will be available for inspection at all reasonable times in the office of the Board.

**7. Form of statement under section 13 :-**

The statement which a debtor, creditor is required to submit under Section 13 shall be in Form No. 4 or 5 as the case may be.

**8. Form of statement under section 15 :-**

The statement which a debtor is required to submit under Section 15(1) shall be in Form No. 6. The statement which a creditor is required to submit under Section 15 shall be in Form No. 7.

**9. Manner of determining the value of debtors property under sub-section (1) of section 27 :-**

- (i) For the purposes of sub-section (1) of Section 27, the value of the debtor's movable and immovable property shall be determined

by the Board in the manner specified in this rule;

(ii) Immovable Property.-The Board shall determine the value of any immovable property by taking into consideration:-

(a) the bonafide sales and leases of property in question during the preceding twelve years; and

(b) the bonafide sales and leases of similar properties in the neighborhood during the preceding twelve years; and

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

(iii) Movable Property.-The Board 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 making such other inquiries as it may think fit;

(iv) The Land Valuation Officers appointed by Government may be appointed by the Board as Commissioners under Order XXVI in Schedule I to the Code for the purpose of making an inquiry for determination of the value of debtor's movable property.

**10. Manner of determining the market value of debtors property under sub-section (5) of section 27 :-**

For the purpose of sub- section (5) of Section 27 , the market value of the debtor's lands, which under any law for the time being in force, are not transferable or alienable except, with the previous sanction of the Collector or the State Government shall be determined by the Board by taking into consideration :-

(a) the bonafide sales and leases of the lands in question during the preceding 12 years, if any; and

(b) the bonafide sales and leases of similar lands in the neighborhood during the preceding 12 years, if any, after ascertaining the valuation of the lands in question from the Mamlatdar of the Taluka or the Mahalkari of Mahal concerned.

**11. Forms of award :-**

(i) The award under Section 30 shall be in Form No. 8 and the award under sub-section (2) of Section 31 shall be in Form No. 9.

(ii) The Court shall send a copy of the award passed under

subsection (2) of Section 31 to the Saurashtra Central Co-operative Land Mortgage Bank Ltd.

**12. Application under clause (i) sub-section (3) of section 36 :-**

Application under clause (i) of sub-section (3) of Section 36 shall be in Form No. 10.

**13. Procedure under a debtors property is ordered to be sold under section 39 or sub-section (2) of section 51 :-**

(i) Every sale of property, whether movable or immovable, under Section 39 or sub-section (2) of Section 51 shall be held by an officer of the Board in accordance with the procedure laid down for the sale of such property under the Code;

(ii) A certificate in Form No. 11 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 subsection (1) of Section 42 shall be recovered as arrears of land revenue.

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

The Register of Debt Adjustment Awards in the form of a file book with numbered butt in Form No. 12 and an index relating thereto in Forms Nos. 13 and 14 shall be kept in all registration offices.

**16. 16 :-**

Particulars to be included in the memorandum to be sent by the Board to the Sub-Registrar to Registrar, as the case may be under Section 46 shall be in Form No. 15 and shall be endorsed on the certified copy of the award sent for registration under the said Section 46 .

**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 Board in the proceeding before it.

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

The authority under Section 59 to any person to advance loans to debts 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 No. 16. It shall not be granted except on the following conditions:-

(i) Purposes for which advances may be made and maximum limits of such advances.-The authorised person shall not advance loans to any debtors 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 debtor in respect of such previous loan.

(ii) Authorised person not to withhold permission for sale of crops or produce.-The authorised person shall not unreasonably withhold permission required by a debtor under sub-section (1) of Section 58 for sale of the 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) Duty of authorised person to maintain and furnish accounts.-

(a) The authorised person shall keep regularly in Form No. 17 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 one 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 promissory accounts, which are maintained in the form of current accounts.

(b) The authorised person shall, within one month after the expiry of every year, supply every debtor a full and correct statement of accounts which 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 No. 18:

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 a 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 debtor by registered post and acknowledgment obtained thereof at the cost of the authorised person.

(iv) Rate and calculation of interest.-

(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 of it is outstanding, interest shall

(v) Inspection of accounts to be allowed.-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) Penalty for non-compliance with conditions mentioned in this rule. -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 upto which persons authorised under Section 59 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 month next to that in which the notification is published by the Collector and shall remain in force till the end of the month in which a fresh notification is published by the Collector in the next year. Such limits may be fixed separately for different crops and for different areas, having regard to the seasons, 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 percent per annum, at which loans for seasonal finance may be advanced by persons

authorised under Section 59 .

SCHEDULE 1

SCHEDULE A

Names and addresses of the debtors	Names and addresses of the creditors, arranged in order of priority mentioned in section 32 (2) (iii) including those creditors who are mentioned in sec. 3)	Amount of debt (secured or unsecured) originally claimed due by the creditor
1	2	3

SCHEDULE 2

SCHEDULE B

(a) Immovable properties :-				
Serial No.	Specification of properties with boundaries where necessary (Lands or Houses)	Names of villages with Survey Nos. etc.		
		Survey No. and Pot Hissa	Area in acres	Assessment
1	2		3	

SCHEDULE 3

SCHEDULE A

Name and address of the debtor	Names and addresses of the creditors, arranged in order of priority mentioned in section 30 (2) (iii) including those creditors who are mentioned in section 3.	Amount of debt (secured or unsecured) originally claimed due by the creditor
	Serial No.	Name and address of the creditor
1	2	3

SCHEDULE 4

SCHEDULE B

(a) Immovable properties				
Serial No.	Specification of properties with boundaries where necessary (Lands or Houses)	Names of the villages with Survey Nos. etc.		
		Survey No. and Pot Hissa	Area in acres	Assessment



1	2	3
---	---	---

SCHEDULE 5

SCHEDULE

Serial	Name and	Amount of debt as	Description and full	Rem
No.	address of	finally determined by	particulars of all the	arks
	the creditor	the Court to be pay	immovable property	
		able to each creditor	of the debtor	
1	2	3	4	5