

**Madhya Bharat Famine (Suspension Of Proceedings) Act,
1953**

12 of 1953

[30 April 1953]

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**Madhya Bharat Famine (Suspension Of Proceedings) Act,
1953**

12 of 1953

[30 April 1953]

An Act to provide for the suspension of certain proceedings in 2[Areas affected with famine or scarcity] Be it enacted as follows :-
- 1. Received the assent of President on 30-4-1953 assent first published in M.B. Gazette, dated 8-5-1953. 2. Substituted by M.B. Act No. 23 of 1954.

1. Short Title And Extent :-

- (1) This Act, may be called The Madhya Bharat Famine or 1[Scarcity] (Suspension of Proceedings) Act, 1953.
(2) It extends to the whole of Madhya Bharat.
(3) It shall be deemed to have come into force from the 1st December, 1952.
1. Substituted by M.B. Act No. 23 of 1954.

2. Interpretation :-

In this Act, unless the context otherwise requires,--

(a) "agriculturist", means a person who by himself or by his servant or tenants earns his livelihood wholly or principally by agriculture or by cattle-breeding within the limits of any famine affected area and it shall also include a person who ordinarily engages himself in agricultural labour or who works in a village as an agricultural artisan.

Explanation 1.-- A person who temporarily ceases to earn his livelihood by agriculture or cattle-breeding or who is prevented from so earning his livelihood by reasons of old age or bodily infirmity or necessary absence on account of service in the Armed Forces of the Union, does not cease to be an agriculturist within the meaning of this definition, but a mortgagee of lands in the occupation of an agriculturist is not an agriculturist.

Explanation 2.-- In the case of co-owners of co-tenants or members of a joint family, such of them only as ordinarily engage themselves personally in agriculture or cattle-breeding shall be deemed to be agriculturists within the meaning of this definition, provided that in the case of a joint family, the family as a whole, and not the individual members thereof not so engaging themselves, shall also be regarded as an agriculturist.

(i) by ones own labour; or

(ii) by the labour of either spouse; or

(iii) under the personal supervision of oneself or any member of ones family referred to in sub-clause (ii) above by hired labour or by servants on wage payable in cash or kind but not as crop share, but does not include a trader. [See State of M.P. v. Hardeo Shrinath, AIR 1994 SC 2538 at 2539.]

(b) "Court" means a civil or a revenue court or a Nyaya Panchayat;

(c) 1[affected area] means an area in respect of which a declaration has been made under Section 3 and is subsisting;

(d) "Notification" means notification published in the 2[Gazette];

(e) "prescribed period" means the period fixed under Section 4 and includes every extension thereof;

(f) "Proceeding" means any Proceeding in a court started on a plaint, petition of appeal, application or otherwise.

1. Substituted by M.B. Act No. 23 of 1954.

2. Substituted by Section 4 and Table thereunder of M.P. Adoption of Laws Order, 1956.

3. Power Of Government To Declare Areas Affected With Famine Or Scarcity :-

The Government may by notification, declare any area or areas to be affected with 1[famine or scarcity] and thereupon the provisions of this Act shall apply to such area or areas for the period fixed under Section 4.

1. Substituted by M.B. Act No. 23 of 1954.

4. Power To Fixed Prescribed Period :-

(1) Upon the issue of a notification under Section 3 in respect of any area, the Government shall by the same or another notification fix the period for which the provisions contained in Sees. 5 to 10 shall remain in force in such area, and may likewise extend from time to time the period so fixed.

(2) On the termination of the prescribed period for any area the declaration in respect thereof made under Section 3 shall be deemed to be discharged and such area shall cease to be 1[an affected area].

1. Substituted by M.B. Act No. 23 of 1954.

5. Stay Of Certain Proceedings :-

(1) All proceedings in execution of any decree for money, all proceedings for making final any preliminary decree for foreclosure or sale in enforcement of a mortgage and all proceedings in execution of any final decree for foreclosure or sale in enforcement of a mortgage passed by any Court on the basis of any liability incurred before the issue of a notification under Section 3 in respect of that area, in which the judgment debtor or one of the judgment debtors in an agriculturist, shall be stayed for the prescribed period.

(2) Where proceedings in execution of any decree have been stayed under sub-section (1) all attachments of growing crops, agricultural produce, live-stock and other movable property of a perishable nature made in execution of such decree and subsisting on the date on which the stay order is passed, shall be deemed to be withdrawn.

(3) All proceedings under the Insolvency Act for the time being in force in Madhya Bharat against an agriculturist pending in any Court on the date of issue of notification under Section 3 shall be stayed for the prescribed period.

(4) All suits for money and for foreclosure or sale in enforcement of mortgage against an agriculturist, and all appeals from decrees or orders passed in such suits, pending in any Court on the date of

the issue of a notification under Section 3 in respect of that area, shall be stayed for the prescribed period.

6. Instalment Decrees :-

Where any decree referred to in sub-section (1) of Section 5 is payable by instalments and any instalment payable thereunder fall due within the prescribed period then, notwithstanding anything contained in such decree-

- (i) failure to pay such instalment on the due date shall not be deemed to be a default;
- (ii) no instalment shall be deemed to have fallen due during the prescribed period;
- (iii) the unpaid instalments shall be payable after the expiry of the prescribed period on the same dates and with the same intervals as are provided in the decree; and
- (vi) the decree shall be deemed to have been amended accordingly.

7. Institution Of Certain Proceedings Suspended :-

(1) No suit for money and no suit for foreclosure or sale in enforcement of a mortgage against an agriculturist nor any appeal from any decree or orders passed in any such suit shall be instituted during the prescribed period in any Court.

(2) No application for execution of any decree referred to in sub-section (1) of Section 5 or for making final any preliminary decree for foreclosure or.