

MAHARASHTRA (VIDARBHA REGION) AGRICULTURAL DEBTOR RELIEF RULES, 1969

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MAHARASHTRA (VIDARBHA REGION) AGRICULTURAL DEBTOR RELIEF RULES, 1969

In exercise of the powers conferred by sub-section (1) of section 51 of the Maharashtra (Vidarbha Region) Agricultural Debtors Relief Act, 1969 (Mah. XXII of 1969), the Government of Maharashtra hereby makes the following rules :-

1. Short title and commencement :-

(1) These rules may be called the Maharashtra (Vidarbha Region) Agricultural Debtors Relief Rules, 1969,

(2) They shall come into force on the 13th January 1970.

2. Definition :-

In these rules, unless the context requires otherwise -

(i) "Act" means the Maharashtra (Vidarbha Region) Agricultural Debtor's Relief Act, 1969 ;

(ii) "Form" means a form appended to these rules ;

(iii) "Government" means the Government of Maharashtra ;

(iv) "Section" means a section of the Act.

3. Financing of crops for other purposes :-

The other purposes, of which loans may be advanced for the financing of crops within the meaning of clause (8) of section 2, shall be -

(i) Labour charge;

(ii) Transport charge;

(iii) Purchase of fodder ;

(iv) Intercultivating;

(v) Thrashing;

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

(vii) Maintenance of the debtor and his dependents and of his cattle and repairs to agricultural implements;

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

(ix) Such other purposes in respect of any particular area and in any particular year as may have been certified by Government to be necessary for the purpose of raising or harvesting any crop in the year.

4. Period of repayment of loans :-

(1) The period of repayment of loans shall be -

(i) 15 months, in case of loans advanced for the purposes falling under clause (iii) to (vii) and clauses (ix) to (xi) of Rule 3 ;

(ii) 3 years, in the case of loans advanced for purchase of plough

and cattle;

(iii) 15 years, in the case of loans advanced for any other purpose.

(2) Every such period shall be counted from the date on which the advance is given.

5. Application under sub-section (1) of section 3 and sub-section (1) of section 6 :-

Applications by the debtor or his creditor under sub-section (1) of section 3 shall be in Forms Nos. 1 and 2 respectively and application under sub-section (1) of section 6 shall be in Form No. 3. They shall be presented to the Court during office hours by the applicants personally or shall be sent by registered post addressed to the Court and shall be received by the Civil Judge or by such person as may be authorised by him to receive them.

6. Manner of giving notice by the Court under sub-section (3) of section 6 :-

The notice to be given by the Court under sub-section (3) of section 6 to the creditor or creditors or the debtor, as the case may be, shall be served by registered post acknowledgment due at the address of the creditor or creditors debtor as the case may be, mentioned in the application and shall specify a minimum period of 15 days to show cause why the settlement applied for should not be recorded and certified by the Court, the notice shall also call upon the creditor or debtor to produce document, any evidence with them in support of their say in the matter.

7. Manner of publication of general notice under section 12 :-

The general notice under clause (b) section 12 may be published by affixing copies of it at the offices of the Court concerned and of the Tahsildars of the talukas 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 Court.

8. Form of statement under section 12 :-

The statement which a debtor or creditor is required to submit under section 12 shall be in Form No. 4 or 5, as the case may be.

9. Form of award :-

The award under sub-section (2) of section 23 shall be in the Form No. 6.

10. Application under clause (1) of sub-section (3) of section 26 :-

Application under clause (1) of sub-section (3) of section 26 shall be in Form No. 7.

11. Procedure when a debtors property is ordered to be sold under section 29 or sub-section (3) of section 42 :-

(i) Every sale of property, whether moveable or immovable ordered under section 29 or sub-section (3) of section 42 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 of Court Proceedings, 1908.

(ii) A certificate in Form No. 8 shall be issued to the purchaser of property by the officer conducting the sale under this rule.

12. Recovery of Court fees :-

The court fees payable under sub-section (1) of section 33 shall be recovered as arrears of land revenue.

13. Procedure of Code of Civil Procedure 1908 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 of Civil Procedure, 1908 shall so far as may be, be followed by the Court in the proceedings before it.

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

The Register of Debt Adjustment Awards in the form of a file book with numbered butts to be kept under section 36, shall be kept in Form No. 9 and an Index relating thereto shall be in Forms 10 and 11, and shall be maintained by all registration offices.

15. Particulars of memorandum to be sent to Sub-Registrars under section 37 :-

Particulars to be included in the memorandum to be sent by the Court to the Sub-Registrar or the Registrar, as the case may be, under section 37 shall be in Form No. 12 and shall be endorsed on the certified copy of the award sent for registration under the said section 37.

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

The authority under section 50 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 No. 13 It shall not be granted except on the following conditions :

(i) Purposes for which advances may be made and the maximum limits of such advances- The authorised person shall not advance loan to any debtor except for purpose of seasonal finance not exceeding the maximum limits which the Collector has fixed in this behalf under Rule 16. 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 the authorised person agrees to discharge the liability of the debtor in respect of such previous loans.

(ii) Authorised person not to withhold permission for sale of crops or product.- The authorised person shall not unreasonably withhold permission required by a debtor under subsection (1) of section 49 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.- The authorised person shall keep regularly in Form No. 14 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:-

(a) For the purposes of this clause the term "current account" includes in the case of banks accounts relating to overdrafts, cash credits and pro-note 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 signed by him or his agent. Such statement of accounts shall show all the 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. 15: 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 passbook or otherwise from time to time throughout the year and information 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 statements of accounts shall be furnished to the debtors by registered post and an acknowledgment obtained thereof at the cost of the authorised person.

(iv) rate and calculation of interest (a) the authorised person shall not charge on recover interest at a rate higher than the rate notified by Government under Rule 18. (b) If any repayment is made in respect of a loan, interest on such loan shall be calculated on to the date of repayment and if the loan or any part thereof is outstanding, interest shall thereafter be calculated only on the balance of the principal still outstanding.

(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 account maintained by him.

(vi) Penalty for non-compliance with conditions mentioned in this rule- Government may in its discretion cancel the authority granted to it for breach of any of the foregoing conditions or for any other reason.

17. Collector to fix maximum limits upon which advance may be made :-

The Collector shall, by notification in the Official Gazette, fix maximum limits upto which persons authorised under section 50 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, and nature and productivity of crops.

18. 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 9 per cent per annum, at which loans for seasonal finance may be advanced by persons authorised under section 50.