

ODISHA DEBT RELIEF ACT, 1980

The Odisha . Gazette Shon title, and commence• ment Definitions. EXTRAORDINARY PUBLISHED BY AUTHORITY ORISSA ACT S OF 1981 * THE ORISSA DEBT RELIEF ACT, 1980 [Received the assent of the President on the 25th February 1981, first published in an extraordinary issue of the Orissa Gazette, dated the 13th March 1981} AN ACT TO PROVIDE FOR RELIEF FROM INDEBTEDNESS TO THE SMALL FARMERS, RURAL ARTISANS AND AGRICULTURAL LABOURERS. BE it enacted by the Legislature of the State of Orissa in the Thirty-first Year of the Republic of India, as follows 1. (1) This Act may be called the Orissa Debt Relief Act, 1980. (2) It, extends to the whole of the State of Orissa- (3) It shall come into force at once. In this Act, unless the context otherwise requires— 2. "labourer" means a person who follows any one (a) " agricultural or more of the following agricultural operations in the capacity of a labourer on hire or exchange, whether paid in cash or in kind or partly in cash and partly in kind and who does not hold more than one standard acre of land and whose annual income does not exceed two thousand and four hundred rupees (i) Training including cultivation and tillage of soil, etc., (ii) dairy farming, (iii) production, cultivation, growing and harvesting of any horticultural commodity, (iv) raising of livestock, bees -or poultry, and (p) any practice performed on a farm as incidental to or in conjunction with farm operations (including any forestry or timbering and preparation for market and delivery to storage or to market or to carriage for transportation of farm products ; (b) "bank" means (i) a banking company as defined in the Banking Regulation Act, 1949 ; 10 of 1949 (ii) the State Bank of India constituted under the State Bank of India Act* 1955 ; (Ili) a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (iv) a corresponding new Bank constituted under the Banking Companies Act of 1970 (Acquisition and Transfer of Undertakings Act, 1970 ; (v) the Agricultural Refinance and Development Corporation, constituted 10 1963 under the Agricultural Refinance and Development Corporation Act, 1963 ; (vi) the Agricultural Finance Corporation, a Company incorporated under 1 of 1956 the Companies Act, 1956 (vij) a Regional Rural Bank established under the Rural Banks Act, 1976 and (viii) any other financial institution notified by the State -Government in the official Gazette as a bank for the purposes of this Act ; For Statutory objects -and reasons see Orissa Gazette, Extraordinary, dated the 5th September 1980'. 22 THE ORISSA DEBT RELIEF ACT, [Orissa Act 5 of 1981] (Sees, 2.3) (c) "Civil Court" includes— (i) any court exercising jurisdiction under the Provincial Insolvency Act, 1920 ; and (ii) a court exercising under the provincial Small Cause Courts Act, 1887 ; 9 of 1887 (d) "Co-operative society" means a society registered or deemed to have been registered under the Orissa Co-operative Societies Act, 1962 ; (e) "debt" means all liabilities to a money-lender in cash or kind secured or unsecured, payable under a decree or order of a Civil Court or otherwise including any which is in substance a debt, and subsisting on the date of the commencement of this Act whether due or not due (f) "money-lender" means a money-lender as defined in the Orissa Money Lenders Act, 1939 ; (g) "rural artisan" means a person who does, not hold any agricultural land and whose principal means of livelihood is production of or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto and a person who normally earns his livelihood by practising a craft either by his own labour or by the labour of the members of his family in the rural area and whose annual income does not exceed two thousand and four hundred (h) "scheduled debtor" means a person who is a small farmer or a rural artisan or an agricultural labourer and who is ordinarily resident in the State of Orissa; (i) "small farmer" means a farmer- 'MIO own.' land measuring not more than one standard acre and whose principal source of income is agriculture or any allied occupations; Orissa Act (D "standard acre." means a standard acre defined in the Orissa Land Reforms Act, 1960, 3. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract or other instrument having force of law by virtue of "hedured debtors and any such law, and save as otherwise expressly provided by section 5, every debt incurred by a scheduled debtor, before the commencement of this Act including the principal and amount of interest, if any» payable on such debt shall be deemed to have been wholly discharged, and— charge. (a) no such debt due from a scheduled 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 or sold or be proceeded against in, any manner in the execution of any decree or order relating to such debt; (b) no Civil Court

shall entertain any suit or proceeding against a debtor for the recovery of such debt or any portion thereof or any interest due thereon: Provided that where a suit or proceeding is instituted jointly against a scheduled debtor and any other person, nothing in this clause, shall apply to the maintainability of such suit or in so far as it relates to such other person; (c) all suits and proceedings (including appeals, revisions, and attachment), from the date of commencement of this Act for the recovery of any sum of interest due thereon against a scheduled debtor shall abate: Amount of debt to void. Certain debts and liabilities not to be effected. Penalties. 23 THE ORISSA DEBT RELIEF ACT, 1980 [Orissa Act 50 of 1981 (Secs. 6-9) Provided that where a suit or proceeding is pending jointly against a scheduled debtor and any other person it shall not abate in so far as the claim against such other person is concerned: Provided further that if a sale in an execution proceeding against a scheduled debtor has been confirmed before the commencement of this Act, a proceeding to give effect to the sale shall be neither barred nor shall it abate; (d) every scheduled 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; and (e) every property pledged by a scheduled 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. (2) Nothing in this section shall be construed to entitle any scheduled debtor to refund of any part of a debt already repaid by him or recovered from him before the commencement of this Act.--- 4. An agreement, whether entered into before or after the commencement of this Act, whereunder a scheduled debtor or any member of his family is required to work as a labourer or otherwise in lieu of a debt, shall be void and any such custom or tradition shall cease to prevail. 5. Nothing in this Act shall affect the following categories of debts and liabilities of scheduled debtor:— (a) any liability in respect of maintenance whether under a decree of a court or not; (b) any debt due to— (i) the Central Government or any State Government, (ii) any local authority, (iii) any bank, (iv) any co-operative society; (c) any rent due in respect of any property let out to a debtor; (d) any liability arising out of breach of trust or any tortious liability; (e) any liability in respect of wages or remuneration due as salary or otherwise for services rendered; and (f) any debt which represents the Price of goods purchased by a debtor. (3) If any person willfully contravenes any provision of this Act or of any rule made thereunder, or fails to comply with any lawful order made thereunder or contravenes any such order, he shall be punishable with imprisonment of either description which may extend to two years or with fine which may extend to two thousand rupees or with both. (2) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first Class or of the second class for trial of offence. and on such conferment of the powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973, to be a Judicial Magistrate of the first class or of the second class, as the case may be: I. Substituted by the Orissa Debt Relief (Amendment) Act, 1987 (Orissa Act 1 of 1988) s. 2. 24 THE ORISSA DEBT RELIEF ACT, 1980 [Orissa Act 5 of 1981] (Secs. 6-9) Provided that no Magistrate shall take cognizance of any offence except with the previous sanction of the Collector of the district. (3) An offence under this Act may be tried summarily by a Magistrate]

7. The State Government may make rules, not inconsistent with the provisions of this Act, for carrying out all or any of the purposes of this Act. State Government to make rules. 8. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order do anything not inconsistent with such provisions which appears to them to be necessary or expedient for the purpose of removing the difficulty. (2) No order under sub-section (1) shall be made after the expiration of three years from the commencement of this Act

9. Section 12 of the Orissa Money Lenders (Amendment) Act, 1975.— is hereby repealed.