

TAMIL NADU INDEBTED AGRICULTURISTS (TEMPORARY RELIEF) ACT, 1954

1954 Act Indebted Agriculturists (Temporary Relief) [TAMIL NADU] ACT No. V OF 1954. 28B/ (Tamil NADU] INDEBTED? AGRICULTURISTS (TEMPORARY RELIEF) ACT, 1954.) (Received the assent of the President on the 5th February 1954 ; first published in the Fort St. George Gazette on the 6th February 1954.) An Act to provide temporary relief to indebted agriculturists, WHEREAS, after successive years of drought, by the bounty of Nature there has been adequate rainfall this year and agriculturists are applying themselves with assiduity to the cultivation of crops ; AND WHEREAS agriculturists have borrowed or added to their debts during the years of drought and may, if freed for a time from the pressure of creditors, be enabled to rehabilitate themselves ; {These words were substituted for the word "Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969, 2 For Statement of Objects and Reasons, see Fort St. George Gazette, Extraordinary, dated the 6th January 1954. Part page 9. Act V (Temporary Relief) AND WHEREAS it is in the interests of the general public that, at the present time, be spared the distractions and expenditure involved in litigation launched by their creditors: in order that the maximum possible advantage may result to the State in the matter of production of food crops ; It is hereby enacted as follows 1. (1) This Act may be called the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1954 extent and commencement. (2) It extends to the whole of the 2 [State of Tamil Nadu.] (3) It shall come into force at once. Definitions

2. In this Act, unless the context otherwise requires,— (a) agriculturist ' means a person who owns an interest in land, and who, by reason of such interest' is in possession of such land. or is in receipt of the rents or profits there and shall include a lessee ; but shall not include (i) a firm registered under the Indian Partnership Act, 1932 (Central Act IX of 1932), or a company as defined in 3 the Indian Companies Act, 1913 (Central Act VII of 1913), or a corporation formed in pursuance of an Act of Parliament of the United Kingdom or of any special Indian law ; or (ii) any person who was assessed to income-tax under the Indian Income-tax Act (Central Act XI of 1922) in any of the years 1951–52, 1952–53, 1953–54 ; These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. 2 This expression was substituted for the expression 'State of Madras ' by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969. 8 See now the Companies Act, 1956 (Central Act I of 1956) 1954 : T.N. Act V] Indebted Agriculturists (Temporary Relief) 28 Explanation.—Where a joint Hindu family or a tarward, tavazhi, kutumba or kavaru is an agriculturist, every coparcener or member of the tarward, tavazhi, kutumba or kavaru, as the case may be, shall be deemed to be an agriculturist provided that he has not been assessed to income-tax in any of the years 1951–52, 1952–53, 1953–54. (b) ' debt ' means any sum of money which a person is liable to pay under a contract (express or implied) for consideration received and includes rent in cash or kind which a person is liable to pay or deliver in respect of the lawful use and occupation of land. Explanation.—It is immaterial that the sum or sum due is recoverable only by sale of property in enforcement of a mortgage or charge or that the contract was entered into by the person's predecessor-in-title or by the manager of the joint Hindu family or the karnavan of the tarward or tavazhi or the yajaman of the kutumba or kavaru of which such person was or is a member. Exception.—' Debt ' does not include— (i) rent or compensation for the use and occupation of house property ; (ii) rent or compensation for the use and occupation of immovable property not being house property, accrued due after the 31st March 1953 ; (iii) any liability arising out of a breach of trust ; (iv) any liability in respect of maintenance ; (v) any sum payable to the State or the Central Government or to any local authority, whether by way of revenue, tax, cess, or loan or otherwise ; (vi) any sum payable to co-operative society, including a land mortgage bank, registered or deemed to be 'registered under the Madras Co-operative Societies Act, 1932 (Madras Act VI of 1932), provided that the right of society to recover the sum did not arise by reason of an assignment made subsequent to the 1st October 1953 ; •see now the Tamil Nadu Co-operative Societies Act 1961 (Tamil Nadu Act 53 of 1961). 286 Indebted Agriculturists (Temporary Relief) [1954 : T.N. Act V (vii) wages or remuneration due as salary, or otherwise for services rendered ; (c) ' land ' means land used for agriculture or horticulture, not being land appurtenant to a residential building ; (d) ' Ordinance ' means the

Madras Indebted Agri- culturists (Temporary Relief) Ordinance, 1953 (Madras Ordinance V of 1953) ; (e) ' pay' with its grammatical variat ions, inciuciēb deliver , (f) ' suit ' or applicat ion 'dces not include an appeal from a decree or order ina suit or applicai ion, ctr an applical ion for re vision or review

3. No suit for the recovery of a debt shall be inslited, no application for the execu. lion of a decree for payment of Bar of suits and money passed in a suit for the recovery of a, debt shall be applications, made, and no suit or the eviction of atenant on the ground of non-payment of a debt shall be instituted or made, against any agricultu.rist in any civil or revenue court ICbefore the 1st March 1955,] Suit " does not include a claim to a ExNanation I— set-off made in a suit instituted by an agriculturist. Explanation 11.- 2Where a debt is payable by an agricu- turistjoint lyor joint lyand severally witha no n-agl' icu If ist no suit or applicat ion of the nature mentio ned ini his secf ic n shall be instituted or mad.e either against the non-agricu I- turist or the agriculturist 2tbefore the date] meni ice ned inthis section. 1 Thae words, figures and letters were substituted for the words " before the expiry of a year from the date of commencement of this Act ", by section 2 (i) of the Tamil Nadu Indebted Agriculturists (Temporary Relief) Amendment Act, 1954 (Tamil Nadu Act of 1954). 2 words were substituted for the words " before the expiry of the period " by section 2 (ii), ibid. 19>4 : T.N. Ac: V Etd Agriculturists (Tempræy Retef) 287* Explanation III.—A suit shall be deemed to be a suit for the recovery of a debt not withstanding that other reliefs are prayed for in such suit, and a' decree shall be deemed tdâ be a ' decree för pâymeſit Of money passed in sucW sdit2 notwithstanding: •that other are granted by siiéh dteré•é Proiided that a suit' for possession of land •shall nct be deemed to be a suit for recoveryofa debt byreason merely of mesne profits being also prayed for in such suit. '4. (1) All further proceediigs in suits and applicaii• of the nature mentioned in Sédion '3 in which clâimed• aBinst an agricullâriét', beihg prodéédiHE9fdF?, thé amendment the adc ilion, tidn, or the striking off of partiée, but other ' Nise inclâSi% proceed,ins conequent oi öfdâs or decrees appeâls,revision or applicâions for review; shall} sübject to- the next succeeding su b-seétion, stand stayed 1st March 1955.12" Provided that to property under attachment, the Court may pass such orders as it deems necessityFbr the custödy'oi preservation of lhe property or for the sale of such if it is su bjct speed y dr natural decay,.or { if in of it, the expenses of custody or preserv.ion are considered excessive. (2) On application made by the defendant or the respondent or by all the defendants or all t he respondents, as the cage may be, the stay eflcted by su b-secliön (1) in a •suit or applica.tion shall be*dissolved and the Suit of shall be with from (he stage Wbioh had been reached when further proceedings the Suit or the applical ion were stayed. '1 These words, figures and letters•were substituted for the •words 5" until- the expiry of a year from the date of commencement of this Act " by section 3 of the Tamil Nadu Indebted Agriculturists(Tempo• rary Relief) Amendment Act, 1954 (Tamil Nadu Act mVIIu of 1954):. 288 Indebted Ag rictulurists (Temporary Relief) [1954 : T,N. Act V (3) In the of suits or applications of the nature mentioned in section 3, instituted or made against an agri- culturist, the provisions of the IL Tamil Nadu] Tenants and Ryots Protection Act, 1949 egamil Nadul Act xxiv of 1949), or of section 54 or secâon 55 of the Malabar Tenancy (Amendment) Act, NadulAct of 1951) shall not have effect in so far as the said provisions are in consistent with the pro visions of su b-section S. (1) In computing the period of limitafiohor limit of Exclusion time prescribed for a suit for the recovery of a debt or an of time for limitation. application for the execution of a decree passed in such suit, the time during which the institution of he suit or the making of the application was barred by section 3 of the Ordinance or section 3 of this Act, or during which lhe plaintiff or his predecessor-in-title, believing in good faith that section 3 of the Ordinance or seci ion 3 of this Act applied to such suit or such application, refrained from instituting the suit or making the application, shall be excluded. Explanation.—" good faith " shall have the meaning assigned to it in section 3 (22) of the General Clauses Act, 1897 (Central X of 1897), (2) Where in a suit or an application in which the question of the exclusion of time under sub-section (1) arises, the defendant or the respondent, or one of the defendants or respondents, with respect to whom the question is raised, would have been an agricultfurist but for the fact that in the year ending 1951—52, 1952—53, or 1953—54 he had been assessed to income-tax (Central Act XI of 1922), it shall be conclusively presumed that, in refraihing from instituting the suit or making the tion,the creditor believed in good faith that such defendaot or respondent was an agriculturist. 1 These words were substituted for the " Madras " by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Or&, 1969. 19"; T.N. Act V), Indebted Ægricultvrists (Tanpræy Relief) 6. Every transfer of immovable property by a debtor Effect of er'itled to the benefit of section 3 or section 4, made after

transfer of the commencement of the Ordinance and ILbefore the immovable Property by 1st March 1955], shall, in any suit or other proceeding, with the debtor. respect to such transfer,be presumed , until the contrary is proved, to have been made with intént to defeat or delay the creditors of the transferor 7. The State Government may make rules to carry out Power to rules, the purposes of this Act

8. The Madras Indebted Agriculturists (Temporary Repeal of Relief) Ordinance, 1953 (Ma&as Ordinance V of 1953), Madras is hereby repealed.Ordinance V of 1953, 14These words, figures and letters were; substituted for the wordi expity of a year from the commencement of this Act" by section 4 of tho Tamil Nadu Indebted Agriculturists (Temporary Relief) Amendment Act, 1954 (Tamil Nadd Act mvll of 1954). 125-3—19

