

TRIPURA AGRICULTURAL INDEBTEDNESS RELIEF ACT, 1979¹

(Tripura Act No. 8 of 1980)

An Act to provide relief from indebtedness to agricultural labourers, rural artisans and small farmers in the State of Tripura and for matters connected therewith

Be it enacted by the Legislative Assembly of Tripura in the Thirtieth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title and commencement—(1) This Act may be called the Tripura Agricultural Indebtedness Relief Act, 1979.

(2) It shall be deemed to have come into force on the thirty-first day of March, 1979.

2. Definitions.—In this Act, unless the context otherwise requires—

(a) “agriculture” with its grammatical variations and cognate expressions includes,—

(i) horticulture;

(ii) the raising of crops (including plantation crops), grass or garden produce;

(iii) dairy farming;

(iv) poultry farming;

(v) breeding of livestock and bees;

(vi) grazing; but does not include the cutting of wood only;

(b) “Civil Court” means a civil court within the meaning of the Tripura (Courts) Order, 1950, and includes Nyaya Panchayats established under Section 42 of the United Provinces Panchayat Raj Act, 1947, as extended to Tripura, and includes also any court exercising appellate or revisional jurisdiction over civil courts;

(c) “Co-operative Society” means a society registered under the provisions of the Tripura Co-operative Societies Act, 1974;

(d) “debt” means any liability in cash or in kind secured or unsecured due from a debtor whether payable under a decree or order of any civil court or otherwise and includes mortgage money the payment of which is secured by the usufructuary mortgage of immovable property but does not include—

(i) any sum due to the Government, a co-operative society, a local ‘statutory authority, or the L.I.C. or a bank;
Explanation. The word “Bank” means—

(a) Banking Company as defined in the Banking Regulation Act, 1949;

(b) the State Bank of India constituted under the State Bank of India Act, 1955;

(c) a Subsidiary Bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959;

(d) a corresponding new bank constituted under the Banking (Acquisition and Transfer of Undertakings) Act, 1970;

(e) the Agricultural Re-finance Corporation constituted under the Agricultural Re-finance Corporation Act, 1963;

(f) any other banking or financial institution notified by the State Government in the Official Gazette; (ii) land revenue or anything recoverable as an arrear of land revenue; or

(iii) liability arising out of breach of trust, or law in respect of wages or remuneration or in respect of maintenance of any rent due, or in respect of any property let out to a debtor;

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(e) “debtor” means an individual or an undivided Hindu family who has borrowed or incurred any debt and belongs to any of the following categories, namely:

- (i) marginal farmer,
- (ii) landless labourer,
- (iii) tribal jhumia, and
- (iv) rural artisan;

(f) “farmer” means a person who is engaged in agriculture;

(g) “landless labourer” means a person who does not hold any agricultural land and whose principal means of livelihood is manual labour on agricultural land;

(h) “marginal farmer” in relation of a person not belonging to Scheduled Tribe means a farmer who owns or cultivates as share cropper land measuring not more than one hectare of nal or lunga or two hectares of other agricultural land and in relation of a person belonging to a Scheduled Tribe means a farmer who owns or cultivates as share cropper land measuring not more than two hectares of nal or lunga or four hectares of other agricultural land;

(i) “Official Gazette” means the Tripura Gazette;

(j) “prescribed” means prescribed by rules made under this Act;

(k) “rural artisan” means a person who does not hold any agricultural land and whose principal means of livelihood is production or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto, and also a person who normally earns his livelihood by practising a craft either by his own labour or by the labour or members of his family in the rural areas and whose annual income does not exceed rupees two thousand four hundred per annum;

(l) “share cropper” means a person who under the system generally known as adhi, barga, bhag or any other term cultivates the land of any person on condition of delivering a share of the produce of such land to that person;

(m) “Tribal Jhumia” means a landless tribal agriculturist who lives mainly on jhuming (shifting cultivation).

CHAPTER II

RELIEF FROM INDEBTEDNESS

3. Discharge of and consequences thereof.—Notwithstanding anything contained in any other law for the time being in force or any contract or other instrument having force by virtue of any such law, and save as otherwise expressly provided in this Act, the consequences as hereinafter set forth shall, with effect from the date of commencement of this Act, ensue, namely:

(a) every debt advanced before the commencement of this Act including the amount of interest, if any, payable by a debtor to a creditor, shall be deemed to be wholly discharged;

(b) no such debt due from the 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 and sold or proceeded against in any manner in the execution of any decree or order relating to such debt against him;

(c) no Civil Court shall entertain any suit, appeal, or proceeding against debtor for the recovery of any amount of such debt including interest, if any:

Provided that where a suit, appeal or proceeding is instituted jointly against a debtor and any other person, nothing in this clause shall apply to the maintainability of a suit or proceeding in so far as it relates to such other person;

(d) all suits and proceedings (including appeals, revisions attachment or execution proceedings) pending on the date of commencement of this Act for recovery of any such debt against a debtor shall abate;

Provided that nothing in this clause shall apply to a sale which has been confirmed before the commencement of this Act;

(e) every 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;

(f) every movable property pledged by a 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;

(g) every mortgage executed by such debtor in favour of the creditor shall stand redeemed and the mortgaged property shall be released by the creditor in favour of such debtor.

Explanation I—Nothing in this section shall be construed to entitle any debtor to a refund of any part of a debt already repaid or recovered from him before the commencement of this Act.

Explanation II—For the purposes of this Act ‘mortgage’ includes a transfer under an agreement express or implied for re- transfer within a specified period on repayment of the consideration money.

4. (1) Every creditor referred to in Cl. (f) Section 3 shall, within such period as may be prescribed, furnish to the Tribunal having jurisdiction over the area where such creditor has his ordinary place of business, a statement in such form as may be prescribed containing the names of all persons who have pledged movable property with him, the nature and description of such property, the amount advanced and due as on the commencement of this Act, the rate of interest and such other particulars may be prescribed.

(2) A debtor referred to in Cl. (f) of Section 3 may also make an application to the Tribunal having jurisdiction over the area where his creditor has his ordinary place of business for an order for the delivery of the movable property pledged by the debtor.

(3) On receipt of a statement under sub-section (1) or an application under sub-section (2), and after such enquiry conducted in the manner prescribed, the Tribunal shall, by order, determine—

(i) where a statement has been furnished by the creditor under sub-section (1), which of the “persons who have pledged movable property with him are entitled to relief under Section 3, and

(ii) where an application has been made by the debtor under sub-section (2), whether the debtor is entitled to relief under Section 3, and

(iii) direct the creditor to produce on or before the date specified in the order the movable property pledged by such person or debtor.

(4) Where the movable property pledged by the debtor is in the possession of any transferee of the creditor, the creditor shall redeem the said property from such transferee and produce it on or before the date specified in the order referred to in sub-section (3).

(5) If the creditor fails to produce the movable property as directed in the order under sub-section (3)—

(a) the Tribunal may enter any premises of the creditor or of the transferee of the creditor and search and seize the said property; and

(b) Where the movable property is in possession of any bank, the Tribunal shall—

(i) by an order, direct the bank to deposit on or before the date specified in the order, the property with the Tribunal together with a statement specifying the amount due to the bank in respect of the said property and simultaneously issue a certificate to the bank to the effect that the amount due to the bank in respect of the said property shall be recovered from the creditor as if it were an arrear of land revenue and paid to the bank, and

(ii) on the bank depositing the said property with the Tribunal, acknowledge in writing the receipt of the property and proceed to recover from the creditor such amount as is due to the bank in respect of the said property as if it were an arrear of land revenue, and on such recovery pay the same to the bank.

(6) After such production on recovery of deposit of the property pledged the Tribunal shall deliver the said property to the debtor.

(7) Pending determination of the question under sub-section (3), no creditor or the transferee of the creditor shall sell or pledge or otherwise dispose of any movable property pledged by the debtor.

(8) Notwithstanding anything contained in any other law, the Tribunal—

(a) may enter any premises of the creditor or of the transferee of the creditor and search and seize the movable

property pledged be debtors and arrange for their safe custody;

(b) shall proceed to determine which of the movable properties so seized are to be released to the debtors and pass orders accordingly.

(9) The provisions of Ss. 100 and 165 of the Code of Criminal Procedure, 1973 (II of 1974) relating to search and seizure shall, so far as may be, apply to searches and seizures under sub-Ss. (5) and (8).

5. Debtors to apply in certain cases.—(1) A debtor referred to in Cl. (g) of Section 3 may make an application to the Tribunal having jurisdiction over the area within which such debtors ordinarily reside, for an order releasing the mortgaged property and for the grant of a certificate of redemption.

(2) (a) On receipt of such application and after such enquiry conducted as in the manner prescribed, the Tribunal shall pass an order releasing the mortgaged property and grant a certificate of redemption in the prescribed form which shall be admissible as evidence of such redemption in any proceeding before any court or other authority.

(b) The Tribunal shall also direct the transferee of the creditor or the creditor—

(i) to deliver possession of the mortgaged property to the debtor on or before the date specified in the order, if the debtor is not already in possession of the mortgaged property, and

(ii) to produce on or before the date specified in the order, the mortgage deed or other document and the Tribunal shall make an endorsement of redemption on the mortgage deed or other document.

(3) Pending orders under sub-section (2), no creditor or the transferee of the creditor shall transfer or otherwise assign his interest in, or exercise his right of foreclosure in respect of the property mortgaged by the debtor.

(4) Where the mortgaged property has been transferred or any right therein has been assigned to any bank by the creditor, the Tribunal shall recover from the creditor such amount as is due to such bank in respect of the said mortgaged property, as if it were an arrear of land revenue, and shall pay the same to the bank.

6. Appeals.—Any person aggrieved by any order or decision made by the Tribunal under Section 4 or Section 5 may, within sixty days from the date communication of the order or decision to him, appeal to the Appellate Tribunal subject to payment of such fee as may be prescribed.

CHAPTER III

MISCELLANEOUS

7. Constitution of Tribunals and Appellate Tribunals.—(1) (a) The State Government may, by notification constitute as many Tribunals as may be necessary for the purposes of this Act and shall specify in such notification, the jurisdiction of each such Tribunal.

(b) Each Tribunal constituted under Cl. (a) shall consist of a single member who shall not be below the rank of Revenue Circle Officer or Sub-Deputy Collector.

(2)(f) Government may, by notification, constitute as many Appellate Tribunals as may be necessary for the purposes of this Act and shall specify in such notification the jurisdiction of each such Appellate Tribunal.

(b) Each Appellate Tribunal constituted under Cl. (a) shall consist of a single member who shall be an officer not below the rank of a Collector.

8. Powers of Tribunal and Appellate Tribunal.—(1) The Tribunal and the Appellate Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Act V of 1908) for summoning and enforcing the attendance of any person and examining him on oath and for requiring production of any document.

(2) In any proceedings under this Act any party may be represented by an agent authorised in writing, except by a legal practitioner as defined in Section 2 of the Advocates Act, 1961 (XXV of 1961).

(3) The procedure to be followed by the Tribunal and the Appellate Tribunal in any -proceedings before it shall, subject to the provisions of this Act, be in accordance with such rules as may be prescribed.

9. Execution of order or decision of Tribunals and Appellate Tribunals.—Every order or decision of the Tribunal or the Appellate Tribunal made under this Act shall be deemed to be a decree within the meaning of Cl. (2) of Section 2 of the Code of Civil Procedure, 1908 (Act V of 1908), and may be put to execution, if necessary,

through a Civil Court of competent jurisdiction.

10. Penalty.—(1) Any person failing to furnish the statement under Section 4 or to comply with the order made or direction given under that section or Section 5 or otherwise contravening the provisions of either of the said sections shall be punished with imprisonment for a term which shall not be less than three months but which may extend to one year and with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees.

(2) Every offences punishable under sub-section (1) shall be tried in a summary way and the provisions of Sections 262 to 264 (both inclusive) of the Code of Criminal Procedure, 1973 (II of 1974), shall, as far as may be, apply to such trial.

11. Offences by companies.—(1) Whereas an offence under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

Notwithstanding anything in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director” in relation to a firm includes a partner in the firm.

12. Penalty for molestation.—Whoever molests, or abets the molestation of, a debtor for the recovery of a debt by him to a creditor shall, on conviction, be punishable with imprisonment of either description which may extend to one year, or with fine which may extend to rupees two thousand, or with both.

Explanation.—For the purposes of this section a person who, with intent to cause another person to abstain from doing any act which he has a right to do or to do any act which he has a right to obtain from doing—

- (a) obstructs or uses violence to or intimidates such other person, Or
- (b) persistently follows such other person from place to place or interferes with any property owned or used by him or deprives him of, or hinders him in, the use thereof, or
- (c) loiters near a house or other place where such other person resides or Works, or carries on business, or happens to be, or does any act calculated to annoy or intimidate such other person,

shall be deemed to molest such other person :

Provided that a person who goes to such house or place in order merely to obtain or communicate information such not be deemed to molest.

13. Burden of proof.—In any suit or proceeding, the burden of proving that the debtor is not entitled to the protection of this Act shall, notwithstanding anything in any other law for the time being in force, lie on the creditor.

14. Bar of jurisdiction of civil courts.—(1) No civil court shall have jurisdiction in respect of any matter which the Tribunal or the Appellate Tribunal is empowered by or under this Act to determine.

(2) No order passed or proceeding taken by any officer or authority under this Act shall be called in question in any court of law.

15. Certain offences to be cognizable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (II of 1974), offences punishable under this Act or any rule made thereunder shall be cognizable.

16. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any officer or authority for anything which is in good faith done or intended to be done in pursuance of this Act or any rules made hereunder.

17. Power to make rules.—(1) The Government may, by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislative Assembly, while it is in session for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly make any modification in the rule by way of amendment or repeal, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or repeal shall be without prejudice to the validity of anything done under that rule.

18. Effect of other laws.—Save as otherwise provided in this Act, the provisions of this act shall be in addition to, and not in derogation of, any other law for the time being in force.

19. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by general or special order published in the official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty :

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

(2) Every order passed under sub-section (I) shall be laid before the State Legislature.

20. Repeal and savings.—(1) On and from the date of commencement of this Act, the Tripura Agricultural Debtors Relief Act, 1975 (I of 1976) (hereinafter referred to as that Act) or so much thereof as relates to matter covered by the provisions of this Act, shall stand repealed.

(2) The repeal of the Tripura Agricultural Debtors Relief Act, 1975 (I of 1976), by sub-section (1), shall not affect—

- (a) the previous operation of that Act, in anything duly done or suffered thereunder;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under that Act;
- (c) any penalty, forfeiture or punishment in, and in respect of any offence committed against, that Act;
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted or enforced and any such penalty, forfeiture or punishment may be imposed as if such enactment or part thereof had not been repealed.
