

Rajasthan Relief of Agricultural Indebtedness Rules, 1957

RAJASTHAN

India

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Rule

RAJASTHAN-RELIEF-OF-AGRICULTURAL-INDEBTEDNESS-RULES-1957 of 1957

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020.

In exercise of the powers conferred by section 23 of the Rajasthan Relief of Agricultural Indebtedness Act, 1957 (Rajasthan Act No. 28 of 1957), the State Government is pleased to make the following rules, namely:

1. Short title, extent and commencement.

(1) These rules may be called the Rajasthan Relief of Agricultural Indebtedness Rules, 1957.(2)They shall extend to the whole of the State of Rajasthan.(3)They shall come into force on the date of their publication in the official gazette.

2. Interpretations.

In these rules, unless there is anything repugnant in the subject or context (i)"Act" means the Rajasthan Relief of Agricultural Indebtedness Act, 1957 (Rajasthan Act 28 of 1957).(ii)"Form" means a form appended to these rules.(iii)"Section" means a section of the Act.

3. Establishment and jurisdiction of debt Relief Courts and the qualifications of their Judges.

(1) The State government shall by notification in the official Gazette, establish Debt Relief Courts under section 3 with such jurisdiction as it may fix from time to time. (2) No persons shall be appointed a Judge of a Debt Relief Court unless he (a) [is or has been a Munsif or Civil Judge] [Substituted by notification No. F.1 (1681) Rev./57, dated 1.5.1958 (Published in Rajasthan. Gazette, Part IV-C, Ex.-ord., date 2.5.1958)]; (b) has practised as an advocate for not less than five years or as a pleader for not less than seven years.

4. Form of applications under section 5.

An application under section 5 shall be in Form I. It shall be presented to the court during office hours by the applicant personally, or through a legal practitioner or any duly authorised agent or may be sent by registered post addressed to the court, and shall be received by the court or by such person as may be authorised by the court to receive such applications.

5. Form of application under section 6.

An application under section 6 shall be in Form II.

6. manner of issue of notice under section 6 (3).

The notice of admission of an application under sub-section (1) of section 6 shall be sent to the court concerned by registered post at the expense of the applicant or through the applicant if not much time is left for sending such notice by post.

6A. [Form of application under section 6A.

An application under section 6A shall be in Form II-A.

6B. Form of notice under section 6A (3).

A notice in respect of an application under section 6A shall be in Form II-B.

6C. Manner of issue of notice under section 6A (3).

A notice in respect of an application under section 6A shall be served in the manner laid down in rule 7.] [Inserted by Notification No. F. 7(80) Rev./D/61, Gr. I, dated 29.12.1961 (Published in Rajasthan Gazette, Part IV-C. Ex. Ord., dated 31.3.1962).]

7. Manner of issue of the notice under section 7.

In addition to affixing copies of a notice under section 7 to the court-house as required by that section, the copies of the notice and of the application shall be sent by registered post to every credit or named by the applicant, at his expense.

8. Determination of paying capacity for purposes of section 11.

The paying capacity of a debtor for the purposes of section 11 shall be deemed to be the value of his property arrived at in the manner following: (1)60 per cent of the market value of the alienable property determined in accordance with rule 9 provided that when the property or part thereof yields income but the market value of such property or part cannot be determined, the value of such property or part shall be the amount of income capitalised at 6 percent per annum; and(2)annual net income of the property which is inalienable under any law, multiplied by 12; and(3)deduction from the total value determined in accordance with clauses (1) and (2) above of the amount payable towards the claims referred to in section 4.

9. Manner of determining of market value for purposes of Rule 8.

For purpose of rule 8, the market value of the debtor's movable and immovable properties shall be determined by the court in the manner specified below: (1)In the case of immovable property by taking into consideration: (a)the bonafide sales and leases of the property in question during the preceding 12 years;(b)the bonafide sales and leases of similar property in the neighbourhood during the preceding 12 years; and(c)the valuation of the property in question by a suitable person appointed as a valuer by it.(2)In the case of movable property by taking into consideration the value of the property in question made by a person appointed as valuer and also by questioning the parties concerned and by making such other enquiry as it may deem fit.(3)In the case of lands other than lands which under any law for the time being in force are not transferable or alienable except with the previous sanction of Collector or the State Government by taking into consideration: (a)the bonafide sales and leases of the land in question during the preceding 12 years, if any;(b)the bonafide sales and leases of similar lands in the neighbourhood during the preceding 12 years: and(c)After ascertaining the valuation of the lands in question from the Tehsildar of the Tehsil concerned.

10. Manner of preparation of scheme of repayment under section 11.

The scheme of repayment of the debts as determined under section 10 shall be prepared subject to the following provisions: (i)the amounts of the secured debts as determined under section 10 shall be charged on the properties on which the debts have been secured an earlier debt having preference over a later debt.(ii)All unsecured debts and such of the secured debts as have not been satisfied under clause (i) shall be paid pro rata.

11. manner of fixing instalments under sub-section (3) of section 11.

- The total number of annual instalments shall not exceed 12 :Provided that in fixing the amount of instalments in which the debt shall be paid, the court shall ascertain the net annual income of the debtor and the total amount of instalments payable by the debtor shall not exceed the net annual income.Explanation.- For the purpose of this clause the net annual income of the debtor shall mean the balance of his annual income after deducting (i) such sums as may be considered necessary for the payment of liability, if any, imposed on the debtor under a decree or order for maintenance passed by a competent court; (ii) such sum as may be considered necessary for the maintenance of the debtor and his dependants: and (iii) the sum required by the debtor to pay the assessment and taxes in respect of current year to government and to local authorities.

12. Records and Returns.

(1)Every Debt Relief Court shall maintain the following registers:-(i)a register of cases instituted under the Act, in Form III:(ii)the registers mentioned in Appendix C to the General Rules (Civil) with the exception of those listed at Sl. nos. 32, 34, 35, 36, 39, 40, 41, 42, 47, 48, 49, 50, 51, 52, 53, 55, 58, 59, 60, 62, 65, 74, 75, 76, 77, 80, 81, 82, 83, 84, 85, 86, 87, 89, 93, 94, 95 and 96 of the said Appendix: and(iii)such other registers as the State Government may from time to time, direct the court to maintain.(2)A consolidated statement giving an abstract of the register in Form III and such other returns as the State Government may from time to time direct, shall be submitted by every Debt Relic' Court to the Secretary to the Government Revenue Department, within three months of the close of every financial year.[Form No. 1] [Sustituted by notification No. F.7 (80) Rev./D/Gr. 1/61, dated 29.12.1961 (Published in Rajasthan Gazette, part IV-C, Ex. Ord. dated 31.12.1962).](See rule 4)ToThe Court of.....Subject: Application under section 5 of the Rajasthan Relief of Agricultural Indebtedness Act, 1957 for abatement or stay of suit or proceedings in civil suit/insolvency proceedings No..... of..... 200..... V/s..... suit for recovery of etc.Sir,I.....S/o..... caste..... resident of..... Tehsil..... District..... hereby state as under: (a)I am an agriculturist/debtor within the meaning of clause (b)/(cc) of section 2 of the Rajasthan Relief of Agricultural Indebtedness Act, 1957 being a member of a Scheduled Caste/ Scheduled Tribe.OR(a)I am the person who brought or made such suit orpetition against..... S/o..... Caste..... resident of..... Tehsil..... District..... who is a debtor as defined in clause (cc) of section 2 of the Rajasthan Relief of Agricultural Indebtedness Act, 1957.(b)I normally reside at..... Tehsil..... District.....(c)The amounts and particulars of all claims outstanding against me/the said debtor including those referred to in section 4 of the Rajasthan Relief of Agricultural Indebtedness Act, 1957, as nearly as ascertainable, and the names and addresses of my/his creditors are as follows:

S. No. of debt.	Name of parentage, caste, residence and full	Amount of debt	History of each of debt with particulars of the originalprincipal	Particulars of debts for which the debtor is liable as	Remarks
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address of creditor		and rate of interest chargeable		surety, joint surety or joint debtor		Name, parentage caste, residence and full address of debtor, joint surety or joint debtor.				
Principal	Interest	Total claimed by the creditor	Amount if any, admitted by the debtor	Amount of debt	Nature of liability					
1	2	3	4	5	6	7	8	9	10	11

(d) The particulars of my/his property including claims due to me/him are as follows: (a) Immovable property including property outside Rajasthan State.

Specification of the property with boundaries where necessary		Name of the village with survey nos.	Nature of tenure	Annual income derived	Market value	Details of any attach mortgage, lien or charge subsisting thereon	Name, parentage, castes, residence and full addresses of the co-shares of the debtor, if any	Remarks		
Survey No.	Area in acres	Government assessment								
1	2	3	4	5	6	7	8	9	10	

(b) Movable property including cash.

S. No.	Description	Estimated value	Place where it may be found	Details of pledge, charge or lien thereon	Remarks
1	2	3	4	5	6

(c) Claims due.

Name, parentage, caste, residence and full address of the person from whom the claim is due		Amount due	Particulars of claims including date of commencement, rate of interest whether secured and if so, how etc.		Nature of documents evidencing the claim and in whose possession.	Remarks
Principal	Interest					
1	2	3	4	5	6	

(d) [I/The] [Strike out whichever is inapplicable.] Said debtor earn (s) [my/his] [Strike out whichever is inapplicable.] livelihood wholly or mainly from agriculture/rent from agricultural land,

I/he being a person mentioned in clause of sub-section (1) of section 46 of the Rajasthan Tenancy Act, 1955/ordinarily engage (s) in agricultural labour/works (s) as an agricultural artisan. The particulars of the agricultural land/plantation/orchard/cattle, camel, sheep, goats for grazing purposes [held/possessed] [Strike out whichever is inapplicable.] by [me/him] [Strike out whichever is inapplicable.] are

Name of village with name of Tehsil and District	Khewat No.	Khatauni No.	Khasra No.	Area	Soil classification	Land revenue or rent assessed
1	2	3	4	5	6	7

A certified copy of the Khewat/Khatauni is attached.(f)An application to the Debt Relief Court under section 6/ 6A Has been made and admitted and is pending.I, therefore, hereby apply for abatement/stay of proceedings in the above mentioned suit/insolvency proceedings (to enable me/ him to file an application under section 6 of the Rajasthan Relief of agricultural Indebtedness Act, 1957).An affidavit is attached.Dated..... 200.....Signature of the applicant.][Form No. B.] [Substituted Notification No. F.7(80) Rev.(1))/61/Gr. I. dated 29.12.1961 (Published in Rajasthan Gazette Part IVC. Ex.-Ord., dated 31.3.1962).](See rule 5)ToThe Debt Relief

Court.....Subject: Application under section 6 of the Rajasthan Relief of Agricultural Indebtedness Act, 1957.Sir,I..... S/o.....

Caste.....resident of..... Tehsil..... District..... hereby state as under: (a)I am an [agriculturist/debtor] [Strike out whichever is inapplicable.] within the meaning of clause [(b)/(cc)] [Strike out whichever is inapplicable.] of section 2 of the Rajasthan Relief of Agricultural Indebtedness Act, 1957/being a member of Scheduled Caste/ Scheduled Tribe.OR(a)I am a creditor/surety] [Strike out whichever is inapplicable.] of..... S/o..... Caste..... resident of..... Tehsil..... District..... who is debtor as defined in clause (cc) of section 2 of the Rajasthan Relief of Agricultural Indebtedness Act, 1957.(b)I normally reside at..... Tehsil..... District.....(c)The amounts and particulars of all claims outstanding against me/the aforesaid debtor including those referred to in section 4 of the Rajasthan Relief of agricultural Indebtedness Act, 1957, as nearly as ascertainable, and the names and addresses of my/his other creditors are as follows:

S. No. of debt	Name of parentage, caste, residence and full address of creditor	Amount of debt	History of each debt with particulars of the original principal the rate of interest chargeable	Particulars of debts for which the debtor is liable assurety, joint surety or joint debtor	Remarks
Principal Interest	Total claimed by the creditor	Amount if any, admitted by the debtor	Amount of debt	Nature of liability	Name, parentage, caste, residence and full address of debtor, joint surety or joint

debtor.

1 2 3 4 5 6 7 8 9 10 11
 (d)The particular of [my/his] [Strike out whichever is inapplicable.] property including claims due [me/him] [Strike out whichever is inapplicable.] are as follows: (a)Immovable property including property outside Rajasthan State.

1	2	3	4	5	6	7	8	9	10	11
Specification of the property with boundaries where necessary	Name of the village with survey nos.	Nature of tenure	Annual income derived	Market value	Details of any attach mortgage, lien or charge subsistingthereon	Name, parentage, castes, residence and full addresses of theco-shares of the debtor, if any	Remarks			

Survey No.	Area in acres	Government assessment
1	2	3

(b)Movable property including cash

S. No.	Description	Estimated value	Place where it may be found	Details of pledge, charge or lien thereon	Remarks
1	2	3	4	5	6

(c)claims due.

Name, parentage, caste, residence and full address of theperson from whom the claim is due	Amount due	Particulars of claims including date of commencement, rate ofinterest whether secured and if so, how etc.	Nature of documents evidencing the claim and in whosepossession.	Remarks

Principal	Interest
1	2

(c)1/the said debtor earn(s) [my/his] [Strike out Whichever is inapplicable.] livelihood wholly or mainly from agriculture/rent from [agricultural land] [Strike out Whichever is inapplicable.]. [I/he] [Strike out Whichever is inapplicable.] being a person mentioned in clause of sub-section (1) of section 46 of the Rajasthan Tenancy Act, 1955/ordinarily engage (s) in agricultural [labour/work] [Strike out Whichever is inapplicable.] (s) as an agricultural artisan. The particulars of the agricultural land/ plantation/orchard/cattle, camel, sheep, goats for grazing purposes [held/possessed] [Strike out Whichever is inapplicable.] by me/him are:

Name of village with name of Tehsil and District	Khewat No.	Khatauni No.	Khasra No.	Area	Soil classification	Land revenue or rent assessed
1	2	3	4	5	6	7

A certified copy of the Khewat/Khatauni is attached. I, therefore, submit this application under section 6 of the Rajasthan Relief of Agricultural Indebtedness Act, 1957 for the determination of my/the said debtor/s debts in accordance with the provisions of the said Act. Dated..... 200..... Signature of the applicant. Verification I verify that the particulars given in the above application are true to the best of my knowledge and belief. Witnesses

1.

.....

2.

Signature..... Date..... 200..... [FORM No. IIA] [Inserted by notification No. F.7 (80) Rev./61 Gr.-I, dated 29.12.1961 (Published in Rajasthan Gazette, Pt-IVC, Ex. ord., dated 31.3.1962).] (See rule 6A) To The Debt Relief

Court..... Subject: Application under section 6A of the Rajasthan Relief of Agricultural Indebtedness Act, 1957. Sir, I..... S/o..... Caste..... resident..... of..... Tehsil..... District..... hereby state as under: (a) I am a debtor within the meaning of clause (cc) of section 2 of the Rajasthan Relief of Agricultural Indebtedness Act, 1957. OR (a) I am a creditor of..... S/o..... Caste..... resident of..... Tehsil..... District who is debtor as defined in clause (cc) of section 2 of the Rajasthan Relief of Agricultural Indebtedness Act, 1957. (b) [I/the] [Strike out whichever is inapplicable] said debtor normally reside(s) at Tehsil..... District..... (c) I and..... (name) have mutually arrived at the following settlement in respect of the undermentioned debts due by the debtor:

Principal	interest	Amount of debt	History of each debt with particulars of the original principal and rate of interest chargeable	Remarks
Total claimed by creditor	Amount if any admitted by the debtor			
1	2	3	4	5
				6

(2) particulars of settlement arrived at. (Full particulars to be given). I pray that the above settlement be recorded and that a certificate to that effect may be granted. yours

Faithfully, Signature Date..... 200..... Verification I verify that the particulars given in paras (1) and (2) of the above application are true to the best of my knowledge and belief. Witnesses :

1.

.....

2.

.....SignatureDate..... 200.....Form IIB(See rule 6B)Notice under sub-section (3) of section 6A of the Rajasthan Relief of Agricultural Indebtedness Act, 1957In the debt Relief Court..... Case No..... of..... 200.....To..... S/o..... (full address to be given). Whereas..... S/o..... Caste..... resident of..... Tehsil..... District..... Who claims to be a (debtor within the meaning of clause (cc) of section 2. of the Rajasthan Relief of Agricultural Indebtedness Act, 1957).OR(Creditor of..... S/o..... Caste..... resident of..... Tehsil..... District..... who is a debtor within the meaning of clause(cc)of section 2 of the Rajasthan Relief of Agricultural Indebtedness Act, 1957) has applied for the recording of a settlement of debts arrived at between the said debtor and Shri..... S/o..... Caste..... resident of..... Tehsil..... District.....Creditor.Notice is hereby given to you as required by sub-section (3) of section 6A of the said Act to appear in this Court on..... (Date) to show cause why the said settlement be not recorded and certified.Take notice that in default of your appearance on the aforesaid date the case will be heard and decided in your absence.Given under my hand and the seal of the Court this..... Day..... year.Seal.....Signature.Form No. III(See rule 12)Register of cases instituted underThe Rajasthan Relief of Agricultural Indebtedness Act 1957.

S. No.	Name of applicant with parentage, caste and residence.	Whether agricultural under section 2(b)(i) or 2(b) (ii)	Name of village with name of Tehsil and district in which normally residing	Total amount of claims against the applicant including claims referred to in section 4.	Whether application allowed or rejected or referred	Amounts determined to be due under section 10 as compared with total amount of debts.	Whether debtor's property transferred in repayment of determined debt. If so, valuation of such property.	Whether annual instalments fixed for repayment, If so, aggregate amount to be paid by instalments and maximum period in which instalments to be paid.	remarks
1	2	3	4	5	6	7	8	9	10