

Telangana Agricultural Indebtedness (Relief) Act, 1987

TELENGANA

India

Telangana Agricultural Indebtedness (Relief) Act, 1987

Act 45 of 1987

- Published on 23 November 1987
- Commenced on 23 November 1987
- [This is the version of this document from 23 November 1987.]
- [Note: The original publication document is not available and this content could not be verified.]

Telangana Agricultural Indebtedness (Relief) Act, 1987(Act No. 45 of 1987)Last Updated 13th January, 2020The Andhra Pradesh Agricultural Indebtedness (Relief) Act, 1987 received the assent of the President on the 23rd November, 1987. The said Act in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016, issued in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

1. Short title, extent and commencement.

(1)This Act may be called the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Agricultural Indebtedness (Relief) Act, 1987.(2)It extends to the whole of the State of [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].(3)It shall come into force on such date as the State Government may, by notification in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, appoint.

2. Declaration.

- It is hereby declared that this Act, is for giving effect to the policy of the State towards securing the principles specified in article 46 of the Constitution.

3. Discharge of debts incurred on or after 29th December, 1976.

(1)Notwithstanding anything in the Andhra Pradesh (Andhra Area) Agriculturists Relief Act, 1938, (Act 4 of 1938) the [Telangana Money Lenders Act, 1349 F.(Act 5 of 1349 F)] [Substituted by the Telangana Adaptation of Laws (No.2) Order, 2016, issued in G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.], the Andhra Pradesh (Andhra Area) Pawn-brokers Act, 1943, (Act 23 of 1943),

the [Andhra Pradesh (Telangana Area) Agricultural Debtors' Relief Act, 1956, (Act 16 of 1956)] [Repealed by G.O.Ms.No.46, Law (F) Department, dated 01.06.2016.] [the Telangana (Scheduled Area) Money Lenders Regulation, 1960, (Regulation 1 of 1960)] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Indebted Agriculturists, Landless Labourers and Artisans (Temporary Relief) Act, 1976 (Act 24 of 1976) or any law for the time being in force, or any contract or other instrument having the force of law with effect on and from the commencement of this Act, every debt borrowed or incurred during the period between the 29th December, 1976 and [as on the 31st May, 1989,] [Substituted by Act No.2 of 1990.] including interest, if any, owing to any creditor by an agricultural labourer, a rural artisan or a small farmer shall be deemed to be wholly discharged.(2)(a)No Civil Court shall entertain any suit or other proceeding against the debtor for the recovery of any amount of the debt, including interest, if any, which is deemed to be discharged under sub-section (1):Provided that where any suit or other proceeding is instituted jointly against the debtor and any other person, nothing in this sub-section shall apply to the maintainability of such suit or proceeding in so far as it relates to such other person.(b)All suits and other proceedings including appeals, revisions, attachments or execution proceeding pending [as on the 31st May, 1989,] [Substituted by Act No.2 of 1990.] against any debtor for the recovery of any such debt, including interest, if any, shall abate:Provided that nothing in this clause shall apply to the sale, in respect of any such debt of -(i)any movable property held and concluded before commencement of this Act;(ii)any immovable property, confirmed before such commencement.(c)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, including interest if any, shall be released.(3)(a)Every movable property pledged by a debtor whose debt is deemed to be discharged under sub-section (1), shall stand released, in favour of such debtor and the creditor shall be bound to deliver the same to the debtor forthwith.(b)Every mortgage executed by such debtor in favour of the creditor shall stand redeemed and the mortgaged property shall be released in favour of such debtor.Explanation. - Nothing in this section shall be construed as entitling any debtor for refund of any part of any debt repaid or interest paid already by him or recovered from him before, such commencement.

4. Application of the Telangana Agricultural Indebtedness (Relief) Act, 1977.

(1)All the provisions of [the Telangana Agricultural Indebtedness (Relief) Act, 1977,(Act 7 of 1977)] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] (hereinafter in this section called "the said Act") except section 4 shall apply mutatis mutandis to the debts including interest, if any, which are deemed to be discharged under section 3 (hereinafter called the "said debts") as they apply in relation to the debts referred to in the said Act; and all the provisions of the said Act shall, be read and construed as if the said provisions had been included and enacted in this Act.(2)For the purpose of facilitating the application of [the Telangana Agricultural Indebtedness (Relief) Act, 1977,(Act 7 of 1977)] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] to the said debts, the State Government may, by notification in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, make such adaptations and modifications of the said Act and the rules made thereunder, whether by way of repealing, amending or suspending any provision thereof as may be necessary or expedient and thereupon the said Act and the rules made thereunder shall apply to the said debts subject to the adaptations and

modifications so made.(3)Notwithstanding that no provision or insufficient provision has been made under sub-section (2) for the adaptation of the provisions of the said Act, or the rules made thereunder, any court, tribunal or authority required or empowered to enforce those provisions may, for the purpose of facilitating their application to the said debts, construe those provisions in such manner, without affecting the substance as may be necessary or proper in regard to the matter before the court, tribunal or authority.

5. Power to make rules.

- The State Government may, by notification in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, make rules for carrying out all or any of the purposes of this Act.(2)Every rule made under this Act, shall, immediately after it is made, be laid before the Legislature of the State if it is in session and if it is not in session in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following, the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of any thing previously done under that rule.