

Uttar Pradesh Rural Weaker Sections Moratorium on Recovery of Debts) Act, 1975

UTTAR PRADESH

India

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Act 51 of 1975

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Uttar Pradesh Rural Weaker Sections Moratorium on Recovery of Debts) Act, 1975(U.P. Act No. 51 of 1975)Last Updated 27th February, 2020An Act to provide for a moratorium on recovery of debts from landless agricultural labourers, small and marginal farmers, and rural artisans, with a view to facilitating further action for liquidation of indebtedness of such weaker sections of the people.It is hereby enacted in the Twenty-sixth year of the Republic of India as follows: -

1. Short title extent and commencement.

(1)This Act may be called the Uttar Pradesh Rural Weaker Sections Moratorium on Recovery of Debts) Act, 1975.(2)It extends to the whole of Uttar Pradesh.(3)It shall come into force at once.

2. Definitions.

- In this Act, unless the context otherwise requires---(i)"artisan" means a person who does not hold any agricultural land and whose main source of livelihood is manufacture or repair of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto, and includes a person who normally earns his livelihood by practicing a craft either by his own labour or by the labour of any member of his family in any rural area;(ii)"Civil Court" includes -(a)any court exercising jurisdiction under the Provincial Insolvency Act, 1920;(b)a Nyaya Panchayat established under the U.P. Panchayat Raj Act, 1947;(c)a court exercising powers under the Provincial Small Causes Courts Act, 1887;(iii)"Co-operative society" means a society registered or deemed to be registered under the provisions of the Uttar Pradesh Co-operative Societies Act, 1965;(iv)"debt" means an advance in cash or kind, whether decreed or not, and includes any transaction which is in substance a debt;(v)"landless agricultural labourer" means a person who does not hold any agricultural land and whose main source of livelihood is manual labour on agricultural

land;(vi)"marginal farmer" means a person whose main source of livelihood is cultivation and who holds land measuring not more than one hectare in Uttar Pradesh;(vii)"protected debtor" means a person, ordinarily residing in a rural area of Uttar Pradesh, who is a landless agricultural labourer, an artisan or a small or marginal farmer;(viii)"rural area" has the same meaning as is assigned to it in the Uttar Pradesh Kshettra Samitis and Zila Parishad Adhiniyam, 1961;(ix)"small farmer" means a person whose main source of livelihood is cultivation and who holds land measuring more than one hectare but not more than two hectares in Uttar Pradesh and in the districts of Bundelkhand, the measurement of such area shall be 1.5 hectares to 3 hectares.

3. Moratorium debts.

- Notwithstanding anything contained in any other law for the time being in force, or in any contract or decree or other instrument having force by virtue of any such law -(a)No suit, appeal, application or execution or other proceedings for or relating to the recovery of any debt against a protected debtor shall be instituted presented, or commenced for a period of one year from the date of commencement of this Act;(b)any such suit, appeal, application or execution or other proceeding, pending on the date of such commencement, shall be and remain stayed during the said period of one year;(c)any protected debtor arrested or detained in execution of any decree for any debt shall be released and any property of a protected debtor attached in such execution shall cease forthwith on the commencement of this Act :Provided that the State Government may, from time to time by notification in the Gazette, extend the said period of one year by such further period, not exceeding six months at a time as it deems fit, so, however, that such further periods shall not exceed two years in the aggregate.

4. Exclusion from period of limitation.

- In computing the period of limitation for any suit, appeal, application or proceeding specified in section 3, instituted, presented, or commenced after the commencement of this Act, which might otherwise have been instituted, presented or commenced during the periods referred to in that section, such periods shall be excluded.

5. Savings.

- Nothing in this Act shall affect any debt or other liability of any protected debtor falling under the following heads, namely -(a)any rent due in respect of any property let out to such debtor;(b)any transaction evidenced by a registered document or a transaction of mortgage by deposit of title deeds;(c)any liability arising out of breach of trust or any tortious liability;(d)any liability in respect of wages or remuneration due as salary or otherwise for services rendered;(e)any liability in respect of maintenance, whether under a decree of court or otherwise;(f)a debt due to -(i)the Central Government or any State Government;(ii)any local authority;(iii)any banking company as defined in the Uttar Pradesh Public Moneys (Recovery of Dues) Act, 1972;(iv)any corporation as defined in the Uttar Pradesh Public Moneys (Recovery of Dues) Act, 1972;(v)any co-operative society;(vi)any Government company within the meaning of the Companies Act, 1956;(vii)the life Insurance Corporation of India;(g)any debt which represents the price of goods purchased by such

debtor;(h)any compensation payable on account of partition or division of property, or any compensation referred to in section 29-A of the Uttar Pradesh Consolidation of Holdings Act, 1953;(i)any sum recoverable as arrears of land revenue.