

Telangana Indebted Agriculturists, Landless Labourers and Artisans (Temporary Relief) Act, 1976

TELENGANA

India

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Act 24 of 1976

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Telangana Indebted Agriculturists, Landless Labourers and Artisans (Temporary Relief) Act, 1976(Act No. 24 of 1976)Last Updated 15th January, 2020The Andhra Pradesh Indebted Agriculturists, Landless Labourers and Artisans (Temporary Relief) Act, 1976 received the assent of the President on 09.03.1976. 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, application and commencement.

(1)This Act may be called 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.(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 apply in relation to the recovery of all debts due on the date of commencement of this Act from any agriculturists, landless labourer or artisan, except the following debts, namely:-(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 or agricultural land) accrued due after the date of the commencement of this Act;(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 any co-operative society, including a land mortgage bank, registered or deemed to be registered under the [Telangana Co-operative Societies Act, 1964] [Adapted by G.O.Ms.No.53, Agriculture and Cooperation (Coop-II) Department, dated 20.05.2016.], (Act 7 of 1964) provided that the right of Society to recover the sum did not arise by reason of any assignment made subsequent to the commencement of this Act;(vii)any sum

payable to,-(a)any charitable or religious institution or endowment to which the provisions of the [Andhra Pradesh] [See now the provisions of the Telangana Charitable and Hindu Religious Institutions and Endowments Act, 1987 (Act 30 of 1987).] Charitable and Hindu Religious Institutions and Endowments Act, 1966 (Act 17 of 1966) applies;(b)any wakf to which [the Wakf Act, 1954] [See now the Wakf Act, 1995 (Central Act 43 of 1995).] (Central Act 29 of 1954) applies; whether by way of rent; either in cash or kind, loan or other dues;(viii)any liability arising out of a breach of law relating to payment of wages or remuneration;(ix)any liability in respect of any sum due to,-(A)a banking company as defined in the Banking Regulation Act, 1949 (Central Act 10 of 1949);(B)the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955);(C)any subsidiary bank as defined in clause (k) of section 2 of State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959);(D)any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970);(E)the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963 (Central Act 10 of 1963);(F)any other financial institution notified by the State Government in the [Telangana Gazette] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.].(4)Sections 6 and 8 shall come into force at once and the remaining provisions shall be deemed to have come into force on the 26th August, 1975.

2. Definitions.

- In this Act, unless the context otherwise requires (a)'agricultural land' means land used for agriculture or horticulture, not being land appurtenant to a residential building;(b)'agriculturist' means-(i)in the case of persons other than the members of Scheduled Tribes, a person who hold, and personally cultivates agricultural land which does not exceed in extent one hectare if it is wet or two hectares if it is dry;(ii)in the case of members of Scheduled Tribes, a person who holds and personally cultivates agricultural land which does not exceed in extent two hectares, if it is wet, or four hectares, if it is dry;Explanation-I. - For the purposes of computing the extent of land under this clause, one hectare of wet land shall be equal to two hectares of dry land.Explanation-II. - A person who was liable to be assessed to income tax under the Income Tax Act, 1961 (Central Act 43 of 1961) in respect of his income in any two previous years within three previous years immediately preceding the date of commencement of this Act shall not be deemed to be an agriculturist.For the purpose of this Explanation, the words 'previous year' shall have the same meaning as that assigned to them in section 3 of the Income Tax Act, 1961 (Central Act 43 of 1961);(c)'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 includes a person who normally earns his livelihood by practising a craft either by his own labour or by the labour of the members of his family in the rural area;(d)'debt' means any sum of money which a person is liable to pay under a contract (express or implied) for consideration received being less than rupees one thousand not secured by any charge on agricultural land or other immovable property 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 agricultural land accrued due for the fasli year ending with the 30th June, 1975 or for any previous fasli year but does not include 'khata' amount due to village merchant for supply of provisions;Explanation. - For the purpose of this clause, 'rent' in

relation to agricultural land shall mean rent accrued due for the fasli year ending with the 30th June, 1975 and for any previous fasli year;(e)'landless labourer' means a person who does not hold any agricultural land and whose principal means of livelihood is the income derived from the wages for the manual labour on agricultural land;(f)pay with its grammatical variations includes deliver;(g)'suit' or 'application' does not include an appeal from a decree or order passed in a suit or application or an application for revision or review.

3. Bar of suits and applications for recovery of debts.

(1)No suit for the recovery of a debt shall be instituted, no application for the execution of a decree for payment of money passed in a suit for the recovery of a debt shall be made, and no suit or application for the eviction of a tenant on the ground of non-payment of a debt shall be instituted or made, against any agriculturist, landless labourer or artisan, in any civil or revenue court before the expiry of a year from the date of the commencement of this Act or such further period not exceeding one year as the State Government may, if they are satisfied that there are sufficient grounds for doing so, by notification in the Telangana Gazette, specify, in this behalf, so however that the aggregate period including the further period so specified shall not exceed two years.Explanation. - Suit does not include a claim to a set off made in a suit instituted by an agriculturist, landless labourer or artisan.(2)Where a debt is payable by an agriculturist, landless labourer or artisan jointly or jointly and severally with a person who is not an agriculturist, landless labourer or artisan, no suit or application of the nature mentioned in this section shall be instituted or made either against the said person or against the agriculturist, landless labourer or artisan, as the case may be, before the expiry of the period mentioned in this section.(3)A suit shall be deemed to be a suit for the recovery of a debt notwithstanding that other, reliefs are prayed for in such suit, and a decree, shall be deemed to be a decree for payment of money passed in such suit notwithstanding that other reliefs are granted, by such decree:Provided that a suit for possession of land shall not be deemed to be a suit for recovery of a debt by reason merely of mesne profits being also prayed for in such suit.

4. Stay of proceedings.

(1)All further proceedings in suits and applications of the nature mentioned in section 3 in which relief is claimed against an agriculturist, landless labourer or artisan not, being proceedings for the amendment of pleading or for the addition, substitution, or the striking off of parties, but otherwise inclusive of proceedings consequent on orders or decrees made in appeals, revision petitions, or applications for review, shall subject to the provisions of sub-section (2) stand stayed until the expiry of a year from the date of the commencement of the Act or such further period not exceeding one year as the State Government may if they are satisfied that there are sufficient grounds for doing so, by notification in the [Telangana] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] Gazette, specify in this behalf, so however, that the aggregate period including the further period so specified shall not exceed two years:Provided that, in regard to property under attachment, the court may pass such orders as it deems necessary for the custody or preservation of the property or for the sale of such property if it is subject to speedy or natural decay, or, if in respect of it, the expenses of custody or preservation are considered excessive.(2)On an application made by the defendant or the respondent or by all the defendants or all the respondents, as the case may be,

the stay of all further proceedings in suit or application, effected by sub-section (1) shall be dissolved and the suit or application shall be proceeded with from the stage which had been reached when further proceedings in the suit or the application were stayed.

5. Exclusion of time for limitation.

- In computing the period of limitation or limit of time prescribed for a suit for the recovery of a debt or an application for the execution of a decree passed in such suit, the time during which the institution of the suit or the making of the application was barred by section 3 or during which the plaintiff or his predecessor-in-title, believing in good faith that section 3 applied to such suit or such application, refrained from instituting the suit or making the application, shall be excluded. Explanation. - The expression "good faith" shall have the meaning assigned to it in section 3 (22) of the General Clauses Act, 1897 (Central Act X of 1897).

6. Prohibition of sale of pledges.

- Notwithstanding anything in the [Andhra Pradesh (Andhra Area) Pawn Brokers Act, 1943] [The Act has been repealed by Act No.6 of 2002.] (Act XXIII of 1943) or the Telangana Money Lenders Act, 1349F (Act V of 1349F) no pawn-broker or money lender shall dispose of by sale any pledge for the realisation of any debt advanced by him to an agriculturist, landless labourer or artisan and any such sale effected after the commencement of this Act, shall be null and void.

7. Effect of transfer of immovable property by debtor.

- Every transfer of immovable property by a debtor entitled to the benefit of section 3 or section 4 made after the date of the commencement of this Act and before the expiry of the period specified in or under section 3 or section 4 as the case may be shall, in any suit or other proceeding, with respect to such transfer, be presumed, until the contrary is proved, to have been made with intent to defeat or delay the creditors of the transferor.

8. Penalty for contravention of section 6.

(1) Any pawn broker or money lender who contravenes the provisions of section 6 shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupee, or with both. (2) An offence punishable under this section shall be cognizable.

9. Act to override other laws, contracts, etc.

- The provisions of this Act shall have effect notwithstanding anything, inconsistent therewith contained in the Andhra Pradesh (Andhra Area) Tenants and Ryots Protection Act, 1949 (Act XIV of 1949) or in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) or in any other law for the time being in force, or any custom, usage or contract, or decree or order of a court or other authority.

10. Power to make rules.

(1)The State Government may, by notification in the [Telangana Gazette] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.], 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 each House of the State Legislature 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, both Houses agree 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 in the [Telangana Gazette] [Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.] 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 anything previously done under that rule.

11. Repeal of ordinance 8 of 1975.

- The Andhra Pradesh Indebted Agriculturists, Landless Labourers and Artisans (Temporary Relief) Ordinance, 1975, is hereby repealed.