THE ANDHRA PRADESH AGRICULTURAL INDEBTEDNESS (RELIEF) ACT, 1987

ACT No. 45 OF 1987

ARRANGEMENT OF SECTIONS

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[26th November, 1987]

AN ACT TO PROVIDE RELIEF FROM INDEBTEDNESS TO AGRICULTURAL LABOURERS, RURAL ARTISANS AND SMALL FORMERS IN THE STATE OF ANDHRA PRADESH AND FOR MATTERS CONNECTED THERE WITH.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Thirty- eighth Year of the Republic of India as follows:-

1. Short title, extent and commencement - (1) This Act may be called the Andhra Pradesh Agricultural Indebtedness (Relief) Act, 1987.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the State Government may, by notification in the Andhra Pradesh 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 Andhra Pradesh (Telangana Area) Money Lenders Act, 1349 F. (Act 5 of 1349 F), 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), the Andhra Pradesh (Scheduled Area) Money Lenders Regulation, 1960 (Regulation 1 of 1960), the Andhra Pradesh 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 [1][the 31st May, 1989] 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 [2][as on the 31st May, 1989], 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.

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[1]. Substituted by the Act No.2 of 1990, S.2.
[2]. Substituted by the Act No.2 of 1990, S.2.

(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 Andhra Pradesh Agricultural Indebtedness (Relief) Act, 1977 - (1) All the provisions of the Andhra Pradesh Agricultural indebtedness (Relief) Act, 1977 (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 Andhra Pradesh Agricultural Indebtedness (Relief) Act, 1977 (Act 7 of 1977), to the said debts, the State Government may, by notification in the Andhra Pradesh 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 – (1) The State Government may, by notification in the Andhra Pradesh 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 Legislative Assembly 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 Legislative Assembly 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.