The M.P. Gramin Rin Vimukti Adhiniyam, 1982

MADHYA
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Act 5 of 1983

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The M.P. Gramin Rin Vimukti Adhiniyam, 1982M.P. Act No. 5 of 1983[Dated 21st January, 1983]Received the assent of the President on the 21-1-1983; assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 22-1-1983.An Act to provide for relief from indebtedness in rural areas.Be it enacted by the Madhya Pradesh Legislature in the Thirty-third Year of the Republic of India as follows :-

1. Short title and extent.

(1)This Act may be called the Madhya Pradesh Gramin Rin Vimukti Adhiniyam, 1982.(2)It extends to the whole of Madhya Pradesh

2. Definitions.

- In this Act, unless the context otherwise requires :-(a)"agricultural land" means land in a rural area which is assessed to land revenue with reference to the use of such land for the purpose of agriculture;(b)"Civil Court" includes :-(i)a Court acting in the exercise of insolvency jurisdiction;(ii)a Court which under any law for the time being in force (a) has been constituted a Court of small causes or (b) is invested with the jurisdiction of a Court of small causes;(iii)a debt relief Court established under the Madhya Pradesh Anusuchit Jati Tatha Anusuchit Jan Jati Rini Sahayata Adhiniyam, 1967 (No. 12 of 1967);(c)"co-operative society" means a society registered or deemed to be registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961);(d)"debt" includes all liabilities owing to a creditor in cash or kind, secured or unsecured, payable under a decree or order of a Civil Court or otherwise and subsisting on the 15th August, 1982 whether due or not due;(e)"landless agricultural labourer" means a person who does not hold any agricultural land and whose principal means of livelihood is manual labour on agricultural land;(f)"local authority" means a Municipal Corporation, Municipal Council, Notified Area Committee, Town Area
Committee or a Cantonment Board, as the case may be, constituted or deemed to have been constituted under any law relating to local authority for the time being in force;(g)"marginal farmer"

means an agriculturist who :-(i)in the case of a member of Scheduled Castes or Scheduled Tribes, holds agricultural land not exceeding one hectare if irrigated or two hectares if unirrigated and who personally cultivates such land;(ii)in the case of a person other than a member of Scheduled Castes or Scheduled Tribes, holds agricultural land not exceeding half hectare if irrigated or one hectare if unirrigated and who personally cultivates such land;(h)"member of Scheduled Castes" means a member of such castes, races or tribes or parts of, or groups within castes, races or tribes specified as Scheduled Castes with respect to the State of Madhya Pradesh under Article 341 of the

Constitution of India;(i)"member of Scheduled Tribes" means a member of such tribes or tribal communities or parts of, or groups within such tribes or tribal communities specified as such with respect to the State of Madhya Pradesh under Article 342 of the Constitution of India;(j)"rural area" means an area other than an area comprised within the limits of a local authority;(k)"rural artisan" means a person who does not hold any agricultural land and-(i)whose principal means of livelihood is production or repaid of traditional tools, implements and other articles or things used for agriculture or purposes ancillary thereto in a rural area; or(ii)who normally earns his livelihood by practising a craft either by his own labour or by the labour of a member or members of his family in a rural area;(l)"small farmer" means an agriculturist who :-(i)in the case of a member of Scheduled Castes or Scheduled Tribes, holds agricultural land exceeding one hectare but not exceeding two hectares if irrigated or exceeding two hectares but not exceeding four hectares if unirrigated and who personally cultivates such land;(ii)in the case of a person other than a member of Scheduled Castes or Scheduled Tribes holds agricultural land exceeding half hectare but not exceeding one hectare if irrigated or exceeding one hectare but not exceeding two hectares if unirrigated and who personally cultivates such land;(m)words and expressions used but not defined in this Act and defined in the Madhya Pradesh Land Revenue Code, 1959 (No. 29 of 1959), shall have the meanings respectively assigned to them in that Code.

3. Consequences to ensue on commencement of Act.

- Notwithstanding anything contained in any other law for the time being in force or in any contract or other instrument having a force of law and save as otherwise expressly provided in this Act, the following consequences shall, on the commencement of this Act, ensue, namely :-(a)every debt advanced before the 16th August, 1982 including the amount of interest, if any, and which is payable by-(i)a marginal farmer;(ii)a landless agricultural labourer;(iii)a rural artisan;(iv)a small farmer;to a creditor shall be deemed to be wholly discharged;(b)no Civil Court having jurisdiction shall entertain any suit or proceeding against a debtor specified in Clause (a) for the recovery of his debt;(c)all proceedings in execution of any decree for money or proceedings for making final any preliminary decree for foreclosure or sale or proceedings in execution of any final decree for sale against a debtor specified in Clause (a) for the recovery of his debt shall stand withdrawn and all property of the said debtor under attachment in any such proceedings shall forthwith be
released;(d)every debtor specified in Clause (a) in detention in a civil prison in execution of any decree for money passed against him by a Civil Court in respect of a debt shall forthwith be released;(e)all suits and proceedings pending against a debtor specified in Clause (a) for the recovery of debt shall abate,(f)every property pledged by a debtor specified in Clause (a) shall stand released in favour of such debtor and a creditor shall be bound to return the same to the debtor forthwith;(g)every mortgage executed by a debtor specified in Clause (a) in favour of a creditor shall

stand redeemed and the mortgaged property shall be released in favour of such debtor :Provided that, where a suit or proceeding is instituted jointly against the said debtor and any other person, nothing in this section shall apply to the maintainability of a suit or proceeding in so far as it relates to such other person only on the ground that he is being jointly proceeded against.Explanation. -Nothing in this section shall be construed to entitle the said debtor to the refund of any part of a debt already repaid by him or recovered from him before the commencement of this Act.

4. Penalties.

(1)No creditor shall,-(i)accept any payment against any claim for a debt which has been discharged under this Act; or(ii)refuse to return or re-deliver possession to the debtor of the property pledged or mortgaged by him which stands released or redeemed in favour of such debtor under this Act.(2)Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment which may extend to one year or fine which may extend to one thousand rupees; or both.

5. Bar of application of this Act.

- Nothing contained in this Act shall apply to liabilities falling under the following heads, namely :-(a)any rent due in respect of any property let out to a debtor;(b)any liability arising out of breach of trust or any tortious liability;(c)any liability in respect of wages, or remuneration due as salary or otherwise, for service rendered;(d)any liability in respect of maintenance whether under a decree or order of a Court or otherwise;(e)a debt due to :-(i)the Central Government or any State Government;(ii)any local authority;(iii)a banking company as defined in Section 5 of the Banking Regulation Act, 1949 (No. X of 1949), and includes the State Bank of India constituted under the State Bank of India Act, 1955 (No. 23 of 1955), a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (No. 38 of 1959), a corresponding new bank as defined respectively in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (No. 5 of 1970), or the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (No. 40 of 1980), a regional rural bank established under the Regional Rural Banks Act, 1976 (No. 21 of 1976); and a Co-operative Land Development Bank or other Co-operative Bank registered or deemed to be registered under the Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961);(iv)the Agricultural Refinance Corporation constituted under the Agricultural Refinance Corporation Act, 1963 (No. 10 of 1963);(v)any banking institution notified by the Central Government under Section 51 of the Banking Regulation Act, 1949 (No. X of 1949);(vi)the Madhya Pradesh Agro Industries Development Corporation Limited;(vii)any Co-operative Society;(viii)any Government Company within the meaning of the Companies Act, 1956 (No. 1 of 1956);(f)any debt which represent the price of goods purchased by a debtor.

6. Authorities who may be specified for implementing the provisions of this Act.

- The State Government may confer such powers and impose such duties on a Collector as may be necessary to ensure that the provisions of this Act are properly carried out and the Collector may

specify an officer or officers subordinate to him, who shall exercise all or any of the powers and perform all or any of the duties so conferred or imposed and determine the local limits within which such powers or duties shall be carried out by the officer or officers so specified.

7. Bar of jurisdiction of Civil Court.

- No Civil Court shall have any jurisdiction to entertain, or decide any question in respect of a debt to which provisions of this Act apply.

8. Power to make rules.

(1)The State Government may, by notification, make rules for carrying out the purpose of this Act.(2)All rules made under this Act shall be laid on the table of the Legislative Assembly.

9. Special provision for Regional Rural Banks.

- It is hereby declared that the regional rural banks established under the Regional Rural Banks Act, 1976 (No. 21 of 1976), shall be and shall always be deemed to have been included in sub-clause (iii) of Clause (e) of Section 6 of the Madhya Pradesh Gramin Rin Vimukti Adhyadesh, 1982 (No. 18 of 1982), from the commencement thereof and the consequences ensuing under Clauses (a) to (g) of Section 4 of the said Ordinance shall, in respect of the Regional Rural Banks, be and shall always be deemed never to have ensued and accordingly the position with respect to the debt advanced by such Bank as on the date immediately before the 16th August, 1982 shall stand restored for all purposes.

10. Repeal.

- The Madhya Pradesh Gramin Rin Vimukti Adhyadesh, 1982 (No. 18 of 1982), is hereby repealed.