

Manipur



Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 5(A) Imphal, Thursday, April 15, 1976 (Chaitra 26, 1898)

GOVERNMENT OF MANIPUR
SECRETARIAT : LAW : DEPARTMENT

Imphal, the 21st April, 1976

No. 2/19/76-Act/L.—The following Act of Legislature of Manipur which received assent of the Governor on 12-4-76 is hereby published in the Manipur Gazette.

I. BIJOY SINGH,
Deputy Secretary (Law) to the Government
of Manipur.

THE MANIPUR AGRICULTURAL INDEBTEDNESS
(RELIEF) ACT, 1976
(Manipur Act 6 of 1976)

An
Act

to provide relief from indebtedness to agricultural labourers, rural artisans, marginal farmers and small farmers. 12-4-76

BE it enacted by the Legislature of Manipur in the Twenty-seventh Year of the Republic of India as follows :—

1. (1) This Act may be called the Manipur Agricultural Indebtedness (Relief) Act, 1976. Short title and extent.
- (2) It extends to the whole of the State of Manipur.
- (3) It shall come into force at once.

2. In this Act unless the context otherwise requires—

Definitions.

- (a) "agricultural labourer" is a person who follows any one or more of the following agricultural occupations, in the capacity of a labourer on hire or exchange, whether paid in cash or in kind or partly in cash and partly in kind—
- (i) farming including cultivation and tillage of soil etc.;
 - (ii) diary farming;
 - (iii) production, cultivation, growing and harvesting of any horticultural commodity;
 - (iv) raising of livestock, bees or poultry; and
 - (v) any practice performed on a farm as incidental to or in connection with farm operations including any forestry or timbering operations and preparation for market and delivery to storage or to market or carriage for transportation of farm production;
- (b) "bank" means a banking company defined in section 5 of the Banking Regulation Act, 1949 (Central Act 10 of 1949), a subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959), a corresponding new Bank as defined in the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970), the Agricultural Refinance Corporation Act, 1963 (Central Act 10 of 1963) and a Co-operative Bank, registered or deemed to be registered under the Assam Co-operative Societies Act, 1949 (Assam Act 1 of 1950) as extended to the State of Manipur.
- (c) "Civil Court" includes—
- (i) any court exercising jurisdiction under the Provincial Insolvency Act, 1920 (Central Act 5 of 1920);
 - (ii) a court exercising power under the Provincial Small Cause Courts Act, 1887 (Central Act 9 of 1887);
 - (iii) a Nyaya Panchayat established under the Panchayati Raj Act in force in Manipur from time to time;
 - (iv) a Hill Village Authority duly constituted under the Manipur (Village Authority in Hill Areas) Act, 1956 (Central Act 80 of 1956);
- (d) "debt" includes all liabilities owing to a creditor in cash or kind, secured or unsecured, payable under a decree or otherwise and subsisting on the date of the commencement of this Act whether due or not due, but it does not include,—
- (i) a debt due to Central Government, any State Government, a local authority, a co-operative society or a bank;

- (ii) a debt due to any Government Company within the meaning of the Companies Act, 1956 (Central Act 1 of 1956);
 - (iii) a debt due to the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (Central Act 3 of 1956) or other corporations established under any law for the time being in force;
 - (iv) any rent due in respect of any property let out to a debtor;
 - (v) any liability arising out of breach of trust or any tortious liability;
 - (vi) any liability in respect of wages or remuneration due as salary or otherwise for service rendered;
 - (vii) any liability in respect of maintenance whether under a decree of a civil court or otherwise;
 - (viii) any debt which represents the price of any goods or property purchased by a debtor;
- (e) "debtor" means an agricultural labourer, a marginal farmer, a small farmer or a rural artisan, who owes a debt;
 - (f) "marginal farmer" means a person who owns agricultural land not exceeding one hectare and whose principal means of livelihood is by agriculture and includes a tenant or a share cropper who cultivated land measuring not more than one hectare of land;
 - (g) "rural artisan" means a person who does not own 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 purpose ancillary thereto and also 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 a rural area;
 - (h) "scheduled caste" means a member of any caste or part of or group within a caste specified as scheduled caste with respect to the State of Manipur under Article 342 of the Constitution of India;
 - (i) "scheduled tribe" means a member of any tribe, tribal community or part of or group within a tribe or tribal community specified as such with respect to the State of Manipur under Article 342 of the Constitution of India;
 - (j) "small farmer" means a person who owns agricultural land exceeding one hectare but not exceeding two hectares and whose principal means of livelihood is by agriculture.

Explanation.—The limits of agricultural land mentioned in clauses (f) and (j) above shall be deemed to be doubled in the case of a marginal or small farmer belonging to a Scheduled Tribe and Scheduled Caste only.

Moratorium
of certain
debts.

3. Notwithstanding anything contained in any enactment for the time being in force or in any contract or instruments having the force of law and save as otherwise provided in this Act, every debt advanced before the commencement of this Act to a debtor shall stand suspended for a period of one year from the date of commencement of this Act which period may, by notification by the State Government, be extended from time to time for a period not exceeding three years in the aggregate and,—

- (i) any proceeding pending in any Civil Court for the recovery thereof shall stand postponed till the expiry of the aforesaid period ;
- (ii) no Civil Court having jurisdiction shall entertain and suit or proceeding for the recovery of the debt suspended during the aforesaid period.

Repeal and
Savings.

4. (1) The Manipur Agricultural Indebtedness (Relief) Ordinance, 1975 (Manipur Ordinance No. 4 of 1975), shall stand repealed on the day this Act comes into force.

(2) On and from the date on which the provisions of this Act are brought into force in the State of Manipur, anything done and any step taken (including order, scheme, rule, form or notice) under the repealed Ordinance shall, in so far as it is not inconsistent with the provisions of this Act, continue to be in force unless and until it is superseded by any thing done or any action taken in accordance with law.