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ASSAM ACT XIV OF 1943.

THE ASSAM DEBT CONCILIATION
(AMENDMENT) ACT, 1943.

[Passed by the Assam Legislature.]

(Received the assent of the Governor on the 9th December 1943.)

[Published in the *Assam Gazette* of the 15th December 1943.]

*An Act to amend the Assam Debt Conciliation Act,
1936.*

Preamble.

WHEREAS it is expedient to amend the Assam Debt Conciliation Act, 1936, in the manner hereinafter appearing ;

Assam Act
X of 1936.

It is hereby enacted as follows :—

Short title
and extent.

1. (1) This Act may be called the Assam Debt Conciliation (Amendment) Act, 1943.

(2) It shall have the like extent as the Assam Debt Conciliation Act, 1936, hereinafter referred to as the principal Act.

Assam Act,
X of 1936.

Amendment
of section 2
of Assam
Act X of
1936.

2. In section 2 of the principal Act—

(i) For clause (c) the following shall be substituted, namely :—

‘(c) “Creditor” means a person to whom a debt is owing and includes his heirs, executors, administrators and assigns, and it also includes a Co-operative Society registered under the Co-operative Societies’ Act (II of 1912).’

(ii) For clause (e) the following shall be substituted, namely :—

‘(e) “Debtor” means a person who owes a debt and who earns his livelihood mainly by agriculture, and includes his heirs, executors, administrators and assigns.’

Amendment
of section 8
of Assam
Act X of
1936.

3. In section 8 of the principal Act—

(i) in sub-section (1) between the words “by the debtor” and “Such statement” the following shall be inserted, namely :—

“and to appear personally or by an authorised agent before the Board on the date fixed for the examination of the statement or settlement of the case” ; and

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(ii) in sub-section (2) after the word "Board" where it first occurs the words "or in respect of which the creditor fails to appear" shall be inserted; and after the word "discharged" a "comma" shall be substituted for the "colon", and the words "and any property of the debtor in possession of such creditor shall be released within 30 days from the date of passing of such order:" shall be inserted.

Amendment of section 12 of Assam Act X of 1936. 4. In sub-section (2) of section 12 of the principal Act, after the word "prescribed" the comma and the words "and it shall then take effect as if it were a decree of the Civil Court." shall be omitted.

Amendment of section 13 of Assam Act X of 1936. 5. In section 13 of the principal Act—
(i) in sub-section (1) for the words "as an arrear of land revenue" the words and figures "under the procedure laid down in section 69 of the Assam Land and Revenue Regulation, 1886" shall be substituted; Regulation 1 of 1886.

(ii) in sub-section (3) for the words "as an arrear of land revenue" the words, figure and brackets "under the provisions of sub-section (1)" shall be substituted; and

(iii) for sub-section (4) the following shall be substituted, namely:—

"(4) When the Deputy Commissioner certifies under sub-section (3) that any debt is irrecoverable such certificate shall be deemed to be a decree and the creditor to be the decree-holder within the meaning of the Code of Civil Procedure, 1908, and the nearest Civil Court by which any decree for like amount could be executed shall, for the purposes of the said Code, be deemed to be the Court which passed the decree, and all the provisions of that Code as to the execution of decrees shall apply accordingly."

Act V of 1908.

Amendment of section 21 of Assam Act X of 1936. 6. In sub-section (1) of section 21 of the principal Act, after the words "Civil Court" the words "or a Revenue Court" shall be added.