



The Andhra Pradesh Agricultural Indebtedness (Relief) Act, 1987

Act 45 of 1987

Keyword(s):

Agriculture, Bank, Debt, Debtor, Farmer, Marginal Farmer, Small Farmer

Amendment appended: 2 of 1990

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**THE ANDHRA PRADESH AGRICULTURAL INDEBTEDNESS
(RELIEF) ACT, 1987.**

ACT No. 45 OF 1987.*

[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 therewith.

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

*Received the assent of the President on the 23rd November, 1987. For Statement of Objects and Reasons, please see the Andhra Pradesh Gazette, Part IV-A, Extraordinary, dated the 18th March 1986 at page 5.

(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.

Declaration 2. 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.

Discharge of debts incurred on or after 29th December, 1976. Act 4 of 1938. Act 5 of 1349 F. Act 23 of 1943. Act 16 of 1956. Regulation 1 of 1960. Act 24 of 1976.

3. (1) Notwithstanding anything in the Andhra Pradesh (Andhra Area) Agriculturists Relief Act, 1938, the Andhra Pradesh (Telangana Area) Money Lenders Act, 1349 F., the Andhra Pradesh (Andhra Area) Pawn-brokers Act, 1943, the Andhra Pradesh (Telangana Area) Agricultural Debtors' Relief Act, 1956, the Andhra Pradesh (Scheduled Area) Money Lenders Regulation, 1960, the Andhra Pradesh Indebted Agriculturists, Landless Labourers and Artisans (Temporary Relief) Act, 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 the date of such commencement 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 proceedings pending at the commencement of this Act, 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 moveable property held and constituted before commencement of the Act;

(ii) any immovable property, constituted before such commencement.

(c) Every debtor undergoing detention in a civil prison in execution of any decree for recovery passed against him by a Civil Court in respect of any such debt, including interest, if any, shall be released.

(3) (a) Every moveable property pledged by a debtor whose debt in favour of the creditor is 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 released 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) 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

Appendants
of the
Andhra
Pradesh
Agricultural
Indebtedness,
(Relief)
Act, 1977.

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 Act of 1977 (Relief) Act, 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.

Power to
make rules.

5. 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.

**ANDHRA PRADESH ACTS, ORDINANCES AND
REGULATIONS, Etc.**

The following Act of the Andhra Pradesh Legislative Assembly which was reserved by the Governor on the 17th October, 1989 for the consideration and assent of the President received the assent of the President on the 24th February, 1990 and the said assent is hereby first published on the 1st March, 1990 in the Andhra Pradesh Gazette for general information:—

ACT No. 2 OF 1990.

An Act to amend the Andhra Pradesh Agricultural Indebtedness (Relief) Act, 1987.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty first Year of the Republic of India, as follows:—

short title.

1. This Act may be called the Andhra Pradesh Agricultural Indebtedness (Relief) (Amendment) Act, 1990.

Amendment
of section 3,
Act 65 of
1987.

2. In section 3, of the Andhra Pradesh Agricultural Indebtedness (Relief) Act, 1987:—

(a) in sub-section (1), for the words "the date of such commencement", the expression "the 31st May, 1989" shall be substituted;

(b) in sub-section (2), in clause (b) for the words "at the commencement of this Act", the expression "as on the 31st May, 1989" shall be substituted.

P. V. VIDYA SAGAR,
Secretary to Government,
Law and Legislative Affairs,
Law Department.