

Repealed by Act 31 of 1958

**THE TRAVANCORE-COCHIN INDEBTED  
AGRICULTURISTS RELIEF ACT, 1956.**

(President's Act III of 1956)

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**THE TRAVANCORE-COCHIN INDEBTED  
AGRICULTURISTS RELIEF ACT, 1956.**

No. III OF 1956.

ENACTED BY THE PRESIDENT IN THE SEVENTH YEAR  
OF THE REPUBLIC OF INDIA.

*An Act to give relief to indebted agriculturists in the  
State of Travancore-Cochin.*

In exercise of the powers conferred by Section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, (29 of 1956) the President is pleased to enact as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Travancore-Cochin Indebted Agriculturists Relief Act, 1956.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "Agriculturist" means a person who has an interest other than interest as a simple mortgagee in any agricultural or horticultural land, but does not include—

(i) any person liable to pay land revenue exceeding one hundred rupees per annum in any year after 1952-53;

(ii) any person assessed to profession tax on income derived from a profession other than agricultural under any law governing municipal or local bodies in India on a half-yearly income of more than nine hundred rupees in any half-year after 1952-53;

(iii) any person assessed in any half-year after 1952-53 to property or house tax on an annual rental value of not less than six hundred rupees in respect of buildings (other than a building in which he lives) or lands other than agricultural lands under any law governing municipal or local bodies in India;

(iv) any person assessed to sales-tax on a total turnover of not less than twenty thousand rupees in any year after 1952-53 under the Travancore-Cochin General Sales-tax Act, 1125 (XI of 1125), or under the law of any other State relating to sales-tax;

(v) any person assessed to income-tax under the Indian Income-Tax Act, 1922 (II of 1922), in any year after 1950-51;

(vi) any person assessed to agricultural income-tax in any year after 1950-51 under the Travancore-Cochin Agricultural Income-tax Act, 1950 (XXII of 1950), or under the law of any other State relating to agricultural income-tax;

(vii) a firm registered under the Indian Partnership Act, 1932 (9 of 1932), or a company as defined in the Companies Act, 1956 (1 of 1956), or a corporation formed in pursuance of an Act of Parliament of the United Kingdom or of any special Indian law;

*Explanation I.*—Where a joint Hindu family or tarwad *tavazhi*, or *illom* is an agriculturist, every coparcener or member of the *tarwad*, *tavazhi*, or *illom*, as the case may be, shall be deemed to be an agriculturist, provided that he does not fall under any of the categories specified in sub-clauses (i) to (vi).

*Explanation II.*—The provisions of this Act shall not apply to any person who is not an agriculturist on the commencement of this Act;

(b) "debt" means any liability in cash or kind, whether secured or unsecured, due from an agriculturist on the commencement of this Act, whether payable under a contract or under a decree or order of a Court, civil or revenue, or otherwise, but does not include—

(i) any sum payable to the State or the Central Government or to any local authority;

(ii) any sum payable to any co-operative society including a land mortgage bank, registered or deemed to be registered under the Travancore-Cochin Co-operative Societies Act, 1951 (X of 1952), or to the Travancore Credit Bank constituted under the Travancore Credit Bank Act, 1113 (IV of 1113), provided that the right of the society or the Bank to recover the sum did not arise by reason of an assignment made subsequent to the commencement of this Act;

- (iii) any liability arising out of a breach of trust;
- (iv) any liability in respect of maintenance;
- (v) any liability in respect of wages or remuneration due as salary or otherwise for services rendered; or
- (vi) any liability incurred or arising under any chitty or kuri registered or licensed under the Travancore Chitties Act, 1120 (XXVI of 1120), or the Cochin Kuries Act, 1107 (VII of 1107).

*Explanation I.*—Whereas a debt has been renewed or included in a fresh document executed after the commencement of this Act, whether by the same debtor or by his heirs, legal representatives or assigns or by any other person acting on his behalf or in his interest or as a result of a partition, in favour of the same creditor or his heirs, legal representatives or assigns or any other person acting on his behalf or in his interest or as a result of a partition, the amount outstanding on the commencement of this Act and included in the document executed after such commencement shall alone be treated as the debt for the purposes of this Act.

*Explanation II.*—Where a debt has been split up after the commencement of this Act among the heirs, legal representatives or assigns of a debtor or a creditor or as a result of a partition and fresh documents have been executed in respect of different portions of the debt, each of the different portions shall be a debt for the purposes of this Act.

3. *Bar of suits and applications.*—(1) No suit for recovery of a debt shall be instituted, and no application for execution of a decree in respect of a debt shall be made, against any agriculturist in any civil or revenue court before the expiry of six months from the commencement of this Act.

*Explanation I.*—Where a debt is payable by an agriculturist jointly or jointly and severally with a non-agriculturist, no suit or application of the nature mentioned in this sub-section shall be instituted or made either against the non-agriculturist or against the agriculturist before the expiry of the period mentioned in this sub-section.

*Explanation II.*—For the purposes of this Act, a suit in which a decree in respect of a debt is prayed for shall be deemed to be a suit for the recovery of a debt notwithstanding that other reliefs are prayed for in such suit and a decree shall be deemed to be a decree in respect of a debt notwithstanding that other reliefs are granted in such decree:

Provided that a suit for possession of land shall not be deemed to be a suit for recovery of a debt by reason merely of mesne profits being also prayed for in such suit:

Provided further that nothing contained in this section shall apply to any portion of a decree other than that relating to a debt.

(2) Notwithstanding anything contained in sub-section (1), where a creditor files a suit for recovery of a debt during the period specified in sub-section (1) or after the agriculturist has paid or deposited into Court the sums and instalments specified in sub-section (1) of Section 4 and Section 5 and during the period when he is so entitled to pay, the Court shall in decreeing the suit direct the plaintiff to bear his own costs and pay the costs of the defendant who is an agriculturist:

Provided that nothing contained in this sub-section shall be a bar to the Court passing any order as to costs as between the plaintiff and other defendants who are not agriculturists.

4. *Payment of debt in instalments.*—(1) Notwithstanding any law or custom for the time being in force, or any contract, or any decree or order of Court to the contrary, any debt due by an agriculturist may be discharged by repayment of the principal amount of the debt outstanding in ten equal half-yearly instalments together with such interest as would be payable under the provisions of Section 5. The instalments shall be payable on or before the last day of February and August of each of the five years commencing on the commencement of this Act.

*Explanation.*—In the case of a decree, the amount decreed shall be deemed to be the principal.

(2) Where in respect of a decree for debt passed before the commencement of this Act, a debtor fails to make any one of the payments specified in sub-section (1) and Section 5, the decree-holder shall be entitled to execute the decree in respect of the instalment which is in arrear.

(3) In any suit filed after the commencement of this Act, the Court in decreeing the suit shall provide for the immediate payment of such instalment or instalments as would have become due under the provisions of sub-section (1) and Section 5 and the balance in further instalments as specified therein.

(4) Where in any suit for recovery of a debt pending at the commencement of this Act, the debtor claims to be an agriculturist, the Court shall, if the debtor is an agriculturist, pass a decree for immediate payment of such instalment or instalments as would have become payable under the provisions of sub-section (1) and Section 5 and the balance in further instalments as specified therein.

(5) Nothing contained in this Act shall bar the Court from passing a decree or making an order in an application for execution of the decree under such terms and conditions as may be more favourable to the debtor than those provided for in this Section and Section 5 either of its own motion upon a consideration of all the circumstances of the case or upon an agreement between the parties.

(6) Where in any suit to recover a debt or in any application for the execution of a decree therefor the debt is payable by an agriculturist jointly or jointly and severally with a non-agriculturist, the Court shall pass a decree or make an order for the payment of the debt found due from the agriculturist as provided in this section and Section 5 as against the agriculturist and make such provision in the decree or order against the non-agriculturist as the circumstances of the case may warrant.

(7) The provisions of sub-section (1) and Section 5 shall, for purposes of execution, be deemed to be a subsequent order of Court within the meaning of clause (b) of sub-section (1) of Section 48 of the Code of Civil Procedure, 1908 (5 of 1908).

5. *Provision for interest.*—(1) The interest outstanding at the commencement of this Act on any debt shall be paid in ten equal half-yearly instalments, each such instalment being payable along with the corresponding instalment of the principal amount specified in sub-section (1) of Section 4:

Provided that the amount of the interest payable by an agriculturist under sub-section (1) shall not exceed one-half of the principal amount outstanding at the commencement of this Act.

(2) Notwithstanding anything contained in sub-section (1), no creditor shall be required to refund any sum paid to him which is in excess of the amount calculated as due under sub-section (1), nor shall such excess amount be liable to be adjusted towards any future interest or the principal amount of the debt.

(3) The interest payable after the commencement of this Act shall be at the rate applicable to the debt under any law or custom for the time being in force or under any contract or under a decree or order of any Court, or at six per cent per annum simple interest, whichever is less, and the amount of interest accrued due on the principal amount outstanding till the date of payment of each of the instalments under sub-section (1) of Section 4 shall be payable along with such instalment.

6. *Deposit of debt into Court.*—(1) An agriculturist may deposit any of the instalments as provided in Sections 4 and 5 into the Court having jurisdiction to entertain a suit for recovery of the debt or into the Court which passed the decree, as the case may be, and apply to the Court to record part-satisfaction of the debt.

(2) Where any such application is made, the Court shall pass an order recording part-satisfaction of the debt if the amount deposited is the correct amount.

(3) The Court shall dismiss the application—

(a) if the applicant is not an agriculturist; or

(b) if the liability is not a debt; or

(c) if the amount deposited is insufficient and the applicant on being required by the Court to deposit the deficit amount within a time fixed by the Court, fails to do so.

(4) Any agriculturist entitled to make such deposit may, before the date on which any instalment is due, apply to the Court having jurisdiction under sub-section (1) for an extension of time for making the deposit of the whole or any portion of such instalment and the Court may, after notice to the creditor, extend the time for payment of such instalment or part thereof for such period as it thinks fit.

(5) The procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908), for the trial of suits shall, as far as may be, apply to applications made under this section.

7. *Appeals.*—An appeal shall lie from an order passed by a Court under Section 6, as if such order relates to the execution, discharge or satisfaction of a decree within the meaning of Section 47 of the Code of Civil Procedure, 1908 (5 of 1908).

8. *Presumption as to transfer of immovable property of the debtor.*—(1) Every transfer of immovable property made by a debtor entitled to the benefits of this Act after the commencement of this Act and before the complete discharge of his debt, shall, in any suit or other proceeding with respect to such transfer, be presumed, until the contrary is proved, to have been made with intent to defeat or delay the creditors of the transferor.

(2) Where a debtor is entitled to the benefits of this Act has allowed, in collusion with another, his immovable property to be sold after the commencement of this Act through Court with a view to defeat or delay his creditors, the sale shall be voidable at the option of any creditor so defeated or delayed.

9. *Exclusion of time for limitation.*—In computing the period of limitation for a suit for recovery of a debt or an application for the execution of a decree in respect of a debt, the time during which the institution of the suit or the making of the application was barred under Section 3 shall be excluded.

10. *Effect of payment or deposit under Section 4 or Section 6.*—Where a debt is payable by an agriculturist either by himself or jointly or jointly and severally with a non-agriculturist and where the agriculturist makes payment or deposits amount towards that debt as provided for in Sections 4 and 5 or Section 6, a fresh period of limitation shall be computed from the time when the payment or deposit was made both against the agriculturist and non-agriculturist.

11. *Power to make rules.*—The Government may make rules for carrying out the purposes of this Act.