Dekkhan Agriculturists' Relief. [ACT XXIII

## ACT No. XXIII of 1881.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th October, 1881.)

An Act to amend the Dekkhan Agriculturists' Relief Act, 1879.

Preamble.

Short title.

Commence-

" Section."

Amendment of section 1.

Amendment of section 2,

clause (2).

ist.

'Agricultur-

ment.

WHEREAS it is expedient to amend, in manner hereinafter appearing, the Dekkhan Agriculturists' Relief Act, 1879; It is hereby enacted as follows:—

1. This Act may be called "The Dekkhan Agriculturists' Relief Act, 1881";

and it shall come into force at once.

2. In this Act "section" means a section of the Dekkhan Agriculturists' Relief Act, 1879.

**3**. In section one, before the word "Sections," the words "This section and " shall be, and be deemed to have always been, inserted.

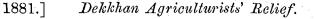
4. For section two, clause (2), the following shall be substituted :---

"Agriculturist' means a person who, when or after incurring any liability the subject of any proceeding under this Act, by himself, his servants or tenants earned or earns his livelihood, wholly or partially, by agriculture carried on within the limits of the said districts.

"A cultivator who has temporarily ceased to earn his livelihood in manner aforesaid, without any intention of changing his status as such, does not thereby cease to be an agriculturist within this definition.

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388



"An assignce of Government assessment or a mortgagee is not, as such, an agriculturist within this definition.

"An agriculturist shall be deemed to 'reside' where he earns his livelihood in manner aforesaid."

5. In section three, clause (y), the words "not Amendmen" being merely a surety for the principal debtor," and of sections in section twelve the words "not being merely a surety of the principal debtor," shall be omitted.

6. In section nineteen, first clause, for the words Amendment of section 1 "there is no other claim against him," the words "the other debts (if any) due by him do not, taken together with such sum, amount to fifty rupees" shall be substituted; and to the same clause the words "of such sum" shall be added.

7. To section 38, the following shall be added :--"The expression 'officer of police' in this section

shall not be deemed to include a police patel appointed under Bombay Act No. VIII of 1867 (for the Regulation of the Village Police in the Presidency of Bombay).

8. In section forty-four, for the word "place," Amendment the word "taluga" shall be substituted. of section 4

9. To section forty-seven the following shall be Addition to section 47. added, namely :-

"Explanation.—The expression 'civil Court' in this section does not include a Mámlatdár's Court under Bombay Act No. III of 1876 (to consolidate and amend the law relating to the powers and pro-cedure of Mámlatdárs' Courts)."

10. For section forty-eight the following section New section shall be substituted :-

"48. In computing the period of limitation pre- Allowance scribed for any such suit or application the time inter- to be made vening between the application made by the plaintiff limitation. under section thirty-nine and the grant of the certificate under section forty-six shall be excluded.

substituted for section 4 in period of

"Any

and 12.

Addition to section 38.

## Dekkhan Agriculturists' Relief. [ACT XXIII

Limitation in certain cases. "Any such application which after the first day of November, 1879, has been rejected, and which, if such time had been excluded in computing the period of limitation prescribed for such application, would have been entertained, shall be entertained if made within two months from the twenty-sixth day of October, 1881.

11. For section fifty-one the following section shall be substituted :---

" 51. The District Judge may-

"(a) transfer any application pending before a Conciliator to the file of any other Conciliator;

"(b) transfer to his own file any suit or other matter pending before the Court of any Subordinate Judge under Chapter II or Chapter IV of this Act, and may dispose of the same as if he were a Subordinate Judge; or

"(c) stay the proceedings in any such suit or matter, and sit together with such Judge as a Bench to dispose of such suit or matter in accordance with the provisions of this Act.

"If the members of any Bench sitting under this section differ in opinion, the opinion of the District Judge shall prevail."

12. To section fifty-six the following shall be added, namely :---

"or apply to any instrument which is executed by an agriculturist merely as a surety."

13. For section fifty-seven the following section shall be substituted :---

"57. When any persons intend to execute any instrument to which section fifty-six applies, all such persons shall appear before the Village-Registrar appointed for the area in which the agriculturist, or when there are several agriculturists intending to execute the instrument, any one of such agriculturists,

resides,

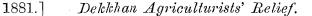
New section substituted for section 51. District Judge may withdraw case from Conciliator or Subordinate Judge,

or sit with Subordinate Judge as a Bench for trial of any case.

Addition to section 56.

New section substituted for section 57.

Such instruments to be written by, or under the superintendence of, a Village Registrar and 390



resides, and such Registrar, after satisfying himself in executed in such manner as he deems fit as to the identity of the intending executants and receiving the fee (if any) prescribed by the Local Government in this behalf, and the stamp (if any) which may be required by law, shall write the instrument, or cause the same to be written under his superintendence; and after reading the same aloud, or causing it to be so read, in the hearing of the intending executants, shall require them to execute it in his presence.

"Every instrument so written and executed shall Attestation at the time of execution be attested by the Village- of such in-Registrar; and also, if any of the executants thereof is unable to read such instrument, by two respectable witnesses.

"For the purposes of this section every executant of any such instrument shall appear in person before the Village-Registrar; but every other party thereto may appear either in person or by any agent, being his relative, servant or dependent, whom he has duly furnished with a power-of-attorney authorizing him to appear and act on his behalf."

14. In section fifty-eight, for the words "parties Amendment to any instrument have executed it," the words "in- of section 58. tending executants have executed any instrument" shall be substituted.

15. For section sixty-eight the following section New section substituted shall be substituted :--for section

"68. No pleader, vakíl or mukhtár, and no advo- Pleaders, &c., cate or attorney of a High Court, shall be permitted excluded in certain cases. to appear on behalf of any party to any case before a Conciliator or a Village-Munsif the subject-matter whereof does not exceed in amount or value one hundred rupees:

"Provided that any party to any such case may be permitted, on reasonable cause being shown to the satisfaction of the Conciliator or Village-Munsif, to

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his presence.

391

## Dekkhan Agriculturists' Relief. [ACT XXIII

292 any previously been, a pleader, vakil or mukh-plas advocate or attorney of a High Court 1 plas at conjointly with, or in 1: 105 not proviously been, a pleader, vakil or mukh-plas advocate or attorney of a High Court, to plas a de conjointly with, or in lieu of, such parts and or eith a relative, servant or depend the proviously her ty, he shall be the parts plas at parts of the shall be the parts of the parts of the shall be the parts of the pa end of either relative, servant or dependent appears ingh Court, to ingh Court, to ingh Court, to a relative, servant or dependent appears in the party hen ty, he shall be furnished by him with a appear to act." of a fatto act." if we we relation seventy-one is hereby report party for section sevent 10 wow section so

with fto which he is  $F^{\nu}P^{0}$ ,  $F^{or}$  section seventy-two the following section  $F^{\nu}P^{0}$ ,  $F^{or}$  substituted :— 17.6 substituted := 17.any suit under this Act for the recovery In a person, not being merely a surety for from a person, not being merely a surety for in the debtor, who at the time when the cause in the properties of the set of the prescribed in the of a prior limitation shall be deemed to the of a prior limitation shall be deemed to the the acts of those prescribed in the of a prior and the set of the prescribed in the *privat* arose was an agriculturist, the following *privat* arose *privat* aro or the second column of the second column of the the second column of the the second column of the the second column of

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