

ACT No. XXIII OF 1886.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 22nd October, 1886.)

An Act to amend the Dekkhan Agriculturists' Relief Acts, 1879 to 1882.

WHEREAS it is expedient to amend in manner hereinafter appearing the Dekkhan Agriculturists' Relief Acts, 1879 to 1882; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Dekkhan Agriculturists' Relief Act, 1886; and it and the Dekkhan Agriculturists' Relief Acts, 1879 to 1882, may be cited collectively as the Dekkhan Agriculturists' Relief Acts, 1879 to 1886.

(2) This Act shall come into force on the first day of January, 1887.

Definition.

2. In this Act, unless there is something repugnant in the subject or context,—

“section” means a section, and “chapter” a chapter, of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, and the Dekkhan Agriculturists' Relief Act, 1882.

XVII of 1879.
XXIII of 1881.
XXII of 1882.

Addition to section 1.

3. To section 1 the following shall be added after the word “Ahmadnagar,” namely:—

“but may, from time to time, be extended wholly or in part by the Local Government, with the previous sanction of the Governor General in Council, to any other district or districts in the Presidency of Bombay.”

4. To

4. To section 2 the following shall be added, Addition to section 2.
namely :—

“5th.—‘Lease’ shall be deemed to include a counterpart, kabuliyat, an undertaking to cultivate or occupy and an agreement to lease.

“6th.—‘Standing crops’ shall be deemed to include garden-produce attached to trees or to the soil.”

5. In section 3, clause (y), the word “and” shall be substituted for the word “or” where the latter word occurs between the word “foreclosure” and the word “sale”. Amendment of section 3.

6. In section 12, for the words “the Court shall, if the amount of the creditor’s claim is disputed, enquire,” the following shall be substituted, namely :— Amendment of section 12.

“the Court, if the amount of the creditor’s claim is disputed, shall examine both the plaintiff and the defendant as witnesses, unless, for reasons to be recorded by it in writing, it deems it unnecessary so to do, and shall enquire”.

7. In section 22, for the words “No agriculturist’s immoveable property shall be attached or sold,” the following shall be substituted, namely :— Amendment of section 22.

“Immoveable property belonging to an agriculturist, other than his standing crops, shall not be attached or sold”.

8. To section 40 the following shall be added, Addition to section 40.
namely :—

“A Conciliator empowered by the Local Government in this behalf may, instead of inviting, direct the person against whom the application is made to attend at the time and place either first or subsequently fixed.

“If an applicant, or a person against whom an application is made, fails to be present or attend at the time and place specified in a direction proceeding
from

from a Conciliator under this section, he shall be deemed to have committed an offence under section 174 of the Indian Penal Code."

XLV
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Addition to
proviso to
section 56.

9. To the proviso to section 56 the following shall be added, namely :—

"or to any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act." III o

A
Amendment
of, and addi-
tion to, sec-
tion 58.

10. (1) The last twenty-two words of the second paragraph of section 58, from "and a certified copy" to "more than one," are repealed.

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(2) In the third paragraph of the same section, the words "and each such copy" are repealed.

(3) After the same section the following shall be added, namely :—

"A certified copy of any entry in the register shall be granted by the Village-Registrar, free of charge, on the application of any party to the instrument to which the entry relates, or of his agent or representative, and the copy shall be admissible as evidence of the contents of the instrument."

New chapter
and section
to follow
Chapter VIII
and section
63.

11. After Chapter VIII and section 63 the following shall be inserted, namely :—

"CHAPTER VIII A.

"REGISTRATION OF INSTRUMENTS REFERRED TO IN SECTION 17 OF THE INDIAN REGISTRATION ACT, 1877.

Mode of exe-
cution by
agriculturists
of instru-
ments re-
quired to be
registered
under Act
III of 1877.

"63A. (1) When an agriculturist intends to execute any instrument required by section 17 of the Indian Registration Act, 1877, to be registered under that Act, he shall appear before the Sub-Registrar within whose sub-district the whole or some portion of the property to which the instrument is to relate is situate, and the Sub-Registrar shall write the instrument, or cause it to be written, and require it to be executed, and attest it and, if the executant is unable to read the instrument, cause it to be further attested,

III of

and

and otherwise act in accordance with the procedure prescribed for a Village-Registrar by sections 57 and 59 of this Act, and shall then register the instrument in accordance with the provisions of the Indian Registration Act, 1877.

III of 1877.

“(2) An instrument to which sub-section (1) applies shall not be effectual for any purpose referred to in section 49 of the Act last-mentioned unless it has been written, executed and attested in the manner provided in that sub-section.”

12. (1) In section 72, for the words “under this Act,” where they first occur, the words “of the description mentioned in section 3, clause (w),” shall be substituted.

Amendment
of section 72

(2) In the same section, the words “not being merely a surety for the principal debtor” are repealed.

(3) For the proviso to the same section the following shall be substituted, namely:—

“Provided that nothing in this section shall—

“(i) apply to a suit for the recovery of money from a person who is a surety merely of the principal debtor if the principal debtor was not, at the time when the cause of action arose, an agriculturist, or

“(ii) revive the right to bring any suit which would have been barred by limitation if it had been instituted immediately before this Act comes into force.”

13. Notwithstanding anything in the last foregoing section of this Act, the period of limitation for any suit which may be instituted within two years from the coming into force of this Act, and to which, if this Act had not been passed, section 72 of the Dekkhan Agriculturists' Relief Act, 1879, as amended by the Dekkhan Agriculturists' Relief Act, 1881, would have applied, shall be the period prescribed by that section.

Limitation
certain suitXVII of
1879.
XXIII of
1881.