

# Dekkhan Agriculturist's Relief Act, 1879

(Act No. 17 of 1879)

[29<sup>th</sup> October 1879]

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## ***An Act for the relief of Indebted Agriculturists in certain parts of the Dekkhan***

WHEREAS it is expedient to relieve the agricultural classes in certain parts of the Dekkhan from indebtedness;

It is hereby enacted as follows:-

### **PREAMBLE**

**1. Short title and Commencement :-** This Act may be cited as the \* Dekkhan Agriculturist's Relief Act, 1879 and it shall come into force on the first on the first day of November, 1879.

% This section and sections 11, 56, 60 and 62 extended to § the whole of India excepts Parts B States.

The rest of this Act @ extends only to the district of Poona, Satara, Sholapur and Ahmednagar, + but may, from time to time, be extended wholly or in part by the State Government ^ to any other district or districts in the #State of Bombay, & or to any part or parts of any other such district or districts.

*\* Act 17 of 1879, 23 of 1881 and 22 of 1882 may be cited collectively as the Dekkhan Agriculturist's Relief Act, 1879 to 1882---see Section 1 (1) of the Dekkhan Agriculturist's Relief Act, 1882, (22 of 1882).The Acts of 1879 to 1882 and Act 23 of 1886 may be cited collectively as the Dekkhan Agriculturist's Relief Act, 1879 to 1886---see Section 1 (1) of the Dekkhan Agriculturist's Relief Act, 1886 (23 of 1886).The Acts of 1879 of 1886 and Act 6 of 1895 may be cited collectively as the Dekkhan Agriculturist's Relief Act, 1895 (6 of 1895).The Acts of 1879 to 1895 and Bombay Act 1 of 1902 may be cited collectively as the Dekkhan Agriculturist's Relief Act, 1876 to 1902---see Section 1 (1) of the Dekkhan Agriculturist's Relief Act, 1902 (Bom 1 of 1902).*

*% Words were Inserted by Act 23 of 1886, Section 3, and are to be deemed to have always been inserted.*

*§ Substituted by the Adaptation of Laws Order, 1950, for " all the Provinces of India".*

*@ Act was repealed in the State of Bombay ay, with effect from the 27th May, 1950 by the Bombay ay Agricultural Debtor's Relief Act, 1947 (Bom.28 of 1947), Section 56 as amended.Hence the part applicable to that State only has not been reproduced.*

*+ Inserted by Act 23 of 1886, Section 3.*

*^ The words "with the previous sanction of the Governor-General in Council " Repealed by Act 38 of 1902, Section 2 and Schedule I.*

*# Inserted by Act 6 of 1895, Section 4*

*& Inserted by Act 23 of 1886, Section 3.*

**11. Agriculturists to be sued where they reside :-** Every suit of the description mentioned in section 3, clause (w) \*may if the defendant, or , when there are several defendants, one only of such defendants, is an agriculturist, be instituted and tried in a Court within the local limits of whose jurisdiction such defendant resides, and not elsewhere.

Every such suit in which there are several defendants who are agriculturists may be instituted and tried in a Court within the local limits of whose jurisdiction any one of such defendants resides, and not elsewhere. Nothing herein contained shall affect sections 22 to 25 (both inclusive) of the % Code of Civil Procedure .

*\* Reproduced below:- "(w) suits for recovery of money alleged to be due to the plaintiff on account of money lent or advanced to, or paid for the defendant, or as the price of goods sold, or on an account stated between the plaintiff and defendant, or on a written or unwritten engagement for the payment of money not hereinbefore provided for;"*

*% See now Act 5 of 1908 .*

**56. Instruments executed by agriculturist not to be deemed valid unless executed before a Village registrar :-** No instrument which purports to create , modify , transfer, evidence or extinguish an obligation for the payment of money or a charge upon any property, or to be a conveyance or lease, and which is executed after Act comes into force by an agriculturist residing in any local area for which a Village-registrar has been appointed, shall be admitted in evidence for any purpose by any person having by law or consent of parties authority to receive evidence, or shall be acted upon by any such person or by any public officer, unless such instrument is written by, or under the superintendent of and is attested by, a Village-registrar:

Provided that nothing herein contained shall prevent the admission of any instrument in evidence in any criminal proceeding, \* or apply to any instrument which is executed by an agriculturist merely as a surety, \$ or to any instrument required by section 17 of the # Indian Registration Act, 1877 , to be registered under that Act.

*\* Inserted by Act 23 of 1881 , Section 12.*

*\$ Inserted by Act 23 of 1886 , Section 9.*

*# See now the Indian Registration Act, 1908(16 of 1908).*

**60. Registration under this Act to be deemed equivalent to registration under :-** Every instrument executed and registered in accordance with the foregoing provisions shall be deemed to have been duly registered under the provisions of the \*Indian Registration Act, 1877 ; and no instrument which ought to have been executed before a Village-registrar but has been otherwise executed shall be registered by any officer acting under the said Act, or in any public office, or shall be authenticated by any public officer.

*\* See now the Indian Registration Act, 1908 (16 of 1908).*

**62. Exemption of instruments to which the Government or any officer of the Government is a party :-** Nothing in this Act shall be deemed to require any instrument, to which the Government or any officer of the Government in his official capacity is a party, to be executed before a Village-registrar \* .

*\* The words " or any Society registered under the Co-operative Credit Societies Act, 1904 " Inserted by Bombay Act , 1 of 1910 were Repealed by Bombay Act 1 of 1912.*

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