

ACTS
RELATING TO
THE RELIEF OF DEBTORS

[WITH SPECIAL REFERENCE TO THE MADRAS PRESIDENCY]

BY
P. R. AIYAR, B.A., B.L.
Vakil

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AT THE MADRAS LAW JOURNAL PRESS, MYLAPORE, MADRAS.

PREFACE.

Those who hold, and those who are without property, have ever formed distinct interests in society. Those who are creditors and those who are debtors follow under a like discrimination. A landed or agricultural interest, a manufacturing interest, with many lesser interests, grow up of necessity in civilized nations and divide themselves into different classes, actuated by different sentiments and views. The just regulation of these various and conflicting interests forms one of the principal and hardest tasks in modern legislation.

During the past few years, owing largely to the unprecedented economic depression in all parts of the world, this problem has presented itself, for urgent solution, in one form or other, in all Countries,—both in the east and the west.

Every Province in our own Country has found it necessary to enact laws for the relief of debtors. The nature of the problem necessarily varies from place to place. The form of legislation which may be suited to one Province may not give adequate relief in another Province. Though there are variations in detail, the underlying principle of these enactments is the same, and the object aimed at also remains the same.

Of all the classes of people to whom relief is given, it has been found necessary to provide for special protection to the agricultural population of our Country.

The Madras Agriculturists' Relief Act, The Bengal Agriculturists' Debtors Act, The U. P. Agriculturists' Relief Act, The Agriculturists' Loans (Amending Acts) in Madras, U.P. and C.P.,—are all measures intended to help those who are engaged in cultivation—the basic industry of the country—from the load of debt that has been pressing them, almost for ages past.

Whatever may be said about the merits or demerits of the several provisions of these enactments, it has been universally admitted, that without some such strong measures as are aimed at in these enactments, there is not the slightest hope of our agricultural population finding themselves free from the crushing poverty and the load of debt, which, with the progress of time, only tends to become more and more burdensome.

The aim of all our Provincial Governments, at present, is to give the land-bred folk a sense of freedom, from an almost

irreconcilable bondage, and instil in them a fresh hope of finding themselves, once again, owners and toilers on unencumbered soil. How far these Acts will succeed in producing the desired effect,—it remains to be seen. It is a bold and honest effort in the right direction; and these Acts are urgently called for by the necessities of the times.

This work is a humble attempt, to collect in one small volume, all the important enactments passed in the several Provinces in India during the last few years, aimed at affording relief, of some sort or other, to debtors generally, and agricultural debtors in particular.

Most of these Acts are new; and the way in which they should be worked, in actual practice, by Courts is a matter of prime importance to the public. A knowledge of the way in which similar Acts are administered in a sister-province may afford valuable guidance to the Bench and the Bar in construing the provisions of any particular enactment.

There are more than twenty-four Acts in this small volume, and all the important decided cases are also collected under each enactment.

It is hoped that this collection of Acts with important rules and short notes of case-law will be found of use to lawyers and judges as well as the large body of the lay public.

“Ill fares the land, to hastening ills a prey,
Where wealth accumulates and men decay:
Princes and Lords may flourish or may fade;
A breath can make them, as a breath has made;
But a bold peasantry, their country's pride,
When once destroyed, can never be supplied”.

Goldsmith—*The Deserted Village*.

P. RAMANATHA IYER.

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