

THE KERALA AGRICULTURAL DEBT RELIEF ACT
(AMENDMENT) BILL, 1958

(Given notice of by Shri K. Chandrasekharan, Member,
Legislative Assembly)

A

BILL

to amend certain provisions in the Kerala Agriculturists Debt Relief Act, 31 of 1958.

Preamble: Whereas it is necessary and expedient to amend certain provisions contained in the Kerala Agriculturists Debt Relief Act, 31 of 1958;

BE it enacted in the Ninth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Agriculturists Debt Relief (Amendment) Act.

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

2. *Amendment of Section 11.*—(1) Sub-section (4) of Section 11, shall be deleted;

(2) Sub-sections (5), (6) and (7) of Section 11 shall be renumbered as sub-sections (4) (5) and (6).

STATEMENT OF OBJECTS AND REASONS

As per sub-section (4) of Section 11 of the Kerala Agriculturists Debt Relief Act, 1958, the very valuable leasehold and possessory right of a sub-tenant under a usufructury mortgagee is held as standing terminated on redemption and recovery of possession by the mortgagor. This provision takes away the right of fixity of tenure and freedom from eviction granted by the Cochin Verumpattamdars Act VII of 1118, the Travancore-Cochin Prevention of Evictions of Kudikidappukars Act, 1955, the Malabar Tenancy Act, 1929, the Madras Cultivating Tenants Protection Act, 1955, the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956, and also the Kerala State of Eviction Proceedings Act, I of and also the Kerala Stay of Eviction Proceedings Act, I of aforesaid enactments are sought to be taken away and civil courts are granting decrees for eviction of tenants of mortgagees, in some cases long-standing tenants, on the basis that the lease terminates itself on redemption and recovery of possession by the mortgagor. This provision therefore is highly detrimental to the interests of a section of the class of cultivating tenants and also derogatory of the provisions of the several enactments referred to earlier. Hence the provision is sought to be deleted.

K. CHANDRASEKHARAN.