

**THE CODE OF CIVIL PROCEDURE (RAJASTHAN
AMENDMENT) BILL, 2020**

(To be introduced in the Rajasthan Legislative Assembly)

A

Bill

further to amend the Code of Civil Procedure, 1908, in its application to the State of Rajasthan.

Be it enacted by the Rajasthan State Legislature in the Seventy-first Year of the Republic of India, as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Code of Civil Procedure (Rajasthan Amendment) Act, 2020.

(2) It shall extend to the whole of the State of Rajasthan.

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

2. Amendment of section 60, Central Act No. 5 of 1908.-

In clause (b) of the proviso to sub-section (1) of the section 60 of the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908), in its application to the State of Rajasthan, after the existing expression "judgment-debtor is an agriculturist," and before the existing expression "his milch cattle", the expression "his agricultural land to the extent of five acres," shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The existing section 60 of the Code of Civil Procedure, 1908 (Central Act No. 5 of 1908) provides for the property liable to attachment and sale in execution of decree. Proviso to this section provides for certain particulars that shall not be liable to such attachment or sale.

In order to protect the interests and livelihood of agriculturists of the State it has been decided that if judgement-debtor is an agriculturist then his agricultural land to the extent of five acres shall not be liable to attachment or sale. Accordingly, section 60 of the Code of Civil Procedure, 1908 is proposed to be amended.

The Bill seeks to achieve the aforesaid objective.

Hence the Bill.

शान्ती कुमार धारीवाल,
Minister Incharge.

**EXTRACTS TAKEN FROM THE CODE OF CIVIL
PROCEDURE, 1908**

(Central Act No. V of 1908)

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60. Property liable to attachment and sale in execution of decree.- (1) The following property is liable to attachment and sale in execution of a decree, namely, lands, houses or other buildings, goods, money, bank-notes, cheques, bills of exchange, hundis, promissory notes, Government securities, bonds or other securities for money, debts, shares in a corporation and, save as hereinafter mentioned, all other saleable property, movable or immovable, belonging to the judgment-debtor, or over which, or the profits of which, he has a disposing power which he may exercise for his own benefit, whether the same be held in the name of the judgment-debtor or by another person in trust for him or on his behalf:

Provided that the following particulars shall not be liable to such attachment or sale, namely:

(a) xx xx xx

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(b) tools of artisans, and, where the judgment-debtor is an agriculturist his milch cattle and those likely to calve within two year, his implements of husbandry and such cattle and seed-grain as may, in the opinion of the Court, be necessary to enable him to earn his livelihood as such, and such portion of agricultural produce or of any class of agricultural produce as may have been declared to be free from liability under the provisions of the next following section;

(c) to (p) xx xx xx xx

(1A) to (2) xx xx xx xx

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**THE CODE OF CIVIL PROCEDURE (RAJASTHAN
AMENDMENT) BILL, 2020**

(To be introduced in the Rajasthan Legislative Assembly)

RAJASTHAN LEGISLATIVE ASSEMBLY

A

Bill

further to amend the Code of Civil Procedure, 1908, in its application to the State of Rajasthan.

(To be introduced in the Rajasthan Legislative Assembly)

**Pramil kumar Mathur,
Secretary.**

(Shanti Kumar Dhariwal, Minister-Incharge)