

The M.P. Scheduled Tribes Debt Relief Rules, 1963

MADHYA PRADESH

India

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Rule THE-M-P-SCHEDULED-TRIBES-DEBT-RELIEF-RULES-1963 of 1963

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The M.P. Scheduled Tribes Debt Relief Rules, 1963Published vide Notification No. 9317-1388-25 (Gen)-IK-63, M.P. Rajpatra, Part 4 (Ga), dated 30-8-1963, at page 649In exercise of the powers conferred by Regulation 26 of the Madhya Pradesh Scheduled Tribes Debt Relief Regulations, 1962, the State Government hereby makes the following rules, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Scheduled Tribes Debt Relief Rules, 1963.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Code" means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959);(b)"Form" means a form appended to these rules;(c)"Regulations" means the Madhya Pradesh Scheduled Tribes Debt Relief Regulations, 1962 and the expression 'regulation' shall be construed accordingly.

3. Submission of application.

- An application under clause (1) of Regulation 6 shall be made in Form I and shall, if filed in person or by duly authorized agent, be presented before the Debt Relief Court at any time during Court hours. It shall be received by the Presiding Officer of the Court or by such person as may be authorized by him in writing in this behalf.

4. Particulars to be contained in the application.

- Every application to be submitted to a Debt Relief Court under clause (1) of Regulation 6, shall, in

addition to the particulars specified in sub-clauses (a), (b) and (c) of clause (4) of the said Regulation, contain the following particulars namely :-(a)a statement showing the property, if any, of the debtor mortgaged or pledged with the Creditor as security for payment of the debt together with a specification of the value of such property and the place or places at which any such property is to be found; and(b)a statement showing whether the applicant has made any previous application to any other Debt Relief Court with respect to this debt or any other outstanding debt of the debtor.

5. Court-fees.

- Every application to the Debt Relief Court shall be stamped with a Court fee Stamp of the value indicated below :-(i)For applications of a value not exceeding Rs. 5000 - Re. 1 per application.(ii)For applications of a value exceeding Rs. 500 but not exceeding Rs. 1,000 - Rs. 1.50 nP per application.(iii)For applications of a value exceeding Rs. 1,000 - Rs. 2 per application.

6. Particulars of witnesses to be filed before the Debt Relief Court.

- A party who desires the attendance of any witness before the Debt Relief Court shall file a list of such witnesses stating the full name, residence and occupation or description of each person and whether he is required to give evidence as an expert or otherwise or to produce any document, and in the latter case, specifying the date and description of the document so as to identify it.

7. Diet money and travelling allowance to witnesses.

- The diet money and travelling allowance shall be paid to witnesses in accordance with the scale prescribed from time to time in the rules on the subject made under the Code.

8. Process fees.

(1)Process fees to be charged for serving and executing processes issued by the Debt Relief Court shall be paid in accordance with the scale prescribed from time to time in the rules on the subject made under the Code.(2)Process fee shall be paid in advance by the person at whose instance the process or notice issued. Such fees shall be paid in Court for stamps. The stamps shall be affixed to a memorandum to be written on a sheet of paper and filed in the Debt Relief Court. The memorandum shall state the name of the Debt Relief Court, the number and description of the proceedings, the value of the Court-fee stamps affixed and details of process to be issued. If the memorandum is an application for the issue of a process, it shall, in addition to the requisite Court-fee stamps for process fees, bear Court-fee stamps of such value as is required for the validity of such application.(3)If a party presents in duplicate a memorandum for the issue of a process and desires that the process writer should acknowledge it, the latter shall sign and date the duplicate copy by way of acknowledgement of the original and return it to the applicant. The duplicate copy will be valuable evidence in any instance where the memorandum is unduly delayed or there is any irregularity in its disposal.

9. Jurisdiction of Debt Relief Courts.

- The Debt Relief Courts shall have such territorial jurisdiction as may be specified in the notification issued under clause (1) of Regulation 3.

10. Procedure to be followed by the Collector or other Revenue Officer in dealing with the instalment paid to him.

- If an instalment is paid by the debtor either to the Collector or to such other Revenue Officer as he may authorize in this behalf under clause (1) of Regulation 13, the notice of the payment shall be given by the Collector or such other Revenue Officer to the Creditor and the amount of the instalment shall (unless the said authorities otherwise direct) be paid to the creditor on his application.

11. Notice.

(1) Every notice to be issued under the Regulations shall be in writing and shall be signed and sealed by the Debt Relief Court or the Officer issuing it and it or he, as the case may be, shall specify the time and place at which the person is required to attend and whether he is required to give evidence or to produce a document. Every notice shall specify the subject-matter of the proceeding. (2) The manner for the service and publication of notices issued under the Regulations shall, as far as possible, be that prescribed in respect of notices issued by the Revenue Officers under the Code. (3) No notice shall be deemed void on account of any error in the name or designation of any person referred to therein unless such error has produced substantial injustice.

12. Manner of fixing instalment and determination of paying capacity of debtor.

- In determining the paying capacity of a debtor under proviso to clause (4) of Regulation 14, regard shall be had inter alia to the gross annual income, cost of cultivation, cost of maintenance of himself and all his dependents and other family responsibilities. The income left over may be taken into consideration in fixing the amount of such instalment which, the debtor can pay without undue hardship. The number of annual instalments so fixed shall not exceed twenty and the date of payment shall be 15th of May each year.

13. Receipt for payment of instalment.

- The receipt to be passed by the creditor for acknowledging the payment of the instalment under clause (1) of Regulation 15 shall be in Form II.

14. Records.

(1)The records of the proceedings before Debt Relief Courts shall be arranged in the same manner as the records of Revenue Courts are arranged under the Code. They shall be preserved for a period of twenty five years from the date of the final order.(2)The records of proceedings of Debt Relief Courts shall be deposited in the record room in which the records of the Revenue Courts are deposited.

15. Inspection of Records.

- The inspection of records in proceedings before a Debt Relief Court or deposited in the record room for safe custody shall be governed by the rules from time to time made under the Code.

16. Copies of records.

- The procedure prescribed for supply of copies of records under the Code, shall, mutatis mutandis, be followed in relation to the supply of copies of records of the proceedings under the Regulations.

17. Registers and Books.

(1)The following registers and books shall be maintained by a Debt Relief Court:-(a)Register of Cases.(b)Process Register.(c)Diet Money Register.(d)Inspection Book.(e)Copying Fee Register.(f)Receipt Book.(g)Register of Contingent Expenditure.(h)Any other register or book as may be specified by the State Government, from time to time.(2)The registers and books shall be maintained in the Forms prescribed for revenue cases.

18. Returns.

- Every Debt Relief Court shall submit to the Government in the Tribal Welfare Department through the Collector a quarterly Progress Return in Form III. Such returns shall reach the Collector not later than the 15th January, 15th April, 15th July and 15th of October.

19. Procedure for recording oral evidence.

- The evidence of each witness shall be taken down in writing in Hindi by or in the presence and under the personal direction and superintendence of the Presiding Officer of the Debt Relief Court, not ordinarily in the form of question and answer, but in that of a narrative, and when completed, shall be read over in the presence of the Presiding Officer of such Court and of the witness, and the Presiding Officer shall, if necessary, correct the same, and shall sign it. Form 1 [See Rule 3] Form of Application To, The Debt Relief Court, Tahsil. Under Regulation 6 of the Madhya Pradesh Scheduled Tribes Debt Relief Regulations, 1962, I.....son of.....resident of.....village situated in Tahsil, beg to apply for determination of debt against my debtor.....namely.....resident of village.....in.....Tahsil.(a)The debtor, namely.....is a member of the Scheduled Tribe

belonging to.....Tribe.(b)The debtor resides at.....village and his occupation as far as known to me is.....(c)The details of debts are as follows :-

- 1. Amount advanced in cash with date and rate of interest.**
- 2. Amount advanced on mortgage of the debtor's property with date and rate of interest.**
- 3. Is the property of debtor mortgaged with possession, if so state the full particulars of the net income derived with years ?**
- 4. State the amount on account of principal and interest paid by the debtor with dates.**
- 5. What was the interest agreed to be paid on secured and unsecured debts separately ?**
- 6. Was the debt on account of payments made to the debtor during the period of his service? If so, give details year wise.**
- 7. State if the loan was in kind, if so its value at the then market should be stated.**
- 8. Total amount of principal and interest due from the debtor on the date of application should be stated in details.**
- 9. Copies of the document executed by the debtor should be filed, give details.**
- 10. If there are no documents copies of the relevant extracts of the accounts books may be filed.**

(d)Particulars of the property of the debtor are as follows :-Property :-(i)Immovable :-

Specification ofproperty	Village where situated	Area	Rent or revenue payable	Village	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

(ii)Movable :-

Description	Value
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(1) (2)

(e) Whether the applicant has made any previous application to any Court. If so, state particulars below :- Signature of Applicant. Verified the contents of paragraphs (a) to (e) of the application are true upon the personal knowledge of and those in paragraphs upon information received and believed to be true by the undersigned. Dated at.....on.....Signature of Applicant. Form II[See Rule 13] Form of Receipt Received from Shri son of resident of..... Tahsil..... District.....the sum ofon account of the instalment payable on.....in Case No.....of.....of the Debt Relief Court.....Place.....Dated the.....Signature of the Creditor Form III[See Rule 18] Quarterly Progress Return for the Quarter Ending.....of the Debt Relief Court.....Tahsil.....District

Cases pending at the beginning of the quarter	Cases registered during the quarter
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Number	Amount involved	Number	Amount involved
(1)	(2)	(1)	(2)

Cases disposed of during the quarter	Cases discharged or dismissed	
Number	Amount involved	Amount determined Number Amount
(1)	(2)	(3) (1) (2)

Cases pending at the close of the quarter	Average No. of instalments allowed	Remarks
Number	Amount	
(1)	(2)	