

Tamil Nadu Debt Relief Rules, 1976

TAMILNADU

India

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Rule TAMIL-NADU-DEBT-RELIEF-RULES-1976 of 1976

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Tamil Nadu Debt Relief Rules, 1976Published vide Notification No. SRO A-271(a)/76 - G.O.Ms.No. 538, Co-operation, dated 29th July 1976In exercise of the powers conferred by section 14 of the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976), the Governor of Tamil Nadu hereby makes the following rules:-

1. Short title.

- These rules may be called the Tamil Nadu Debt Relief Rules, 1976.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976);(b)"Form" means a form appended to these rules; and(c)"Section" means a section of the Act.

3. Filing of statement under section 5 (1) of the Act.

- The Statement referred to in sub-section (1) of section 5 shall be in Form I. It shall be presented in triplicate in person or by authorised agent or be sent by registered post with acknowledgment due to the Tahsildar within sixty days from the date of commencement of the Act. The Tahsildar shall, on receipt of such statement, return one copy thereof to the creditor with an endorsement acknowledging the receipt of the same.

4. Procedure to be followed by the Tahsildar in inquiries under sections 5(3) and 6(2).

(1)The Tahsildar shall, for inquiry under sub-section (3) of section 5 or under sub-section (2) of section 6, fix a date and give notice thereof to the creditor, the transferee of the creditor and the

debtor.(2)The notice referred to in sub-rule (1) shall be served on the creditor and the debtor by delivering or tendering it to them or if it cannot be so delivered or tendered, by delivering or tendering it to any adult male servant of such creditor or debtor, or to any adult male member of the family of such creditor or debtor, or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which the creditor or debtor is known to have last resided or carried on business or personally worked for gain.(3)On the date fixed for the inquiry in a public place and in such inquiry, reasonable opportunity shall be given to the parties concerned to make their representations either orally or in writing. Where evidence is tendered orally, it shall be recorded in writing by the Tahsildar and got signed by the deponent.(4)The Tahsildar shall, for the purpose of these rules, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908), while trying a suit in respect of the following matters, namely:-(a)enforcing the attendance of any person and examining him on oath;(b)requiring the discovery and production of document.

4A. Applications to be made by debtors under sections 5(2-A) and 6(1-A).

(1)The applications referred to in clause (a) of sub-section (2-A) of section 5 and in clause (a) of sub-section (1-A) of section 6 shall be in Form I-A.(2)The affidavit referred to in sub-clause (i) of clause (b) of sub-section (2-A) of section 5 and in sub-clause (i) of clause (b) of sub-section (1-A) of section 6 shall be in Form I-B. The affidavit shall be sworn or affirmed before an officer of the Government of Tamil Nadu, in the grade of Tahsildar or Deputy Tahsildar or Commissioner of Panchayat Union (Block Development Officer) or Co-operative Sub-Registrar.(3)The certificate referred to in sub-clause (ii) of clause (b) of sub-section (2-A) of section 5 and in sub-clause (ii) of clause (b) of sub-section (1-A) of section 6 shall be given by the Head Quarters Deputy Tahsildar of a taluk or the Deputy Tahsildar in charge of a sub-taluk where the debtor normally resides, on a request made by the debtors in writing.

4B. Period within which order of Tahsildar shall be communicated.

- The order passed by the Tahsildar under clause (a) of sub-section (3) of section 5 or under clause (a) of sub-section (2) of section 6 shall be communicated to the creditor concerned and the debtor within fifteen days from the date of the order.

5. Communication of orders passed by the Tahsildar.

- Every order passed by the Tahsildar under any of the provisions of the Act shall,-(a)be delivered or tendered to the person concerned; or(b)if it cannot be so delivered or tendered, by delivering or tendering it to any adult male servant of such person or to any adult male member of the family of such person, or, by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which that person is known to have last resided or carried on business or personally worked for gain.

5A. Publication of list of debtors who have made applications.

- The list of debtors who have made applications under sub-section (2-A) of section 5 and under sub-section (1-A) of section 6 shall be published in the District Gazette in Form I-C.

6. Form of certificate under section 5(5).

- The certificate referred to in sub-clause (i) of clause (b) of sub-section (5) of section 5 shall be in Form II.

7. Register of statement received, etc.

- The Tahsildar shall maintain, - (i) Register of the statements and applications received under section 5 and section 6 in Form III, and (ii) a Register of movable properties produced, recovered or deposited under the Act in Form IV.

8. Issue of receipt for movable property by Tahsildar.

- The Tahsildar shall, on receipt of the movable property produced or deposited or on the recovery thereof, issue a receipt in Form V to the creditor or the transferee of the creditor, as the case may be, and obtain the signature of the creditor or the transferee of the creditor, as the case may be, on the duplicate copy thereof.

9. Form of certificate of redemption.

- The certificate of redemption granted under sub-section (2) of section 6 shall be in Form VI.

10. Appeals.

(1) Any person aggrieved by an order made by the Tahsildar under the Act may, within thirty days from the date on which the order was communicated to him, appeal against such order to the Revenue Divisional Officer having jurisdiction over the place of business of the creditor or the Personal Assistant (General) to the Collector of the Nilgiris, in respect of Ootacamund and Coonoor taluks of the Nilgiris district and Personal Assistant (General) to the Collector of [Chennai] [Substituted for the word 'Madras' by the Tamil Nadu Act 28 of 1996] in respect of [Chennai] [Substituted for the word 'Madras' by the Tamil Nadu Act 28 of 1996] district (hereinafter in this rule referred to as the appellate authority). (2) On receipt of an appeal, the appellate authority shall fix a date for the hearing and give notice to the appellant and the respondent or respondents, as the case may be. (3) The notice referred to in sub-rule (2) shall be served on the appellant and respondent by delivering or tendering it to them or if it cannot be so delivered or tendered, by delivering or tendering it to any adult male servant of such appellant or respondent or to, any adult male member of the family of such appellant or respondent or by affixing a copy thereof on the outer door or on some conspicuous part of the premises in which the appellant or respondent is known to

have last resided or carried on business or personally worked for gain.(4)On the date fixed for the inquiry, the appellate authority shall hold an open inquiry in a public place and in such inquiry reasonable opportunity shall be given to the parties concerned to make their representations either orally or in writing. Where evidence is tendered orally, it shall be recorded in writing by the appellate authority and got signed by the deponent.(5)The appellate authority shall, for the purpose of these rules, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 (Central Act V of 1908) while hearing an appeal.

Form I(See rule 3 of the Tamil Nadu Debt Relief Rules, 1976)

Statement to be Filed by the Creditor Under Section 5(1) of the Tamil Nadu Debt Relief Act, 1976.

(1)Name of the creditor and his ordinary place of business.(2)Licence No. and date, if any....

Amount advanced	Amount outstanding as on the date of commencement of the act	Full description of the movable property (weight to be noted in case of jewels)
(1)	(2)	(3)

Serial number	Names of the who have pledged movable properties and their full address	Date of advance drawn on pledge	Amount	Pawn Ticket Number	Rate of interest	Principal	Interest	Total	Description	W
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Date: Address of the Creditor Signature of the Creditor Form I-A Application Under [See rule 4(1) of the Tamil Nadu Debt Relief Rules, 1976]

Application under| sub-section (2-A) of section 5*sub-section (1-A) of section 6*| of the Tamil Nadu Debt Relief Act, 1976.

1.	Name of the applicant (debtor)		
2.	Father's Husband's name		
3.	Full address		
4.	Occupation		
5.	Detail of indebtedness		
Name and full address of the creditor with whom movable property has been pledged/property has been mortgaged		Full description of the movable property which has been pledged property which has been mortgaged	Amount borrowed (Rs.)
(1)	(2)	(3)	(4)
6.	Is the sworn or affirmed affidavit enclosed to the application		
7.	(a) For the landless agricultural labourer and rural artisan- Is the certificate of income of the applicant obtained from the competent authority enclosed ? (b) For small farmer- Is the certificate of details and extent of lands held by applicant and the certificate that his principal means of livelihood is income derived from agricultural land obtained from the competent authority and enclosed I request that the pledged property may be delivered to me		

1. Strike out whichever is not applicable.

I request that the mortgaged property may be ordered to be released to me and a certificate of redemption of the property may be granted to me. Date: _____ Signature of the applicant. (debtor) Explanation. - Competent authority means the Headquarters Deputy Tahsildar of a Taluk or the Deputy Tahsildar in-charge of a sub-taluk where the debtor ordinarily resides. Form I-B [See rule 4(2) of the Tamil Nadu Debt Relief Rules, 1976]

Affidavit under| sub-section (2-A) of section 5*sub-section (1-A) of section 6*| of the Tamil Nadu Debt Relief Act, 1976.

Before the Tahsildar I, _____ aged, Son/Wife* of _____ residing at _____ do hereby solemnly and sincerely affirm and state as follows:- I am the applicant (debtor) herein and the creditor is

having his place of business at. On I pledged/mortgaged* the property, the full description of which is given below with the said creditor and borrowed a sum of Rs. (Rupees..) only. Full description of property pledged/mortgaged with said creditor agricultural labourer*

I submit that I am a landless| agricultural labourer* rural artisans small farmer*| as defined in section 3 of the Act.

My annual household income is Rs.....* (Rupees.....) only. I hold as owner*/tenant*/mortgage with possession the extent of land in the place and having the irrigation facilities mentioned below:-

Place: Survey number Extent of land Nature of irrigation facilities

(as defined in section 3 of the Act)

(1) (2) (3) (4)

I am entitled to relief under section 4 of the Act. All the particulars furnished by me herein are true to the best of my knowledge. Date: Signature of the applicant. (debtor) Solemnly affirmed and signed in my presence Dated: Signature of the Officer of the Government of Tamil Nadu with name in block letters by designation and date seal. Form I-C [See rule 5-A of the Tamil Nadu Debt Relief Rules, 1976] List of Debtors Who have Made Applications to Tahsildar

under| sub-section (2-A) of section 5 sub-section (1-A) of section 6| of the Tamil Nadu Debt Relief Act, 1976.

Serial number	Name of the applicant (debtor)	Address of the applicant (debtor)	Occupation of the applicant (debtor)	Date of receipt of the application by Tahsildar	Name and address of the creditor as mentioned in the application
(1)	(2)	(3)	(4)	(5)	(6)

Date: (Signed).... Tahsildar Form II [See rule 6 of the Tamil Nadu Debt Relief Rules, 1976] Certificate Issued Under Section 5(5)(B)(I) of the Tamil Nadu Debt Relief Act, 1976 Certificate This is to certify that the amount due to the.. (particulars of the institution) in respect of ... (here enter description of the movable property and particulars relating to the creditor) shall be recovered from (creditor particulars) as if it were an arrear of land revenue and paid to (the particulars of the institution) on recovery in accordance with section 5(5)(b)(ii) of the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976). Signature Office Seal Designation Address Form III [See rule 7(i) of the Tamil Nadu Debt Relief Rules, 1976] Register of Statements and Applications Received by the Tahsildar Under the Tamil Nadu Debt Relief Act, 1976 I. Statements furnished by the creditor- (1) Serial Number. (2) Name of the creditor and his full address. (3) Date of the receipt of statement from the creditor. (4) Names of the debtors. (5) Description of the movable property involved. (6) Amount advanced. (7) Total amount including interest outstanding as on the date of the commencement of the Act. II. Application made by the debtor- (1) Name of the debtor and his address. (2) Date of receipt of the application. (3) Name of the creditor and his address. (4) Description of the movable property or the mortgaged property. (5) Amount received. (6) Total amount including interest outstanding as on the date of commencement of the Act. III. Remarks Form III-A [See rule 7(i) of the Tamil Nadu Debt Relief Rules, 1976] Register of Applications Received by the Tahsildar Under the Tamil Nadu Debt Relief Act, 1976 (1) Name of the applicant (debtor) and his address. (2) Date of receipt of his applications. (3) Applicant's (debtor's) occupation. (4) Name of the creditor and his address. (5) I description of the movable property pledged or the mortgaged property. (6) Amount borrowed by the

applicant (debtor).(7)Nature of disposals of the application (Allowed/Rejected).(8)Date of final orders passed by Tahsildar.(9)Date on which orders were communicated to the debtor and creditor.
Form IV[See rule 7(ii) of the Tamil Nadu Debt Relief Rules, 1976]Register of Movable Property Produced, Recovered or Deposited Under the Tamil Nadu Debt Relief Act, 1976

S. No.	Names of the creditor of the creditor	Nature of movable property	If ornaments whether silver or gold etc.	Weight value	Date of receipt of the movable property	Name of the debtor	Name of the persons to whom delivered	Date of delivery	Signature of the persons to whom delivered	Signature and address of the witness in w
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

Description of movable property

Form V[See rule 8 of the Tamil Nadu Debt Relief Rules, 1976]Receipt Acknowledging the Receipt of the Movable Property from the Creditors Under the Tamil Nadu Debt Relief Act, 1976I,....., hereby acknowledge the receipt of the following movable property from

Serial number	Description of the movable property	Nature of the movable property	If ornaments, whether of silver or gold, etc.	Weight value	Name of the debtor	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Signature of the creditor or the transferee of the creditor. Signature of Tahsildar. Form VICertificate of Redemption Under Section 6(2) of the Tamil Nadu Debt Relief Act, 1976Whereas (debtor) has applied under sub-section (1) of section 6 of the Tamil Nadu Debt Relief Act, 1976 (Presidents Act 31 of 1976) for an order releasing the property specified in the Schedule from mortgage and for the grant of a certificate of redemption. And Whereas I, Tahsildar of have passed an order under sub-section (2) of section 6 of the said Act releasing the said property from the mortgage; Now, Therefore, in exercise of the powers conferred on me under sub-section (2) of the said. section 6, I hereby issue this Certificate of Redemption in respect of the said property with effect on and from the 29th day of July 1976.

Schedule

Description of property	Name of the creditor	Details of deed or documents\ evidencing mortgage	(a) District	(b) Talik	(c) Village	(d) Survey Number	(e) Local Name, if any	(f) Classification wet or dry	(g) Extent
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

SealSignatureDesignationAddress