

# **The Assam Displaced Persons (Rehabilitation Loans) Rules, 1954**

ASSAM

India

## **The Assam Displaced Persons (Rehabilitation Loans) Rules, 1954**

### **Rule**

### **THE-ASSAM-DISPLACED-PERSONS-REHABILITATION-LOANS-RULES of 1954**

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The Assam Displaced Persons (Rehabilitation Loans) Rules, 1954Published vide Notification No. RHM 90/51/1, dated 29th May, 1954 in Assam Gazette Part 2A, dated 2-6-1954, pages 1143-57Last Updated 11th February, 2020Notification No. RHM 90/51/1, dated 29th May, 1954. - In exercise of the powers conferred by Section 15 of the Assam Displaced Persons (Rehabilitation Loans) Act, 1951 (Assam Act 16 of 1951), the Governor is pleased to make the following Rules, namely:

#### **1. Short title.**

- These Rules may be called the Assam Displaced Persons (Rehabilitation Loans) Rules, 1954.

#### **2. Definition.**

- In these Rules "the Act" means the Assam Displaced Persons (Rehabilitation Loans) Act, 1951.

#### **3.**

An application for loan shall be in Form A appended to these Rules and shall be presented to the Sub-divisional Officer/Deputy Commissioner/ Additional Relief and Rehabilitation Commissioner, Assam within whose territorial jurisdiction the applicant proposes to rehabilitate himself.

**4.**

(i)The Relief and Rehabilitation Commissioner, Assam may grant loans up to Rs. 5,000. The Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam may grant loans up to the limits of Rs. 3,000 in each case, and Sub-divisional Officers may grant loans up to the limit of Rs. 1,000 in the case of the urban loan and Rs. 500 in the case of rural loans, in each case; provided that the limit of the funds placed at their disposal is not exceeded.(ii)Loans exceeding Rs. 3,000 in each case shall require the sanction of the Relief and Rehabilitation Commissioner.

**5.**

(i)The Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam or the Sub-divisional Officer on receiving an application made under Rule 3 shall first see that the application has been made in the prescribed forms. He shall then cause an enquiry to be made for the purpose of verifying as far as possible the particulars mentioned in the application and the necessity and security of the loan.(ii)If a Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam is satisfied as to the need for the loan he shall forward the application with his recommendation to the Relief and Rehabilitation Commissioner, Assam if a loan of more than Rs. 3,000 is justified and in the case of a Sub-divisional Officer if he is so satisfied he shall so forward the application to the Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam, as the case may be, if a loan of more than Rs. 1,000 is justified in case of urban loans and Rs. 500 in case of rural loans.

**6.**

An order sanctioning loan to a person shall be made in Form B.

**7.**

An order sanctioning a loan to group of persons shall be made in Form C. Such persons shall be jointly and severally bound to the Governor of Assam for the payment of the whole amount payable in respect of the loan. The order in Form C shall state the portion of the loan which as among themselves each loanee is bound to repay.

**8.**

A person to whom a loan is sanctioned shall execute a loan bond in Form D and a mortgage bond in Form G.

**9.**

When loan is granted to a group of persons each one of them shall execute a joint loan bond in Form E.

**10.**

The officer sanctioning the loan, may require the loanee to furnish one or two sureties. Such surety or sureties shall give personal surety and shall execute a bond in Form F.

**11.**

(i)The Sub-divisional Officer in cases of sums up to Rs. 1,000 and the Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam in other cases shall disburse the amount of the sanctioned loan to the loanee.(ii)The officer disbursing the loan shall ensure that-(a)the amount is disbursed to the actual payee ;(b)the loan bond in the proper form has been obtained and kept in proper custody;(c)the name of the identifier of the payee or the fact that the officer personally knows the payee is recorded on the loan bond; and(d)the necessary note has been kept for watching recoveries from the loanee.

**12.**

When the required documents have been executed the Officer paying the loan money shall at the time of payment hand over to the borrower(s) a notice in Form H indicating the date and manner of repayment which shall be explained to the borrower(s) very clearly.

**13.**

(i)The Deputy Commissioner is authorised to grant suspension of payment of instalment of loan, either by a general order relating to a group of borrowers in a specific area on account of failure of crops or of distress caused by any natural calamity or other exceptional causes, or by special orders, on account of circumstances beyond the control of a borrower which would render the payment of the instalment unduly hard and burdensome. All such general orders shall be reported to the Relief and Rehabilitation Commissioner, Assam at the time that they are made and the total sums covered by such special orders shall be reported to the Relief and Rehabilitation Commissioner, Assam at the end of the financial year.(ii)No interest shall be charged for the period of suspension and the payment of each remaining instalment due in respect of the loan shall be postponed to the date of the next instalment and a new date fixed for the final instalment.

**14.**

Government in the Finance Department may write-off any portion of a loan with the interest thereon if it proves irrecoverable due to circumstances beyond the control of the loanee, such as death, physical disability, insolvency, natural calamity, etc.

## 15.

Appeals shall lie under the Act as follows if they are filed within one month from the date of the order appealed against-(a)to the Government of Assam against any original order passed by the Relief and Rehabilitation Commissioner, Assam;(b)to the Relief and Rehabilitation Commissioner, Assam against any original or appellate order passed by a Deputy Commissioner/ Additional Relief and Rehabilitation Commissioner, Assam ;(c)to the Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam against order, passed by a Sub-divisional Officer.All appeal, petitions shall be accompanied by a true copy of the orders appealed against

## 16.

Registers and accounts relating to the loans under the Act shall as far as may be in the form and manner prescribed for loans under the Agriculturists' Loans' Act, 1884 (12 of 1884) to the extent they are not modified or otherwise prescribed by the Relief and Rehabilitation Commissioner, Assam from time to time.Form A[Rule 3]Application form for Rehabilitation[Note-Name should be given in full, not initials]Issued to.....ToThe Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam/Sub-divisional OfficerDear Sir,I beg to apply for a loan of Rs.....(Rupees.....)

## 2. The required particulars are given below:

(1)Names of the applicant and his father/her husband and sub-caste(2)Age of the applicant(3)Whether the applicant belongs to a joint Hindu Family, if, so, the name of the head of the familyBefore displacement:(4)Full permanent address of the applicant(5)(a)Profession followed in Pakistan(b)Full details of property held by the applicant in PakistanAfter displacement:(6)Date on which applicant left Pakistan to settle in India ;(7)Name of the place, district,and the State where the applicant has settledOrWhere he/she proposes to settle:(8)Place, date and number of the Registration Certificate which the applicant has obtained as a displaced person.Note : If the applicant is registered as a displaced person in more than one place, particulars of all the registration certificates should be given. If the applicant has been registered in the Employment Exchange as a displaced person, number and date of the Card should be quoted.(9)If the applicant has no registration certificate, a certificate from a gazetted officer should be enclosed testifying to his/her being a refugee and to the date of migration from Pakistan(10)Full present address of the applicant(11)Applicant's present income and sources from which it is derivedLoan :(12)Nature of the business/pursuit for which the loan is required(13)Whether this business/pursuit has already been started or has to be startedin the former case(a)date on which it was started(b)its full postal address(c)why it has now become necessary to apply for this loan(14)(a)Total amount required for this business/pursuit(b)The amount that the applicant has himself/herself invested/will himself/herself be able to invest in the business/pursuit(15)(i)Balance amount asked for from the Government is required for-(a)working capital(b)fixed capital(ii)A full estimate as to how the applicant proposes to spend the amount asked for as loan should be given.....(16)Whether the applicant is in a position to put up two sureties for the loan, if so, give their names and full addresses stating whether or not they are displaced persons(17)Whether the applicant or any member of his

family has previously applied for a loan to this Government or to the Central Government or to any other State Government under any of the Schemes for assistance to displaced persons. If so, state the address of the authority to which the application was made, the amount asked for, the purpose for which it was required and the result of the application. If not, is he prepared to sign an affidavit on a prescribed form before a first class magistrate to the effect that he has not previously received similar loans or advances from Government. (18) Whether in the event of a loan being sanctioned the applicant is prepared to furnish, if so required, two copies of his/her photograph (passport size) for identification purposes. (19) Names of the dependent members of the applicant's family (wife, sons, daughters, unmarried sisters, dependent parents and brothers) with their age and relationship to the applicant. (20) Whether the applicant has experience of or any qualification for this business/pursuit. (21) Whether the applicant has been able to secure residential accommodation, if so, where and whether he/she can produce a rent receipt therefor; if not, her/his present housing arrangements and the length of time for which they are likely to continue. (22) Any other matter which the applicant specially wishes to mention. Yours faithfully, Signature, or if illiterate, thumb impression of the applicant Address.... Place.... Date.... Declaration [By the applicant] I, ..... son of/daughter of/wife of..... and a displaced person, now residing at..... district..... in the State..... do hereby solemnly affirm and declare that the information given in this application is correct and that I have not concealed or withheld any material fact. The amount asked for by me as loan is the absolute minimum required for my rehabilitation as..... in..... of..... District. Place.... Date..... Signature or thumb impression of the applicant Form B [Rule 6] Office of the Relief and Rehabilitation Commissioner, Assam/Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam, Silchar/Sub-Divisional Officer

Order No..... Dated.....

Sanction is hereby accorded under Section 4 of the Assam Displaced Persons (Rehabilitation Loans) Act, 1951 to the grant of a loan of Rs..... only to/ ..... to the undemoted articles valued at Rs..... as a loan to son/daughter/wife of..... of..... village..... Police Station..... District..... now residing at..... for the purpose of rehabilitating himself/herself in life as a..... building a residential house. The loan is granted on the conditions set forth in the bond which will have to be executed by..... at the time of taking loan from the Deputy Commissioner/Sub-Divisional Officer/Additional Relief and Rehabilitation Commissioner, Assam. The expenditure is debitable to "B Loans and Advance by State Government-Loans to Refugees (State)". Relief and Rehabilitation Commissioner, Assam/Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam, Silchar/Sub-divisional Officer...

Memo No. dated the..... 19..

Copy forwarded to-(1) Deputy Commissioner/Sub-divisional Officer Relief and Rehabilitation Commissioner, Assam. (2) Accountant General, Assam. (3) Shri/Shrimati. He/She is asked to report to the office of the Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam, Silchar/Sub-divisional Officer as soon as possible and complete the necessary documents for getting the loan. Relief and Rehabilitation Commissioner, Assam/Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam, Silchar/Sub-divisional Officer. Form C [Rule 7] Office of the Relief and Rehabilitation Commissioner, Assam/Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam/Sub-divisional Officer Order

No..... Dated.....

Sanction is hereby accorded under Section 4 of the Assam Displaced Persons (Rehabilitation Loans) Act, 1951. To the grant of a loan of Rs..... only the undernoted articles valued at Rs..... only as loan..... to the persons whose names and father's names are set forth in the Schedule below for the purpose of rehabilitating themselves in life as.....in..... the loans, is granted on the conditions set forth in the bond which will have to be executed by them jointly and severally at the time of taking the loan from the Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam/Sub-divisional Officer undersigned. The expenditure is debitable to "B-Loans and Advances by State Government-Loans to Refugees (State)".

## Schedule

Serial No.	Name of the borrower	Father's or husband's name	Present address	Share of each borrower
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1.2.3.4.5.

Total amount of loan Rs. ....

Relief and Rehabilitation Commissioner, Assam/Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam/Sub-divisional Officer. Sub-divisional Officer.....Memo No.....Dated.....19.....Copy forwarded to-(1)Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam/Sub-divisional Officer/Rehabilitation Commissioner, Assam.(2)Accountant General, Assam.(3)Shri/Shrimati....They are asked to report to the office of the Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam/Sub-divisional Officer..... as soon as possible and complete the necessary documents for getting the loan. Relief and Rehabilitation Commissioner, Assam/Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam/Sub-Divisional Officer.....Form D[Rule 8]BondTo be executed by the recipient of..... I,..... son of/daughter of/wife of by profession..... of village/town..... P.S..... District..... (East Bengal) at..... presently residing at Mauza..... Pargana..... P.S..... District..... Assam, do by my signature/thumb impression hereby execute this receipt and bond and do agree that I shall be firmly bound unto the Governor of Assam by the terms and conditions hereinafter mentioned. I hereby declare that I have not received any other loan from Government under the rehabilitation scheme up to date a loan of Rs..... from the..... for building a residential house except a rehabilitation loan of Rs..... from the..... and I hereby acknowledge that I have on this..... day of..... 19....., received from the Governor of Assam through the Deputy Commissioner/Sub-divisional Officer/Additional Relief and Rehabilitation Commissioner, Assam..... a sum of Rupees..... articles detailed in Schedule I below valued at Rs..... as loan under the Assam Displaced Persons (Rehabilitation Loans) Act, 1951 (Assam Act 16 of 1951) and the Rules made thereunder for the purpose of my rehabilitation to be expended on-

**1. Building a house on the land specified in Schedule II hereto annexed.**

**2. Purchase of land.**

**3. Business purposes/for the pursuit of profession as..... which profession I intend to pursue for gainful purpose in..... and purchase of articles of merchandise for trading therein for gainful purposes and purchase or hire of equipments for such trading.**

**4. Essential expenditure on the maintenance of my family for..... months.....**

I do hereby agree and accept the said loan upon the following conditions:

**1. That I shall utilize the said loan solely for the purposes of rehabilitating myself and for my family/constructing residential house as a..... in..... where I have decided to settle down finally. I shall submit a monthly statement to the Deputy Commissioner/Sub-divisional Officer/Additional Relief and Rehabilitation Commissioner, Assam, how the loan has been utilized and how I have progressed in resettlement/building the house.**

**2. That I agree that the amount of loan meant for the maintenance of my family shall be paid in monthly instalments of Rs.....**

**3. That I shall acquire the following asset with the loan and shall execute a deed in Form G mortgaging the same to the Governor of Assam within 15 days of such acquisition.**

**4. That I and my heirs and representatives, executors and administrators shall be bound to the Governor of Assam, his successors-in-office and assigns for the payment of whole amount of the said loan with interest at the rate of per cent per annum at the expiry of..... year from the date of receipt thereof.**

**5. That the loan with interest shall be payable by the instalments on the dates and amounts specified below:**

Instalment

Date Principal Interest Total Remarks

1st instalment 2nd instalment 3rd instalment 4th  
instalment 5th instalment 6th instalment

**6. That in case of default in repaying the said loan and the interest thereon or any portion thereof by the instalments at the time and in the manner aforesaid the whole amount of the loan then unpaid and outstanding with the interest thereon as aforesaid shall be deemed to have become due and the Governor, his successors-in-office and assigns shall have the right and power to realise the whole and every part of such amount [including penal interest at the rate of..... per cent per annum with effect from the date of default over and above the normal rate of interest] [Inserted vide Notification No.RHH 149/64/40, dated 1-7-1965, published in the Assam Gazette, dated 14-7-1965, page 1696.] from me/my heirs and representatives/executors and administrators in accordance with the said Act and Rules.**

Witnesses: 1. Schedule I

2. Schedule II

Signature or thumb impression of recipient of loan

The agreement has been explained and the sum specified above has been paid in my presence to the executant and he/she executed the bond in my presence dated.....The executant is identified by/personally known to me.

Witnesses: 1.

2.

Signature of the Officer disbursing the loan

Accepted Signed for and on behalf of the Governor of Assam. Form E [Rule 9] Bond To be executed by the recipients of joint loans. We, the persons whose names and father's names are set forth in Schedule 1 below, do by our respective signatures and thumb impressions hereby execute this joint and several receipt and bond and do agree that we will firmly bound unto the Governor of Assam by the terms and conditions hereinafter mentioned. We hereby declare that none of us has received any other loan from Government under the rehabilitation scheme up to date except the undernoted housing loan, viz., a loan of Rs..... granted by..... for the construction of a residential house at..... We hereby acknowledge that we have jointly and severally received on this..... day of..... 19.... from the Governor of Assam through the Deputy Commissioner/Additional Relief and Rehabilitation Commissioner, Assam/Sub-divisional Officer, a sum of Rs..... articles detailed in Schedule II valued at Rs..... as a loan under the Assam Displaced Persons (Rehabilitation Loans) Act, 1951 and the Rules made thereunder for the purpose of our rehabilitation and to be expended on-(i) building a house on the land specified in Schedule III hereto annexed, (ii) purchase of land for residential purposes, (iii) business purposes/for the pursuit of profession as..... which profession we intend to pursue for gainful purpose in..... and purchase the articles of merchandise for trading thereon for gainful purposes and purchase or hire of equipments for such trading in..... (iv) essential expenditure on the maintenance of our family for..... months. We do hereby jointly and severally agree and accept the said loan on the following conditions: (1) That all and every one of us shall utilize the said loan solely for the purpose of rehabilitating ourselves as in where we have decided to settle down finally. We shall submit a monthly statement to the Deputy Commissioner/Additional



Relief and Rehabilitation Commissioner. Assam/Sub-divisional Officer showing how the loan has been utilized and how we have progressed in our rehabilitation.(2)That all and every one of us agree that the amount of loan meant for the maintenance of our families shall be paid in monthly instalment of Rs.....(3)That all and every one of us shall acquire the following assets with the loan and shall execute a deed in Form 'G' mortgaging the same to the Governor of Assam within 15 days of such acquisition.(4)That all and every one of us and the heirs and representatives, executors and administration of each one of us shall be jointly and severally bound to the Governor of Assam, his successors-in-office and assigns for the payment of the whole amount of the said loan with interest at the rate of per cent per annum at the expiry of year from the date of receipt thereof.(5)That the loan with interest shall be payable by the instalments on the dates and amounts specified below:

Instalment	Date	Principal	Interest	Total	Remarks
1st instalment					
2nd instalment					
3rd instalment					
4th instalment					
5th instalment					
6th instalment					

(6)That in case of default in repaying the said loan and the interest thereon or any portion thereof by the instalments at the time and in the manner aforesaid the whole amount of the loan then unpaid and outstanding with the interest thereon as aforesaid shall be deemed to have become due and the Governor, his successors-in-office and assigns shall have the right and power to realise the whole and every part of such amount [including penal interest at the rate of..... per cent per annum with effect from the date of default over and above the normal rate of interest] [Inserted vide Notification No. RHH 149/64/40, dated 1st July, 1965 and published in the Assam Gazette, Part II-A, dated 14-7-1965, page 1696.] from all and every one of us and the heirs, representatives, executors and administrators or each or one in accordance with the said Act and Rules.

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Serial No.	Name of the borrower	Father's or husband's name	Address	Share of borrower
(1)	(2)	(3)	(4)	(5)
1.	2.	3.	4.	5.
Total amount of the loan.....				

II

## Schedule III

Witnesses :

1.

2.

Signature or thumb impression of the recipients of the loan  
The agreement has been explained and the sum specified above has been paid in my presence to the executants and they executed the bond in my presence on the..... 19.... The executants are identified by/personally known to me.  
Witnesses:

1.

2.

Signature of the Officer disbursing the loan Signed for and on behalf of the Governor of Assam  
 Form of Security Bond [Rule 10] Whereas..... son of..... of..... has on..... received from the Governor of Assam through the [.....] [Here enter the official designation of the officer granting the loan.] an order under Assam Displaced Persons (Rehabilitation Loans) Act, 1951 and the Rules made thereunder, and has executed the prescribed bond by virtue of which he is entitled to receive the aggregate sum of Rs..... as a loan from the Governor of Assam for the purpose of..... and whereas security for the due application of the loan and for the punctual repayment of the same according to the terms of the agreement executed by him is demanded from the said [.....] [Here state the purpose for which the loan is given.] fails to comply with the terms on which the loan has been sanctioned, either by mis-applying the said loan or by failing to repay any instalment of the same or any interest or costs payable in respect thereof, on the date on which it may become, due, it shall be lawful for the Deputy Commissioner to treat as an arrear of land revenue due from me/us such sum as may be necessary to make good the amount which in consequence of the said default, may have become due to Governor and to recover such sum from me/us personally. Signature of surety or sureties  
 Form G [Rule 8] Mortgage Bond

**1. This indenture made on the..... day of..... 19.... between Shri..... son of/daughter of/wife of..... of Assam hereinafter called the mortgage of the other part.**

**2. Whereas the mortgagor(s) has/have taken a sum of Rs..... (Rupees..... only) as loan from the mortgage on the conditions laid down in the bond dated..... executed by the said mortgagor (s).**

**3. And whereas one of the conditions of the said bond is that the mortgagor(s) is/are to mortgage within..... 19..... the assets acquired by him/all and every one of them with the said loan till the loan is fully liquidated.**

**4. And whereas the mortgagor(s) has/have agreed to abide by the conditions of the said bond including that for repayment of the loan with interest at the rate of..... per cent per annum by..... instalments.**

Now this indenture witnesseth that in consideration of the said loan of Rs..... (Rupees..... only) and pursuant to the agreement abovementioned, the mortgagor(s) does/do hereby mortgage by way of simple mortgage to the mortgagee, his successors-in-office and assigns all the assets specifically described in the Schedule hereto annexed by way of security for the said loan of Rs..... (Rupees.....

only) with interest whereon at the rate of..... per cent per annum and the mortgagor(s) does/do hereby agree that he/all and everyone of them will repay the aforesaid loan with interest by..... instalments, as per conditions specified in the said Bond and/or on his/her failure to repay the said loan with interest either in full or on his failure to pay any of the instalments, the mortgagee shall be entitled to cause the said mortgaged assets to be sold without the intervention of the Court either by public auction or by private negotiation with the powers to buy in and with the proceeds to satisfy his claims and further should the claim be not satisfied the mortgagor(s) does/do agree with the mortgagee that he/they will pay the balance from his/their person/persons and other property and the mortgagee may recover the same from him/all and every one of them his/their heirs, executors, administrators or assigns. In witness whereof the said Shri..... has hereunto set his hands at..... the day and year first above written. Mortgagor(s) Witnesses:

1.

2.

## Schedule 4

Form H Notice to the Borrower [Rule 12] Loan of Rs..... to..... of Village..... Thana..... made on under the Assam Displaced Persons (Rehabilitation Loans) Act, 1951. Notice You have separately agreed to repay the above loan in the instalments noted below:

Date when due	Principal	Interest	Total
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**2. You should pay each instalment to the Deputy Commissioner/Sub-divisional Officer of..... on the date it is due.**

**3. If you like you may send the instalment due to the Deputy Commissioner/Sub-divisional Officer of..... by money order.**

**4. If you send the instalment by money order you must be careful to write in the money order the name of the person who took the loan, if there were several persons then the name of the principal person. You must also write the name of your village and of the thana in which it is situated.**

**5. You must also be careful to write on the money order that the instalment is paid on account of the original loan of Rs..... granted on Order No..... date.....**

- 6. You must write all these things clearly so that there may be no confusion.**
- 7. You must state if the payment is made on joint account or on your individual account, the latter will be presumed if no statement is made.**