

# **The Punjab Registration of Money-Lenders Rules, 1939**

DELHI

India

## **The Punjab Registration of Money-Lenders Rules, 1939**

### **Rule**

### **THE-PUNJAB-REGISTRATION-OF-MONEY-LENDERS-RULES-1939 of 1939**

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The Punjab Registration of Money-Lenders Rules, 1939

#### **1.**

(1)These rules may be cited as the Punjab Registration of Money Lenders Rules, 1939.(2)In these rules, unless there is anything repugnant in the context, "Act" means the Punjab Registration of Money-lender Act, 1938.

#### **2.**

Application for registration under Section 4 of the Act shall be made, in the annexed form A, to the Collector of the district where the applicant has his residence, or, if he has no residence in Punjab, where he has his principal place of business in the State.

#### **3.**

Application for registration shall bear the court fee prescribed in Article 1 (b) of Schedule II of the Court Fees Act, 1870, and shall be signed and verified by the applicant in the manner provided in Order VI, Rules 14 and 15 of the First Schedule to the Code of Civil Procedure for plaints in suits.

**4.**

An application for registration on behalf of a firm shall be signed by all the persons constituting the firm or their representatives duly empowered, or in the case of a minor by the person representing him in the business. Provided that no application shall be entertained which does not bear the personal signature of at least one member of the applicant firm.

**5.**

Every application for registration shall be presented by the applicant personally or through a duly authorised agent; Provided that where there are more applicants than one, any one of them may present it.

**6.**

(1) The Collector shall, if the application for registration is in order (or if it is not in order after getting the necessary corrections made therein), and if he finds after making such inquiries as he considers necessary that the grant of the application will not offend against any order made under Section 6 of the Act, direct the applicant to deposit within a period of one month in the Government treasury a sum representing the fee prescribed in Section 4 of the Act. (2) After the applicant has deposited the fee in the Government treasury and produced the receipt therefore, the Collector shall direct the money-lender's name to be registered. (3) If the applicant does not deposit the fee within the prescribed period, his application shall be consigned to the General Record Room and he shall submit a fresh application for registration.

**7.**

On registration of the applicant's name under the proceeding rule the Collector shall issue a certificate to him in form B annexed.

**8.**

No licence shall be granted under Section 5 unless the applicant has been registered under Section 4 of the Act.

**9.**

(1) Applications for the grant of renewal of licences shall be made to the Collector mentioned in Rule 2 above in form C annexed. (2) The provisions of Rule 3 above in regard to verification and to the payment of court fee shall be equally applicable to applications for the grant or renewal of licences under the proceeding sub-rule. (3) In the case of a firm any adult member or the guardian of a minor member, may make an application for a licence on behalf of the firm.

## 10.

Every application for the issue or renewal of a licence shall be accompanied by an affidavit stating whether any court has since the making of the last application (if any) made any order in relation to the applicant in regard to any of the matters mentioned in Section 6 of the Act.

## 11.

After making such inquiries as he thinks necessary, the Collector shall, if he finds that there is nothing to debar the grant or renewal of the licence, direct the applicant to deposit within a period of one month in the Government treasury a sum representing the fee prescribed in Rule 12.

## 12.

(1) The fees for grant or renewal of licences shall be as under-

- |      |  |   |
|------|--|---|
| (a)  | For the grant of licence for the district in which the money-lender is first registered,-  |   |
|      | if the application is submitted within one   |   |
| (i)  | month from the date of registration of his name  | Five rupees a year.   |
| (ii) | if the application is submitted there after  | Seven rupees a year.  |
| (b)  | For the renewal of licence for the district in which the money-lender is first registered. | Three rupees a year.  |
| (c)  | For the grant or renewal of licence subject to   | Two rupees a year which validity a maximum of                           |
|      | for every other district to which the licence may be extended.                             | fifteen rupees a year (including the initial fee) for the whole State.) |

(2) The fee for the issue of a duplicate copy of a registration certificate or of a licence, in event of the loss of the original document, shall be one rupee for each duplicate copy.

## 13.

(1) After the applicant has deposited the prescribed fee in the Government treasury and has produced the treasury receipt therefor, the Collector shall issue a licence in form D annexed. (2) If the applicant does not deposit the fee within the prescribed period his application shall be consigned to the General Record Room and he shall submit a fresh application for the grant of a licence.

## 14.

An application for the renewal of a licence shall be made not less than one month before its expiry; Provided that the Collector may for sufficient reasons condone a delay not exceeding one month on payment of penalty of two rupees.

**15.**

A licence may be issued or renewed for a period not exceeding three years at one time, on pre-payment by the applicant of the full fees for the period.

**16.**

Licences shall ordinarily be made valid for the district of issue only, but it shall be open to the Collector, after making such inquiries as he considers necessary from the Collector of any other district, to extend the validity of a licence so as to include the area of that district.

**17.**

Notices issued under the proviso of sub-section (1) of Section 7 of the Act shall be in form E annexed, and shall be served in accordance with the procedure laid down in Order V of the First Schedule to the Code of Civil Procedure for the service of summons.

**18.**

As soon as any order is made by the Collector for the cancellation of a licence the money-lender shall surrender the same, and the Collector shall endorse thereon the word "Cancelled" in red ink under this signature with the date of so doing.

**19.**

(1)The cancellation of a licence by a Collector under Section 6 of the Act shall be published in the Punjab Government Gazette, and any order made in appeal or review for the restoration of a licence shall be published in the same way.(2)Intimation of all orders referred to in the preceding sub-rule shall also be given by the authority making the order to the District Judge of every district in which the licence is operative, with the request that the substance of the order be communicated to all the subordinate civil Courts.

**20.**

(1)Every appeal against an order to a Collector under Section 6 of the Act shall be preferred in the form of a memorandum stamped as required under Article 1 (c) of Schedule II of the Court Fees Act, 1870, and shall be accompanied by an attested copy of the order appealed against.(2)As soon as an appeal is filed the Commissioner shall cause notice of the same to be given to the Collector against whose order it is directed, and shall invite him to make such comments as he may consider necessary in connection with the grounds of appeal.(3)Notice of the appeal shall also be served on any other person who may have moved the Collector under sub-section (1) of Section 7 of the Act or who may have otherwise appeared as a party before him.(4)In all other respects the procedure in appeals under the Act shall be governed by the provisions of the Punjab Tenancy Act, 1887, and the

rules made thereunder for the hearing of appeals against the orders of revenue officers, so far as they can be made applicable.

**21.**

Every application under sub-section (2) of Section 7 or sub-section (4) of sub-section (5) of Section 11 of the Act shall bear a court fee stamp as laid down in Article 1(b) or 1(c), as the case may be, in Schedule II of the Court Fees Act, 1870.

**22.**

If an original order under Section 6 or sub-section (2) of Section 7 or an appellate order under Section 11 of the Act is announced in the absence of the money-lender, it shall be communicated to him by registered post (acknowledgement due).

**23.**

When a certificate is granted by a Commissioner to a money-lender under sub-section (3) of Section 11, it shall be in form F annexed to these rules.