

# Andhra Pradesh Protection of Depositors of Financial Establishments Rules, 1999

ANDHRA PRADESH

India

## Andhra Pradesh Protection of Depositors of Financial Establishments Rules, 1999

### Rule

### ANDHRA-PRADESH-PROTECTION-OF-DEPOSITORS-OF-FINANCIAL-E of 1999

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Andhra Pradesh Protection of Depositors of Financial Establishments Rules, 1999Published vide G.O.Ms.No.347, Home (General-B), dated 29.10.1999In exercise of the powers conferred by sub-section (1) of Section-18 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 (Act 17 of 1999), the Governor of Andhra Pradesh hereby makes the following rules namely:-

#### 1. Short title:

- These rules may be called the Andhra Pradesh Protection of Depositors of Financial Establishments Rules, 1999.

#### 2. Definitions:

- In these rules, unless the context otherwise requires:-(a)"Act" means the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 (Act 17 of 1999.);(b)"Collector" means the District Collector and District Magistrate;(c)"Competent Authority" means the authority appointed by the Government under Section 4 of the Act.

#### 3. Ad-interim order and examination of the complainant and witnesses:

(1)The Government shall pass the ad-interim order of attachment under Section 3 of the Act.(2)Upon receipt of the orders of the Government under sub-rule (1), the competent authority

may examine the complainant and such examination shall be reduced in writing.(3)The competent authority shall have power to examine any person who in his opinion will be able to give any information about the financial establishment, and no oath shall be administered to such person.

#### **4. The Competent Authority's Right to require information:**

- The competent authority shall have power to require any financial establishment or its officers or any officer or authority of the Government or a local authority or any other person to furnish such information as may be required and such Financial Establishment or Officer or authority of the Government or local authority or person shall furnish such information to the competent authority.

#### **5. Powers relating to Absconding persons:**

- [(1)] [Rule 5 numbered as sub-rule (1) by G.O.Ms.No. 346, Home (Gen. B), dated 14.11.2000, Published in A.P. Gazette RS to Part I, dated 16.11.2000.] Where the Competent Authority is satisfied or has reason to believe that a person in respect of whom action is contemplated under the Act has absconded or is concealing himself, the Competent Authority shall make a report in writing to the Special Court.(2)[ Where the Competent Authority is satisfied or has reason to believe that a Financial Establishment has committed a default punishable under Section 5 of the Act, the Competent Authority shall be competent to launch prosecution before the Special Court against the Financial Establishment and any person responsible for the management of the affairs of the Financial Establishment including the promoter, manager or member of the Financial Establishment for levy of penalty under Section 5 of the Act.][Added by G.O.Ms. No. 346, Home (Gen. B), dated 14.11.2000, Published in A.P. Gazette RS to Part I, dated 16.11.2000.]

#### **6. Power to freeze or seize property:**

(1)Where the Competent Authority is satisfied or has reason to believe that any property which is liable to be attached under the Act is likely to be concealed, transferred or dealt with in any manner which will result in defeating the purpose of the Act, may make an order seizing such property or where it is not practicable to seize such property, make an order that such property shall not be transferred or otherwise dealt with, except with the prior permission of the Special Court.(2)The Competent Authority may take the assistance of any subordinate Officer of the Government to take possessions of the property in respect of which an order of seizure or freezing has been made under sub-rule (1).(3)Any Officer-in-charge of Police Station when required by the Competent Authority, shall take all steps, including inquiry, investigation or survey in respect of any person, place, property, documents, books of account, etc., for the purpose of tracing and identifying the properties.(4)The Competent Authority shall maintain a record of all income received and expenditure incurred of the property received, managed, and disposed and furnish the same to the Special Court.

## **7. When an order is made attaching the money or other property, transfers void:**

- When an ad-interim order attaching the money or other property of a Financial Establishment is made by the Government under Section 3 of the Act, such money or property referred to . in the order shall not be transferred to any other person by any mode whatsoever and if any such transfer is made, it shall be null and void.

## **8. Competent Authority to assist Special Public Prosecutor:**

- The Competent Authority shall render such assistance to the Special Public Prosecutor in conducting the cases in the Special Court, as may be required.

## **9. Power of Government to remove difficulty:**

- If any difficulty arises in carrying out the provisions of the Act or the rules the Competent Authority shall refer it to the Government and the Government may pass such order as they deem fit in accordance with the provisions of the Act.

## **10. Protection of Action taken in good faith:**

- No suit, prosecution or other proceedings shall lie against the Government or the competent authority or against any person for anything done or intended to be done in good faith for the purpose of carrying out the provisions of the Act or these rules. Notifications Appointment of Special Public Prosecutors and Special Government Pleaders for Conducting the Cases before the Special Courts [G.O.Ms.No. 92, Home (General.B), dated 20.04.2000] In exercise of powers conferred by Section-12 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 (Act No.17 of 1999), the Government of Andhra Pradesh hereby appoint the Public Prosecutors attached to the Courts of Metropolitan Sessions Judges in the Metropolitan Sessions Divisions of Hyderabad, Vijayawada and Visakhapatnam and Principal District and Sessions Judges in all Districts in the State, as Special Public Prosecutors as well as Special Government Pleaders for the purpose of conducting the cases filed under the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999, (Act No. 17 of 1999) within their respective Jurisdiction. [Published in the A.P. Gazette Part I (Extraordinary) No. 189, dated 26.4.2000] Date of Enforcement [G.O.Ms.No.348. Home (General-B), dated 29.10.1999] In exercise of powers conferred by sub-section (3) of Section-12 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999, (Act 17 of 1999), the Government of Andhra Pradesh hereby appoint the 1st November, 1999 as the date on which the said Act shall come into force. [Published in the A.P. Gazette No 442, (Extraordinary) dated 1.11.1999] Appointment of Competent Authority [G.O.Ms.No. 349, Home (General-B), dated 29.10.1999] In exercise of the powers conferred by sub-section (1) of Section 4 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 (Act 17 of 1999), the Government of Andhra Pradesh hereby appoint the District Magistrates of all the Districts and the Commissioners of Police of Hyderabad, Visakhapatnam and Vijayawada in respect

of the cities of Hyderabad, Visakhapatnam and Vijayawada as competent authority to exercise control over the properties attached by the Government under Section 3 and such other powers and discharge such other functions as may be prescribed under sub-section (2) of Section 4 of the said Act within their respective jurisdictions.[Published in the A.P. Gazette No 443, (Extraordinary) dated 1.11.1999]Constitution of existing courts of Metropolitan Sessions Judges and Principal District and Sessions Judges in all the Districts as Special Courts under the Andhra Pradesh Protection of Depositors of Financial Establishments Act,1999.[G.O.Ms. No. 70, Home (General-B), dated 22.3.2000]In exercise of the powers conferred under sub-section (1) of Section 6 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 (Act No.17 of 1999), the Governor of Andhra Pradesh, with the concurrence of the Chief Justice of the High Court of Andhra Pradesh, hereby constitutes the courts of Metropolitan Sessions Judges in the Metropolitan Sessions Divisions of Hyderabad, Vijayawada and Visakhapatnam and Courts of Principal District and Sessions Judges in all the Districts in the State as "Special Courts" to try the cases under the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 within their respective jurisdiction.[Published in the A.P. Gazette Part I (Extraordinary) No. 147, dated 22.3.2000]Appointment of the Additional Director General of Police, C.I.D., as Competent Authority for Protection of Depositors of Financial Establishments Act, 1999[G.O.Ms.No. 193, Home (General-B), dated 23.8.2001]In exercise of the powers conferred under sub-section (1) of Section 4 of the Andhra Pradesh Protection of Depositors of Financial Establishments Act, 1999 (Act No.17 of 1999), the Governor of Andhra Pradesh hereby appoint the Additional Director General of Police, C.I.D., or Inspector General, Police, C.I.D., as the case may be also as Competent Authority to exercise control over the properties attached by the Government under Section 3 and such other powers and discharge such other functions as may be prescribed under sub-section (2) of Section 4 of the said Act in the entire jurisdiction of the State in so far as the cases being investigated by C.I.D. or concerned.[Published in the A.P. Gazette Part I (Extraordinary) No. 349, dated 23.8.2001]Notification of date of enforcement of the Chit Funds Act, 1982 in Several States

Name of the State/Union Territory	Date of enforcement of the Chit Funds Act, 1982
1. Andaman and Nicobar Islands	1.7.1985
2. Andhra Pradesh	15.9.2008
3. Arunachal Pradesh	30-4-2012
4. Bihar	2.10.1982
5. Chandigarh	1.5.1984
6. Dadra and Nagar Haveli	3.9.1984
7. Goa, Daman and Diu	1.1.1986
8. Gujarat	30-4-2012
9. Haryana	30-4-2012
10. Himachal Pradesh	1.11.1984
11. Karnataka	2.1.1984
12. Kerala	30-4-2012
13. Lakshadweep Islands	3.9.1984

14.	Madhya Pradesh	1.7.1986
15.	Meghalaya	2.1.1988
16.	Mizoram	15.9.2008
17.	Nagaland	30-4-2012
18.	Orissa	1.9.1985
19.	Pondicheny	1.11.1986
20.	Rajasthan	1.7.1989
21.	Sikkim	6.11.1984
22.	Tamilnadu	13.4.1984
23.	Tripura	30-4-2012
24.	Uttar Pradesh	1.2.1988
25.	West Bengal	2.4.1984