

The U.P. Regulation Of Money-Lending Rules, 1976

UTTAR PRADESH

India

The U.P. Regulation Of Money-Lending Rules, 1976

Rule THE-U-P-REGULATION-OF-MONEY-LENDING-RULES-1976 of 1976

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The U.P. Regulation Of Money-Lending Rules, 1976Published Vide Notification No. 3-9(1)/76(139-76)-1-5, dated August 30, 1976, published in U.P. Gazette, Extraordinary, dated August 31, 1976.UP89In exercise of the powers under Section 28 of the Uttar Pradesh Regulation of Money-Lending Act, 1976 (U.P. Act No. 29 of 1976), the Governor is pleased to make the following rules, namely :-

1. Short title and commencement

: [Section 28]. - (1) These rules may be called the Uttar Pradesh Regulation of Money-Lending Rules, 1976.(2)They shall come into force from September 1, 1976.

2. Definitions

: [Section 28]. - In these rules -(a)'Act' means the Uttar Pradesh Regulation of Money-Lending Act, 1976;(b)'Certificate' means the certificate of registration granted under Section 7(3);(c)'Form' means a form appended to these rules;(d)'section' means a section of the Act;(e)'words' and expressions not defined in these rules but used in the Act, shall have meanings assigned to them in the Act.

3. Register of money-lenders

: [Section 6]. - The Register of money lenders required to be maintained under Section 6 shall be in Form No. 1.

4. Application for registration

: [Section 7]. - (1) Every person wishing to continue to carry on or, as the case may be, to commence

the business of money-lending, in any part of Uttar Pradesh, after the commencement of the Act, may apply to the Registrar having jurisdiction, as specified in Section 7(1) for the grant of the certificate. The application shall be in Form No. 2.(2)Every application under sub-rule (1) shall be accompanied with a fee of rupees fifteen.

5. Grant of certificate

: [Section 7]. - (1) On the receipt of an application under Rule 4, the Registrar shall make a summary scrutiny under Section 7(3), and if he is of opinion that the provisions of the Act and these rules have been complied with, he shall grant the certificate to the applicant in Form No. 3.(2)Each certificate so issued shall be serially numbered and the name of the district shall also be indicated.

6. Sub-Offices of money-lender. -

Where a certificate of registration has been issued to a money-lender who has or will have a sub-office or branch at a place/places other than the principal place of business, the Registrar granting the certificate of registration shall intimate in Form 4 to every registrar within whose jurisdiction any such sub-office or branch is situate.

7. Renewal of certificate

: [Section 7]. - (1) Every application under Section 7(4) for the renewal of the certificate shall be made at least one month before the expiry of the period for which the certificate was granted :Provided that the Registrar may, on sufficient cause being shown, entertain an application for renewal of the certificate after the date hereinbefore prescribed.(2)Every application under sub-rule (1) shall be in Form No. 5.(3)The application for renewal shall be accompanied with a fee of rupees fifteen. In the case referred to in the proviso to sub-rule (1), late fee of rupees five shall be payable in addition.(4)When a certificate is renewed in Form No. 5, such renewal shall operate from the date of expiration of the period for which the certificate was originally granted or renewed.Explanation. - If the money-lender has submitted his application for renewal of the certificate in accordance with this rule, within the period hereinbefore specified, he shall be entitled to continue the business of money lending, notwithstanding that the renewal certificate in Form No. 6 has not been delivered to him, until renewal has been refused.

8. Mode of payment of fee

: [Section 28]. - (1) Every fee payable under these rules shall be paid in cash at the time of presenting the application or through Postal Order or by crediting to Government account under head, at a Treasury, Sub-Treasury or a bank authorised by the State Government.(2)Where the fee under sub-rule (1) is paid otherwise than in cash, the receipt or the treasury challan or the Postal Order shall be forwarded along with the application.(3)It shall be the duty of the Registrar to ensure that the fee received under this rule in cash is duly deposited in the Treasury/Bank.

9. Reasons to be communicated

: [Section 28]. - Where the Registrar refused to grant or renew the certificate, he shall forthwith communicate to the applicant in writing the reasons for so doing.

10. Appeal

: [Section 9]. - (1) Every appeal under Section 9 shall be preferred in the form of a memorandum setting forth concisely and under distinct heads, the grounds of objections.(2)The Memorandum shall be signed by the appellant or his authorised agent. It may be submitted to the Registrar General either in person or may be sent through post.(3)Every such memorandum shall be accompanied with a full and complete copy of the order appealed against attested by the appellant to be a true copy.(4)Before passing final orders in the appeal preferred under sub-rule (1) the Registrar General shall afford a reasonable opportunity of hearing to the appellant.

11. Change of address

: [Section 28]. - (1) Every money-lender shall communicate to the Registrar any change in his address (whether of his principal place of business or of any sub-office or branch) giving full details of the new address within seven days of such change.(2)Where the money-lender changes the principal place of his business from one district to another, he shall inform the Registrars of both the districts by registered post within seven days of such change and thereafter the change shall be endorsed on his Certificate of Registration by the Registrar who issued or renewed it and countersigned by the Registrar having jurisdiction over his new principal place of business. He may however continue to carry on his business in the mean time.(3)Where the money-lender has changed the principal place of his business under sub-rule (2), his certificate shall, subject to the provisions of these rules, be renewable by the Registrar, within whose jurisdiction such money-lender has shifted his principal place of business.

12. Display of certification

: [Section 10(2)]. - Every money-lender shall exhibit his certificate (original or renewed, as the case may be) in a prominent place on the premises where he carries on the business of money-lending.

13. Duplicate copy of certificate

: [Section 28]. - (1) Where the certificate is lost, destroyed or defaced, the money-lender may apply to the Registrar for the grant of a duplicate copy thereof :Provided that in the case of defacement, the original certificate shall be surrendered along with the application.(2)Every application under sub-rule (1) shall be accompanied by a fee of rupees ten.(3)If the Registrar after making such inquiry, if any, as he deems necessary, is satisfied that the applicant is entitled to a duplicate copy of the certificate he shall issue the same.(4)The certificate issued under sub-rule (3) shall bear the number and date of the original certificate, and bear the word "DUPLICATE" on the top.

14. Account books to be maintained by the money-lender

: [Section 13(1)(b) and Section 28]. - (1) Every money-lender shall maintain -(i)a Cash-book and a Ledger and also a receipt book for payments by debtor in Form No. 7; and(ii)a receipt book for secured loans in Form No. 8.(2)Whenever a money-lender advances any loan on the security of any movable property, he shall issue a receipt in Form No. 8 containing the particulars of properties pledged.

15. Furnishing of periodical returns to Registrar

: [Section 13(1)(b)]. - (1) Every money-lender shall furnish to the Registrar a yearly return in Form No. 9.(2)Such return shall be furnished within 60 days after the close of the accounting year and shall be sent either through post under Certificate of Posting or by personal delivery. In the latter case, the signature of the official of the Registrar receiving it shall be obtained.

16. Copy of document to debtors

: [Section 13(1)(d)]. - (1) Every moneylender shall be bound to furnish to the debtor, if required by the debtor on payment of charges mentioned in Rule 17, -(a)a copy of any document executed in his favour by the debtor;(b)an extract of any document maintained by him under Rule 14 in relation to such debtor; and(c)a yearly statement of accounts in relation to such debtor.

17. Charges for copy

: [Section 13(1)(d)]. - (1) The copies of documents, extracts referred to in Rule 16 shall be furnished by the money-lender within seven days from the date of payment of charges at the rates specified below subject to a minimum aggregate of fifty paise :-

- | | |
|---|--------------|
| (a) For copying 100 words or fraction thereof | ... 25 paise |
| (b) For copying 100 words or fraction thereof in tabular statement including yearly statement | ... 30 paise |
| (c) Cost of paper (per sheet) | ... 5 paise |

(2)Copies or extracts of documents furnished under sub-rule (i) shall be certified to be true by the money-lender and shall bear his dated signature.Explanation. - Where the money-lender is a company then the signature of the Secretary or where it is a firm or other association of individuals, then the signature of any partner/member thereof shall be required.(3)Copies of documents, extracts or statements may be sent to the debtors addressed by post at his cost paid in advance either in cash or in the form of postage stamps.

18. Certified copy

: [Section 28]. - (1) The Registrar-General or the Registrar may issue certified copy of any document kept or maintained by him under these rules on payment of the requisite copying charges.(2)The

scale of copying charges under sub-rule (1) shall be the same as in Rule 17.

19. Statement of debts and deposits

: [Section 26]. - (1) The statement referred to in Section 26(1) shall be submitted by every money-lender to the Registrar in Form No. 10.(2)The statement shall be submitted in duplicate and shall contain the particulars of all the debt and deposits of a money-lender. Every page of the statement shall bear the dated signature as explained in Rule 17(2), of the money-lender.(3)All such statements shall then be consecutively numbered in the office of the Registrar. The original and duplicate copy shall bear the same number.(4)The Registrar shall put his dated signature on every page of the statement and shall also put his official seal thereon.(5)The original and duplicate copies of all the statements submitted under sub-rule (1) shall be securely stitched into separate registers.(6)The original register referred to in sub-rule (5) shall be kept in the office of the Registrar while the duplicate register shall be kept under lock and key under the personal supervision of the Registrar. The duplicate register shall not to be taken out without the express permission of the Registrar in exceptional circumstances.(7)A certified copy of any entry in the registers hereinbefore mentioned shall be admissible in evidence before any Court or authority, without production of any such register in original.

20. Powers of Officers

: [Section 5]. - The Officers referred to in Section 5, shall, for the purposes of an enquiry under the Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely -(a)enforcing the attendance of any person and examining him on oath;(b)compelling the production of documents and material objects;(c)issuing commissions for the examination of witnesses; and(d)receiving evidence by affidavit.

21. Power of Inspection

: [Sections 5 and 28]. - (1) The Registrar or the Deputy Registrar may at any time inspect the accounts and other records of business of money-lending carried on by any person.(2)Every inspection under Section 5 by an Assistant Registrar shall be made only with the prior approval in writing obtained from the Deputy Registrar or the Registrar.

22. Weeding of records

: [Section 28]. - (1) The Register in Form No. 1 shall be retained permanently.(2)The statements in Form No. 10 shall be retained at least for ten years, Thereafter, it may be weeded out after due consultation with the Inspector of Government Offices, U.P.(3)Other documents, statements or registers received or maintained under the Act or the rules shall be retained at least for a period of 3 years.FORM NO. 1(See Rule 3)Register of Money-LendersOffice of the Registrar of.....District.....

Serial.No.	Name Father's or husband's name and full address of the applicant	Name, parentage and address of the persons responsible for the management of the business	Full details of the principal place of business and the branches thereof	Date of receipt of the application	Amount and mode of payment of fee	Date and number of certificate issued	Particulars of renewal	Particulars of suspension or refusal to renew the certificate	Particulars of cancellation, or d c is v
1	2	3	4	5	6	7	8	9	10

Note. - In the case of an Undivided Hindu Family, Column 2 should show the full name and residential addresses of the manager and adult coparceners of such family, in the case of company, Column 2 should show the full names and residential addresses of its directors and managers or principal officers and in case of an unincorporated body of individuals, the full names and full residential addresses of all individuals. FORM NO. 2(See Rule 4) Application for the grant of registration certificate to a Money-lender under the U.P. Regulation of Money-Lending Act, 1976 In the office of the Registrar of Money-Lending, District.....

1. Name of the applicant, with father's or husband's name, surname, residential address in full.
2. Name of the Manager and the adult coparceners of the undivided Hindu family, with father's name, surname, residential address in full.
3. Names of all the persons forming an unincorporated body, with father's or husband's name, surname, residential address in full.
4. Name in which the applicant carries on or intends to carry on his business of money-lending.
5. Name of the area within which the applicant carries on or intends to carry on the business of money-lending on the date of application.
6. Names of persons responsible for management of the applicant's money-lending business with the father's or husband's name, surname, residence and address in full.
7. Location of the applicant's principal place of business and its branches, if any, with full particulars thereof.
8. Total amount of capital which the applicant intends to invest in the business of money-lending in the year for which the application has been made.
9. What is the Accounting Year for which the appellant's accounts are maintained ?

10. Has the applicant carried on the business of money-lending prior to the commencement of the Act and if so, since when ?
11. Has any application for registration previously been made ? If so, when, where and with what results ?
12. Has any registration certificate granted previously to the applicant been cancelled or suspended or does it contain any endorsements of the Court or any disqualifications imposed by the Court ? If so, full particulars should be given including the name of the Officer and/or Court and the date and terms of the order.
13. Is money-lending the sole business of the applicant or is he engaged in any other business, profession or calling ? If so, state such business, profession or calling.
14. Amount of fee paid and the mode of its payment.

I hereby declare that the facts set out in the application are true to my personal knowledge.

It is requested that necessary certificate of registration may be granted in favour of the applicant for carrying on the business of money-lending.

Enclosures

Signature of the applicant with date.

FORM NO. 3(See Rule 5)Certificate of Registration

1. Registration No.

2. Full name and address of the money-lender.

3. Full name (s) of persons responsible for the money-lending business.

4. Full particulars of the principal and subsidiary place of business, if any.

5. Period for which the certificate is valid.

This registration certificate has been granted subject to the provisions of the Uttar Pradesh Regulation of Money-Lending Act, 1976 (U.P. Act XXIX of 1976) and the rules made thereunder. Fee of Rupees fifteen only has been duly received. Seal Date of issue....., 197 Registrar of Money-Lenders. _____

if any: Signature Remarks ; FORM NO. 4(See Rule 6) Intimation to be sent to the Registrar of the area/areas in Uttar Pradesh for which the money-lender has been granted certificate of registration to carry on business of money-lending at place/places other than the principal place of business :

- 1. Registration No.**
- 2. Name of the principal place of business.**
- 3. Full name and address of the money-lender.**
- 4. Full name(s) of persons responsible for the money-lending business.**
- 5. Area for which registration certificate is valid.**
- 6. Full address of place/places other than the principal place of business where business is to be carried on.**
- 7. Period for which registration certificate is valid.**

The above information is forwarded to the Registrar.....District.....for information as required under Rule 6 of the rules framed under the U.P. Regulation of Money-Lending Act, 1976. Seal Registrar of Money-Lenders. Dated.....20 District.....FORM NO. 5[See Rule 7(2)] Application for Renewal of Registration certificate under Uttar Pradesh Regulation of Money-Lending Act, 1976 Before the Registrar of Money-Lending.....District.....

- 1. Name of the applicant.**
- 2. Address of the applicant.**
- 3. Number and date of the certificate sought to be renewed.**
- 4. The name in which the money-lending business is carried on.**
- 5. Has the registration certificate been cancelled or suspended or does it contain any endorsements of the Court or any disqualifications imposed by the Court?**
- 6. Period for which the registration certificate granted previously was valid.**
- 7. Date and No. of last renewal.**
- 8. Amount of renewal fee paid and mode of its payment.**

Certified that all the facts stated in the application are true to my personal knowledge. It is therefore, requested that the certificate of registration may kindly be renewed for the

period.....from.....EnclosuresSignature of application with date.FORM NO. 6[See Rule 7(4)]Certificate of Renewal under the Uttar Pradesh Regulation of Money-Lending Act, 1976

- 1. Name of the money-lender.**
- 2. Address of the money-lender.**
- 3. Particulars of persons responsible for the money-lending business.**
- 4. Details of original certificate of registration granted.**
- 5. Details of last renewal, if any.**
- 6. Period for which the certificate is renewed.**
- 7. Amount of fee received.**

SignatureDate.....20FORM NO. 7(See Rule 14)Receipt for Payment by Debtors Unsecured LoansSerial No. DateMoney-lender's name and addressRegistration No.Received Rs.....in words (Rupees.....) from Sri.....(Debtor's name) in respect of loan of Rs.....advanced on which has been credited as follows :-Towards Principal Rs.....(Rupees.....)Towards Interest Rs.....(Rupees.....)Signature of witnessSignature of money-lenderFORM NO. 8(See Rule 14)Receipt for Payment by Debtors (Secured Loans)

- 1. Serial No. Date**
- 2. Money-lender's name and address**
- 3. Registration No.**
- 4. Full name of the debtor and his address.**
- 5. Caste (if debtor belongs to scheduled caste)**
- 6. Full particulars of the security.**
- 7. Estimated value.**

8. Amount of loan advanced.

9. Other connected information.

Signature of the debtor Signature of witness Signature of witness. FORM NO. 9 [(See Rule 15(1)] Annual Statement of Accounts for the Year.....

Credit (Liabilities)

1. Deposit from others
2. Share Capital (paid)
3. Borrowings from Banks

Debit (Assets)

- Cash in hand
- Balance with Banker/Bankers.
- Investments (loans advanced)
- (i) secured
- (ii) unsecured
- Gross income from interest received from debtors.

4. Expenditure (sub-heads to be opened according to convenience at the discretion of the money-lender).

Date....., 20 Signature of money-lender Registration number..... Principal place of business..... FORM NO. 10 (See Rule 19) Statement of Debts and Deposits under Rule 19 of the Uttar Pradesh Regulation of Money-lending Rules, 1976 To, The Registrar of Money-lending District Name of the money-lender Address Principal place of business

Part 1 – Statement Of Debts

SI.No.	Name of the debtor, address and occupation	Amount of loan initially advanced	Date of debtor, advance	Rate of interest	Amount of principal repaid	Whether secured or unsecured	If secured details of the security	Balance due on September 1, 1976	Remarks
1	2	3	4	5	6	7	8	9	10

Part II – Statement Of Deposits

SI.No.	Name of debtor, address and occupation	Date of deposit	Amount of deposit initially made	Rate of interest	Amount of principal repaid to depositor	Remarks
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Certified that the above contents are true to the best of my knowledge. Signature of money-lender.