

The East Punjab Refugees Rehabilitation (House Building Loans) Rules, 1948

HARYANA

India

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Rule

THE-EAST-PUNJAB-REFUGEES-REHABILITATION-HOUSE-BUILDING of 1948

- Published on 20 October 1948
- Commenced on 20 October 1948
- [This is the version of this document from 20 October 1948.]
- [Note: The original publication document is not available and this content could not be verified.]

The East Punjab Refugees Rehabilitation (House Building Loans) Rules, 1948Published vide East Punjab Government Gazette, Part 1, 1948, page 934, vide Notification No. 3235, dated 20.10.1948

1.

(a)These rules shall be called the East Punjab Refugees Rehabilitation (House Building Loans) Rules, 1948.(b)These rules shall come into force at once.

2.

'Act' means the East Punjab Refugees Rehabilitation (House-building Loans) Act, No. XLIII, 1948.

3.

No application for a loan shall be entertained unless made in the form given at Appendix "A" to these rules.

4.

Every application for a loan shall be presented to [the Registrar or] [Inserted by Punjab Government Notification No. 6852-S, dated 6.9.1949, published in Punjab Government Gazette, Part I, 1949, page 856.] the Deputy Commissioner or any other officer authorised to act in this behalf by the

applicant either in person or through a recognised agent or sent by post under a registered cover with acknowledgement due receipt.

5.

Application submitted by post shall not be entertained unless the affidavit annexed therewith has been duly attested by a Magistrate or any other authority competent to attest the same.

6.

If the application is for a loan of a sum exceeding Rs. 5,000 the Deputy Commissioner [and in the case of any company, co-operative society or association or body of individuals, if the application is for a loan exceeding Rs. 5,000 per member of such company, co-operative society or association or body, the Registrar] [Inserted by Punjab Government Notification No. 6852-S, dated 6.9.1949, published in Punjab Government Gazette, Part I, 1949, page 856.] shall forward the same along with his recommendation, [as] [Inserted by Punjab Government Notification No. 6852-S, dated 6.9.1949, published in Punjab Government Gazette, Part I, 1949, page 856.] to the amount for which it may be sanctioned to the Financial Commissioner.

7.

Loans advanced under section 5 of the Act, shall be subject to the terms and conditions appearing as Appendix 'B' to these rules.

8.

The bond to be executed by the applicant under section 6 of the Act shall be in the form given [as] [Substituted for the word 'at' by Punjab Government Notification No. 6852-S, dated 6.9.1949, published in Punjab Government Gazette, Part I, 1949, page 856.] Appendix 'C' to these rules and the surety bond shall be in the form [as] [Substituted for the word 'at' by Punjab Government Notification No. 6852-S, dated 6.9.1949, published in Punjab Government Gazette, Part I, 1949, page 856.] given Appendix 'D'.

9.

The authority conferred on a representative of a firm, company or a co-operative society for the purpose of sub-section (3) of section 6, shall in the case of firm, be in writing signed by all the adult male partners of the firm and in case of a company or co-operative society be in the form of a resolution duly passed by the company or [in accordance with the rules governing such co-operative society] [Substituted for the words 'the co-operative Society' by Punjab Government Notification No. 6852-S, dated 6.9.1949, published in Punjab Government Gazette, Part I, 1949, page 856.]

10.

The bond executed by a duly authorised representative of a firm or a company or a co-operative society under sub-section (3) of section 6, shall be in the form given [as] [Substituted for the word 'at' by Punjab Government Notification No. 6852-S, dated 6.9.1949, published in Punjab Government Gazette, Part I, 1949, page 856.] Appendix 'E' to these rules.

11.

All orders passed, notices given and declarations made by the Controlling Authority under sections 8, 9 and 11 of the Act shall be in writing signed by the Controlling Authority and communicated to the party or parties concerned either through personal delivery or by post under a registered cover with acknowledgement due receipt.

12.

The notice declaring a loan to be immediately recoverable under section 9 of the Act shall be in the form given as as Appendix 'F' to these rules.

13.

(a)The appeal made under section 10 of the Act shall be in the form of a written memorandum accompanied by a true copy of the notice under section 9, and presented by the appellant or his recognised agent either in person or through post. [It shall bear a court fee stamp of Rupee one] [Added by Punjab Government Notification No. 6852-S, dated 6.9.1949, published in Punjab Government Gazette, Part I, 1949, p. 856.].(b)It shall not be necessary for [State] [Substituted for the word 'Provincia' by the Adaptation of Laws Order, 1950.] Government to hear the party or his counsel before deciding the appeal.

14.

Notice to the borrower calling upon him to pay the sum due under section 11 of the Act shall be for a period of 30 days and the form of notice shall be in the form given as Appendix 'G' to these rules. Appendix 'A' To [The Registrar Co- operative Societies, Rehabilitation or] [Inserted by Punjab Government Notification No. 6852-S, dated 6.9.1949, published in Punjab Government Gazette, Part I, 1949, page 856.] the Deputy Commissioner _____ District. Application for house building loan under the East Punjab Refugees Rehabilitation (House-building Loans) Act No. XLIII, 1948. Sir, I. I am a refugee from West Punjab. II. I am a refugee from North Western Pakistan. III. I wish to build a house in the New Town at _____ in the District _____. IV. I beg to apply for a loan of Rs. _____ (in words and figures) for building a house on house site No. _____ purchased taken on lease by me from the East Punjab Government, on _____ at _____ the area of which is _____ kanals _____ marlas _____ [The estimated cost of the house is Rs. _____]

and I shall spend Rs. _____ out of my resources towards meeting a part of the cost] [Added by Punjab Government Notification No. 6852-S, dated 6.9.1949, published in Punjab Government Gazette, Part I, 1949.].V. (a) I will build the house according to the approved bye-laws.(b)I will submit the plan of my house and abide by the building bye- laws.VI. Particulars regarding myself are :-

1. Full name (in Block letters).

2. Age.

3. Father's name.

4. In the Western Pakistan :

(a)My family residence was _____(b)My last residence was _____
_____(c)I lived in my own house whose rental value was Rs. _____
_____(d)I lived in rented house whose monthly rent was Rs. _____
_____(e)I was working as _____(f)My monthly income was Rs. _____.VII. I own no house in East Punjab in my own name or that of my wife and children dependent on me.VIII. I am at present working as _____IX. My monthly earnings are Rs. _____.X. I have applied for other Government loans :-Object, Amountwith the following result :-XI. I have been allotted _____ acres of agricultural land in the East Punjab at the following places.[XII. I propose to repay the loan along with interest as fixed by Government from time to time in _____ half-yearly instalments.] [Added by Punjab Government Notification No. 6352-S, dated 6.9.1949, published in Punjab Government Gazette, Part I, page 856.]Date _____, Signature _____
_____.Full name and address.AffidavitI _____ son/daughter/wife of _____ at present residing at _____ in the District _____ solemnly declare that I am bona fide refugee and the particulars given above are true and correct to the best of my knowledge and belief.Attested by, _____
SignatureAppendix 'B'Conditions Governing House-Building Loans

1. Loans will be advanced to refugees who left or had landed property in Western Pakistan before 15th August, 1947.

2. The loans will be given to those refugees who have purchased or taken on long lease, plots in any of the model towns which the Government is establishing in East Punjab.

3. [Loans shall have to be repaid in fifteen years with interest [at] [The words 'the maximum amount that could be paid to a refugee is Rs. 20,000', omitted by Punjab Government Notification No. 6352-S, dated 6.9.1949, published in Punjab Government Gazette, Part I, page 856.] such rate of interest not exceeding 4¼ per cent per annum as may, from time to time, be fixed by the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government by notification.]

4. Borrowers who have purchased or taken on long lease plots.

	Rs.
(a) of less than one kanal in area may be advanced upto	5,000
(b) of 1 kanal and over upto 2 kanals be advanced upto	10,000
(c) of 2 kanals and over upto 4 kanals be advanced upto	15,000
(d) of 4 kanals and over upto 6 kanals be advanced upto	18,000
(e) of 6 kanals and over upto 8 kanals be advanced upto	20,000

5. No borrower or his dependents will be given loan to build more than one house.

6. The borrower shall use the amount loaned to the purpose of building his house and to no other purpose.

7. The borrower shall keep the accounts of the building in the manner prescribed by the Controlling Authority, and shall submit quarterly statements of accounts to that authority.

8. The borrower shall permit any person or persons authorised by the Controlling Authority to inspect the building account, building under construction and the building materials and stock built or purchased with and with the aid of the money advanced to him.

9. The borrower shall arrange to commence the construction of his building within 6 months and complete it within two years of the date of payment of first instalment of the loan.

10. The loan will be given in 4 stages :-

(a)for construction upto plinth level one fourth.(b)for construction up to roof level including

chaukats - one fourth.(c)for roofing, flooring and plastering - one fourth.(d)for doors and windows finishing, compound wall gardening, etc., - one fourth.

11. The borrower shall abide by all the building bye-laws applicable in the locality where his plot is situated.

Appendix 'C'Rule 8Personal Bond by a BorrowerWhereas a loan of Rs. _____ has been sanctioned to me by the East Punjab Government under provisions of the East Punjab Refugees Rehabilitation (House-Building Loans) Act No. XLIII, 1948 and whereas I am required to execute a bond in respect thereof I _____ son of _____ caste _____, resident of _____ Village _____ district, hereby agree and bind myself and my successors in interest as under :-

- 1. That I shall apply the money lent to me to the purpose or purposes for which the loan has been sanctioned and to no other purpose.**
- 2. The I shall fulfill all the conditions on which the loan has been sanctioned.**
- 3. That I shall maintain a regular and complete account of expense incurred and stock/material purchased in connection with the purpose for which the loan has been given.**
- 4. That I shall pay to the East Punjab Government the said principal amount of loan along with the interest at the rate of [not exceeding 4 per cent per annum] [Substituted for the words and figure 'Rs. 3 per cent per annum'.], as may, from time to time, be fixed by the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government in thirty half-yearly equated instalments. The first instalment shall become payable [12 months after the completion of building for which the loan has been taken or two years after the date of disbursement of the loan, which ever is earlier] [Substituted for the words 'one year after the disbursement of loans']. The interest will become payable from the date the loan is taken and on the amount actually taken.**
- 5. That in case of default of any payment at the due date or in the event of the loan being declared to be immediately recoverable by the Controlling Authority, I shall pay the full amount of principal due with interest due thereon up-to-date in a lump sum.**

6. The site and the building for which the loan is taken shall be subject to the first and paramount charge for the unpaid portion of the loan and no property, right or interest in the building shall vest in me till the entire loan and interest has been paid.

7. The stamp on this bond shall be borne by Government.

Signature _____ Dated _____ day _____
197Witness _____ Appendix 'D'Rule 8Surety BondWhereas a loan of Rs. _____ has been granted to _____, son of _____ caste _____, resident of _____ village _____ district, by the Controlling Authority under the provisions of the East Punjab Refugees Rehabilitation (House-building Loans) Act, No. XLIII, 1948, on the conditions that the borrower should execute a bond in favour of the East Punjab Government and further that the borrower shall furnish one surety/two sureties and whereas the said borrower has executed a bond in favour of the East Punjab Government we/I stand surety for the said borrower and bind ourselves/myself and our/my successors in interest as under :-That in case of the borrower making default in payment of the said loan or any interest thereof or interest thereon as agreed upon by him or in fulfilling any of the conditions on which the loan has been granted to him, we/I shall be liable jointly and severally with the borrower for the payment of the full amount with interest due from the borrower to the East Punjab Government.The stamp on this bond will be borne by Government.Signature _____ Dated _____ day _____
197Witness _____ Appendix 'F'Rule 10Bond by the Representative of a Firm or CompanyWhereas Company/Firm/Co-operative Society known by/registered under the name of _____ has been granted a loan of Rs. _____ by the East Punjab Government under the provisions of the East Punjab Refugees Rehabilitation (House-building Loans) Act, No. XLII, 1948.And whereas the said Company/Firm/Co-operative Society is required to execute a bond in lieu thereof and whereas I _____ son of _____ caste _____ resident of _____ village _____ district have been duly authorised by Company/Firm/Co-operative Society as their representative to execute the said bond on their behalf, I hereby agree as under :-

1. That Company/Firm/Co-operative Society shall apply the money lent to them to the purpose or purposes for which the loan has been sanctioned and to no other purpose.

2. That Company/Firm/Co-operative Society shall fulfil all the conditions on which the loan has been sanctioned.

3. That Company/Firm/Co-operative Society shall maintain regular and complete account of all expenses incurred and materials purchased in connection with the purpose for which the loan has been given.

4. The Company/Firm/Co-operative Society shall pay to the East Punjab Government the said principal of loan along with the interest at the rate [State] Government in thirty half-yearly equated instalments. The first instalment shall become payable [12 months after the completion of building for which the loan has been taken or two years after the date of disbursement of the loan, whichever is earlier.] [Substituted for the words 'one year after the disbursement of loan.] The interest will become payable from the date of loan is advanced and on the amount actually advanced for the time being.

5. That in case of default of any payment at the due date or in the event of the loan being declared to be immediately recoverable by the Controlling Authority, Company/Firm/Co-operative Society shall pay the full amount of principal due with interest due thereon upto date in a lump sum.

6. The building for which the loan is taken shall be subject to the first and paramount charge for the unpaid portion of the loan and property, right, or interest in the building shall vest in Company/Firm/Co-operative Society till the entire loan and interest has been paid.

7. The Stamp on this bond shall be borne by Government.

Signature _____ Dated this _____ day of _____
_____ 19____ Witness _____ for and on behalf of Address _____
_____ Proprietor/Partner. Appendix 'F' Rule 12 Notice to the Borrower/Surety or
Sureties as the case may be Whereas I am satisfied that the money (Rs. _____)
lent to you/Mr. _____ (hereinafter referred to as the borrower) by the East
Punjab Government, vide your/the borrower's bond dated _____ is not being
wholly applied to the purpose or purposes for which it was lent or/and that the
condition/conditions on which it was lent are not fulfilled as detailed in the schedule below. It is,
therefore, hereby declared under section 9 of the East Punjab (House-building Loans) Act, No.
XLIII, 1948, that the said loan is immediately recoverable from you in full _____
(vide your bond dated _____). Signature _____ Designation _____
_____ Dated _____

Schedule

[Score out unnecessary words.] [Score out unnecessary words.]Appendix 'G'Rule 14Notice to the Borrower/Surety or Sureties as the case may be Score out unnecessary words.Whereas a sum of Rs. _____ was granted to you/Mr. _____ (hereinafter referred to as the borrower) by way of loan, vide your/borrower's bond dated _____ by the East Punjab Government and whereas the said loan or instalment or interest thereon has fallen due and has not been paid on or before the due date or whereas the said loan has been declared immediately repayable you are hereby served with a notice to pay the sum of Rs. _____ due from you (vide your bond _____) within 30 days from the date of this notice.Dated this _____ day of _____ 19.(Seal)Signature _____ Designation _____