

The Himachal Pradesh Registration of Money-Lenders' Rules 1976

HIMACHAL PRADESH

India

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Rule

THE-HIMACHAL-PRADESH-REGISTRATION-OF-MONEY-LENDERS-RU of 1976

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1. Short title, extent and commencement.

(1)These rules may be called the Himachal Pradesh Registration of Money-Lenders' Rules, 1976(2)They extend to the whole of Himachal Pradesh.(3)They shall come into force at once.

2. Definitions.

- In these rules unless there is anything repugnant in the subject or context, -(a)"Act" means the Himachal Pradesh Registration of Money-Lenders Act, 1976; (19 of 1976).(b)"Form" means a form appended to these rules;(c)"section" means the section of the Act; and(d)all other words and expression used in these rules but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Application for registration under section 4.

- Application for registration under section 4 shall be made, in form "A" to the Collector of the district where the applicant has his residence, or, if he has no residence in Himachal Pradesh,

Where he has his principal place of business in the Pradesh.

4. Stamp duty on application.

- Application for registration shall bear the court fee prescribed in article 1 (b) of Second Schedule of the Himachal Pradesh Court Fees Act 1968, (8 of 1961) 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.

5. Application for registration by a firm or a minor.

- 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.

6. Presentation of application.

- 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.

7. Procedure for dealing with applications for registration.

(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, direct the applicant to deposit within a period of one month in the Government treasury a sum representing the fee prescribed in section 4. (2) After the applicant has deposited in the fee in the Government treasury and produced the receipt therefor, 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 if any.

8. Issuing of Certificates.

- On registration of the applicant's name under the preceding rule the Collector shall issue a certificate to him in Form 'B'.

9. Grant of Licence.

- No licence shall be granted under section 5 unless the applicant has been registered under section 4.

10. Application for renewal of licence.

(1) Applications for the grant of renewal of licences shall be made to the Collector mentioned in rule 3 in form 'C'. (2) The provisions of rule 4 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 preceding sub-rule. (3) In the case of a firm any adult member, or the guardian or a minor member, may make an application for a licence on behalf of the firm.

11. Affidavit in support of application.

- 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.

12. Inquiry before issue of licence.

- 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 13.

13. Fee for grant/Renewal of licence.

(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 -

(i) If the application is submitted within one month from the date of registration of his name. Ten rupees a year.

(ii) If the application is submitted thereafter Fifteen rupees a year.

(b) For the renewal of licence for the district in which the money-lender is first registered. Ten rupees a year,

(c) For the grant of licence for every other district to which validity of the licence may be extended. Five rupees a year subject to a maximum of twenty five rupees a year (including the initial fee) for whole of Himachal Pradesh.

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

14. Grant of Licence on production of Treasury receipt.

(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' (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.

15. Limitation for application for renewal of licences.

- 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 a penalty of five rupees.

16. Period of Validity of a licence.

- 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.

17. Territorial jurisdiction of the Licence.

- 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.

18. Short cause notice under Section 7.

- Notices issued under the proviso to sub-section (1) of section 7 shall be in form 'E' 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.

19. Cancellation and surrender of licence.

- 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 his signature, with the date of so doing.

20. Publication of order of cancellation of licence.

(1) The cancellation of a licence by a Collector under section 6 shall be published in the Rajpatra, Himachal Pradesh 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.

21. Appeal under section 10.

(1)Every appeal against an order of the Collector under Section 6 shall be preferred in the form of a memorandum stamped as required under Article 1(c) of Second Schedule to the Himachal Pradesh Court Fees Act, 1968 (8 of 1968) 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 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 Himachal Pradesh tenancy and Land Reforms Act, 1972, (8 of 1974) and the rules made thereunder for the hearing of appeals against the orders of Revenue Officers, so far as they can be made applicable.

22. Stamp duty on applications made under section 7 and 10.

- Every application under sub-section (2) of section 7 or sub-section (4) or sub-section (5) of section 10 shall bear a court fee stamp as laid down in Article 1(d) or 1(c), as the case may be, in second schedule of the Himachal Pradesh Court Fees Act, 1968. (8 of 19/4)

23. Communication of orders to money-lender passed in his absence under sections 7 and 10.

- If an original order under section 6 or sub-section (2) of section 7 or an appellate order under section 10 is announced in the absence of the money-lender, it shall be communicated to him by registered post (acknowledgement due)

24. Form of certificate to be issued under section 10.

- When a certificate is granted by a Commissioner to a money-lender under sub-section (3) of section 10, it shall be in form 'F' to these rules.

25. Repeal and savings.

(1)The Punjab Registration of Money Lenders Rules, 1939 as in force in the areas added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 are hereby repealed(2)Notwithstanding such repeal anything done or action taken under the rules hereby repealed in so far it is not inconsistent with the provisions of rules, shall be deemed to have been

done or taken under these rules. Form 'A' (See rule 3) Application For Registration of A Money-Lender In the office of the Collector of...../Tehsil.....(here give the name of the tehsil containing the town or village where the money-lender resides or has his principal place of business) Town/Village (Here given the name of the town or the village where the money-lender resides or has his principal place of business). (a) Name of the applicant, with parentage, caste, residence and address in full (b) In cases where the applicant is a firm, the names of all persons constituting it, with parentage, caste, residence and address in full of each (c) In cases where the applicant is a firm whether it is a Hindu joint family firm or otherwise constituted, and whether it has been registered under the Indian Partnership Act, 1932 (d) Name of style under which the applicant carries on his money-lending business (e) Names of the districts within which the applicant has his business on the date of the application (f) Names of the districts to which the applicant wishes in future to extend his business (g) Location of the applicant's Principal place of business, with full particulars thereof and the name, parentage, caste and address of the person in charge (h) Has the applicant any office at any other station? If so, give complete particulars with the name, parentage, caste and address of the person in charge of each office (i) What is the extent of the total business of the applicant on the date of application? (j) For how long has the applicant carried on the business of money-lending? (k) Whether any application for registration had previously been made by the applicant; or where the applicant is a firm, by any one or more of its members singly or jointly inter se or with any other person under any name. If so, when, where and with what result? (l) (i) In case the applicant had previously been registered and licensed, give full particulars of the licence (ii) State whether any licence granted previously to the applicant (or where the applicant is a firm, to any one or more of its members singly or jointly inter se or with any other person) has been cancelled. If so, full particulars should be given, including the name of the officer and terms of the order cancelling the licence (m) Whether money-lending is the sole business of the applicant or whether he is engaged in any other business, profession or calling Certified that all the facts set out in the application are true to my knowledge except paragraphs.....which are true to my belief being based on information supplied by.....(Signature of the person making the verification with (Signature of the applicant with date and place of so doing). Form 'B' (See rule 8) Money-Lender's Registration Certificate District.....Tehsil.....Register No.....Certified thatson/daughter/wife of..... caste.....resident of ,.....the firm.....his/her with...../its principal place of business at.....has been registered as a money-lender under section 4 of the Himachal Pradesh Money Lenders' Act, 1976, on the.....day.....of.....19*The registered firm is constituted by -

1.

.....son of.....caste.....resident of.....

2.

.....son of.....caste.....resident of.....

3.

.....son of.....caste.....resident of.....

4.

.....son of.....caste.....resident of.....

5.

.....son of.....caste.....resident of.....

6.

.....son of.....caste.....resident of.....Signed.....(Seal of the Collector).CollectorDistrict
Form 'C'(See rule 10)Application For The Grant/renewal of A Money-Lender's LicenceIn the
 office of the Collector.....Tehsil.....Town/Village.....Post Office/Police
 Station.....The applicant submits as follows: -(1)That he is registered money-lender in the
 district, necessary particulars being, Tehsil.....Town/Village.....Post Office/Police
 Station.....Register No.....(2)That since the commencement of the Act/application for the
 grant of the previous Licence date.....no court has given any finding against the
 applicant with regard to acts or omissions of the kind referred to in section.....of the Act, with
 the following exceptions: -(1).....(2).....(3)That on the date of this application his total
 business does not exceed Rs.....as principal.(4)That he prays that he may be granted a licence
 for the *year/his licence which expires on.....may be renewed for [year] [three Where the
 money-lender is a single individual cross out this portion.]......to.....on the prescribed
 terms in regard to fee and otherwise.Verified that all the facts set out in the application are true to
 my knowledge except paragraphs.....which are true to my belief based on the information
 supplied by.....(Signature of the person making the verification, with date
 and place).Signed.....Dated.....Form 'D'(See rule 14)Money Lender's
 LicenceDistrict.....Post Office/Police Station.....Tehsil.....Licence No.Town/Village.This
 licence has been granted to.....to practise as a money-lender on the following terms: -(a)This licence
 will be valid up to.....(b)It shall entitle the licensee to carry on the business of
 money-lending within the area of.....(c)The licensee shall report to the Collector
 issuing this licence any finding which any court may during its currency give against him regarding
 acts or omissions of the kind described in section 6 of the Act.(d)The licensee shall surrender the
 licence when ordered to do so by the Collector granting it or by the Commissioner or any Court.(Seal
 of the Collector).Signed.....Collector.Dated.....RenewalThis licence has, on payment
 of the proper fees, been renewed as under: -From.....to.....(Signature of the officer
 granting renewal).Dated.....Form 'E'(See Rule 18)Notice To Money-LenderIn the Office
 of the CollectorDistrict.(Notice under section 7 of the Himachal Pradesh Registration of
 Money-Lenders' Act, 1976)To.....(Here give the name and full particulars of the
 money-lender, whether an individual ora firm, and in case of a firm, give the name, and full

particulars of the manager in addition).Whereas it has come to my notice that in the case/cases noted overleaf a finding/findings adverse to you has/have been given by the court/courts therein mentioned, you are hereby called upon to appear before me personally or through a duly authorised agent or lawyer on.....at.....and show cause why your licence should not be cancelled for such period as may be considered proper by me.Further take notice that if you fail to appear at the appointed time and place, the case will be heard and disposed of in your absence.Signed.....Collector.(Seal of Collector's Office)Dated.....ReverseParticulars Of Case/cases

Name of the Court Name of parties Date of decision Nature of the
Form 'F'(See rule 24)Commissioner's CertificateCertified that..... [son of] [In case of a firm give its name and cross out blanks not relevant.]..... caste..... resident of , Tehsil. District whose appeal No of 19 against the order of the Collector....., dated has today been dismissed, has been allowed to prosecute if already filed, or to file and prosecute, suits for the recovery of the undermentioned loans and application for the execution of the undermentioned decrees -Loans

1. Loans of Rs..... dated..... raised by*District.....

2.

.....

3.

.....etc.Decrees

1. Decree No.....dated.....from Court of.....for Rs..... [against] [1n case of a firm give its name and cross out blanks not relevant]son of ... of Village/Town.....Tehsil.....District.....

2.

.....

3.

.....Signed.....Commissioner.(Seal of the Commissioner).Dated.....