

Andhra Pradesh Pawn Brokers Rules, 2007

ANDHRA PRADESH

India

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Rule ANDHRA-PRADESH-PAWN-BROKERS-RULES-2007 of 2007

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Andhra Pradesh Pawn Brokers Rules, 2007Published vide Notification No. G.O. Ms. No. 144, Home (General. B), dated 26.06.2007Last Updated 25th September, 2019No. G.O. Ms. No. 144. - In exercise of the powers conferred by sub-sections (1) and (2) of Section 35 of the Andhra Pradesh Pawn Brokers Act, 2002 (Act No. 6 of 2002) the Governor of Andhra Pradesh hereby makes the following rules, namely:-

1. Shot title and Commencement.

- These Rules may be called as the Andhra Pradesh Pawn Brokers Rules, 2007.

2. Definitions.

- In these Rules unless there is any thing repugnant in the subject or context:-(a)'Act' means the Andhra Pradesh Pawn Brokers Act, 2002 (Andhra Pradesh Act 6 of 2002);(b)'Collector' means the Collector of the District includes Joint Collector.(c)'Form' means a form appended to these Rules;(d)Words and expressions used but not defined in these rules shall have the respective meanings assigned to them in the Act.

3. Licensing Authority.

- The power to Issue license shall vest with:(a)The Collectors concerned, in the Municipal/Municipal Corporation limits of Hyderabad, Vijayawada, Visakhapatnam, Guntur, Warangal and Tirupathi; and(b)The Revenue Divisional Officers in other areas concerned.

4. Application for Licence.

- An application for a licence to a Pawn Broker shall be made in Form A to the Licensing Authority along with the Fees as prescribed below shall be remitted through Demand Draft/Pay Order

obtained from any Nationalised Bank:(a)In case of the areas mentioned at rule 3(a) above, the fee shall be Rupees One Thousand.(b)In case of other areas the fee shall be Rupees Seven Hundred and Fifty.

5. Forms and Conditions of Licence.

(a)The Licensing Authority shall issue the licence in Form C subject to the conditions specified therein;and(b)The Licencing Authority shall communicate to the applicant in writing and obtaining proper acknowledgement if the licence is refused.

6. Renewal of Licence.

(1)An applicant for Renewal of Pawn Brokers licence under sub-section (7) of Section 4, shall be in Form 'B' and the Fees prescribed below shall be remitted through Demand Draft issued by a Nationalised Bank:(a)In case of the areas mentioned at rule 3(a) above the fee shall be Rupees Seven Hundred and Fifty.(b)In case of other areas the fee shall be Rupees of Five Hundred.(2)The Licensing Authority should thoroughly examine the Records and Registers maintained by the Pawn Broker as prescribed in the Act and keeping in view of the provisions of the Act (sub-sections (1) to (6) of Section (4) and may renew the Licence before expiry of the current Licence.(3)Every order of the Licensing Authority refusing to Renew the Licence Under sub-section (7) of Section 4 shall be communicated to the applicant before expiry of the current Licence in writing by obtaining proper Acknowledgement.

7. Pawn Brokers to Exhibit Their Names.

- A Pawn Broker should exhibit his name over his shop or place of business, visibly and clearly in Telugu, English and in Urdu if necessary.

8. Change of Place of Business.

(1)An application for change of place of business furnishing the details of new place of business address with reasons for shifting, should be submitted to the Licencing Authority well in advance and an endorsement of the Licencing Authority should be obtained on the Licence.(2)The Pawn Broker shall inform the new place of business to the pawnners one month in advance.

9. Charges allowed to Pawn Brokers.

(1)A Pawn broker shall supply to the Pawner free of cost the Pawn Ticket under Section 8 and the declaration referred to in clause (a) and (b) of sub-section (1) of Section 10.(2)The fee which may be charged by a Pawn Broker for the inspection of the entry of a sale in the sale book or pledges referred to in sub-clause (ii) of clause (b) of sub-section (1) of Section 11 shall be Rupees Ten only.(3)(a)The fee which may be charged by a Pawn Broker for a statement of accounts furnished by him under clause (d) of sub-section (1) of Section 11 shall be as follows:

- (i) If the amount of the loan does not exceed Rs. 100/- .. Rs. 3/-
- (ii) If the amount of the loan between Rs. 101 to 500/- .. Rs. 5/-
- (iii) If the amount of the loan between Rs. 501 to 1000/- .. Rs. 10/-
- (iv) If the amount of the loan between Rs. 1001 to 5000/- .. Rs. 20/-
- (v) If the amount of the loan between Rs. 5001 to 10000/- .. Rs. 30/-
- (vi) If the amount of the loan exceeds Rs. 10000/- .. Rs. 40/-

Explanation. - The fee shall be charged separately in respect of each loan and such requisition. (b) The fee shall be recoverable by the Pawn Broker as if it was included in the loan but no interest shall be charged on such fee. (4) Where a pawner redeems the pledge before it is actually disposed of by sale in public auction the Pawn Broker may demand and take from him the charges, if any, incurred by the Pawn Broker in bringing the pledge to auction.

10. Form of Declaration.

- The printed forms of declaration referred to in clause (a) and (b) of sub-section (1) of Section 10 shall be in Forms D and E, respectively.

11. Pledge Book.

- The Pledge Book referred to in clause (a) of sub-section (1) of Section 11 shall be in Form F.

12. Pawn Ticket, Sale Book or Pledges and Receipt on Redemption of Pledges.

- The Pawn ticket, the sale book of pledges and the receipt of redemption of pledge referred to in clause (b) of sub-section (1) of Section 11 shall be in Forms G, H and I, respectively.

13. Certificates.

- No copy of an account shall be admissible in evidence under sub-section (9) of Section 1 unless it contains two certificates at the foot, the first by the Pawn Broker himself or his agent and the second by any Gazetted Officer or Notary who has compared the copy with the original certificate of the Pawn Broker or his agent. These certificates shall be in Form J and Form K, as the case may be.

14. Language in Which Records ETC. Should be Maintained.

- All records or entries made in the books, accounts and documents referred to in subsection (1) of Section 11 shall be in Telugu and English and, if necessary, in Urdu.

15. Manner Furnishing Statement of Account.

(1)The statement of account referred to in clause (d) of sub-section (1) of Section 11 shall be sent to the pawner by registered post with acknowledgement due, to the address given in the requisition made by the pawner.(2)Notwithstanding any thing contained in sub-rule (1), where the pawner agrees in writing to the statement being delivered personally it shall not be necessary to send it by registered post.(3)When a pawner takes personal delivery of the statement of account he shall acknowledge receipt of the same in writing. The pawner shall sign acknowledgement or if he is illiterate, affix his thumb impression thereto.(4)If the statement of account is sent by registered post, the production of the postal receipt and acknowledgement shall be sufficient proof of sending of such statement.(5)The postal registration and acknowledgement charges incurred under sub-rule (1) shall be entered in the account and shall be recoverable by the pawnbroker as if such charges were included in the loan but no interest shall be charged on such charge.

16. Public Notice of Claim in Certain Cases.

- The public notice referred to in the proviso to clause (a) of sub-section (1) of Section 10 shall contain the following particulars namely:-(a)The name, place of business and licence number of the pawnbroker concerned;(b)Full and detailed description of the article including weight in the case of jewels;(c)Name and address to the pawner; and(d)The basis on which the applicant makes his claim, that is, whether as the owner of the pledge but not holding the pawn-ticket or as a person claiming to be entitled to hold the pawn ticket but alleging that it has been lost, mislaid, destroyed, stolen or fraudulently obtained from him.The notice shall be published 21 days before the date of the application for two successive days in a local newspaper circulating the place where the pawn broker carries on his business and approved by the Collector.

17. Prescribed Authority.

- The authority for the purpose or proviso to clause (b) of sub-section (1) of Section 10 shall be the 'Tahsildar' having the jurisdiction over the place of business of the Pawn Broker.

18. Period Within which Declaration should be delivered to the Pawn Broker.

- The period within which the declaration referred to in proviso to clause (b) of subsection (1) of Section 10 shall be delivered back to the Pawn Broker shall be fifteen days after the delivery of the form of declaration to the applicant.

19. Inspecting Officers and their Powers.

(1)The Licensing Authority or any Revenue Officer authorized by the Licensing Authority/Appellate Authority/government, not below the rank of Mandal Revenue Inspector shall be appointed to be the Inspectors for the purpose of the Act and they can inspect and search the business premises or shop of the Pawn Broker during the office hours;(2)The Inspecting Officers shall exercise the powers

as per the provisions laid down under Sections 17 and 18 of the Act.

20. Procedure in Auction of Pledges.

- The following procedure shall be observed with reference to the sale by public auction of pledges:-

- (1) The auctioneer to whom the sale of a pledge by auction is entrusted shall be a person approved by the Licensing Authority.
- (2) The auctioneer shall cause all pledges to be exposed to public view.
- (3) (i) The auctioneer shall print and publish a catalogue of the pledges to be sold in auction with the following particulars:-
 - (a) The name, place of business and licence number of the pawn broker concerned;
 - (b) Date of loan;
 - (c) Number of pledge in pledge book;
 - (d) Full and detailed description of the article including weight in the case of jewels.
 - (e) Name and address of pawner;
 - (f) Date, hour and place of sale.
- (ii) The printed catalogue referred to in sub-rule 3(i) shall be published in the following manner:-
 - (a) A copy shall be pasted at the place of business of the Pawn Broker concerned;
 - (b) A copy shall be given to the intending bidders;
 - (c) A copy shall be posted to the Pawner by Register Post With Acknowledgement Due;
 - (d) A copy shall be sent to the Licensing Authority and to the Tahsildar' concerned.
- (iii) The auctioneer shall send at least a week before the date fixed for the sale-
 - (a) Two copies of the printed catalogue to the police station having jurisdiction over the premises where the auction is to be held, one copy for being pasted on the notice board of the police station and another copy for record at that police station; and
 - (b) One copy of the printed catalogue to the Police Station or each of the police stations having jurisdiction over the place of the business of the Pawn Broker concerned for record at such police station.
- (c) A copy of the printed catalogue by registered post to the pawner.

(4) The pledges of each pawn broker in the catalogue shall be separate from the pledges of any other Pawn Broker.

(5) The auctioneer shall insert in some public local newspaper both in Telugu and English approved by the Commissioner of Police in the Municipal Corporations of Hyderabad, Visakhapatnam and Vijayawada etc. or by the District Magistrate elsewhere, and advertisement giving notice of the sale and stating:

- (a) The Pawn Broker's name and place of business and
- (b) The months in which the pledges were pawned.

(6) The advertisement shall be published for two successive days in the same news paper and the second advertisement shall be published at least ten clear days before first days of sale.

(7) No Pawn broker or his agent shall bid for and purchase at a sale by public auction conducted under subsection (1) of Section 13, a pledge pawned with him.

(8) The auctioneer shall, within fourteen days after the sale, deliver to the pawn brokers a copy of the catalogue or of so much thereof as relates to the pledges of that pawnbroker, filled up with the amount for which the several pledges of that pawnbroker were sold as well as the charges for the sale of each of them and authenticated by the signature of the auctioneer.

(9) The Pawnbroker shall, after receipt of the auction particulars, deliver a copy duly indicating the details and the excess amount to be paid to the Pawner with proper acknowledgment.

(10) The Pawnbroker shall preserve every such catalogue for at least three years after the auction.

21. Appellate Authority.

- The appellate powers under Section 23 shall vest with:

- (a) The Chief Commissioner of Land Administration or any senior officer authorized by him in the Municipal/ Municipal Corporation limits of Hyderabad, Vijayawada, Visakhapatnam, Guntur, Warangal and Tirupathi.
- (b) The

Collectors in other areas concerned. Form A (Section-4 and Rule 4) Form of Application for Pawnbroker's Licence To The Collector..... The sub-Collector/R/D/O/..... Division.

(1) Name of the Applicant in Full (In Capitals) { |

One Passport size of the Applicant to be affixed-----

One Passport size Photo to be enclosed

| - | (2) Address in Full | - | (a) House No. | - | (b) Street and Village | - | (3) Father's Name | - | (4) SSID No./voterlist No. | - | (5) If the applicant is native of an Indian State | - | (a) Full address in such Indian State and | - | (b) A list of the properties owned in such state. | - | (6) Address of shop or place of business in respect of which the license is applied for. Any subsequent changes should be notified before one month prior to change of premises. | - | (7) If the applicant has more than one shop or place of business, the address of each shop or place of business. | - | (8) Has the applicant applied for a separate license in respect of each shop or place of business mentioned against item No. 7, if so with what result. | - | (9) If the present application made for grant of new license. | - | (10) The financial year for which the license is applied for | - | (11) Has the applicant paid the prescribed fee for the license (enclose DD) | - | Signature of the Applicant | - | I solemnly and sincerely affirm and declare that the particulars stated above are correct to the best of my knowledge and belief, if it were found false on a later date, I will be liable for any consequences according to law and rules framed in the Act. | - |

Signature of the Applicant. } Form - B (Sub-section (7) of Section 4 and Rule 6) Form of Application for Renewal of Pawn Brokers Licence To The Collector..... The Sub-Collector/R.D.O..... Division.

(1) name of the Applicant (In Capitals) { |

Passport size Photo of the Applicant

| - | (2) Address in full (Any subsequent change should be notified) | - | (a) House No. | - | (b) Street and Village | - | (3) Father's Name | - | (4) SSID No./Voters List No. | - | (5) The earlier license No. | - | (a) Date of issue of License | - | (b) Date on which the License will be expired. | - | (6) Address of shop or place of business in respect of which the license is applied for (any subsequent change should be notified before one month prior to change of premises) | - | (7) If the applicant has more than one shop or place of business, the address of each shop or place of business. | - | (8) The financial year for which the renewal of Pawn Broker license is applied for. | - | (9) ... the applicant paid the prescribed fee for the renewal of license (enclose DD) | - | (10) Whether the applicant maintained the following registers and documents correctly and properly: | - | (a) pledge book | - | (b) Pawn ticket | - | (c) Sale book of pledges | - | (d) Declaration of pawn tickets last. | - | (e) Receipt of redemption of pledge. | - | Signature of the Applicant. | - | I solemnly and sincerely affirm and declare that the particulars stated above are correct to the best of my knowledge and belief, if it were found false on a later date, will be liable for any consequences according to law and rules framed in this Act. | - | Signature of the Applicant. } Form C Pawn Broker's License (Section 4(2) and Rule 59(a))

RDOR.C.No.... / / date:

P.D. No.....

{ |

Passport size photo of Pawn Broker duly attested by Licence issuing authority with seal

| } I, Joint Collector/Sub-Collector/Revenue Divisional Officer

District Division do hereby authorize and empower now residing at to carry on the business of Pawn

Broker in premises No in District from upto and until the 31st day of March.....on the conditions noted below: -

- 1. This license shall not be transferred to any other person.**
- 2. This license shall be produced to any police officer, not below the rank of Sub-Inspector of Police demanding to see the same.**
- 3. The premises are not frequented by thieves or persons of bad character.**
- 4. All books, accounts and documents maintained by the license and all pledges taken by him shall be open to inspection by any police officer not below the rank of Sub-Inspector of Police and any inspecting officer as notified under Rule 19.**
- 5. The licensee shall not remove any article pledged with him to any place outside the town or village in which he is carrying on business of a Pawn Broker except with the permission of the District Magistrate.**

A breach of any of the above conditions is punishable under sub-section (1) of Section 28 of the Act. Given under my hand and seal this day of.....Fee paid Rs. 1000/- (or) Rs. 750/-

Collector/Joint Collector.....Dist./

Revenue Divisional Officer,

Division (Dist:.....)

Office Seal

Form D(Section 10(1)(a) and Rule 10) Declaration Where Pledge is Claimed By Owner This declaration shall not be effectual unless it is duly made and delivered back to the pawnbroker not later than fifteen days after the day on which the form was delivered to the applicant by the Pawn Broker. Last date for delivery back to pawnbroker. (Any person making the declaration either as an applicant or identifying as an applicant, knowing the same to be false in any material particulars is punishable under sub-section (2) of Section 10 of the Act) I.....in pursuance of the Andhra Pradesh Pawn Brokers Act, 2002 (Act No. 6 of 2002) do solemnly and sincerely declare that the article/articles described below is/are my property and that I believe it is/they are pledged at the shop of.....The article/articles above referred to is/are of the following description. Signature of the owner. Designation Address I ofIn pursuance of the said Act do solemnly and sincerely declare that I know the person now making the foregoing declaration to be.....Signature of the Identifying Person. Designation Address Declared before me thisday.....of Magistrate or Judge. Form E(Section 10(1)(aj and Rule 10) Declaration (Where Pawn Ticket is Lost Etc.) This declaration shall not be effectual unless it is duly made and delivered back to the Pawn Broker not later than fifteen days after the day on which Pawn was delivered to the

Pawn Broker.(any person making the declaration either as an applicant or as identifying an applicant knowing the same to be false in any material particular is punishable under subsection (2) of Section 10 of the Act)I,..... of..... in pursuance of the Andhra Pradesh Pawn Brokers Act, 2002 (Act No. 6 of 2002).....do solemnly and sincerely declare that I pledged at the shop of.....Pawn Broker, the article/articles described below being my property and having received a pwan-ticket for the same, which has been by and that the pawn-ticket has not been sold or transferred to any person by me or to my knowledge or belief.The article/articles above referred to is/are of the following description.Signature of the pawner.I,.....of.....in pursuance of the said Act do solemnly and sincerely declare thatI know the person now making the foregoing declaration to be.....of.....Signature of identifying personDesignation AddressDeclared before me thisday.....of....Magistrate or Judge.Page No.IForm - F(Section 11(1) and Rule 11)Pledge BookName of the Pawn Broker:License Number:-Signature of the License issuing authority.Collector/Joint Collector.....Dist./R.D.O Division (Dist....)Office SealPage No.2.

1. Name of the Pawn Broker
2. License No. and Date
3. Address
4. Renewal of License No. and date Date of Expiry of License Signature of License Authority

Page No. 3Name of the PawnerFull Address(1)No of Pledge(2)'Date of Loan(3)Amount of the Principal of the Loan.(4)Rate of Interest Charged(5)Full and Detailed description of article. (Pledge) (weight shall be noted in "Dharma Kata" in case of Jeweles/Valuable articles)(6)Value of the Articles(7)Time agreed upon for the redemption of the pawn.(8)Date of redemption of sale in auction.(9)The amount of every payment received towards loan and the date.(10)name and address and written consent of the owner if he/she is not him self the panwer.(11)Name and Address of person redeeming or purchasing at Sale in Auction.Note. - (1) All entries in the pledge book except column No. 7, 8, 9 and 10 respecting each pledge shall be made on the day of the pawning there off.(2)If the pledge articles are women wearing Jewels/articles the written consent of the women in the pledge book in addition to pawner shall be made separately.Date:Signature of the PawnerSignature of the Pawn brokerForm G(Section 1 l(l)(b)and Rule 12)Pawn TicketNumber of pledge.Number and address of Pawn Broker Number and date of license of Pawn Broker.The following article/articles is/are pawned with me:

- 1. Name and full address of panwer.**
- 2. 'Date**
- 3. Amount of principal of the loan.**

4. Rate of interest charged.

5. Full and detailed description of the articles (weight as per the "Dharma Kata" to be noted in the case of jewels)

6. Value of article or articles.

7. The time agreed upon for redemption of the articles.

8. Signature or thumb impression of the pawner.

Signature of Pawn Broker or his Agent.(PTO)(Reverse)1. The rate of interest on any pledge shall not exceed-(a)No pawn broker shall charge interest on any loan at a rate exceeding by more than two percent the rate charged by commercial banks on similar loans.(b)The total interest payable on a Loan shall not exceed the quantum of the Principal.

2. Every pledge shall be redeemable within a period of two years or such longer period as may be provided in the contract between the parties from the day of pawning (exclusive of that day) and shall continue to be redeemable during ten days of grace following the said period.

3. If the pledge is not redeemed within the period of redemption and the days or grace mentioned in paragraph 2 it will, at the end of the days of grace the Pawn Broker got the right to sell it in public auction only.

4. The holder of the ticket is presumed to be the person entitled to redeem the pledge.

5. If this ticket is lost, mislaid, destroyed or stolen or fraudulently obtained from the pawner, the pawner should at once apply to the Pawn Broker for the supply, free of cost, of a printed form of declaration to be made before a Magistrate or a Judge, complete it and deliver it back to the Pawn Broker not latter than 15 days after the date of the delivery of the form to the pawner by the Pawn Broker. The pawner will then have the same rights and remedies as if he had produced the pawn-ticket.

6. Where the loan exceeds ten thousand rupees, the applicant should, before applying to the Pawn Broker, cause to be published a notice containing the following particulars namely:-

(a)The name, place of business and license number of the Pawn Broker concerned.(b)Full and detailed description of the article (weight to be noted in the case of jewels)(c)Name and address of the pawnier; and(d)The basis on which the applicant makes his claim, that is, whether as the owner of the pledge but not holding the pawn-ticket, or as a person claiming to be entitled to held the pawn-ticket but alleging that it has been lost, mislaid, destroyed, stolen or fraudulently obtained from him.Such notice shall be published on two successive days in a newspaper circulating in the place where the Pawn Broker carries on his business and approved by the District Magistrate.The application for the form of declaration should be made 21 days after the publication of the notice.Form H(Section 11 (1)(b)(ii) and Rule (12))Sale Book of PledgeDate and place of sale:Name and place of business of auctioneer:

1. Number of pledges as in the pledge book.

2. Date of pawning

3. Name of Pawnier.

4. Amount of loan.

5. Amount for which pledge was sold as stated by the Auctioneer.

6. Signature of auctioneer or his agent.

7. Name and address of purchaser.

Form I(Section 11 (1)(b) IVand Rule 12)Receipt on Redemption of PledgesReceived from.....on redemption of pledge number.....Amount of loanInterest.....Total:.....Signature of Pawn Broker or his Agent.Form J(Section 11 and Rule 13)Certificate of the pawnbroker or his agentI Certify that the above is a true copy of the account maintained under clause (a) of subsection (1) of Section 11 of the Andhra Pradesh Pawn Brokers Act, 2002 for the loan of Rs..... taken by..... On (date) and that there are no alterations or erasers in the account, except the following:Signature of Pawn Broker or his Agent.Form K(Rule 13)Certificate of a person other than the Pawn Broker or his AgentI certify that I have compared the above copy with the original account in the custody of the Pawn Broker and found it to be correct.Signature:Designation:Address: