

Procedure for Registration of Moneylenders

MADHYA PRADESH

India

Procedure for Registration of Moneylenders

Rule PROCEDURE-FOR-REGISTRATION-OF-MONEYLENDERS of 1949

- Published on 1 April 1949
- Commenced on 1 April 1949
- [This is the version of this document from 1 April 1949.]
- [Note: The original publication document is not available and this content could not be verified.]

Procedure for Registration of Moneylenders Executive Instructions for Registration etc. of Moneylenders Issued for the use of sub-registrars by the Inspector General of Registration, Central Provinces and Berar under the Central Provinces and Berar Moneylenders Act, 1934 (XIII of 1934), as amended by the Central Provinces and Berar Moneylenders (Amendment) Act (No. IX of 1949).

1. Application tor grant of certificate not to be stamped.

- No court-fee is required on an application in Form II made for the grant of a registration certificate under Section II-B (i) of the moneylenders Act, 1934, nor the Court fees Act requires such application to be stamped.

2. Manner of granting a registration certificate.

- When a registration certificate is granted, the duplicate foil should be detached and issued to the moneylender and the original retained as an Office copy.

3. Acknowledgment of certificate.

- If the moneylender applies tor certificate in person or through his agent, the acknowledgment of receipt of the certificate should be obtained on the back of the original certificate retained in the office.

4. Certificate applied by post.

- When an application for certificate is sent by post, it shall be accompanied by a money order of such amount as will approximately cover the prescribed registration fee plus the charges for sending

the certificate by registered post.

5.

If the information originally given is incomplete a service postcard shall be sent to the applicant, requesting him to furnish the required information. An entry to this effect shall be made by the sub-registrar in his Minute Book. On receipt of the required information, the certificate shall be prepared and, as soon as it is ready, shall be despatched to the address given by the applicant together with an account of the money received from the applicant.

6.

If the amount of the advance does not cover the whole of the charges (including registration fee and postal charges), the applicant will be asked through service post-card to remit the balance, on receipt of which the certificate will be prepared. If, on the other hand, the amount of the advance is more than sufficient to cover all charges, the surplus shall be remitted alongwith the certificate, by money order when it is four annas or above, or in postage stamps when it is less than four annas.

7.

The receipts issued by the post office for the registered envelop containing the certificate and for the money order, if any, at the time of despatch and the payees receipt for the money order, if any, received from the post office shall be attached to the application as evidence that the certificate has been duly prepared, despatched, and delivered to the applicant alongwith the surplus amount if any.

8. Duration of certificate.

- In Form No. II application for certificate beneath the form by a note request should be made by the applicant that the certificate should be granted for one year or two years.

9. Writing of register of moneylenders and preparation of indexes by whom to be done.

- The entries in the register of moneylenders should be legibly and carefully made. In ex-officio offices, there is no objection to the writing of the register of moneylenders and of the registration certificate and also to the preparation of indexes by a registration moharrir. In whole time offices the work of making entries in the register of moneylenders must, however, be done by the sub-registrar himself, leaving the work of preparation of alphabetical indexes to his moharrir, if any.

10. Entries in the register of moneylenders how numbered.

- The entries in the register of moneylenders should be numbered in a consecutive series commencing from 1st April, 1949 and terminating on 31st March, 1950 and so on for a period of one

year. In offices where serial number has not been terminated on 31st March, 1949, it should terminate on 31st March, 1950 and fresh numbers given consecutively from 1st April, 1950 to 31st March, 1951.

11. Grant of certificate for two years.

- If a certificate is granted for two years, the sub-registrar in such case should in column (6) of the register below the value of the court-fee stamps shown write "two years" which will mean the period of certificate and the Form No. III used for granting the certificate at the end of the certificate shall be added the words "for two years".

12. Information for making entries in the register of moneylenders how to be obtained.

- For purposes of making entries in the register of moneylenders and indexes, the information required by Notes (1) to (3) below Form Nos. I and IV of the schedule under the Moneylenders Rules should be got inserted by every applicant in his application (Form No. II).

13. Agent's power.

- It is not necessary to insist on an agent producing an authenticated or a registered power of attorney. A simple power of attorney written on a stamp of Rs. 2 is sufficient.

14. Record of proceedings in the Minute Book.

- Proceedings, if any, connected with the registration of moneylenders shall be recorded in the Minute Book of the Sub-Registrar's Office,

15. Grant of adjournment for payment of fees.

- In the matter of granting more than one adjournment to a moneylender for the payment of registration fee of Rs. 12 per year in shape of court-fee labels, the sub-registrar should exercise his discretion with respect to the payment of such fee. If the moneylender or his agent does not turn up after reasonably waiting for his appearance a notice should be issued to him through the Tahsildar to appear and pay the prescribed fee on the date subsequently fixed, and if he still does not appear, his application should be rejected.

16. Registration of firms on the basis of joint and separate business.

- Every firm whether owned by one person or more which carries on moneylending business, independently of another firm, must have a separate registration certificate. Thus, if two or more members of joint Hindu family or of a firm carry on their moneylending business jointly the names of both or all should be registered jointly on one application. They will not, however, be permitted

to carry on the business individually or independently of each other on the strength of the joint registration certificate. If they carry on business separately or independently of each other, separate registration certificate would be necessary.

17. Inspection of register of moneylenders.

- The register of moneylenders is open to inspection by the general public and as regards the grant of inspections, the procedure laid down in rules (6) and (8) at page 156 of Volume I of the Central Provinces Revenue Manual shall be followed.

18. (a) Copies of registration certificates.

- Copies of registration certificate shall be issued in Form No. III of the schedule under the moneylenders Registration Rules and a fiat rate of one rupee charged for each copy. The number of certificate of which a copy is granted with the date of registration shall be endorsed on the application to enable inspecting officers to verify the correctness of the fees levied. In all other respects, the procedure regulating the issue of copies of registered documents shall be followed. [Vide Chapter XI, Part II, of the Central Provinces and Berar Registration Manual, 1941]. The copying fees and search fee thus recovered will be debitable to the Registration Department and shown in the Fee Book and monthly accounts, accordingly. (b) Grant of copy of application for registration. - Under Section 76 to the Indian Evidence Act, reproduced on page 133 to the Central Provinces and Berar Registration Manual, 1941, there is no objection to the grant of copy of an application for registration as a moneylender. In such cases, the procedure for the grant of copies under Section 57 of the Registration Act shall be adopted.

19. Quarterly statement of moneylenders.

- The statement showing the number of moneylenders registered under the Central Provinces Moneylenders Act shall be submitted quarterly in the form below through the Deputy Commissioner of the district. Columns (4) and (6) of the statement should contain the information regarding the number of moneylenders and income respectively for the corresponding period of the preceding year. The column (8) of the statement regarding the number of (1) Prosecution and (2) cases compounded during the quarter under report will be filled in by the Deputy Commissioner.

20. Quarterly list of moneylenders.

- The District Registrar shall obtain from the sub-registrars and transmit to the Deputy Commissioners of districts a quarterly list of money-lenders which should consist of two parts as follows :

Part A – . - shall contain the names and additions of moneylenders who have not got themselves registered after the duration of their registration certificate expired.

Part B – . - shall contain the names and additions of moneylenders who registered themselves not before or immediately after the duration their registration certificates expired but sometimes thereafter.

In view of the enforcement of the Moneylenders (Amendment) Act, 1949 the first quarter list ending 30th June, 1949 shall contain as follows :

Part A – . - Names of those moneylenders who had previously registered during the period from 1st April, 1945 to 31st March, 1949 but failed to register themselves during the period from 1st April, 1949 to 31st May, 1949.

Part B – . - Names of those moneylenders who had previously registered during the period from 1st April, 1945 to 31st March, 1949 but registered late on cancellation of their certificate during the period from 1st June 1949 to 30th June, 1949.

In subsequent quarters till the expiry of one year after the enforcement of this Act. Only the names formerly included in Part A shall be added to Part B and no new names shall be added to Part A.

21. Preparation and checking of moneylenders indexes.

- It is necessary that the official preparing the alphabetical index of the names of the moneylenders should note in the margin of the entry in the register of moneylenders that the name has been duly indexed by him and the Inspector of Registration Offices, District Registrar and the sub-Registrar should check and initial 10, 5 and 25 per cent, respectively of the entries in the register.

22. Alphabetical index of moneylenders and binding of index volume.

- The alphabetical index of names of moneylenders shall be prepared in continuous sheets for each letter of the alphabet using two or more sheets if one is filled up and maintained for a period of one year from 1st April to 31st March. The indexes of four continuous years shall be bound in one

volume only. The indexes from 1st October, 1948 to 31st March, 1949 shall be bound separately.

23. Who can file refund application.

- A refund as contemplated by Section 5 (2) and (3) of the Moneylenders (Amendment) Act, 1949 may be claimed by the money-lender himself during his lifetime or after his death by his legal representatives and the successors in interest whether by inheritance or assignment.

24. Procedure to be followed on refund or adjustment application for fees.

- (i) Whenever an application for a moneylender's certificate is presented, the sub-registrar should see whether there is any request for adjustment of fees already paid for a certificate which has ceased to operate on 1st June, 1949. He should then see the date of registration of the previous certificate produced by the applicant and then should find out for how many complete years the old certificate would have been continued if it would not have been cancelled on 1st June, 1949. Adjustment for a fresh certificate should be made towards the fees at the rate of Rs. 4-8 for each complete year. A note to this effect should be made on the application in the following form :

Registration fees paid in court-fee stamps	Rs. 3
Registration fee paid by adjustment	Rs. 9
Total	Rs. 12

In column 6 of the register a brief note to this effect should be thus made-

Court-fee affixed	Rs. 3
By adjustment	Rs. 9
Total	Rs. 12

(ii) If the application is for refund then sub-registrar shall submit it to the District Registrar with his report together with a refund bill in Form No. 22 of Schedule I of the Accounts Forms (Rule 325, Chapter VII of Financial Rules Volume I, First Edition, 1929) under his signature. The following certificate shall also be recorded on the bill by the sub-registrar authorizing the claim : "Certified that the registration fee for the moneylender's certificate against which the refund is authorised was actually realized in Court-fee stamps on and was included in the quarterly statement of moneylenders for the period..... The District Registrar shall check the claim and if it appears allowable, shall pass an order for refund on the application. He shall then countersign the refund bill and return it along with the application to the sub-registrar concerned who shall after obtaining the signature of the payee on the application referred to, hand over the refund bill to the person claiming the refund with instructions to present it for payment at the treasury. The amount sanctioned for refund shall invariably be shown in column (8) of the refund bill in figures as well as in words. Refunds shall be sanctioned by District Registrars and shall be debited to the head "IX-Stamp-B-Judicial-Deduct Refunds".