

The Orissa (Scheduled Areas) Debt Relief Rules, 1970

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Rule

THE-ORISSA-SCHEDULED-AREAS-DEBT-RELIEF-RULES-1970 of 1970

- Published on 29 August 1970
- Commenced on 29 August 1970
- [This is the version of this document from 29 August 1970.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa (Scheduled Areas) Debt Relief Rules, 1970Published vide Notification No. O.G.E.No. 1077-A, dated 29.8.1970

1. Short title and commencement.

(a)These rules may be called the Orissa (Scheduled Areas) Debt Relief Rules, 1970.(b)They shall come into force at once.

2. Definitions.

- In these rules unless the context otherwise requires-(a)"Regulation"" means the Orissa (Scheduled Areas) Debt Relief Regulation, 1967;(b)"Form" means a form set out in the appendix to these rules;(c)"Schedule" means a Schedule appended to these rules;(d)"Section" means a section of the Regulation;(e)all other words and expressions used in these rules but not defined herein shall have the same meaning as are respectively assigned to them in the Regulation.

3. Particulars to be given in the application.

- Every application for determination of debts shall, in addition to the particulars mentioned in Sub-section (4) of Section 6, contain the following particulars :(i)a statement of the principal and date on which each of the debts was originally advanced and the date and amount of repayments made towards principal and interest;(ii)a statement of labour rendered by the debtor and remuneration paid therefor.

4. Fees and other charges payable under the Regulation.

(a) The amount of court-fees payable on each application made to a Debt Relief Court for swearing affidavit and for serving and executing processes issued by such Court shall be as mentioned in Column (3) of the Schedule and such fee shall be paid in the manner, specified in column (4) thereof. (b) The amount of charges mentioned in column (3) of the Schedule shall be made by a Debt Relief Court for the purposes specified in Column (2) and shall be paid in the manner specified in column (4) thereof. (c) Such charge shall be payable by the party at whose instance a Debt Relief Court is required to do such thing; Provided that no charges shall be payable by any member of the Scheduled Tribes in respect of anything done by the Debt Relief Court under this Regulation. (d) The procedure for the receipt and payment of money and for keeping accounts prescribed in Part X of the General Rules and Circular Orders of the High Court of Judicature, Orissa (Civil) shall, so far as may be practicable, be followed.

5. Travelling allowance to witnesses.

- Travelling allowance to witnesses summoned in relation to the proceedings under the Regulation shall be paid at the rates specified in the Schedule.

6.

A Copy of the scheme of repayment of the debt prepared under Sub-section (1) of Section 14 shall be caused to be sent to the Collector of the district within the local unit of which the Debt Relief Court functions.

7. Manner of payment of instalments.

- The debtor shall either deposit in the office or send by money order at his own cost to the Collector having jurisdiction the amount of each instalment fixed by the Debt Relief Court. In the former case he shall be entitled to a receipt whereas in the latter case the acknowledgement of the receipt of the amount shall be treated as a receipt to that effect.

8. Procedure to be followed by the Collector in dealing with the instalment amounts.

- The Collector shall give notice of each instalment received to the creditor and on the latter's application pay the amount to him.

9. Records to be kept and returns to be made by Debt Relief Courts.

- The Debt Relief Courts shall keep and maintain register of applications in "Form A", Register of consolidation of debts in respect of each debtor in "Form B", register of receipts and payments in "Form C" and furnish monthly returns to the Tribal and Rural Welfare Department in "Form D".

10. Determination of the paying capacity of debtor.

- In determining the paying capacity of a debtor the Debt Relief Court shall ascertain his total annual income from all sources and allow deduction therefrom the amounts in respect of -(i)his liability in respect of the items mentioned, in Section 4; and(ii)provision for him and his family member, livelihood.

11. Procedure for recording oral evidence.

(a)The oral evidence shall be taken down in writing in English language by the Presiding Officer both in the form of narrative and of questions and answers as the circumstances of each case may require.(b)If the evidence is given in a language unacquainted to the Presiding Officer, he may take the help of an interpreter who will translate the evidence into English.(c)Evidence so taken down shall be read over and signed and as occasion may require explained or interpreted to the witness and on his admission as to the correctness of such evidence or after necessary correction his signature or left thumb impression shall be obtained thereon.