

The M.P. Gramin Rin Vimukti Niyam, 1984

MADHYA PRADESH

India

The M.P. Gramin Rin Vimukti Niyam, 1984

Rule THE-M-P-GRAMIN-RIN-VIMUKTI-NIYAM-1984 of 1984

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The M.P. Gramin Rin Vimukti Niyam, 1984 Published vide Notification No. F. 1-46-7-80-N-1, dated 24-11-1984, M.P. Rajpatra, Part 4 (Ga), dated 28-6-1985 at page 279 In exercise of the powers conferred by sub-section (1) of Section 8 of the Madhya Pradesh Gramin Rin Vimukti Adhiniyam, 1982 (No. 5 of 1983), the State Government hereby makes the following rules, namely :-

1. Short title.

- These rules may be called the Madhya Pradesh Gramin Rin Vimukti Niyam, 1984.

2. Definitions.

- In these rules, unless the context otherwise requires :-(a)"Act" means the Madhya Pradesh Gramin Rin Vimukti Adhiniyam 1982 (No. 5 of 1983);(b)"Collector" includes the officer specified under Section 6;(c)"Section" means a section of the Act.

3. Report of commission of an offence to Collector.

(1)A debtor specified in Clause (a) of Section 3 or any other person may report the fact of the commission of an offence under sub-section (1) of Section 4 by the creditor to the Collector.(2)The report made in writing shall, as far as may be, contain the following information, namely :-(a)name and address of the creditor and name and style, if any, under which the creditor carries on business;(b)place of his business;(c)amount of debt, if in cash;(d)if the debt is in kind, the nature and quantity of goods or other property taken on loan;(e)if debt has been repaid in kind, the quantity of goods or other property repaid to the creditor and approximate value thereof;(f)whether debt is secured;(g)if the debt is secured, the particulars of goods pledged, the property mortgaged as the case may be, together with particulars of related instrument evidencing such pledge or mortgage;(h)whether debt is payable under a decree or order of a Court or otherwise;(i)if a debt is payable under a decree or order of a Court, the particulars of the decree, with designation of the

Court;(j)name and address of the debt or;(k)substance of grievance of debtor.(3)If the report is made orally, the Collector shall, as far as may be, obtain the information required in sub-rule (2) from the debtor/person making the report and record it or cause a record thereof to be made.

4. Action on the report.

- After making such inquiry as he may deem fit if the Collector is 'prima facie' satisfied about the commission of an offence by the credit, the Collector may make or cause to be made a complaint in writing to the Judicial Magistrate authorised for the time being to take cognizance of the offence for proceeding against the offender.

5. Restoration of possession of the property to the debtor.

(1)If the creditor is convicted for contravention of the provisions of sub-section (1) of Section 4, Collector shall serve a notice on such creditor requiring him, within a period of thirty days from the date of receipt of the said notice, to return or deliver the possession to the debtor of the property pledged or mortgaged by him which stands released or redeemed in favour of such debtor under the provisions of the Act.(2)If such notice is not complied within the period specified in sub-rule (1), the Collector shall restore or cause to be restored the possession of the property to the debtor in the presence of two witnesses.(3)In restoring such possession, if the Collector is resisted or obstructed by any person, the Collector shall hold a summary inquiry into the facts of the case and if satisfied that the resistance or obstruction was without any just cause and that such resistance or obstruction still continues, the Collector may without prejudice to any other proceedings to which such person may be liable under any law for the time being in force for punishment for such resistance or obstruction, take or cause to be taken such steps and use or cause to be used such reasonable force as may, in his opinion, be necessary for securing due compliance of the notice.(4)If the Collector finds for reasons to be recorded in writing that it is not possible to return or redeliver the property to the debtor he shall determine the property at the current market value and direct the creditor to pay to the debtor within such time as may be specified in such direction, the price so determined.(5)If creditor fails to pay the price so determined within the period specified in the direction he shall be liable to pay interest at the rate of Rs. ½ (half) per cent per month from the date of expiration of the said period till the date of payment of price so determined.

6. Collector's power.

- The Collector shall exercise all such powers as are necessary for carrying out the provisions of the Act and these rules.

7. Repeal and saving.

- The Madhya Pradesh Gramin Rin Vimukti Tatha Rin Sthagan Niyam, 1977 are hereby repealed except as respects things done or omitted to be done under the rules so repealed.