

The Assam Debt Conciliation Rules, 1937

ASSAM

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The Assam Debt Conciliation Rules, 1937Last Updated 11th February, 2020

1. Title.

- These Rules may be called the Assam Debt Conciliation Rules, 1937.

2. Meaning of 'Act' and 'Board'.

- In these Rules 'Act' means the Assam Debt Conciliation Act, 1936; and 'Board' means a Debt Conciliation Board established under the Act.

3. Quorum.

- The quorum necessary for the transaction of business at a meeting of a Board shall be two, if the Board is composed of three members; and if the Board is composed of more than three members: Provided that a Board having a quorum may act notwithstanding any vacancy in the number of its members other than the Chairman.

4. Chairman to preside and regulate course of business.

- The Chairman shall preside at every sitting of the Board at which he is present and shall regulate the course of business.

5. In the absence of the Chairman another member will preside to do current duties only.

- In the absence of the Chairman no case will be taken up for settlement. But another member shall

preside at the sitting only to do the other routine duties such as issuing processes and adjourning the cases etc. The Deputy Commissioner shall determine the order in which the other members shall preside in the absence of the Chairman.

6. Place of sitting.

- The Board shall have his office at such place as may be fixed by the Local Government and shall ordinarily hold its sitting there. It may hold its sittings at any other place within its jurisdiction which it may find convenient for the conduct of its business.

7. Chairman to fix time of sitting.

- The Board shall hold its sittings at such times as may be fixed from time to time by the Chairman and may adjourn its proceedings for any reasonable period if such adjournment is, in its opinion, necessary for the proper conduct of the business.

8. Intimation of time and place to the parties.

- The time and place at which the Board's sittings are to be held shall be intimated to the parties.

9. No sitting on holidays except with consent.

- A Board shall not hold its sittings on Sundays or holidays except with the consent of the parties.

10. Order to be noted in the order sheet.

- A note shall be made in the order sheet, signed and dated by the Chairman or the Member presiding, of every order passed during the proceedings, and of the date and place at which the proceedings are held or to which they are adjourned.

11. Processes to be signed and sealed.

- The Chairman or the Member presiding shall sign, date and seal with the seal of the Board every notice, process, order for registration of a settlement, certificate and requisition made by it.

12. Record and registers in English.

- The proceedings of the Board shall be recorded, and the record and registers of the Board shall be maintained in English or the Vernacular of the district. The proceedings shall be signed by the Chairman or the Member presiding.

13. Application under Section 4 in Form No. I.

- An application made under Section 4 of the Act shall be in Form No. I appended to these Rules, and shall be presented at any time during Court hours by the applicant in person or by an agent authorised in writing or sent by registered post to the Chairman or to any person, authorised by the Board in this behalf.

14. Application to be accompanied by documents.

- Every application for settlement shall be accompanied by all such documents in the possession of the applicant as will be necessary for the disposal of the application.

15. Application to be entered in Register.

(1) Every application under Section 4 of the Act shall be made on the basis of proceedings and shall be entered in the prescribed Case Register of Applications. (2) An order sheet in the form prescribed for revenue cases shall be attached to every application received.

16. Application to be stamped.

- Every application to the Board, not being an application for a copy, shall be stamped with a court-fee stamp of the value of eight annas. The Board shall not accept any application which does not bear such court-fee stamp.

17. Court-fee stamp to be cancelled.

- When an application is received by the Chairman or a person authorised to receive it, he shall cancel the court-fee stamp which it bears by sealing it with the seal of the Board and writing his signature with the date, across the stamp and upon the paper on either side of the stamp.

18. Verification by Board.

- Any Member of the Board may examine the applicant or person submitting a statement of debt in order to satisfy himself of the accuracy of the particulars contained therein and may call for additional information to complete the application or statement.

19. Order to be noted in the order sheet.

- If it is decided to proceed with the application the order under sub-sections (1) of Section 7 shall be recorded in the order sheet.

20. Notice under Section 7(2) in Form No. II.

- The notice under sub-sections (2) of Section 7 shall be in Form No. II. It shall be at the expense of the applicant.

21. Memorandum of evidence to be noted.

- An abstract of the statement made by such witness and party shall be kept with the record. It shall be signed by the Chairman or the Member presiding as the case may be.

22. Notice under Section 8 (1) in Form No III.

- Every notice under sub-section (1) of Section 8 shall be in Form No. III appended to these Rules. A copy of the notice shall be served on each known creditor. A copy shall also be posted in a conspicuous place in the village where the debtor ordinarily resides and also at the office of the Board.

23. Mode of service of notice.

- Every notice required to be served under Rule 22 may be served either by rendering copy thereof or sending such copy by registered post, to the creditor on whom it is to be served or his authorised agent, or if service in the manner aforesaid cannot be made, affixing a copy thereof at his lost known place of residence.

24. No notice void for error.

- No notice shall be deemed void on account of any error in the name or designation of any person referred to therein unless such error has produced substantial injustice.

24A. Authority under Section 20 on a non-judicial stamp of rupee one.

- The authority in writing under Section 20 permitting an agent to appear for his principal in any proceedings before the Board shall be drawn up on a non-judicial stamp of the value of rupee one.

25. Certificate under Section 21 in Form No. IV.

- If at any time during the course of the proceeding it appears to the Board that any creditor has fixed a suit or started any other proceedings which should be suspended under Section 21 of the Act, the Board shall grant a certificate in Form No. IV appended to these Rules over the signature of the Chairman to the debtor concerned, specifying the debts owing to any such creditor which may be under settlement.

26. A list of documents to be filed.

- A list of documents produced by a creditor under sub-section (1) of Section 9 shall be filed by him with such documents.

27. Copy to be certified.

- The creditor shall endorse on the copy of a document produced by him a signed certificate that it is a true copy.

28. Documents and copy to be signed and sealed.

- The Chairman or the Member presiding shall sign, date and seal with the seal of the Board each document and the true copy of it, after the correctness of the copy has been verified to his satisfaction.

29. Time for verification of document.

- If it is not possible to verify the copy of a document on the day when it is produced, the Board shall fix another day for the return of the document after verification.

30. Scale of process fees.

- Process fees shall be paid for the issue of notices and summonses in accordance with the scales prescribed by the High Court or the issue of notices and summonses by the Civil Courts, and shall be paid in court-fee stamps.

31. Stamp duty on agreement.

- The stamp duty on an agreement drawn up under sub-section (1) of Section 12 shall be the duty payable on an award and shall be paid in non-judicial stamp.

32. Process fee on application under Section 13 (1).

- The process fee on every application to the Deputy Commissioner for the recovery of any amount under sub-section (1) of section 13 shall be paid in advance by the creditor in court-fee stamps in accordance with the rules from time to time made under the Assam Land and Revenue Regulation.

32A.

An application under sub-section (1) of Section 13 shall be submitted within the time prescribed to the Deputy Commissioner or the Chairman of the Board concerned in Form XI as prescribed by these Rules.

32B.

If the application is received by the Deputy Commissioner he will send it to the Chairman of the Board concerned for verification and report in the prescribed Form No. XII but if the application is received by the Chairman he will verify the contents and then forward it with the prescribed report of verification as early as possible to the Deputy Commissioner for disposal.

32C.

Any application in which the process fee as prescribed by Rule 32 above is not prepaid it will be summarily rejected. No application which does not contain the full particulars required should be entertained but the Deputy Commissioner or the Chairman, as the case may be, will be competent to have genuine mistakes corrected.

32D.

On receipt of an application duly verified the Deputy Commissioner will proceed to deal with it under the appropriate provisions of the Assam Land and Revenue Regulation for recovery of the dues as an arrear of land revenue.

33. Chairman to be addressed.

- An application for a copy, shall be addressed to the Chairman and shall bear a court-fee stamp of the value of one anna.

34. Copying fees.

- Copying fees for copies of any document or record shall be charged at the rate of four annas for every 150 English words or 300 Vernacular words. Half of the fees charged will be paid to the copyists, after obtaining receipts from them.

35. Deposit of copying fees.

- On receipt of an application for a copy the officer will make an estimate of the cost that may be necessary. The estimated cost shall be deposited within two days or such longer period as may be directed by the Chairman. In default the application shall be rejected.

36. Copying fee to be paid in cash.

- Copying fees shall be paid in cash to the Chairman or the Member presiding. Except where it is provided otherwise in these Rules the Chairman shall, as far as possible, follow in regard to the grant of copies the procedure laid down in the rules for the grant of copies of revenue records.

37. Preparation of copy.

- The Chairman or the Member presiding shall then get a copy prepared on a plain paper, certify it as a true copy over his signature and deliver it to the applicant or his duly authorised agent. He shall also refund to him the balance, if any, left out of the deposit after meeting the copying charges.

38. When Deputy Commissioner to be addressed for copy.

- An application for copy of records sent to the District office for the custody shall be addressed to the Deputy Commissioner. The procedure, fees, etc., will be governed in such cases by the practice of the Deputy Commissioner's office.

39. Registers and books to be maintained.

(1) The following registers and books shall be maintained by a Board- (1) Register of Cases, (2) Process Register, (3) Diet-money Register, (4) Copying fee Register, (5) Register of Contingent Expenditure, (6) Inspection Book, (7) Receipt Book, (8) Register of Applications and Court-fee, and (9) Cash Book. (2) The registers and books for which no forms are prescribed in these rules shall be maintained in the form prescribed for revenue case work.

40. Record to be sent to record room.

- The registers and books specified in the foregoing rule and the records of cases shall, on completion be sent to the District office in monthly bundles.

41. Revenue forms may be used.

- The Board may also with the approval of the Local Government, use such other revenue forms and registers as may be considered necessary.

42. Members not to take part if interested.

- Members of the Board must not sit as such to take part in proceedings in which they are personally interested. No proceedings, however, shall be invalidated if it is subsequently discovered that a member was personally interested therein. If the Chairman himself is personally interested in any case or there is failure of quorum on account of some members being interested therein the Chairman shall at once report the matter to the Local Government.

43. Report of Local Government when more than one application is filed.

- When it comes to the notice of a Board that another application for settlement has been made to a different Board in respect of the same debt the fact shall be reported to the Local Government. The Local Government will decide which Board shall deal with the case and pass necessary orders of

transfer.

44. Deputy Commissioner to supply stationery and postage stamps.

- The Deputy Commissioner within whose jurisdiction a Board is established shall arrange to supply stationery, forms, registers, service postage stamps and a permanent advance, not exceeding Rs.10 for the use of the Board.

45. Debtor's application may be rejected.

- If a debtor has, after notice, failed to appear on application by a creditor, no application by him shall be entertained within a period of two years from the date of service of notice except for cause shown to the satisfaction of the Board for default.

46. Parties to affix signature in the agreement.

- The Chairman shall get the parties to affix their signatures immediately after a settlement is arrived at under sub-section (1) of Section 12. He shall also obtain the registration fee at that time.

47. Monthly returns to be submitted.

- The Board shall submit through the Deputy Commissioner and the Commissioner to the Local Government monthly returns of the work done by it in Form No.V appended to these Rules.

48. Annual Report to Government.

- The Chairman shall submit by the 15th October every year through the Deputy Commissioner and the Commissioner to the Local Government a report on the following particulars.(i)Progress and out-turn of work and results achieved;(ii)Difficulties experienced in working the Act, and amendments, if any, that appear to be necessary to the Act or Rules.

49. Records open to inspection.

- All the records maintained by a Board and not sent for safe custody to the District office shall be open to inspection at such time, in such place, and in the presence of such official as the Chairman of the Board may direct. A fee of one rupee shall be leviable in court-fee stamps for the inspection of every register, or record of a case, after it has been disposed of. The court-fee stamps shall be attached to the application for inspection, and shall be punched before the application is granted.

50. Forms of summons and mode of service as prescribed by the High Court.

- The Form of summons shall be as prescribed by the High Court in respect of the Civil Courts except as otherwise provided in these Rules. All processes shall be either sent by registered post or

served as revenue processes by such process serving staff as may be determined by the Deputy Commissioner for any area.

51. Place of registration of agreement.

(1)An agreement arrived at under sub-section (1) of Section 12 shall be registered on presentation by the Chairman of the Board at the Registration office within the jurisdiction of which the office of the Board is situate.(2)Cost of registration to be paid by applicant. - The cost of registering an agreement under sub-section (2) of Section 12 shall be paid in equal shares by the parties who have come to settlement.

52. Allowance to witnesses.

- When a witness is summoned to appear before a Board the person at whose instance he is summoned shall be required to deposit in advance with the Board such as-(a) diet allowance, and (b) travelling allowance as may be fixed by the Board subject to the maximum rates prescribed in item "5. Diet and road money to witness (including transport charges of witnesses)" of the list of Contingencies-Non-Contract in Appendix B to the Assam Contingency Manual, and subject further to the condition that the allowance does not exceed the actual expenses incurred by the witness.

53. Production of document.

- Any person who is required by the summons only to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce it.

54. Administrative control over Boards.

- In all administrative matters every Board shall be subordinate to the Deputy Commissioner and subject to the disciplinary control of the Commissioner and the Local Government.

55.

(1)The Chairman or a Member of a Board, if a non-official, who is not resident of the station where the meetings of the Board are held, shall be paid an allowance of Rs. 3 a day for attending the meeting or for journeys to transact the business of the Board but shall not be entitled to a daily or travelling allowance. Those who are residents of the station will get Rs. 2 a day.Explanation. - For the purposes of this rule a person residing within a radius of 5 miles from the place of meeting shall be deemed to be a resident of the station.(2)The Chairman or a Member of a Board, if an official, shall be entitled to draw for any journey travelling allowance and halting allowance to which he would be entitled by virtue of his official position.(3)The Deputy Commissioner shall be the controlling officer empowered to countersign the bills of the Chairman and the other Members.

56. Representative of minor and lunatic.

- In every case in which, a debtor or a creditor is a minor or a person of unsound mind, the Board and the parties concerned shall, so far as may be, follow the procedure laid down in Order XXXII of the First Schedule to the Code of Civil Procedure, 1908.

57. Board may declare a guardian incompetent.

- If the Board is satisfied that the interest of a guardian or an authorised agent are adverse to those of the debtor or creditor whom he represents or that he is not adequately protecting the interests of such debtor or creditor, it may be an order declare him incompetent further to represent such debtor or creditor.

58. Power to allow costs.

- The Board shall have full power to allow costs to any party and determine, at the time of a settlement, the amount to be paid as costs and give all necessary directions for paying the same. The cost allowed should not exceed the limit prescribed in the Civil Procedure Code in such cases.

59. Certificate under Section 13 (3) in Form No. VI.

- A certificate under sub-section (3) of Section 13 shall be in Form No. VI appended to these Rules.

60. Certificate under Section 15 (1) in Form No. VII.

- A certificate under sub-section (1) of Section 15 shall be in Form No. VII appended to these Rules.

61. Cost of registered notice.

- For every registered notice or summons to be sent by the Board under the Act or these Rules the person at whose expense it has to be sent shall pay to the Board, before the issue of the notice, a sum of six annas in court-fee stamps.

62. Who may inspect.

- The Commissioner, the Deputy Commissioner, the Sub-divisional Officer or any other person appointed by the Local Government for the purpose may inspect the office and workings of a Board and shall have access to all its books, proceedings and records.

63. Register of applications and court-fees.

- A register of applications and court-fees shall be in Form No. VIII.

64. When money to be deposited in the treasury.

- All money received by a Board shall be deposited in the nearest treasury or sub-treasury as soon as the accumulations amount to Rs. 50 and shall till then remain in the custody of the Chairman. But all such receipts irrespective of amount shall, however, be deposited in the treasury or sub-treasury, as the case may be, on the last open day in the financial year.

65. All receipts and payments to be recorded in the Cash Book.

- All receipts and payments shall be recorded in the Cash Book, which shall be maintained in Form IX. The Cash Book shall be closed and balanced each day, and closing balance shall be verified daily with the cash in hand and a certificate of such verification shall be recorded daily in the Cash Book over the signature of the Chairman or presiding member.

66. Receipt to be in Form X.

- A receipt signed by the Chairman or the member presiding shall be granted in Form X for every sum received on behalf of the Board.

67. Written order necessary for payments.

- No payment shall be made on behalf of the Board except on a written order, which shall state the amount to be paid in words as well as in figures and shall be signed by the Chairman or presiding member.

68. Receipt to be taken when making a payment on behalf of the Board.

- When any payment is made on behalf of the Board the Chairman or the member presiding shall take a receipt from the payee which shall be kept with the payment order as a voucher, and shall endorse it with the voucher number assigned to it in the Cash Book. Form No. I Form of Application referred to in Rule 13 To The..... Debt Conciliation Board,..... Under Section 4 of the Assam Debt Conciliation Act, I..... son of..... caste..... resident of....., beg to apply for settlement of my debts/claims between my creditors/debtors and myself.

2. I hereby declare that all my liabilities, debts and properties have been disclosed and that I am unable to pay the debts owed by me as shown below.

3. I declare that agriculture is the main source of the livelihood of the debtor.

N.B. Paragraph 2 in the case of creditors and paragraph 3 in the case of debtor will be scored out. Particulars of Debt

Name and address of the applicant	Name and address of the creditor or debtor	Amount and particulars of debts or claim	Particulars of any other liability not debt under this Act
1	2	3	4

Property

	(a)	(b)	(c)	(d)	(e)
			Rent or revenue payable	Value	Remarks
1. Immovable	Description	Area or extent of share			

2. Movable (including cash) Description

3. Claims due

Signature of applicant Verified that the contents of paragraph..... of the application are true to my knowledge and those in paragraph..... are inserted upon information received and believed by me to be true. Date and place..... Signature or thumb impression of the applicant Form No. II Notice under sub-section (2) of Section 7 of the Assam Debt Conciliation Act, 1936 [Rule 20] Notice is hereby given to..... that an application under Section 4 of the aforesaid Act has been submitted by..... of..... for the settlement of the debt of..... and that it will be examined by the Board, together with any objection that may be preferred by any person interested..... at..... o'clock on the..... day of..... 19.... Dated....., the..... day of..... 19 (Seal of the Board) Signature of Chairman..... Debt Conciliation Board Form No. III Notice under sub-section (1) of Section 8 of the Assam Debt Conciliation Act, 1936 [Rule 22] Whereas....., son of..... caste..... of..... district..... debtors/creditors has submitted an application under Section 4 of the aforesaid Act for the settlement of the debts of..... son of....., caste....., of..... district.....; and whereas the Board is of the opinion that it is desirable to attempt to effect a settlement between the said debtor and his creditor, you as one of the creditors/all the creditors to whom the said debtor is indebted are hereby required to submit to the Board a statement in writing duly signed and verified on or before the..... at the Board's office at..... of all debts owed..... to..... you/them by the said debtor. The Board will scrutinize this statement at 11 a.m. on..... day..... when you should appear before the Board.

2. You/All the creditors are also required to furnish, along with such statement, full particulars of all such debts and shall at the same time produce all documents, including entries in books of account on which you/they rely to support your/their claims, together with a true copy of every such document.

Attention is invited to Section 8 (2) of the said Act under which every debt of which a statement is not submitted to the Board in compliance with this notice shall be deemed for all purposes and all occasions to have been duly discharged.

3. The settlement in this case will take place at..... 11 a.m., on the..... day.....of.....19... when you should appear before the Board personally or by an agent authorised in writing on a non-judicial stamp of the value of rupee one and non-compliance on your part shall under the debt liable to discharge.

Dated....., the..... day of..... 19.... Signature of Chairman..... Debt Conciliation Board..... District Form No. IV Certificate under Section 21 of the Assam Debt Conciliation Act, 1936 [Rule 25] This is to certify that an application has been made to this Board for the settlement of the debts of..... of..... among which is a debt of Rs..... which the aforesaid debtor is said to be owing to..... of..... (creditor). Dated the..... day of..... 19.... (Seal of the Board) Signature of Chairman..... Debt Conciliation Board..... District Form No. V Monthly Progress Return of the Debt Conciliation Board..... in the..... District for the month of..... 19.... [Rule 47 of the Assam Debt Conciliation Rules, 1937]

Cases pending at the beginning of the month		Cases registered during the month							
Number	Amount involved	Number	Amount involved	Number	Amount involved	Number	Amount involved	Number	Amount involved
1	2	3	4	5	6				
Cases disposed of during the month									
Cases dismissed under Section 7(1)	Agreement executed under Section 12 (1)	Cases dismissed under Section 14	Amount due to those who agree	Amount in agreement	Number	Amount	Number	Amount	Number
7	8	9	10	11	12	13	14	15	
Cases pending at close of the month	Cases in which agreement has ceased to subsist under Section 13(3)	Number of certificates issued under Section 15(1)							
Amount in agreement									

Original	As compounded	Number of cases	Number of certificates	Amount due to creditor against whom certificate is granted	Number of days on which the Board sat during the month
16	17	18	19	20	21

Form No. VI Certificate under sub-section (3) of Section 13 of the Assam Debt Conciliation Act, 1936 [Rule 59] This is to certify that every reasonable effort was made by me or under my orders to recover the arrears of the amount due from..... to..... of..... under agreement.....

No..... registered at..... on..... by the Chairman of the Debt Conciliation Board..... The amount of the arrear recovered is Rs..... and the irrecoverable balance is Rs..... Dated..... the..... day of..... 19..... (Seal of the Deputy Commissioner) Signature of the Deputy Commissioner..... District

Form No. VII Certificate under sub-section (1) of Section 15 of the Assam Debt Conciliation Act, 1936 [Rule 60] This is to certify that during proceedings No..... of..... under the Assam Debt Conciliation Act, 1936 between..... of..... (debtor) on one hand and..... of..... (creditor) on the other hand for the settlement of an alleged debt of Rs..... the said debtor has agreed to pay Rs..... in..... instalments..... which, in our opinion, is fair offer and the creditor ought reasonably to have accepted it. But he has refused the offer.

2. The following particulars of the debt were furnished by the said creditor under Section 8 (1) of the Act.

(Particulars) Dated..... the..... of..... 19.... (Seal of the Board) Signature of the Chairman..... Debt Conciliation Board..... District

Date and serial No. of applications	Under what section or rule	Name of applicant	Amount of court-fee paid
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Total

Form No. IX [See Rule 65] Cash Book Receipts

From Date	whom received	Serial No. of counterfoil in the Receipt Book	Opening balance	Amounts received from treasury or other source for payment to staff etc.	Miscellaneous receipt	Total	Remarks
1	2	3	4	5	6 7 8	9	10
			Rs.	Rs.	Rs. Rs. Rs.	Rs.	Rs.

Payments

To		No. of voucher	Amount paid to staff	Miscellaneous payments	Total			Closing balance	Remarks
Date	whom paid		etc. (received from treasury or other source)						
11	12	13	14	15	16	17	18	19	20
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.

Form No. X[See Rule 66]Counterfoil Receipt Book

.....Debt Settlement Board

Receipt

SerialNo.....

Date.....

Receivedfrom.....

on accountof.....

the sumof.....

Date of credit in CashBook.....

Signed

Chairman/Member presiding

Form No. XIApplication under sub-section (1) of Section 13 of Assam Debt Conciliation Act, 1936

.....Debt Settlement Board

Receipt

SerialNo.....

Date.....

Receivedfrom.....

on accountof.....

the sumof.....

Signed

Chairman/Member presiding

1. Date of application...

2. Name and address of applicant.....

3. No. and the year of the proceeding in which the agreement under Section 12(1) was executed and the date of the execution.....

4. Name of the Debt Conciliation Board which effected the settlement.....

5. Amount due under settlement:

Date of instalments Amount of instalments

6. Amount defaulted and to be recovered.....

Date of default.....

7. Name, father's name and address of the debtor.....

8. List of debtors' immovable property:

(a) Name of mauza and village.....(b) No. of patta and its area (state separately for each patta)....(c) Lead revenue and local rate.....

9. Particulars of any mortgage, lien or charge subsisting in the property described in column 8.....

10. Process fee attached...

11. Remarks....

12. Signature of applicant.....

Certified that the contents of the application are true to my knowledge and belief. Signature of applicant Date..... Verified and found correct. Chairman, Debt Conciliation Board..... Dated..... Form No. XII

Name of the defaulter from whom recovery has to be made	The full address of the defaulter in question	The amount for recovery on the present application	List of estates held by the defaulter exclusively	List of patta held by defaulter jointly with others	Name and address of other creditors, if any, in the agreement and the amount due to each
1	2	3	4	5	6