

The Orissa (Scheduled Areas) Money-lenders' Rules, 1970

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Rule

THE-ORISSA-SCHEDULED-AREAS-MONEY-LENDERS-RULES-1970 of 1970

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The Orissa (Scheduled Areas) Money-lenders' Rules, 1970Published vide Notification Orissa Gazette Extraordinary No. 612/30.5.1970

1. Short title and commencement.

(1)These rules may be called the Orissa (Schedule Areas) Money-lenders' Rules, 1970.(2)They shall come into force at once.

2. Definitions.

- In these rules unless the context otherwise requires-(a)"Form" means a form set out in the Schedule appended to these rules;(b)"maximum capital" means the highest total amount of the capital sums which may remain invested in a money-lending business on any day in respect of a particular shop or place of business during the term of licence;(c)"Regulation" means the Orissa (Scheduled Areas) Money-lenders' Regulation, 1967 (Orissa Regulation 2 of 1968);(d)"section" means a section of the Regulation;(e)"Tahasildar" means an Officer-in-charge of a Tahasil as defined in the Orissa Revenue Jurisdiction Act and does not include an Additional Tahasildar;(f)all the words and expressions used in these rules but not defined therein shall have the same meaning as are respectively assigned to them in the Regulation.

3. Licensing, controlling and appellate authority.

(1)All the Tahsildars shall discharge the functions of a licensing authority under the Regulation

within their respective jurisdictions.(2)The licensing authority shall, in the grant or refusal of a licence, be subject to the control and direction of the Sub-Divisional Officer having jurisdiction over the area to which the licence relates.(3)All the Additional District Magistrates shall discharge the functions of the authority referred to in Sub-section (7) of Section 4 and Sub-section (3) of Section 16 within their respective jurisdictions.

4. Manner of payment of licence fee.

(1)The fee payable under Subsection (1) of Section 4 shall be deposited into any Government Treasury or Sub-Treasury under the head of account "XXXII-Miscellaneous-Social and Development Organisation-(b) Miscellaneous Receipts for Tribal and Rural Welfare Schemes" in triplicate Challan form and the original receipt thereof shall be enclosed to the application for licence.(2)Every licence shall be in "Form I" and shall contain the terms and conditions specified therein.

5. Maintenance of accounts.

(1)Every money-lender shall keep and maintain a cash book as required under Sub-section (1) of Section 8 in "Form II" and every such cash book shall clearly show at the centre of the cover page-(a)title of the book;(b)name of the money-lender;(c)name and style of the money-lending business;(d)the year to which such book relates;(e)number and date of the licence.(2)Every money-lender shall keep and maintain a ledger wherein a folio in "Form III" shall be provided for each of his debtors.(3)Every licensing authority having jurisdiction over the area to which the licence relates shall be the authority for the purpose of Clause (i) of Sub-section (2) of Section 8.(4)A pass book required under the Regulation to record the transactions with the debtor shall be maintained in "Form IV".(5)Every receipt required to be granted by the money-lender under Sub-sections (3) and (4) of Section 8 shall be in duplicate counterfoil receipt book containing the particulars specified in Form V and Form VI respectively the original of which shall be issued to the debtor and the carbon copied duplicate receipt shall be retained by the money-lender.

6. Delivery of statement of accounts.

(1)Every licensing authority having jurisdiction over the area to which the licence relates shall be the authority for the purposes of Sub-section (1) of Section 9.(2)The statement referred to in Sub-section (2) of Section 9 shall be in Form VII and shall be delivered in the office of the licensing authority having jurisdiction over the area to which the licence relates on or before the last working day of the first fortnight of the following year.(3)Save as provided in Sub-section (2) of Section 9 a copy of the statement shall also be delivered or sent by registered post to the debtor within the day specified in Sub-rule (2).(4)A sum of Rs. 01.10 shall be payable under Sub-sections (3) and (4) of Section 9.

7. Employment of debt-collector.

(1) Every licensing authority shall, within his jurisdiction, be the authority to whom an application shall be made for the grant of a certificate under Section 14. (2) Every such certificate shall be in Form VIII and shall contain the particulars and remain valid for the period specified therein.

8.

No Court can take cognizance of an offence punishable under the Regulation except on a complaint in writing made by the Inspector appointed under Section 15 or the licensing authority.

9. Procedure for grant or refusal of licence.

(1) Every application referred to in Sub-section (1) of Section 4 shall be in writing in Form 'A' and shall be presented to the licensing authority within whose jurisdiction the place of business or shop in respect of which licence is required is situated. (2) All such applications which are presented to licensing authority shall be caused to be entered in a register maintained in Form 'B'. (3) Any such application which is not accompanied by the prescribed fee in the prescribed manner or does not contain the particulars specified in Form 'A' shall be summarily rejected. (4) A notice inviting objections within a specified date shall be published on the notice-board of the office or the licensing authority and at the police-station having jurisdiction over the area to which the proposed licence relates and also at every office of the Grama Panchayats functioning within the local limits of jurisdiction of the licensing authority and a copy of the notice shall also be sent to the Inspector(s) appointed under the Regulation for the area to which the proposed licence relates: Provided that the date to be specified in the notice inviting objections against the application shall not be less than fifteen days from the date of publication thereof. (5) After the specified date is over the licensing authority shall conduct such enquiry as he deems necessary and if he is satisfied that the applicant do not suffer from any of the disqualification, specified in Sub-section (5) of Section 4 he shall grant a licence in favour of the applicant. (6) In conducting the enquiry the licensing authority shall exercise so far as may be practicable the same powers and follow the same procedure as are exercised and followed by a Court of Magistrate holding summary trial under Chapter-XXII of the Code of Criminal Procedure, 1898.

10.

The procedure in relation to the grant of licence shall apply in relation to the renewal of licence.

11. Procedure for filing and disposal of appeals.

- The procedure for filing and disposal of appeals under the Regulation shall, as far as practicable, be the same as is provided under Order XLI of the Code of Civil Procedure, 1908.

Schedule

Form 'A'[Rule 9 (1)]Application for licence under the Orissa Regulation 2 of 1968From :Name in full.....son/wife of.....address.....ToThe licensing authority.....of District.....

- 1. Name in full of the applicant.....**
- 2. Father's or Husband's name..... ..**
- 3. Permanent home address of the applicant.....**
- 4. Present address of the applicant.....**
- 5. Whether the applicant is the manager of a registered firm or the manager of an undivided Hindu family or a member of any association of individuals.....**
- 6. Name and style under which the applicant carried on or desires to carry on business as a money-lender.....**
- 7. The place of his business or location of the shop of his business**
- 8. The date and number of previous licence, if any.**
- 9. If any licence was on any previous occasion cancelled or suspended, the date and number of the order, the period for which suspended and the reasons therefor.....**
- 10. Whether licence on any previous application was refused.**
If so, the date and number of the order and reasons therefor.....
- 11. Whether any certificate of registration granted to him/her under the Orissa Money-lenders' Act, 1939 was cancelled. If so, the date of order of such cancellation and reasons therefor.....**
- 12. The maximum capital for which licence is wanted.....**

13. Has the applicant ever been found guilty of any offence under Chapter-XVIII of the Indian Penal Code.....

14. The amount of licence fee paid and the number and date of challan.....

Date.....Place.....Signature in full of the applicantForm I[Rule 4 (2)]Document of licenceA licence under Sub-section (4) of Section 4 of the Orissa (Scheduled Areas) Money-lenders' Regulation, 1967 (Orissa Regulation 2 of 1968) is hereby granted in favour of Shri/Smt..... son/wife of Shri.....resident.....Post Office/Police Station.....District.....on this the.....day of.....20.....Licence No.....

2. The maximum capital for which the licence is granted is.....

3. The place of business or shop in respect of which the licence is granted is (at)

4. The licence is granted for the year.....

5. It shall be kept exhibited at some conspicuous place of the shop or place of business.

Seal of the licensing authority Licensing authorityPost OfficeDistrict
Form II[Rule 5 (1)]

Date	Name and address of the debtors from whomreceived	Receipts	Date	Name and address of the debtor to whom paid	Payments
Amount	Ledger folio No.	Amount	Ledger folio No.		
1	2	3	4	5	6 7 8

Form III[Rule 5(4)]Folio No.....Address.....Loan account of Shri/Smt.....

Date	Principal of loan advanced	Rate of interest charged	If secured loan the No. and date of receiptissued for articles received	Date of maturity	Amount due for repayment
Principal	Interest				
1	2	3	4	5	6 7

Amount repaid No. and date of receipt issued therefor Balance Remarks
Principal Interest Principal Interest

Date	Principal of loan advanced	Rate of interest charged	No. and date of receipt issued in case of secured	Amount due for repayment	
Principal	Interest				
1	2	3	4	5	6

4. Estimated value of the article.....

5. Principal advanced against the article.....

Signature of left hand thumbimpression of the debtor Signature in full of the money-lender
Licence No..... of Date.....

Form VII[Rule 6 (2)]Statement of accounts

1. Name and address of the money-lender.....

2. Name and style of the business of money-lending

3. Licence No.....

4. The period to which it relates.....

Name and address of each debtor	Date	Amount of loan advanced	Rate of interest charged	Amount due for repayment	
Principal	Interest				
(1)	(2)	(3)	(4)	(5)	(6)

Date of repayment	Amount repaid	Amount remaining unpaid	Remarks
Principal	Interest	Principal	Interest
(7)	(8)	(9)	(10) (11) (12)

5. Total capital invested during the year.....

6. Total amount of capital repaid during the year.....

7. Amount of interest received during the year.....

8. Total amount of capital and interest remaining unpaid at the close of the year.....

9. Name of Debt Collector and his certificate No. and date.....

10. Date of submission of delivery of the statement.....

Date..... Signature in full of the money-lender

Place..... Licence No.....

Form VIII[Rule 7 (2)]Certificate to a Debt-collectorI hereby certify that Shri.....son
of.....resident.....Post Office/Police-Station.....District.....has been authorised to act as
a Debt-Collector under Sub-section (1) of Section 14 of the Orissa (Scheduled Areas)
Money-Lenders' Regulation, 1967 (Orissa Regulation 2 of 1968) on this the.....day
of.....20.....Certificate No.....

1. The certificate shall if not cancelled earlier expire on the last day of the year in which it is issued.

2. The certificate shall be cancelled at any time during the currency if the authority is satisfied that the Debt-Collector has been convicted for an offence involving moral turpitude or that he has molested or abetted molestation of any debtor for recovery of loan or has knowingly participated in, or connived at, any fraud or dishonesty in connection with recovery of loan.

Seal of the authoritySignature of the licensing authorityDate.....Form 'B'[Rule 9 (3)]Register of
money-lendersOffice of the licensing authority.....Sub-division.....

Sl. No.	Date of receipt of application	Name parentage and full address of the applicant	Details of place of business or shop in respect of which licence wanted	Maximum capital for which licence is wanted	Date and No. of previous licence, if any	Name and style under which the business will becarried on	
1	2	3	4	5	6	7	
	Amount of licence fee paid, and No. and date ofchallan	No. and date of licence granted	No. and date of order of refusal of licence	Reasons for refusal	No. and date of cancellation or suspension of thelicence	Period of suspension, reasons for suspension orcancellation	Remarks
8	9	10	11	12	13	14	