

The U.P. Debt Relief Rules, 1977

UTTAR PRADESH

India

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Rule THE-U-P-DEBT-RELIEF-RULES-1977 of 1977

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The U.P. Debt Relief Rules, 1977Published vide Notification No. 18-1 (5)-77-1-5, dated September 29, 1977, published in U.P. Gazette (Extraordinary), dated 29th September, 1977, pages 6-9In exercise of the powers under Section 35 of the Uttar Pradesh Debt Relief Act, 1977, (U.P. No. IV of 1977), the Governor is pleased to make the following rules, namely:

Chapter I Preliminary

1. Short title and commencement (Section 25).

(1)These rules may be called the Uttar Pradesh Debt Relief Rules, 1977.(2)They shall come into force from the date of their publication in the official Gazette.

2. Definitions (Section 25).

- In these rules-(a)"Act" means the Uttar Pradesh Debt Relief Act, 1977;(b)"Form" means a form appended to these rules ;(c)"Section" means a section of the Act;(d)words and expressions used in these rules and defined in the Act shall have the meanings assigned to them in the Act.

Chapter II Delivery of Pledged Properties to Debtors

3. Statement and applications by creditors and debtors (Sections 6 and 35).

(1)Every creditor referred to in Section 5 (a) shall furnish to the Tahsildar concerned, a statement in Form A within a period of sixty days from the date of commencement of these rules.(2)The

statements in Form A and the applications made by debtors under Section 6 (2) shall be caused to be entered by the Tahsildar in Misilband Register in Form B.(3)Separate case files shall be opened on the basis of the statements and applications referred to in sub-rule (2).

4. Service of notice (Sections 6 and 35).

- The Tahsildar shall issue notices in duplicate duly signed by him and bearing seal of his office to the creditors as well as to the debtors in each case separately in Form C. No notice need be sent if the party concerned is already present.

5. Order of Tahsildar (Sections 6 and 35).

- The Tahsildar shall then determine the question referred to in Section 6 (3) by inquiry and shall make such orders as he deems just and proper.(2)Before making an order under sub-rule (1), the Tahsildar shall give an opportunity of hearing to the parties and examine the evidence produced by them.

5A. [Application by debtors. [Inserted by Notification No. 18-1 (10)/78-1-5/UPA-4/77-Rule-77-AM (1)-79, dated 25th May, 1979 and published in U.P. Gazette, Extraordinary, dated 28.5.1979.]

(1)The applications made by debtors under sub-section (1) of Section 6-A be entered by the Debt Settlement Officer in Misilband Register, in Form 'B' and separate case files shall be opened on the basis of applications so received under sub-section (1) of Section 6-A.(2)The Debt Settlement Officer shall issue notices in duplicate duly signed by him and bearing seal of his office, to the creditors as well as to the debtors in each case separately in Form C-A. No notice need be issued if the party concerned is already present.(3)Before making an order under sub-section (2) of Section 6-A, the Debt Settlement Officer shall give an opportunity of hearing to the parties and examine the evidence produced by them.(4)After passing an order under sub-section (2) of Section 6-A, the Debt Settlement Officer shall grant a certificate of redemption in Form 'D'.]

Chapter III

Scaling Down of Debts Payable by Small Farmers

6. Application for determination for debts (Sections 17 and 35).

(1)Every application by a small farmer under Section 17 (1) or by his creditor under Section 17 (2) shall be caused by the Debt Settlement Officer, to be entered in a Misilband Register in Form B.(2)Separate case files shall be opened on the basis of the applications referred to in sub-rule (1).

7. Service of notice [Sections 19 (3) and 35].

- The Debt Settlement Officer shall issue notices in duplicate duly signed by him and bearing seal of his office to the small farmers as well as to the creditors in each case separately in Form C. No notice need be issued if the party concerned is already present.

8. Procedure before the Debt Settlement Officer (Sections 19, 20 and 35).

(1)The Debt Settlement Officer shall record the evidence and peruse the document produced by the parties or by their witnesses on the matters referred to in Sections 19 (1) and 20 and pronounce his decision in accordance with sub-rule (2) in respect of each debt.(2)Every such decision shall contain the following particulars, namely : (a)The amounts of principal and interest referred to in Section 19 (1).(b)The gross value of the agricultural produce referred to in Section 20.(c)The actual amount of debt payable by the small farmer after it is scaled down and the manner of its payment.

Chapter IV

Procedure Before Appellate Officer

9. Appeal (Sections 8 and 23).

(1)Every appeal under Section 8 (1) shall be filed before the Appellate Officer within a period of thirty days from the date of the order of the Tahsildar.(2)Every appeal under Section 23 (1) shall be filed within the times specified in the said section before the Appellate Officer concerned.(3)The appeal shall be filed in the form of a memorandum setting forth in brief the grounds of objection against the order appealed against.(4)Every memorandum of appeal under Section 23 (1) shall bear a court-fee stamp of rupees ten and also a process fee at the rate of one rupee per head for service of notice on each of the opposite parties.(5)The memorandum of appeal shall be accompanied by such number of copies thereof as there are the respondents.

10. Procedure in appeal (Sections 23 and 35).

(1)The Appellate Officer shall cause the appeals to be registered and shall cause the notices to be served on the respondents.(2)After granting an opportunity of hearing to the parties, the Appellate Officer shall make such orders as he deems just and proper.

Chapter V

Miscellaneous

11. Transfer of cases [Section 17 (4)].

- Where applications are made to more than one Debt Settlement Officer in respect of the same

debt, the Officer to whom such application was first made shall deal therewith, and the applications pending before other officers shall be transferred to the officer to whom the first application was made.

12. Consolidation of cases [Sections 8 (2), 19 (2), 23 (2) and 35].

- The Tahsildar, the Debt Settlement Officer, or the Appellate Officer, as the case may be, may in his discretion, consolidate two or more cases pending before him, if the parties or the properties involved are common.

13. Power to hear ex parte order (Section 35).

- The Tahsildar, the Debt Settlement Officer, or the Appellate Officer, as the case may be, may on sufficient cause being shown, set aside an ex parte order or restore an application of appeal dismissed for default, if an application to that effect is made within fifteen days, from the date of such order, or where the notice was not duly served within fifteen days, from the date of knowledge thereof: Provided that no order under this rule shall be made, unless the opposite party has been given an opportunity of being heard.

14. Adjournment [Sections 8 (2), 19 (2) and 23 (2)].

- The Tahsildar, the Debt Settlement Officer or the Appellate Officer may adjourn, to any other date, the hearing of any case or proceedings pending before him under the Act.

15. Certified copies (Section 35).

- The parties to any case or proceedings under the Act may obtain certified copies of any document forming part of such case or proceedings on payment of fee at the rate applicable to the court concerned.

16. Procedure for payment of fees (Section 35).

- All fees payable under these rules shall be payable in court-fee stamps. Form A [See Rule 3 (1)] Statement to be furnished by a creditor under Section 6 of the Uttar Pradesh Debt Relief Act, 1977 To The Tahsildar, District

Name and full address of creditor	Name and full address of person who has pledged the movable property with the creditor	Nature and description of property pledged (with specific mention of gold or silver)	Approximate weight
1	2	3	4
Approximate value of the pledged property	Amount advanced to the debtor and the rate of interest	Date of the loan or advance	Total amount paid up to February 21, 1977 by the debtor towards

Principal	Interest			
5	6	7	8	9
Amount due against the debtor on February 21, 1977	Whether the creditor is in possession of the pledged property, if not, state the name and address of the transferee together with the nature and date to transaction under which the property was transferred			Remarks
Principal	Interest			
10	11		12	13
(Creditor)				

I, do hereby verify that the particulars hereinbefore mentioned are true to my personal knowledge. Place (Creditor) Date Form B [See Rules 3 (2) and 6 (1)] Misilband Register maintained under the Uttar Pradesh Debt Relief Rules, 1977

SI. No.	Name and address of creditor	Name and address of debtor or small farmer	Description of the case and the relief sought	Gift of final order	Date of final order	Remarks
1	2	3	4	5	6	7
Form C Notice under Rule 4 or Rule 7 of the Uttar Pradesh Debt Relief Rules, 1977 Before the Tahsildar/Debt Settlement Officer, Tahsil District versus (Case No. of 19) To, Sri. (Creditor/Debtor/Small Farmer)						

1. Whereas proceedings under Section 6 of the U.P. Debt Relief Act, 1977 (U.P. Act No. 4 of 1977) have been initiated in respect of the movable properties said to have been pledged by Sri. (Debtor) in favour of Sri. (Creditor).

Or Whereas proceedings under Chapter IV of U.P. Debt Relief Act, 1977 (U.P. Act No. 4 of 1977) have been initiated regarding the scaling down of debt due from Sri. (Small Farmer) and payable to Sri. (Creditor).

2. And whereas, the undersigned has fixed day of 19 at for hearing the same.

3. You are, therefore, called upon to appear before the undersigned on the date and time so fixed.

Dated the day of 19 (Seal). Tahsildar / Debt Settlement Officer. [Form C-A]
[Inserted by Notification No. 18-1 (10)/78-1-5-UPA-4/77-Rule 77-AM (1)-79, dated 25-5-1979 and

published in U.P. Gazette (Extraordinary), dated 28-5-1979.] Notice under Rule 5-A of the Uttar Pradesh Debt Relief Rules, 1977 Before the Debt Settlement Officer Tahsil

..... District versus (Case No. of 19) Sri.
..... (Creditor/ Debtor)

1. Whereas, proceedings under Section 6-A of the Uttar Pradesh Debt Relief Act, 1977 (U.P. Act No. 4 of 1977), as amended by Act No. 2 of 1979, have been initiated in respect of the immovable property/ properties sold to have been mortgaged by Sri (Debtor) in favour of Sri (Creditor) ;

2. And whereas, the undersigned has fixed day of 19 at for hearing the same.

3. You are, therefore, called upon to appear before the undersigned on the date and time so fixed.

Dated the day 19 Debt Settlement Officer. From D Form of Redemption [See Rule 3 of the U.P. Debt Relief (Amendment) Rules, 1979] This is to certify that the immovable property consisting of mortgaged by (name and full address of debtor) to (name and full address of creditor) against a debt of Rs. and interest of Rs. stands redeemed in favour of the said debtor from * under Section 6-A (2) of the Uttar Pradesh Debt Relief (Amendment) Act, 1978 read with Section 5 (f) of the said Act. Issued on the day of under my signature and seal. Debt Settlement Officer. *Note. - Give date of order passed under Section 6-A (2) of the Uttar Pradesh Debt Relief (Amendment) Act, 1978. Notifications Notification No. 18-1(3)-78, dated February 21, 1979, published in U.P. Gazette, Extraordinary, dated 21st February, 1978, page 1. - In exercise of the powers under Section 12 of the Uttar Pradesh Debt Relief Act, 1977 (U.P. Act No. 4 of 1977), the Governor is pleased to extend the period of one year referred to in Sections 10 and 11 of the said Act for a further period of one year. Notification No. 18-1(3)-78 (24), dated February 15, 1979, published in U.P. Gazette, Extraordinary, dated 20th February, 1979, page 2. - In continuation of the Notification No. 18-1 (3)-78, dated February 21, 1978, extending the period referred to in Sections 10 and 11 of the Uttar Pradesh Debt Relief Act, 1977 (U.P. Act No. 4 of 1977) for a further period of one year, the Governor, in exercise of the powers under Section 12 of the said Act, is further pleased to extend the said period referred to in Sections 10 and 11 of the said Act for another period of one year. Notification No. 18-1 (4)/77 (185), dated August 5, 1977, published in U.P. Gazette, Extraordinary, dated 5th August, 1977, page 1. - In exercise of the powers under Section 16 of the Uttar Pradesh Debt Relief Act, 1977 (U.P. Act No. 4 of 1977), the Governor is pleased to appoint Sub-Divisional Officers in the State as Debt Settlement Officers for the purposes of settlement of debts between the small farmers and their creditors under this Act. They shall exercise jurisdiction over their respective sub-divisions. Notification No. 18-1 (4)/77 (ii), dated August 5, 1977, published in U.P. Gazette, Extraordinary, dated 5th August, 1977, page 2. - In exercise of the powers under sub-section (2) of Section 2 of the Uttar Pradesh Debt Relief Act, 1977 (U.P. Act No. 4 of 1977), the Governor is pleased

to appoint the following officers as Appellate Officers, for the whole of the district in which they are for the time being posted, to hear the appeals under Sections 8 and 23 of the said Act-

- 1. In districts of Almora, Banda, Fatehpur, Hamirpur, Lalitpur, Pauri, Pratapgarh and Tehri, the District Judge;**
- 2. In districts of Agra, Aligarh, Allahabad, Bareilly, Gorakhpur, Kanpur, Lucknow, Moradabad, Meerut and Varanasi, the Judge of the Small Cause Court; and**
- 3. In other districts, the Civil Judge (at the headquarters) exercising powers of the Court of Small Causes.**