

# **The M.P. Anusuchit Jan Jati Rini Sahayata Niyam, 1967**

MADHYA PRADESH

India

## **The M.P. Anusuchit Jan Jati Rini Sahayata Niyam, 1967**

### **Rule**

### **THE-M-P-ANUSUCHIT-JAN-JATI-RINI-SAHAYATA-NIYAM-1967 of 1967**

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The M.P. Anusuchit Jan Jati Rini Sahayata Niyam, 1967Published vide Notification No. 2342-25-2-R-K-67, dated the 6th April, 1967, M.P. Rajpatra (Asadharan) dated 8-4-1967, p. 1382Notification No. 2342-XXV-II-R-K-67, dated the 6th April, 1967. - In exercise of the powers conferred by Section 30 of the Madhya Pradesh Anusuchit Jan Jati Rini Sahayata Adhyadesh, 1966 (20 of 1966) the State Government hereby makes the following rules,.

#### **1. Short title.**

- These rules may be called The Madhya Pradesh Anusuchit Jan Jati Rini Sahayata Niyam, 1967.

#### **2. Definitions.**

- In these rules, unless the context otherwise requires-(a)"Code" means the Madhya Pradesh Land Revenue Code, 1959 (No. 20 of 1959);(b)"form" means a form appended to these rules;(c)"Adhiniyam" means the Madhya Pradesh Anusuchit Jan Jati Rini Sahayata Adhiniyam, 1967 (No. 12 of 1967).

#### **3. Sitting of Debt Relief Court.**

- (i) The Debt Relief Court shall ordinarily hold its sitting at such places as may be notified by the State Government established under sub-section (1) of Section 4 of the Adhyadesh, but may sit at any other place within its jurisdiction for the convenient disposal of the business.(ii)The Court shall hold its sitting at such times as may be fixed from time to time by the Presiding Officer and may

adjourn its proceedings for any period, if such adjournment is, in its opinion, necessary for the proper conduct of the proceedings.

#### **4. Powers, duties and functions of Debt Relief Inspectors.**

- The powers, duties and functions of the Debt Relief Inspectors appointed by the State Government under Section 5 of the Adhyadesh shall be as follows:

**Powers**(1)Every Debt Relief Inspector shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (XLV of 1860).(2)The debt Relief Inspector when ordered by the Court to appear and act on behalf of the debtor, can with the previous permission of the Court -enter any premises within his jurisdiction in which the creditor carries on his business or keeps his records, to inspect the books of accounts, records, files and documents [on which creditor has based his claims or which are connected with the debts mentioned by the debtor in his application filed under sub-section (3) of Section 8 and Section 24 of the Adhiniyam] [Substituted by Notification No. 5154-976-XXV-1, 22.7.1971, published in M.P. Rajpatra, Part I, dated 20-8-1971.](3)The Debt Relief Inspector shall make an application on behalf of the debtor for issue of a discharge certificate; if so required before the Debt Relief Court in Form No. IV.

**Duties**(1)The Debt Relief Inspector shall assist the debtors to file an application under sub-section (3) of Section 8 of the Adhiniyam before the Court for determination of his debts in Form No. III.(2)The Debt Relief Inspector shall assist the debtor to present an application under Section 24 of the Adhyadesh in Form No. IV to the Court for issue of a discharge certificate.(3)The Debt Relief Inspector shall bring all the cases of recovery by the creditors, made from the debtors, after the claims have been discharged or deemed to have been discharged or advise the debtors to bring such cases to the notice of the Police for such action as it deems fit under Sections 28 and 29 of the Adhiniyam. He shall submit a quarterly Progress Return to the Director, Tribal Welfare, Madhya Pradesh through the Collector of the District and will send a copy in advance to the Director, Tribal Welfare, Madhya Pradesh in Form IX, so as to reach the Director, Tribal Welfare, not later than the 15th January, 15th April, 15th July and 15th October.(4)He shall maintain a liaison between the Presiding Officer of the Debt Relief Court and the tribal population of his jurisdiction.(5)He shall inform the debtors about all the claims against them having been discharged for all purposes and all occasions.(6)He shall keep in touch with the Debt Relief Court in his area and assist the Presiding Officer of the Court under his guidance.(7)He shall undertake such spot inquiries as may be entrusted to him by the Court in connection with the particulars, furnished by the creditors or the claims put up by them.(8)He shall collect information about the debts against the tribal debtors, which have not been applied for determination.

**Functions**(1)The Debt Relief Inspector shall publicise the provisions of the Adhiniyam and the implications thereof, widely through the village agencies, such as Gram Panchayats, Adivasi Panchayats and the village officials.(2)He shall enquire into the financial needs of the tribals, to the extent and for the purpose of their demand and the period during which such loans are usually taken.(3)He shall collect information about the creditors in his area and details of the debts against the tribal debtors.(4)He shall carry out a survey of the causes and extent of indebtedness amongst the tribals in his area.(5)He shall enquire about the money-lending practices of the different agencies, other than the co-operatives operating in his area for advancing credit to the tribals, and bring them to the notice of the superior authorities concerned for suitable action.(6)He shall supervise the working of the co-operative agencies such as Multipurpose Co-operative Societies and Forest Labour Co-operative

Societies, Service Societies and Grain Golas in his area so far as the credits are advanced by them to the tribals for both productive and non-productive purpose and assist the tribals to take full advantage of such facilities.

## **5. Submission of application by the creditor.**

- An application under sub-section (1) of Section 8 of the Adhiniyam shall be made by the creditor in Form I and shall be filed in person or by duly authorised agent or by registered post acknowledgment due before the Debt Relief Court at any time during the Courts hours. It shall be received by the Presiding Officer of the Court or by such person as may be authorised by him in writing in this behalf.

## **6. Application by the debtor.**

- An application by the debtor under sub-section (3) of Section 8 of the Adhiniyam shall be made in Form III to the Debt Relief Court for the determination of his debts.

## **7. Particulars of witness to be filed before the Debt Relief Court.**

- A party who desires the attendance of any witness before the Debt Relief Court shall file a list of such witnesses stating the full name, residence and occupation or description of each person and whether he is required to give evidence as an expert or otherwise or to produce any document, and in the latter case, specifying the date and description of the document so as to identify it.

## **8. Memorandum for issue of a process.**

- If a party presents in duplicate a memorandum for the issue of a process and desires that the Court Reader should acknowledge it, the latter shall sign and date the duplicate copy by way of acknowledgement of the original and return it to the applicant. The duplicate copy will be valuable evidence in any instance where the memorandum is unduly delayed or there is any irregularity in this disposal.

## **9. Diet money and travelling allowances to witness.**

- The diet money and travelling allowance shall be paid to witnesses in accordance with the scale prescribed from time to time in the rules on the subject made under the Code.

## **10. Jurisdiction of Debt Relief Courts.**

- The Debt Relief Court shall have such territorial jurisdiction as may be specified in the notification issued under sub-section (1) of Section 4 of the Adhiniyam.

## **11. Procedure to be followed by the Collector or other Revenue Officer in dealing with the instalment paid to him.**

- If an instalment is paid by the debtor either to the Collector or to an instalment is paid by the debtor either to the Collector or to such other Revenue Officer as he may authorise in this behalf under sub-section (1) of Section 16 of the Adhiniyam the notice of the payment shall be given by the Collector or such other Revenue Officer to the Creditor and the amount of the instalment shall (unless the said authorities otherwise direct) be paid to the creditor on his application.

## **12. Notice.**

(1)A notice under sub-section (3) of Section 8 shall be in Form IV-A. Other notices and summons to be issued under the Adhiniyam shall, so far as possible, be in the form prescribed under the Code of Civil Procedure.(2)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.

## **13. Manner of fixing instalment and determination of paying capacity of debtor.**

- In determining the paying capacity of a debtor under proviso to sub-section (4) of Section 15 of the Adhiniyam regard shall be had inter alia to the gross annual income, cost of cultivation, cost of maintenance of himself and all his dependents and other family responsibilities. The income left over may be taken into consideration in fixing the amount of each instalment which the debtor can pay without undue hardship. The number of annual instalments so fixed shall not exceed twenty and the date of payment shall be 15th May each year.

## **14. Application for discharge certificate.**

- After the debt stood discharged or are deemed to have been discharged under the Adhiniyam the debtor or the Debt Relief Inspector in his behalf may apply to the Court in Form IV for issue of a certificate of discharge in Form V. Besides other purposes this will be conclusive evidence of such discharge for purposes of action against the creditor under Section 28 of the Adhiniyam.

## **15. Issue of discharge certificate.**

- The Debt Relief Court may issue a discharge certificate after due enquiry, on receipt of an application under Section 24 of the Adhiniyam in Form V in respect of any debt which stood discharged or is deemed to have been discharged.

## **16. Receipt for payment of instalment.**

- The receipt to be passed by the Creditor for acknowledging the payment of the instalment under sub-section (1) of Section 16 shall be in Form II.

## **17. Records.**

- (i) The records of the proceedings before Debt Relief Courts shall be arranged in the same manner as the records of the Revenue Courts are arranged under the Code. (ii) The records of the proceedings of Debt Relief Court shall be deposited in the record room in district office in which the records of the Revenue Courts are deposited.

## **18. [ Period of preservation of the proceedings. [Substituted by Notification No. 2020-4628-XXVI-68, dated 18-3-1969, published in M.P. Rajpatra. Part IV (Gazette), dated 9-5-1969.]**

- In the District Office, the proceedings of the following cases shall be preserved for the periods specified against them from the date of the final order, namely (1) Application by creditor for determination of debt under sub-section (1) of Section 8 ..... 25 years (2) Application by debtor for determination of debt under sub-section (3) of Section 8 ..... 25 years (3) Cases dismissed and claims discharged under sub-section (6) of Section 8 .... 2 years (4) Application for recovery by creditor under Section 17 .... 3 years (5) Application for revision of the order of Debt Relief Court under Section 22 ..... 25 years (6) Application by debtor for discharge certificate under Section 24 in which no certificate is issued 3 years (7) Application by debtor for discharge certificate under Section 24 in which certificate is issued ..... 25 years. (8) Miscellaneous cases 3 years.]

## **19. Inspection of records.**

- The inspection of records in proceedings before Debt Relief Court or deposited in the record room for safe custody shall be governed by the rules from time to time made under the Code.

## **20. Copies of records.**

- The procedure prescribed for supply of copies or records under the Code, shall mutatis mutandis, be followed in relation to the supply of copies of records of the proceedings under the Adhiniyam.

## **21. Registers and books.**

- (i) The following registers and books shall be maintained by a Debt Relief Court: (a) Register of Cases. (b) Process Register. (c) Diet Money Register. (d) Inspection Book. (e) Copying Fee Register. (f) Receipt Book. (g) Register of Contingent Expenditure. (h) Any other register or books as may be specified by the State Government, from time to time. (ii) The registers and books shall be maintained in the Forms prescribed for revenue cases and given in Revenue Book Circulars.

## **22. Returns.**

- (i) Every Debt Relief Court shall submit through the Collector to the Government in the Tribal Welfare Department, with a copy to Director, Tribal Welfare, Madhya Pradesh, a quarterly progress

return, in Forms VI, VII and VIII relating to the cases instituted under sub-section (1) of Section 8 and applications filed by the debtors under sub-section (3) of Sections 8 and 24 of the Adhiniyam respectively.(ii)The Court shall also submit by the 15th of October every year, through the Collector, to the Government in Tribal Welfare Department with a copy to Director, Tribal Welfare, Madhya Pradesh a report on the difficulties experienced in working the Adhiniyam, the reactions of the tribals to the Adhiniyam, the interest taken by them to get their debts determined and amendments, if any, that appear to be necessary to the Adhiniyam or the rules made thereunder.

## **23. Procedure for recording oral evidence.**

- The evidence of each witness shall be taken down in writing in Hindi by or in the presence and under the personal direction and superintendence of the presiding officer of the Debt Relief Court, not ordinarily in the form of question and answer, but in that of a narrative, and when completed, shall be read over in the presence of the presiding officer of such Court and of the witness and the presiding officer shall, if necessary, correct the same, and shall sign it. Form I (See Rule 5) Form of Application To The Debt Relief Court, ..... Tahsil Under Section 8 (1) of the Madhya Pradesh Anusuchit Jan Jati Rini Sahayata Adhiniyam, 1967, I ..... son of ..... resident of ..... village situated in ..... Tahsil, beg to apply for determination of debt against my debtor namely Shri ..... son of ..... resident of village ..... in Tahsil. (a) The debtor, namely Shri ..... is a member of the Scheduled Tribe belonging to ..... Tribe (b) The debtor resides at ..... village and his occupation as far as known to me is ..... (c) The details of debts are as follows-

**1. Amount advanced in cash with date of commencement and rate of interest.**

**2. Value of debt in case advanced in kind, with date of commencement and rate of interest.**

**3. Whether secured or not, if so, how with all particulars.**

**4. Amount advanced on mortgage of the debtor's property with date and rate of interest.**

**5. Is the property of the debtor mortgaged with possession? if so state the full particulars of the net income derived with years.**

**6. State the amount on account of principal and interest paid by the debtor with dates.**

**7. What was the interest agreed to be paid on secured and unsecured debts separately?**

**8. Was the debt on account of payment made to the debtor during the period of his service? if so give, details year wise.**

**9. In case the loan was in kind its value at the market rate prevalent of the date of advancement of loan should be stated.**

**10. Total amount of principal and interest due from the debtor on the date of application should be stated in detail.**

**11. Copies of the documents executed by the debtor and a full and true statement of accounts of all previous transactions between him and debtor, leading to the claim and his account books or copies thereof should be filed along with this application and details given here.**

(d)Particulars of the property of the debtor are as follows :Property-(1)Immovable

Specification of Property	Village where situated	Area	Rent or revenue payable	Value	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

(2)Movable

Description	Value
(1)	(2)

(e)Whether the applicant has made any previous application to any other Debt Relief Court established under the M.P. Scheduled Tribes Debt Relief Regulation, 1962. If so, state particulars including the orders, if any , passed or the stages of the case.....Signature of applicantVerified that the contents of paragraphs (a) to (e) of the application are true upon the personal knowledge and those in paragraphs.....upon information received and believed to be true by the undersigned.Declared at.....on.....Signature of applicantForm II(See Rule 16)Form of ReceiptReceived from..... son of resident of.....Tahsil.....the sum of.....on account of the instalment payable.....in case No.....of.....of the Debt Relief Court.Place.....Dated the.....Signature of the Creditor.Form III(See Rules 5 and 6)Form of ApplicationToThe Debt Relief CourtTahsilUnder Section 8 (3) of the Madhya Pradesh Anusuchit Jan jati Rini Sahayata Adhiniyam, 1967, I.....son of.....resident of.....village situated in.. Tahsil being a member of Scheduled Tribes belong to.....Tribe beg to apply for determination of debts which I own to the following creditors :  
Name of the Creditors    Addresses

1.2.3.4.5.6.

**2. This application is within 60 days from the date of establishment of the Court, the Court having been established on.....**

**3. I ordinarily reside and earn my livelihood and own land in village.....Tahsil.....which is within the jurisdiction of this Court.**

**4. That the aforesaid creditors have not so far filed their claims before the Court for determination thereof.**

Prayed therefore that the creditors may be noticed to file their claims in respect of my debts for determination thereof. Dated.....20.....Debtor-Applicant Form IV (See Rules 5 and 15) To, The Debt Relief Court .....Tahsil I beg to lay down as follows :

**1. That Shri.....son of ....resident of.....village situated in.....Tahsil is a member of the Scheduled Tribes belonging to.....Tribes.**

**2. That the said person owns land, ordinarily resides or earns livelihood within the jurisdiction of this Court.**

**3. That he was said to have owned the following debts to the following creditors and the same have been discharged by the Court in Case No.....of vide Court's order, dated.....**

Or/and That his creditors as mentioned below have failed to present their claims against.....before the Court for determination as required by Section 8 within the time limit prescribed thereunder and as such all their claims stand discharged for all purposes and all occasions against him.

Name of the Creditors    Address    Amount

(1)(2)(3)(4)

**4. That a period of 90 days have since expired from the date of the establishment of the Court.**

It is, therefore, prayed that a discharge certificate under Section 24 of the Adhiniyam may kindly be issued in favour of Shri.....Dated.....20.....Applicant Debt Relief Inspector on behalf of Shri.....Note - Score out which is not applicable. [Form IV-A] [Inserted by Notification No. 2020-4628-XXVI-1-68, dated 18-3-1969, Published in M.P. Rajpatra Part IV (Ga), dated 9-5-1969.] (See Rule 12) Notice under Rule 12 of the Madhya Pradesh Jan Jati Rini Sahayata Adhiniyam, 1967 In the Debt Relief Court of.....To Name of the creditor.....son of.....Resident of village.....Tahsil.....district.....Whereas Shri.....resident of village.....Tahsil.....district.....has applied to the Court for the determination of his



debt and has named you as one of his creditors. Now, therefore, you are hereby required to take notice that in case you fail to submit an application as required by sub-section (1) of Section 8 of the Madhya Pradesh Jan Jati Rini Sahayata Adhiniyam, 1967, for the determination of debts due to you in respect of the said debtor within [thirty] [Substituted by Notification No. 5154-976-XXV-1, dated 22-7-1971, Published in M.P. Rajpatra Part I, dated 28-8-1971.] days from the date of this notice, all such debts due to you from the said debtor shall stand discharged. Under the Seal of Debt Relief Court] Form V (See Rules 5, 15 and 16) Form of certificate under Section 24 of Madhya Pradesh Anusuchit Jan Jati Rini Sahayata Adhiniyam, 1967 This is to certify that the claims of the following creditors preferred in case numbers noted against them in so far as they relate to Shri.....son of.....resident.....of.....situated in.....Tahsil.....who is a member of Scheduled Tribes belonging to.....Tribes have been discharged.

Name of Creditors Claimed	Address Determined	Case No.	Amount	Date of order of the Court
(1)	(2)	(3)	(4)	(5)

Or/and This is to certify that the following creditors failed to prefer their claims against Shri.....son of.....resident of.....situated in.....tahsil, who is a member of Scheduled Tribes belonging to.....Tribes within the limitation as prescribed under Section 8 of the Adhiniyam, and as such the claims are deemed to have been discharged for all purposes and all occasions in pursuance of Section 8 (4) of the Adhiniyam.

Name of the Creditors Address

1.2.3.4.5.6.

Seal of the Court Issued on day.....20.....Presiding Officer Debt Relief Court .....Tahsil Form VI (See Rule 22 (i)) Quarterly Progress Return for claims filed by the creditors under Section 8 (i) of the Adhiniyam for the quarter ending.....of the Debt Relief Court.....Tahsil.....District

Cases pending at the beginning of the quarter	Cases registered during the quarter
Number	Amount involved
(1)	(2)

Number	Amount involved
(3)	(4)

Cases disposed of during the quarter	Cases discharged or dismissed
Number	Amount involved
(5)	(6)

Amount determined	Number	Amount involved
(7)	(8)	(9)

Cases pending at the beginning of the quarter	Average number of instalments	Remarks
Number	Amount involved	

(10)

(11)

(12)

(13)

Form VII[See Rule 22 (i)]Quarterly Progress Return for Application filed by debtors under Section 8 (3) of the Adhiniyam for the quarter ending.....of the Debt Relief

Court.....Tahsil.....District.....

Applications pending at the beginning of the quarter

Applications registered during the quarter

Number	Creditors	Amount	Number	No. of creditors	Amount
(1)	(2)	(3)	(4)	(5)	(6)

Applications on which creditors noticed u/s 8 (3) of the Adhiniyam

Applications dismissed

Number	No. of creditors	Amount	Number	No. of creditors	Amount
(7)	(8)	(9)	(10)	(11)	(12)

Applications pending at the close of the quarter

Remarks (Reasons for dismissal be given)

Number	No. of creditors	Number	Amount involved
(13)	(14)	(15)	(16)

Form VIII[See Rule 22 (i)]Quarterly Progress Return for applications filed by debtors under Section 24 of the Adhiniyam for quarter ending.....of the Debt Relief

Court.....Tahsil.....District.....

Applications pending at the beginning of the quarter

Applications registered during the quarter

Number	Creditors	Amount	Number	No. of creditors	Amount
(1)	(2)	(3)	(4)	(5)	(6)

Applications of which enquiry taken up

Applications dismissed

Number	No. of creditors	Amount	Number	No. of creditors	Amount
(7)	(8)	(9)	(10)	(11)	(12)

Applications on which discharge certificate issued

Applications pending at the close of the quarter

Remarks

Number	No. of creditors	Amount	Number	No. of Creditors	Amount
(13)	(14)	(15)	(16)	(17)	(18)
					(19)

Note - This quarterly progress return is required to be submitted after the expiry of 90 days from the date of the establishment of Courts. Form IX [See Rule 5] Quarterly Progress Return for cases reported to police under Section 28 of Adhiniyam for the quarter ending.....of the Debt Relief Inspector.....Tahsil.....District.....

Number of reports to  
Police during the  
quarter

By the Debtors	By the Debt Relief Inspector				
Number	No. of Creditors involved	Amount of Recovery	Number	No. of Creditors involved	Amount of Recovery
(1)	(2)	(3)	(4)	(5)	(6)

Number of reports to  
Police during the  
quarter

By the Debtors	By the Debt Relief Inspector				
Number	No. of Creditors involved	Amount of Recovery	Number	No. of Creditors involved	Amount Recovery of
(7)	(8)	(9)	(10)	(11)	(12)

Reports pending during the quarter

Remarks (Reasons for not taking action by police)

By the Debtors

By the Debt Relief Inspector

Number	No. of Creditors involved	Amount of Recovery	Number	No. of Creditors involved	Amount of Recovery
(13)	(14)	(15)	(16)	(17)	(18)
					(19)

Note - The Debt Relief Inspector is required to submit this return after the expiry of 90 days from the date of establishment of the Court.