

The Haryana Relief of Agricultural Indebtedness Rules, 1976

HARYANA

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Rule

THE-HARYANA-RELIEF-OF-AGRICULTURAL-INDEBTEDNESS-RULES of 1976

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1.

These rules may be called the Haryana Relief of Agricultural Indebtedness Rules, 1976.

2.

In these rules, unless the context otherwise requires, -(a)"Act" means the Haryana Relief of Agricultural Indebtedness Act, 1976;(b)"Form" means a form appended to these rules; and(c)"Section" means a section of the Act.

3. Verification of application.

[Sections 9 and 15] - (1) An application for debt settlement under Section 8 shall be signed by the applicant and shall be verified by the applicant, who shall specify by reference to the numbered paragraphs of the application what he verifies of his own knowledge and what he verifies upon information received and believed to be true. The verification shall be signed by the applicant and shall state the date and the place where it was signed.(2)Every application for settlement shall be presented by the application, or by his agent authorised in writing in person or sent by registered post acknowledgement due, to the debt settlement officer.(3)On receipt of the application, the debt settlement officer shall order the relevant details to be entered in the register of applications for

settlement of debts in Form I, maintained under the supervision of the debt settlement officer.(4)Every application shall be accompanied by all such documents as will be necessary for the disposal of the proceedings before the debt settlement officer.(5)A further and better statement of the nature of the claim or defence or further and better particulars of any matters stated in any application may be admitted by the debt settlement officer upon such terms as to costs and otherwise as may be considered just.

4. Issue of notices.

[Sections 11(2) and 25(1)] - (1) On receipt of the application containing the particulars required by sub-section (1) of Section 10 and the documents referred to in sub-rule (4) of Rule 3, the debt settlement officer shall,-(a)if the application is received from the debtor, issue notice in Form II to the creditors; and(b)if the application is received from the creditors of a debtor, issue notice in Form III to the debtor.(2)The notice in Form III shall require the debtor to submit to the debt settlement officer or, at least fifteen days before the date fixed for hearing the application, a written statement containing the particular as required by sub-section (1) of Section 10, duly signed and verified by the debtor as provided in sub-rule (1) of Rule 3.(3)On receiving the written statement of the debtor, the debt settlement officer shall send, by registered post, acknowledgement due, a notice in Form II indicating the date, time and place fixed for hearing the application to all creditors mentioned by the debtor in his statement and thereafter proceed in the manner provided in Rule 5.(4)The cost of issuing notices to the creditors shall be paid by the applicant.

5. Publication of notice calling creditors to submit statements of debts.

[Section 12] - Notice under Section 12 shall be in Form IV and shall be published-(i)conspicuously at the office of the debt settlement officer; and(ii)in some Hindi newspaper having wide circulation in the area in which the creditor resides at least twice a month.(2)The notice shall be read out and explained in open session by the debt settlement officer to all creditors who are present, and a note of this fact shall be made in the record. The names of the creditors present shall also be recorded.(3)A copy of the notice shall be sent by registered post acknowledgement due to those creditors who have been named by the applicant or debtor but are not present before the debt settlement officer.(4)The postal and publication expenses in respect of the notices shall be borne by the applicant.

6. Payment of expenses of notices.

[Section 25] - (1) For every registered notice to be sent by the debt settlement officer under the Act and these rules, the person at whose expense it has to be sent shall pay to the debt settlement officer before the issue of the notice, postage charges or present a cover adequately stamped for the purpose of despatch of the notice by registered post acknowledgement due.(2)If the applicant fails to pay the expenses of a registered notice within a week, his application shall be rejected by the debt settlement officer. The person whose application has been rejected may, within a period of one month of the date of order rejecting the application, apply to have the order rejecting the application set aside, and if he satisfies the debt settlement officer that there was sufficient cause for

non-compliance by him of the order of payment, the debts settlement officer shall set aside the order rejecting the application upon such terms as to costs or otherwise as he thinks fit, and further, shall appoint a day for proceeding with the application. Form I[See Rule 3(3)]Register of applications for settlement of debtsDebt Settlement Officer _____

- 1. Serial Number.**
- 2. Date of receipt of application.**
- 3. Name and address of debtor/creditor.**
- 4. Name and address of creditors/debtors.**
- 5. Date of disposal of application.**
- 6. Results giving details of settlement, if any.**
- 7. Names of creditors/debtors against whom applications have been granted.**
- 8. Number and date of review of application, if any.**
- 9. Abstract of order on review.**
- 10. Remarks, if any.**

Form II[See Rule 4(1) and (3)]Notice under Section 11(2) of the Haryana Relief of Agricultural Indebtedness Act, 1976ToShri _____, son of _____ of _____ Notice is hereby given that Shri _____ son of _____ of _____ tehsil _____ district _____ has filed an application under Section 8 of the aforesaid Act, and that the undersigned has fixed the _____ day of _____ 19 _____ at _____ for hearing the application. You should appear in person before the undersigned on the date fixed.Dated the _____, day of _____ 19. Debt Settlement Officer, _____ (seal of the office) _____ DistrictForm III[See rule 4(1)]Notice under Section 11(2) of the Haryana Relief of Agricultural Indebtedness Act, 1976ToShri _____, son of _____, of _____ tehsil, _____ district. Notice is hereby given that Shri _____, son of _____ of _____ tahsil _____ district has filed an application under Section 8 of the aforesaid Act, and that the undersigned has fixed the _____ day of _____ 19 _____, at _____, for hearing the application. You should appear in person before the undersigned on the date fixed. You should also submit a written statement containing the following particulars, at least fifteen days before the date fixed for hearing the application, namely :-(a)the place where you reside and hold land;(b)the particulars of all claims against you together with the names and

residences of your creditors;(c)the particulars of all your property together with a specification of the value of such property and the place or places at which any such property is to be found;(d)the particulars of your household income;(e)a statement containing full particulars showing that you are a debtor;(f)a statement whether you have previously filed an application in respect of the same debt before the debt settlement officer, and, if so, with what result.Dated _____ the _____ day _____ 19 _____.Debt Settlement Officer, _____ District.(Seal of the office).Form IV(See Rule 5)Notice under sub-section (1) of Section 12 of the Haryana Relief of Agricultural Indebtedness Act, 1976Whereas _____ son of _____ of _____ tahsil _____ district _____ an application under Section 8 of the aforesaid Act _____ the debtor has submitted an application under Section 8 of the aforesaid Act, for the settlement of the debts of _____ son of _____ of _____ tahsil _____ district _____.And whereas the undersigned is of the opinion that it is desirable to attempt to effect a settlement between the said debtor and his creditor(s), you as one of the creditors/all the creditors to whom the said debtor is indebted, are hereby required to submit within a period of two months of the date of publication of this notice, a statement in writing at the office of the undersigned on _____ of all debts owned to you by the said debtor. The undersigned will scrutinise this statement at _____ on the day _____ when you should appear before the undersigned.

2. You 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 rely to support your claims together with a true copy of every such document.

3. You should also state whether you are registered under the Punjab Registration of Money Lenders Act, 1928, and have complied with the provisions thereof.

Further proceedings in the case will take place at _____ on the _____ day of _____ 19 _____ when you/all creditors should appear before the undersigned.Debt Settlement Officer, _____ District.(Seal of the office).