

The Punjab Registration of Money Lenders Rules, 1939

HARYANA

India

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Rule

THE-PUNJAB-REGISTRATION-OF-MONEY-LENDERS-RULES-1939 of 1939

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1. Short title.

- (1)These rules may be cited as the Punjab Registration of Money-lenders Rules, 1939.Definition. -
- (2) In these rules, unless there is anything repugnant in the context, "Act" means the Punjab Registration of Money-lenders Act, 1938.

2. Registration of Money-lenders.

[Section 4]. - Application for registration under section 4 of the Act shall be made, in the annexed form A, to the Collector of the district where the applicant has his residence, or, if he has no residence in [Haryana] [Substituted for the words 'Punjab' by the Adaptation of Laws Order, 1968.], where he has his principal place of business in the [State] [Substituted by Adaptation of Laws Order, 1960, for 'Province'].].

3. Fee for registration.

[Section 4] - Application for registration shall bear the court fee prescribed in article 1(b) of Schedule II of the Court Fees Act, 1870, and shall be signed and verified by the applicant in the manner provided in Order VI; Rules 14 and 15 of the First Schedule to the Code of Civil Procedure, 1908 for plaints in suits.

4. Registration on behalf of firms.

[Section 4] - An application for registration on behalf of a firm shall be signed by all the persons constituting the firm or their representatives duly empowered or in the case of a minor by the person representing him in the business. Provided that no application shall be entertained which does not bear the personal signature of at least one member of the applicant firm.

5. Manner of presentation of application for registration.

[Section 4] - Every application for, registration shall be presented by the applicant personally or through a duly authorised agent : Provided that where there are more applicants than one, any one of them may present it.

6. Deposit of fee for registration.

- [Section 4] - (1) The Collector shall, if the application for registration is in order (or if it is not in order after getting the necessary corrections made therein), and if he finds after making such inquiries as he considers necessary that the grant of the application will not offend against any order made under section 6 of the Act, direct the applicant to deposit [within a period of one month] [Inserted by Punjab Government Notification No. 3084-J-39/20680, dated 21.10.1941.] in the Government treasury a sum representing the fee prescribed in section 4 of the Act.(2)After the applicant has deposited the fee in the Government treasury and produced the receipt therefor, the Collector shall direct the money-lender's name to be registered.(3)[If the applicant does not deposit the fee within the prescribed period his application shall be consigned to the General Record Room, and he shall submit a fresh application for registration] [Inserted by Punjab Government Notification No. 3084-J-39/20680, dated 21.10.1941.].

7. Issue of certificate on registration.

[Section 4] - On registration of the applicant's name under the preceding rule the Collector shall issue a certificate to him in form B annexed.

8. Grant of licence.

[Section 5]. - No licence shall be granted under section 5 unless the applicant has been registered under section 4 of the Act.

9. Renewal of licences.

[Section 5] - (1) - Applications for the grant of renewal of licences shall be made to the Collector mentioned in rule 2 in form C annexed.(2)The provisions of rule 3 above in regard to verification and to the payment of court fee shall be equally applicable to applications for the grant or renewal of licences under the preceding sub-rule.(3)In the case of a firm any adult member, or the guardian of

a minor member, may make an application for a licence on behalf of the firm.

10. Affidavit for the grant/renewal of licences.

[Section 6] - Every application for the issue or renewal of a licence shall be accompanied by an affidavit stating whether any court has since the making of the last application (if any) made any order in relation to the applicant in regard to any of the matters mentioned in section 6 of the Act.

11. Fee for the grant/renewal of licences.

[Section 13(2)(b)] - After making such inquiries as he thinks necessary, the Collector shall, if he finds that there is nothing to debar the grant or renewal of the licence, direct the applicant to deposit [within a period of one month] [Substituted by Punjab Government Notification No. 6163-J-41/54523, dated 21.10.1941.] in the Government treasury a sum representing the fee prescribed in rule 12.

12. [Scale of fees. [Substituted by Punjab Government Notification No. 6163-J-41/54523, dated 21.10.1941.]

[Section 13(2)(b)] - (1) The fees for grant or renewal of licences shall be as under :- (a) For the grant of licence for the district in which the money-lender is first registered-

- | | |
|--|---|
| (i) if the application is submitted within one month from the date of registration of his name | Five rupees a year. |
| (ii) if the application is submitted thereafter. | Seven rupees a year. |
| (b) For the renewal of licence for the district in which the money-lender is first registered. | Three rupees a year. |
| (c) For the grant [or renewal of] [Substituted for the word 'of' by Punjab Government Notification No. 6370-J-41/57790, dated 5.11.1941.] licence for every other district to which validity of the licence may be extended. | Two rupees a year subject to a maximum of fifteen rupees a year (including the initial fee) for the whole [State] [Substituted for the word 'Province' by the Adaptation of Laws Order, 1950.]. |
- (2) The fee for the issue of a duplicate copy of a registration certificate or of a licence, in event of the loss of the original document, shall be one rupee for each duplicate copy.]

13. Grant of licence.

[Section 5]. - (1) After the applicant has deposited the prescribed fee in the Government treasury and has produced the treasury receipt therefor, the Collector shall issue a licence in form D annexed. (2) [If the applicant does not deposit the fee within the prescribed period his application shall be consigned to the General Record Room and he shall submit a fresh application for the grant of a licence.] [Added by Punjab Government Notification No. 6163-J-41/54523, dated 21.10.1941.]

14. Renewal of licence.

[Section 5]. - An application for the renewal of a licence shall be made not less than one month before its expiry : Provided that the Collector may for sufficient reasons condone a delay not exceeding one month on payment of a penalty of two rupees.

15. Maximum period for which licence may be issued/renewed.

[Section 5]. - A licence may be issued or renewed for a period not exceeding three years at one time, on pre-payment by the applicant of the full fees for the period.

16. Licences ordinarily valid for the District.

[Section 5]. - Licences shall ordinarily be made valid for the district of issue only, but it shall be open to the Collector after making such inquiries as he considers necessary from the Collector of any other district, to extend the validity of a licence so as to include the area of that district.

17. Service of notice.

[Section 7(1)]. - Notices issued under the proviso to sub-section (1) of section 7 of the Act shall be in form E annexed, and shall be served in accordance with the procedure laid down in Order V of the First Schedule to the Code of Civil Procedure for the service of summons.

18. Cancellation of licence.

[Section 7] - As soon as any order is made by the Collector for the cancellation of a licence the money-lender shall surrender the same, and the Collector shall endorse thereon the word "Cancelled" in red ink under his signature with the date of so doing.

19. Publication of cancellation of licence.

[Section 6] - (1) The cancellation of a licence by a Collector under section 6 of the Act shall be published in the Haryana Government Gazette, and any order made in appeal or review for the restoration of a licence shall be published in the same way.(2)Intimation of all orders referred to in the preceding sub-rule shall also be given by the authority making the order to the District Judge of every district in which the licence is operative, with the request that the substance of the order be communicated to all the subordinate civil courts.

20. Appeals.

[Section 11] - (1) Every appeal against an order of a Collector under section 6 of the Act shall be preferred in the form of a memorandum [duly verified] [Added by Haryana Government Notification No. GSR 35/PA3/1938 S.13/73, dated 30.11.1973.] stamped as required under Article

I(c) of Schedule II of the Court Fees Act, 1870, and shall be accompanied by an attested copy of the order appealed against.(2)As soon as an appeal is filed the Commissioner shall cause notice of the same to be given to the Collector against whose order it is directed and shall invite him to make such commencements as he may consider necessary in connection with the grounds of appeal.(3)Notice of the appeal shall also be served on any other person who may have moved the Collector under sub-section (1) of section 7 of the Act or who may have otherwise appeared as a party before him.(4)In all other respects the procedure in appeals under the Act shall be governed by the provisions of the Punjab Tenancy Act, 1887, and the rules made thereunder for the hearing of appeals against the orders of revenue officers, so far as they can be made applicable.

21.

Every application under sub-section (2) of section 7 or sub-section (sic) or sub-section (5) of section 11 of the Act shall bear a court fee stamp as laid down in Article 1(b) or 1(c), as the case may be, in Schedule II of the Court Fees Act, 1870.

22. Decision on appeals etc. communication regarding.

[Section 11]. - If an original order under section 6 or sub-section (2) of section 7 or an appellate order under section 11 of the Act is announced in the absence of the money-lender, it shall be communicated to him by registered post (acknowledgement due).

23. Dismissal of appeal, grant of certificate for instituting suit.

[Section 11] - When a certificate is granted by a Commissioner to a money- lender under sub-section (3) of section 11, it shall be in form F annexed to these rules. Form AApplication for registration of a Money-lender(Section 4 of the Punjab Registration of Money-lenders Act, 1938)In the office of the Collector of _____

Tahsil _____

Town _____

(Here give the name of the tahsil containing the town or village where the money-lender resides or has his principal place of business)

(Here give the name of the town or the village where the money-lender resides or has his principal place of business)

(a) Name of the applicant, with parentage, caste, residence, and address in full.

(b) In cases where the applicant is a firm, the names of all persons constituting it, with parentage, caste, residence and address in full of each

- (c) In cases where the applicant is a firm : whether it is a Hindu joint family firm or otherwise constituted, and whether it has been registered under the Indian Partnership Act, 1932.
- (d) Name of style under which the applicant carries on his money-lending business.
- (e) Names of the districts within which the applicant has his business on the date of the application.
- (f) Names of the districts to which the applicant wishes in future to extend his business.
- (g) Location of the applicant's principal place of business, with full particulars thereof and the name, parentage, caste and address of the person in charge.
- (h) Has the applicant any office at any other station ? If so, give complete particulars with the name, parentage, caste and address of the person in charge of each office.
- (i) What is the extent of the total business of the applicant on the date of application ?
- (j) For how long has the applicant carried on the business of money-lending ?
- (k) Whether any application for registration had previously been made by the applicant : or where the applicant is a firm, by any one or more of its members singly or jointly in partnership with any other person under any name. If so, when, where and with what result ?
- (l) (i) In case the applicant had previously been registered and licensed, give full particulars of the licence.
- (ii) State whether any licence granted previously to the applicant (or where the applicant is a firm, to any one or more of its members singly or jointly in partnership with any other person) has been cancelled. If so, full particulars should be given, including the name of the officer and terms of the order cancelling the licence.
- (m) Whether money-lending is the sole business of the applicant or whether he is engaged in any other business, profession or calling.

Certified that all the facts set out in the application are true to my knowledge except paragraphs _____ which are true to my belief being based on information supplied by _____

(Signature of the person making the verification with the date and place of so doing) (Signature of the applicant with date.)

Form 'B' Money-lender's Registration Certificate (Section 4 of the Punjab Registration of money-lenders Act, 1938) District _____ Tahsil _____ Register No. _____ Certified that _____ Son/daughter/wife of _____ caste _____ resident of _____ the firm _____ With _____ his/her/ its principal place of business at _____ has been registered as a money-lender

under section 4 of the Punjab Registration of Money-lenders Act, 1938, on the _____ day of _____ 19*The registered firm is constituted by -

1. _____, son of _____, caste _____ resident of _____
2. _____, son of _____, caste _____ resident of _____
3. _____, son of _____, caste _____ resident of _____
4. _____, son of _____, caste _____ resident of _____
5. _____, son of _____, caste _____ resident of _____
6. _____, son of _____, caste _____ resident of _____

(Seal of the Collector)Signed _____,Collector,District _____

*Where the money lender is a single individual cross out this portion. Form 'C'Application for the _____ grant/renewal of Money-lender's Licence(Section 5 of the Punjab Registration of Money-lenders Act, 1938)In the office of the Collector

_____, Tehsil _____ Town/village _____, Post Office/Police Station _____ The applicant submits as follows :-(1)That he is registered money-lender in the district with necessary particulars being.Tehsil

_____, Town/village _____, Post Office/Police Station

_____, Register No. _____ (2)That since the commencement of the Act _____ application for the grant of the previous Licence dated

_____.no court has given any finding against the applicant with regard to acts or omissions of the kind referred to in section 6 of the Act, with the following exceptions

:(1)_____ (2)_____ (3)That on the date of this application his total business does not exceed Rs. _____ as principal(4)That he prays that

_____ he may be granted a licence/his licence which expires on _____.for the yearmay be renewed for three *years _____ to _____ on the

prescribed terms in regard to fee and otherwise.*For the word "Calender" omitted by Punjab Government Notification No. 6163-J-41/54523, dated 21.10.1941.Verified that all the facts set out in the application are true to my knowledge except paragraphs _____ which are true to my belief based on the information supplied by _____ (Signature of the person making the verification, with date and place.)Signed _____ Dated _____ Form

'D'Money-Lender's Licence(Section 5 of the Punjab Registration of Money-lenders Act, 1938)District _____ Tehsil _____ Town/Village _____

_____ Post Office/Police Station _____ Licence No. _____

_____ This licence has been granted to _____ to practise as a money-lender on the following terms :-(a)This licence will be valid up to

_____ (b)It shall entitle the licensee to carry on the business of money- lending within the area of _____ (c)The licensee shall report to the Collector issuing this

licence any finding which any court may during its currency give against him regarding acts or omissions of the kind described in section 6 of the Act.(d)The licensee shall surrender the licence when ordered to do so by the Collector granting it or by the Commissioner or any court.(Seal of the Collector)Signed _____Collector,Dated _____Form

'D'RenewalThis licence has on payment of the proper fees been renewed as under :-From

_____ to _____(Signature of the officer granting renewal)Dated _____Form 'E'Notice of Money-lender[Section 7(1) of the Punjab Registration of Money-lenders Act, 1938.]In the Office of the Collector

_____district(Notice under section 7 of the Punjab Registration of Money-lenders Act, 1938).To _____(Here give the name and full particulars of the money-lender, whether an individual or a firm, and in case of a firm, give the name, and full particulars of the manager in addition).Whereas it has come to my notice that in the

_____case/cases noted over-leaf a _____finding/findings adverse to you _____has/have been given by the _____court/courts therein mentioned, you are hereby called upon to appear before me personally or through a duly authorised agent or lawyer on _____at _____and show cause why your licence should not be cancelled for such period as may be considered proper by me.Further take notice that if you fail to appear at the appointed time and place, the case will be heard and disposed of in your absence.Signed _____CollectorDated _____(Seal of Collector's Office)(Reverse)Particulars of case/cases

Name of the Court Name of parties Date of decision Nature of the adverse finding

Form 'F'Commissioner's Certificate[Sub-section (3) of section 11 of the Punjab Registration of Money-lenders Act, 1938.]Certified that _____, son of _____, caste _____, resident of _____Tahsil _____, District _____whose appeal No. _____of 19 _____against the order of the Collector _____, dated _____, has today been dismissed, has been allowed to prosecute if already filed, or to file and prosecute, suits for the recovery of the undermentioned loans and application for the execution of the undermentioned decrees :-Loans

1. Loan of Rs. _____ dated _____, raised by _____ son of _____, Town/Village _____, Tahsil _____ District _____

2. _____,

3. _____, etc.

Decrees

1. Decree No. _____, dated _____, from Court of _____ for Rs. _____ against* _____, son of _____ of Village/Town _____ Tahsil _____, District _____,

2. _____,

3. _____, etc.

Signed _____ Commissioner, _____ Division Dated _____
_____(Seal of the Commissioner)*In case of a firm give its name and cross out
blanks not relevant.