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| 4. Tahsildar, Karaikal | | Karaikal Taluk |
| 5. Deputy Tahsildar, Mahe | | Mahe Sub-Taluk. |
| 6. Deputy Tahsildar, Yanam | | Yanam Sub-Taluk. |

(By Order of the Lieutenant-Governor)

A. SUBBARAYA PILLAI,
Under Secretary (Revenue).

GOVERNMENT OF PONDICHERRY
REVENUE DEPARTMENT

No. E-2763/69.

Pondicherry, 30th September 1970.

NOTIFICATION

In exercise of the powers conferred by section 22 of the Pondicherry Money Lenders' Act, 1970 (Act No. 26 of 1970), the Lieutenant-Governor, Pondicherry, hereby makes the following rules, namely:—

RULES

Short title

1. These rules may be called the Pondicherry Money Lenders' Rules, 1970.

Definitions

2. In these rules—

- "Act" means the Pondicherry Money Lenders' Act, 1970 (Act No. 26 of 1970);
- "Form" means a Form appended to these rules;
- "Inspector" means an Inspector appointed under section 10; and
- "Section" means a section of the Act.

Application for licence.

3. Every application for a money lender's licence shall be made to the Tahsildar or Deputy Tahsildar, as the case may be, having jurisdiction over the place of business of the money-lender and such application shall be in Form A.

Form of licence and fees therefor and for renewal

4. (1) Every licence granted under sub-section (2) of section 4, shall be in Form B and shall be subject to the conditions specified therein.

(2) For every application for a licence, a fee of Rs. 35 shall be paid into a Government treasury and the treasury-receipt therefor shall accompany the application. In the case of applications for renewal, the licensing fee shall be Rs. 25 to be paid into the treasury and the receipt for that payment shall accompany the application.

(3) Notwithstanding anything contained in sub-rule (2) for a period of three months commencing on the date of the coming into force of the Act, a fee of Rs. 10 only shall be payable for every application for a licence.

Issue of duplicate licences.

5. (1) If a licence is lost or destroyed or spoiled, the money-lender shall forthwith report the matter to the authority by whom the licence was granted or last renewed and shall apply to him with a treasury receipt for the payment of a fee of rupee one for the issue of a duplicate licence.

(2) On receipt of an application, with the treasury receipt referred to in sub-rule (1), the authority shall furnish the applicant with a duplicate copy of the licence duly stamped 'duplicate' in red ink.

Refund of fee in certain circumstances.

6. (1) Where the licensing authority refuses to grant a licence under sub-section (3) of section 4, the application for the refund of licence fee shall be made within a period of two months from the date of receipt of the order refusing to grant licence or from the date of receipt of order on appeal to the Tahsildar or the Deputy Tahsildar, as the case may be, having jurisdiction over the place of business of the money-lender.

(2) If, after obtaining a licence, the licensee does not carry on the money-lending business even on a single day during the period of the licence, the licensee may, within a period of two months from the date of expiry of the licence, apply to the licensing authority for the refund of the fee paid by him. On receipt of the application, the licensing authority shall verify its correctness and may order the refund of the fee paid.

Charges allowed to money-lenders.

7. A money-lender may, in addition to the cost of revenue stamp, demand and take from the debtor a sum not exceeding 25 paise on loans upto and inclusive of Rs. 250 and 50 paise on loans above Rs. 250 for incidental expenses connected with the advancement of such loan.

Form of Account Book.

8. The account specified in section 9 (1) (a) shall be in Form C

Form of receipt.

9. The receipt to be given by the money-lender to the debtor or his agent for every amount paid by the debtor shall be in Form D.

Statement of account.

10. The statement of account to be furnished by the money-lender under section 9 (1) (c) shall be in Form E.

Fees.

11. The fee which may be charged by a money lender for a statement of account furnished by him under rule 10 shall be as follows:—

| | Rs. P. |
|--------------------------------------------------------------------------------------------|--------|
| 1) If the principal amount of the loan does not exceed Rs. 50. | 0-06 |
| 2) If the principal amount of the loan exceeds Rs. 50 but does not exceed Rs. 100. | 0-12 |
| 3) If the principal amount of the loan exceeds Rs. 100 but does not exceed Rs. 300. | 0-19 |
| 4) If the principal amount of the loan exceeds Rs. 300 but does not exceed Rs. 500. | 0-25 |
| 5) If the principal amount of the loan exceeds Rs. 500 but does not exceed Rs. 1,000. | 0-37 |
| 6) If the principal amount of the loan exceeds Rs. 1,000 | 0-50 |

Explanation:— (a) The fees shall be charged separately in respect of each loan and each requisition.

Illustration:— The fee relating to two separate loans of Rs. 120 and Rs. 350 will be 44 paise.

(b) If the statement of account is furnished by post, the money-lender may also charge such additional expenses as are actually incurred by him for furnishing it by post.

(c) The fee and the postal charges, if any, shall, on demand by the money-lender, be payable in advance or shall be recoverable by the money-lender as if it were included in the loan but no interest shall be charged on such fee or charges.

Pass Book

12. The pass book which the money-lender may supply to the debtor under the proviso to section 9 (1) (c) shall be in Form F and a fee of 10 paise may be charged by the money-lender for every pass book so supplied.

Language in which records, etc., should be maintained.

13. (1) All records or entries made in the books, accounts and documents referred to in sub-section (1) of section 9 shall be either in the language of the region or in English or in both.

(2) Nothing contained in these rules shall prevent the money-lender from maintaining the accounts of a particular debtor in any language which the debtor may understand and read.

Manner of furnishing statement of accounts.

14. (1) The statement of account referred to in rule 10 shall be sent to the debtor by registered post, acknowledgment due, to the address given in the requisition by the debtor.

(2) Notwithstanding anything contained in sub-rule (1), where the debtor agrees in writing to the statement being delivered personally, it shall not be necessary to send it by registered post.

(3) When a debtor takes personal delivery of the statement of account, he shall acknowledge the receipt of the same in writing. The debtor shall sign the acknowledgment or if he is not literate, affix his thumb impression thereto.

Appellate Authority.

15. (1) The appellate authority for the purpose of sub-section (4) of section 4 and sub-section (3) of section 14 shall be the Sub/Assistant Deputy Collector (Revenue) having jurisdiction over the place of business of the money lender.

(2) If the appellate authority considers further enquiry to be necessary before final orders are passed on the appeal he may either hold the enquiry himself or have it made by one of his subordinates, and such witnesses as are, in his opinion, necessary shall be examined during the enquiry. The appellate authority shall also hear the licensee or his advocate before disposing of the appeal.

(17)

(2) This licence shall be produced before an Inspector appointed under the Act or any Officer not below the rank of a Deputy Tahsildar having jurisdiction over the area, whenever it is demanded for inspection.

(3) This licence shall apply to the premises mentioned above.

(4) This licence shall not entitle or guarantee the renewal of the licence for the succeeding year.

Given under my hand and seal, this day of

(Fees paid, Rs.)

Tahsildar Taluk

Deputy Tahsildar, Sub-Taluk

FORM-C

(See Rule 8)

Account Book

Name of the money-lender :

Full address :

Number and date of licence of the money-lender :

1. Number of loan :
2. Name and address in full of the debtor :
3. Date of loan :
4. Amount of the principal of the loan :
5. Rate of interest charged on the loan :
6. Nature of the security, if any :
7. The amount of every payment on account of the principal received by the money-lender.
8. The amount of every payment on account of the interest received by the money-lender in respect of the loan.
9. Date of such payment :
10. Signature of the money-lender or his agent :

Note : All entries in the Book shall be recorded then and there.

FORM-D

(See Rule 9)

Receipt

Dated :

Received from.....on.....in part/full repayment of loan number.....

Towards principal amount of loan Rs. (in words)

Towards interest. Rs.

(in words)

Signature of the money-lender or his agent:

FORM-E

(See Rule 10)

Statement of Account

Name of the money-lender :

Full address :

No. and date of licence of the money-lender.

1. Name of debtor :
2. Number of loan :
3. Date of loan :
4. Amounts of the principal of the loan :
5. Nature of the security, if any :
6. Rate of interest charged :
7. The amount of every payment on account of the principal received by the money-lender in respect of the loan.
8. The amount of every payment on account of the interest received by the money-lender in respect of the loan :
9. Date of such payment :

Prescribed authority for the purpose of section 12.

16. The Authority for the purpose of section 12 shall be an Officer of the Revenue Department not below the rank of a Tahsildar or a Deputy Tahsildar, as the case may be, and having jurisdiction over the place of business of the money lender.

Procedure for effecting transfer of a licence when a licensee dies.

17. (1) Any person claiming to be the legal representative of the deceased licensee may apply to the licensing authority in Form G for transferring in his name the licence standing in the name of the deceased.

(2) A certificate of death issued by the authority who registered the death or the registered medical practitioner who attended on the deceased shall ordinarily accompany the application in Form G.

(3) The declaration to be obtained from the legal representative under sub-section (3) of section 19 shall be in Form G.

FORM A

(See Rule 3).

Form of application for a money-lender's licence.

To

The Tahsildar, Taluk

The Deputy Tahsildar, Sub-Taluk

1. Name in full of applicant :
2. Address in full (any subsequent change should be notified) :
3. Father's name :
4. If the applicant is a native of a State outside the Union territory of Pondicherry.
 - (i) Full address in such State, and
 - (ii) A list of the properties owned in such State.
5. Is the applicant a registered firm? If so the name of the firm.
6. If the applicant is the representative of an undivided Hindu Family, state whether he is the manager, or the Karnavan or the Yajaman of the family.

7. The applicant is a member of any other association of individuals not required to be registered under the Companies Act, 1956, the name of the Association and the applicant's relation thereto.
8. Address of shop or place of business in respect of which the licence is applied for.
9. If the applicant has more than one shop or place of business, the address of each such shop or place of business.
10. Has the applicant applied for a separate licence in respect of each shop or place of business mentioned against item 9 and if so, with what result?
11. Is the present application made for the grant of a new licence or for the renewal of an old licence?
12. Has the applicant paid the prescribed fee for the licence (The Treasury receipt should be enclosed).

Signature of the Applicant.

I declare that the particulars stated above are correct to the best of my knowledge and belief.

Signature of the Applicant.

FORM-B

(See Rule 4)

Money-lender's licence

No.

The Tahsildar

Taluk

The Deputy Tahsildar

Sub-Taluk

hereby authorises and empowers.....
residing at.....
of.....commune to carry on
the business of money lender in premises No.....
in.....taluk from.....
upto and until the 31st of March.....
subject to the conditions stipulated below :—

CONDITIONS OF LICENCE

- (1) This licence shall not be transferred to any person.

(2) This licence shall be produced before an Inspector appointed under the Act or any Officer not below the rank of a Deputy Tahsildar having jurisdiction over the area, whenever it is demanded for inspection.

(3) This licence shall apply to the premises mentioned above.

(4) This licence shall not entitle or guarantee the renewal of the licence for the succeeding year.

Given under my hand and seal, this day of

(Fees paid, Rs.)

Tahsildar _____ Taluk _____

Deputy Tahsildar, Sub-Taluk _____

FORM-C

(See Rule 8)

Account Book

Name of the money-lender :

Full address :

Number and date of licence of the money-lender :

1. Number of loan :
2. Name and address in full of the debtor :
3. Date of loan :
4. Amount of the principal of the loan :
5. Rate of interest charged on the loan :
6. Nature of the security, if any :
7. The amount of every payment on account of the principal received by the money-lender.
8. The amount of every payment on account of the interest received by the money-lender in respect of the loan.
9. Date of such payment :
10. Signature of the money-lender or his agent :

Note : All entries in the Book shall be recorded then and there.

FORM-D

(See Rule 9)

Receipt

Dated :

Received from.....on.....in part/full
repayment of loan number.....

Towards principal amount of loan Rs.
(in words)

Towards interest. Rs.

(in words)

Signature of the money-lender
or his agent:

FORM - E

(See Rule 10)

Statement of Account

Name of the money-lender :

Full address :

No. and date of licence of the money-lender.

1. Name of debtor :
2. Number of loan :
3. Date of loan :
4. Amounts of the principal of the loan :
5. Nature of the security, if any :
6. Rate of interest charged :
7. The amount of every payment on account of the principal received by the money-lender in respect of the loan.
8. The amount of every payment on account of the interest received by the money-lender in respect of the loan :
9. Date of such payment :

10. Amount remaining outstanding on account of the principal.
11. Amount remaining outstanding on account of the interest.
12. Signature of the money-lender or his agent and date.

FORM-F
(See Rule 12)
Pass Book

Name of the money-lender :

Full address

No. and date of licence of the money-lender

Name of debtor

Full address

1. Number of loan
2. Date of loan
3. Amount of the principal of the loan
4. Nature of the security, if any
5. Value of the security
6. Rate of interest charged
7. The amount of every payment on account of the principal received by the money-lender in respect of the loan.
8. The amount of every payment on account of the interest charged by the money-lender in respect of the loan.
9. Date of payment
10. Amount remaining outstanding on account of the principal.
11. Amount remaining outstanding on account of the interest.
12. Signature of the money-lender or his agent and date.

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FORM-G
(See Rule 17)

Form of application for the transfer of licence.

To

The Tahsildar

Taluk

The Deputy Tahsildar

Sub-Taluk.

1. Name in full of the applicant applying for the transfer of the licence.
2. Address in full of the applicant
3. Name in full of the deceased licensee
4. Address in full of the deceased licensee
5. Licence No. and date (now sought to be transferred)
6. Applicant's relationship with the deceased licensee
7. Is the applicant the only legal representative of the deceased? If not, mention the names of the other legal representatives.
8. Is the applicant a member of an undivided Hindu family and if so, is he the manager or the Karanavan or the Yajaman of the family?
9. Is the applicant already a licensee under the Act and if so, give particulars?
10. Is the certificate of death of the licensee enclosed? If not, the reason should be stated.

Signature of the applicant.

Station :

Date :

I declare that the particulars stated above are correct and true to the best of my knowledge and belief.

Signature of the applicant.

Station :

Date :

(By Order of the Lieutenant-Governor)

A. SUBBARAYA PILLAI,
Under Secretary (Revenue).