

The (Central Provinces and Berar) Debt Conciliation Act, 1933

CENTRAL PROVINCES AND BERAR

India

The (Central Provinces and Berar) Debt Conciliation

Act, 1933

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1.

(1)These rules may be called the Central Provinces Debt Conciliation Rules, 1933.(2)In these rules "Act" means the Central Provinces Debt Conciliation Act, 1933.

2. The quorum necessary for the transaction of business at a meeting of a

Board shall be as follows :

(i)In the case of a Board where the number of members is three.(ii)Where the number of members is more than three:Provided that a Board having a quorum may act notwithstanding any vacancy in the number of its members other than the Chairman.

3. The Chairman shall preside at every meeting of the Board and shall regulate the course of all business.

4.

(1)The Board shall ordinarily hold its sittings at such places as may be appointed as its headquarters by the Deputy Commissioner, but may sit at any other place within its jurisdiction for the convenient disposal of its business.(2)The Board shall hold its sittings at such times as may be fixed from time to time by the Chairman and may adjourn its proceedings for any period if such adjournment is in its opinion, necessary for the proper conduct of the proceedings.The (Central Provinces and Berar) Debt Conciliation Act, 1933

5. The parties shall be notified by the Chairman in such manner as he may deem necessary, of the time, and, if the place is other than the Board's ordinary headquarters, of the place at which the Board's sittings are to be held unless a special method for the service of a notice is prescribed by the Act.

6. An application under Section 4 shall be made in Form No. 1 appended to these rules, and shall be presented at any time during court hours by the applicant in person or by an agent authorised in writing to the Chairman or any member of the Board.

It shall be accompanied in the case of a debtor, who is a tenant, raiyat or malik-makbuza, by his rasid-bahi, and in the case of a debtor, who is a proprietor, by a certified copy of entries in the register of a proprietary mutations showing the village share or shares possessed by him. The applicant shall also state in the application if he had applied previously for conciliation of his debts to any other Board and if so shall state the decision of that Board.

7. Any member of the Board may examine the applicant in order to verify the accuracy of the particulars contained in the application and may call for additional information to complete the application.

8. If it is decided to proceed with the application the order under sub-section (1) of Section 7 shall be recorded on an order sheet in the form prescribed for revenue cases. This form shall contain a note of every interlocutory order made in the case and shall show the date and place of the proceedings at every hearing. The proceedings shall be conducted, as nearly as may be, in accordance with the rules and procedure prescribed for the disposal of revenue cases under the Central Provinces Land Revenue Act, 1917.

9. Every application shall be made into a revenue case and dealt with according to the instructions in the Central Provinces Revenue Book Circular II.I.

10. As abstract of the statement made by each witness and the statements of the parties shall be filed with the record. The (Central Provinces and Berar) Debt Conciliation Act, 1933

11. If at any time during the course of the proceedings it appears to the Board that any creditor has filed a suit or started any other proceedings which should be suspended under Section 21 of the Act, the Board shall grant a certificate in Form No. II appended to these rules over the signature of the Chairman to the debtor concerned, specifying the debts owing to any such creditor which may be under settlement.

12. All certificates granted by the Board and all notices, summonses and other processes issued by the Board shall be signed by the Chairman and shall be dated and sealed with the seal of the Board.

13. The proceedings of the Board shall be recorded in English unless the Chairman decides to record them in the vernacular of the district.

14. Every notice under sub-section (2) of Section 7 of the Act shall be in Form No. III appended to these rules.

15. Every notice under sub-section (1) of Section 8 of the Act shall be in Form No. IV appended to these rules.

16. A copy of the notice under sub-section (1) of Section 8 shall be served on each known creditor. A copy shall be pasted on the district and tehsil office notice boards and the notice board of the Board's office. A copy shall also be pasted in a conspicuous place in the village where the debtor ordinarily resides and all the villages within the area for which the Board has been appointed where any holding or land of the debtor or part thereof is situate.

17. Every notice required to be served under the above rule may be served either by tendering or delivering a copy thereof or sending such copy by registered post to the creditor on whom it is to be served or his authorised agent, or if service in the manner aforesaid cannot be made, by affixing a copy thereof at his last known place of residence.

18. No notice shall be deemed void on account of any error in the name or designation of person referred to therein unless such error has produced substantial injustice.

[19. Every application to the Board shall be stamped with a court-fee stamp of the value of twelveThe (Central Provinces and Berar) Debt Conciliation Act, 1933

annas. Further additional fees on the amount for which the debt is settled shall be charged and collected in the shape of court-fee stamps at the rates indicated below.(1)If the amount of the debt settled does not exceeds Rs. 500 Re. 0-8-0.(2)If the amount of the debt settled exceeds Rs. 500, but does not exceed Rs. 1000..... Re. 1.(3)If the amount of the debt settled exceeds Rs. 1,000.... Re. 1 for the first Rs. 1,000 and Re. 0-8-0 for every Rs. 500 or thereof above Rs. 1,000.No additional fees shall be recovered in cases in which the applications are rejected or no settlement is arrived at.]

20. Process fees shall be paid by the applicant for the issue of notice and summonses in accordance with the scales prescribed from time to time in the rules on the subject made under the Central Provinces Land Revenue Act, 1917, and shall be paid in court-fee stamps.

21. The cost of registering an agreement under sub-section (2) of Section 12 shall be paid by the creditor's amount payable by each creditor being proportionate to the compounded debt stated to be payable to him under the agreement and on default shall be recoverable from him as an arrear of land revenue.

[21A. If a debtor or a creditor dies after an agreement has been registered under sub-section (2) of Section 12 and the full amount of the debt in accordance with the terms of the agreement has not been paid, then on an application made by the creditor or his legal representatives to the Deputy Commissioner, the name of legal representatives of the debtor or the creditor, as the case may be, shall be brought on the record of the proceedings for the recovery of the said debt.]

22. The process fee on every application to the Deputy Commissioner for the recovery' of any amount under sub-section (1) of Section 13 shall be paid in advance by the creditor in accordance with the rules from lime to time made under the Central Provinces Land Revenue Act, 1917, in court-fee stamps.

23. The stamp duty on an agreement drawn up under sub-section (1) of Section 22 shall be payable by the debtor in non-judicial stamps.

24. Every application for a copy shall be addressed to the Chairman and shall bear a court-fee stamp of the value of [two]annas.

25. Copying fees for copies of records maintained by the Board and its custody shall be charged at the rate of four annas for every 180 English words or 270 vernacular words, four figures being counted as one word.The (Central Provinces and Berar) Debt Conciliation Act, 1933

26. Every application for a copy shall be accompanied by an advance sufficient to cover the estimated cost of the copy applied for.

27. The Chairman may then get the copy prepared on plain paper certified as a true copy over his signature and deliver it to the applicant or his signature or his duly authorised agent and also refund him the balance, if any left out of the advance after meeting the copying charges.

28. The fees chargeable under rules 25 and 26 shall be paid in cash to the Chairman who shall forthwith give a receipt over his signature to the applicant in the prescribed form and credit the amount into the treasury.

Except where it is provided otherwise in these rules the Chairman shall, as far as possible follow in regard to the grant of copies the procedure laid down in the rules for the grant of copies of revenue records made from time to time under the Central Provinces Land Revenue Act, 1917.

29. The copying of records sent to the district office for safe custody shall be governed by the rules from time to time made under the Central Provinces Land Revenue Act, 1917.

30.

(1) The following registers and books shall be maintained by a Board :

31. Register of cases.

32. Process register.

33. Diet-money register.

34. Inspection book.

35. Copying fee register.

36. Receipt book.

37. Register of contingent expenditure.

(2) These registers and books shall be maintained in the form prescribed for revenue case work. The (Central Provinces and Berar) Debt Conciliation Act, 1933

31. The registers and books specified in rule 30 and the proceedings in each case shall, on completion, be transferred to the district office.

[In the district office the proceedings in each case shall be preserved as under, and the registers and books for six years:(1)Cases dismissed under Section 7(1)..... 2 Years.(2)Cases rejected under Section 14-(a)Those in which certificates under Section 15 have been issued..... 20 years.(b)Those in which no certificates under Section 15 have been issued..... 2 years.(3)Cases which have resulted in agreement..... 3 years after payment of the last instalment or 3 years after the issue of certificate by the Deputy Commissioner under Section 13 (2) of the Act.]

32. The Board may also, with the approval of the Deputy Commissioner, use such other revenue forms and registers as may be considered necessary by it.

33. The Board shall submit through the Deputy Commissioner, to the local Government, a monthly progress return in Form No. V appended to these rules.

34. The Board shall also submit by the 15th October every year through the Deputy Commissioner and the Commissioner to the local Government a report on the following particulars :-

(i)Progress of work and results achieved.(ii)Difficulties experienced in working the Act, and amendments, if any, that appear to be necessary to the Act or Rules.

35. All the records maintained by the Board and not sent for safe custody to the district officer shall be open to inspection at such time, in such place, and in the presence of such official as the Chairman of the Board may direct, free of charge by the parties, and on payment by other of a fee of 12 annas per hour or part thereof to be prepaid in court-fee stamps.

36. The inspection of records sent to the district office for safe custody shall be governed by the rules from time to time made under the Central Provinces Land Revenue Act, 1917.

37.

(1)The Chairman or a member of the Board, if a non-official, shall be entitled to draw travelling allowance for any journey performed by him in connection with his duties as such Chairman or member at the rates admissible, and subject to the conditions applicable, to a Government servantThe (Central Provinces and Berar) Debt Conciliation Act, 1933

of the second grade under the Supplementary Rules issued by the local Government. Subject to the same conditions, he shall be entitled to daily allowance at the rate of Rs. 3 per day.(2)The Chairman or a member of a Board, if an official, shall be entitled to draw for any journey travelling allowance and halting allowance to which he would be entitled by virtue of his official position.(3)The Deputy Commissioner shall be the controlling officer empowered to countersign the travelling allowance bills of the Chairman and members of a Board.

38. The local Government may provide such ministerial and menial staff as the Board may, from time to time, require and may regulate the conditions of their employment and fix the salaries and allowances payable to them.

39. The power of a Board to summon a party or witness shall be the same as is conferred on a Revenue Officer by Section, 20 of the Central Provinces Land Revenue Act, 1917.

40. The form of the summons the mode of serving and the mode of compliance shall be as prescribed, in the case of revenue officers, by Sections 21 and 22 of the Central Province Land Revenue Act, 1917.

41. Process fees shall be recovered for the issue of summonses and payment of diet-money and travelling expenses shall be made to witnesses, in accordance with the rules from time to time made under the Central Provinces Land Revenue Act, 1917.

42. Every agreement arrived at under sub-section (1) of Section 12 shall be registered at the Sub-Register's office for the sub- district within which the ordinary headquarters of the Board is situate.

43. A certificate under [sub-section (1) of Section 13C]shall be in Form VI appended to these rules.

44. A certificate under sub-section (1) of Section 15 shall be in Form No. VII appended to these rules.

45. In all administrative matters the Board shall be subordinate to the Deputy Commissioner and subject to the disciplinary control of the Commissioner and the local Government. The Deputy Commissioner shall appoint, punish and generally control the staff of the Board.The (Central Provinces and Berar) Debt Conciliation Act, 1933

46. All processes issued by the Board shall be served by the tehsil process serving staff through the Tehsildar of the tehsil concerned.

47. In every case in which a debtor or a creditor is a minor or a person of unsound mind, the Board and the parties concerned shall, so far as may be, follow the procedure laid down in Order XXXII of the First Schedule to the Code of Civil Procedure, 1908. The (Central Provinces and Berar) Debt Conciliation Act, 1933