

BOMBAY MONEY-LENDERS RULES, 1959

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BOMBAY MONEY-LENDERS RULES, 1959

In exercise of the powers conferred by section 39 of the Bombay Money-lenders Act, 1946 (Bom. XXXI of 1947), read with section 2 of the Bombay Money-lenders (Unification and Amendment) Act, 1959 (Bom. L of 1959), the Government of Bombay hereby makes the following rules, namely :-

1. Short title and extent :-

- (1) These rules may be called the Bombay Money-lenders Rules,

1959.

(2) They extend to the whole of the State of Bombay.

2. Definitions :-

In these rules, unless there is anything repugnant in the subject or context-

(a) "Act" means the Bombay Money-lenders Act, 1946:

(b) "Form" means a form appended to these rules; and

(c) "Section" means a section of the Act.

3. Register of money-lenders :-

The register of money-lenders required to be maintained under section 4 shall be in Form No. 1.

4. Display of list of licensed money-lenders :-

Every Assistant Registrar shall display on a notice board in his office a list of moneylenders licensed to carry on the business of money-lending in the area under his jurisdiction. Such list shall contain the address of the money-lender.

5. Application for licence :-

(1) A money-lender desiring to carry on the business of money-lending in any area shall make an application in Form No. 3 letter for grant of a licence and in Form No. 2A, for renewal of a licence last held to the Assistant Registrar concerned. The application shall be delivered at the office of the Assistant Registrar during office hours either personally by the applicant or through an agent authorised in writing in this behalf or sent by registered post addressed to the Assistant Registrar.

(2) An application for the grant of a licence for the first time may be made on any date and an application for renewal of licence may be made on any date within three months prior to the expiry of the licence.

6. Change in partnership or management :-

If during the currency of a licence a new partner is taken up or a person is appointed as responsible for the management of the business of money-lending, the money-lender shall, within seven days, communicate to the Registrar the name of the partner so taken up or of the persons so appointed; and shall satisfy the Registrar that the new partner or the person appointed is not

himself disqualified from holding a licence on any of the grounds mentioned in section 8.

7. Change of address :-

A money-lender shall communicate to the Registrar any change in his address giving full detail of the new address within seven days of such change.

8. Procedure for summary inquiry under section 7 :-

On the receipt of an application for the grant or renewal of a licence, the Assistant Registrar shall make the summary inquiry under section 7 by examining the applicant or person responsible for the management of the business of money-lending or such other persons as he may deem fit, by calling for such information from the applicant as he considers necessary and by inspecting or causing to be inspected such accounts and documents as he may deem fit in order to satisfy himself about the bona fides, and conduct of the applicant. If from the examination made or information supplied, the Assistant Registrar is not satisfied he may take further steps to satisfy himself. The Assistant Registrar shall maintain a record of such inquiry and shall sign below the same. The record shall contain a brief memorandum of the substance of the evidence taken and a summary of the conclusions regarding the facts elicited during the inquiry.

9. Form of licence :-

The licence under section 7 shall be in Form No. 3.

10. Manner of payment of licence fee :-

(1) The licence fee of Rs. 10 and Rs. 4 under section 6 shall be paid in cash at the time of presenting the application or by remitting it by postal money order addressed to the Assistant Registrar or by crediting to government account at a treasury, sub-treasury or the Reserve Bank of India, Bombay, and forwarding the receipt of the postal money order or the receipted challan to the Assistant Registrar along with the application.

(2) The Registrar while forwarding copies of the licence for the principal place and the application to other Registrar or Registrars shall make an endorsement in token of having received the requisite fee.

11. Levy of inspection fee :-

(1) On the receipt of an application for the renewal of a licence, the Assistant Registrar to whom the application has been made shall call upon the applicant to produce his accounts for inspection. He shall then assess the inspection fee payable under section 9-A in respect of inspection of books of accounts and call upon the applicant to pay the inspection fee in the manner prescribed in rule 10. The Inspection fee shall be paid within ten days of the receipt of the order in this behalf by the applicant or within such further period not exceeding thirty days in the aggregate of the receipt of the order as the Registrar may grant in that behalf.

(2) The Registrar may suo motu or on an application made in that behalf revise the order of assessment made under sub-rule (1) if he thinks fit.

12. Reasons for refusing to grant licence to be communicated to applicant :-

If a Registrar refuses to grant a licence, he shall communicate to the applicant his reason for so doing.

13. Appeal against order of Registrar refusing or cancelling a licence :-

(1) An appeal under sub-section (3) of section 8 or 8A against the order of a Registrar refusing to grant or cancelling a licence shall be Instituted within thirty days from the date on which the order of refusal or cancellation is communicated to the money-lender. Such appeal shall be accompanied by a certified copy of the order appealed against and shall contain in brief the grounds of the appeal.

(2) The Registrar General shall decide the appeal after hearing the appellant or his pleader, as the case may be.

14. Display of licence :-

Every money-lender shall exhibit his licence in a prominent place on the premises where he carries on the business of money-lending. He shall also exhibit outside his premises a signboard showing (i) the name in which the business of money-lending is carried on, and (ii) the number of his licence :

Provided that the Registrar General or the Registrar of Moneylenders may, subject to the general or special order of the State Government exempt any money-lender from the operation of all or any of the provisions of this rule.

15. Issue of duplicate licence :-

(1) When a licence granted to a money-lender is lost, destroyed, or torn otherwise defaced in such a manner as to render it illegible, the money-lender may make an application to the Registrar for the grant of a duplicate licence.

(2) Where a duplicate licence is required on the ground that the original licence is torn or defaced, the money-lender shall surrender the original licence to the Registrar along with the application made under sub-rule (1).

(3) An application under sub-rule (1) shall be accompanied by a fee of Rs. 1. The fee shall be paid in the manner prescribed in rule 10.

(4) On receipt of such application, if the Registrar after making such inquiry as may be deemed necessary is satisfied that a duplicate licence may be issued to the money-lender, he shall issue a duplicate licence and direct the Assistant Registrar to make a note of the issue of such a duplicate licence to the money-lender against his name in the register.

(5) The duplicate licence so issued shall bear on its face the number and date of the original licence and shall also bear the word "Duplicate".

16. Forms of cash book, ledger and of statement and receipt under section 18 :-

The cash book and ledger to be maintained by a money-lender under sub-section (1) of section 18 shall be either in Form Nos. 4 and 7 respectively or in Forms Nos. 5 and 6 respectively. The statement under clause (a) of sub-section (2) of section 18 shall be in Form No. 8. The receipts under sub-section (3) of section 18 shall be in Form No. 9.

17. . :-

Deleted.

18. Annual statement of accounts to be delivered by moneylender to debtor etc., under section 19(1) :-

(1) The annual statement of accounts to be delivered by a money-lender to each of his debtors under sub-section (1) of section 19 shall be in Form No. 12.

[2] The statement shall be furnished to each of the debtors within

sixty days after close of the year for which the accounts of the money-lender are ordinarily maintained :

Provided that the Registrar may, on the application of the moneylender extend such period in the aggregate to not more than ninety days after the close of such year, if the money-lender proves to the satisfaction of the Registrar that he was unable to furnish the statements for some reasonable cause and that not less than two-thirds of the total number of statements will be furnished within the said sixty days.

(3) The fee to be paid by a debtor to a money-lender for supplying a statement of accounts under sub-section (2) of section 19 shall be fifty Naye Paise.

(4) The expenses to be recovered from a debtor for supplying copies of documents by a money-lender under sub-section (3) of section 19 shall be according to the following scale :- For copying 100 words or fraction thereof-Six Naye Paise. For copying 100 words or fraction thereof of tabular statement-Twelve Naye Paise. Cost of paper-Two Naye Paise per sheet of foolscap size.

19. Fees for supply of statements or pass-books :-

(1) The rate of fees recoverable under sub-section (2) of section 19A shall be-

(a) twelve nP. for each statement or a copy thereof supplied under sub-section (2) and (2A) of section 18 and sub-section (1) of section 19, and

(b) fifty nP. for each pass-book containing not less than eight pages excluding cover pages supplied under sub-section (2) of section 18 and sub-section (1) of section 19.

(2) The amount on account of such fees shall be shown separately in debtor's account.

20. Form of pass-book :-

The Pass-book mentioned in sections 18 and 19 shall be either in Form No. 13 or in Form 14.

21. Notice and Information to be given of assignment of loan. :-

The notice to be given to an assignee under clause (a), the statement of information to be supplied to an assignee under

clause (b) and the notice to be given to the debtor under clause (c) of sub- section (1) of section 27 shall be in the Forms Nos. 15, 16 and 17 respectively.

22. Form of application under section 30 :-

The application to be made by a debtor under sub-section (1) of section 30 shall be in Form No. 18 and shall be accompanied by a court-fee of Rs. 1.

23. Copies of documents on payment of fees :-

(1) Any party to any application, inquiry, or appeal under the Act before the Assistant Registrar, Registrar or Registrar General, may apply to the Assistant Registrar, Registrar or Registrar General, as the case may be, for a copy of any document in the record of such application, inquiry or appeal.

(2) The application shall be accompanied by deposit of an amount to cover the cost of preparing copies according to the following scale of copying fees, namely :-

(a) In the case of English copies, 5 P. for every 25 words or fraction thereof:

(b) In the case of copies in regional languages 5 P. for every 33 words or fraction thereof:

(c) In the case of certified copies, an additional 5 P. for 100 words or fraction thereof for comparing:

(d) In the case of documents in tabular forms, twice the ordinary rate :

Provided further that a surcharge of 55 per cent, shall be levied on all copying, comparing and translation fees and added to the total charges for the preparation of certified copies;

(e) When the description of the document given in the application is incorrect or deficient, and it shall in consequence be necessary for the Record-keeper to search his records in order to find it, a fee at the rate of one rupee for each year, of which the records are searched, shall be payable by the applicant for such search, whether the document be found or not and whether the copy for which he applies, on examination of the said document, be granted or not.

(3) The amount calculated according to the above scale shall be

retained by the Assistant Registrar or Registrar General to whom the application for grant of copies is made, as copying fees and the surplus amount if any, deposited by the person applying for copies shall be refunded to him at the time of supplying the copy: provided that the person applying for copies shall be refunded to him at the time of supplying the copy: provided that the person applying for copies shall, if the amount deposited by him is not sufficient to cover copying fees pay the deficit before taking delivery of the copy.

24. Forms of summons :-

The summons to be issued for enforcing the attendance, of any person under section 13 in connection with an inquiry under section 7 shall be in Form No. 19 or 20 as the case may be.

25. Compounding of offences :-

The Registrar shall pass an order in writing under section 36-C determining the amount to be accepted by way of composition of an offence and communicate it to the money-lender concerned. The money-lender shall thereupon remit the amount within ten days from the date of the order in the manner prescribed in rule 10 or within such further period not exceeding thirty days in the aggregate as the Registrar may, for sufficient cause, grant in that behalf.

26. Repeal and saving :-

The Bombay Money-lenders Rules, 1947 and any other rules corresponding thereto made under the Central Provinces and Berar Money-lenders Act, 1934, the Central Provinces and Berar Protection of Debtors Act, 1937, the Money-lenders Act, 1949, Fasli, the Hyderabad Money-lenders Validity of Licence Act, 1956 or the Bombay Money-lenders Act, 1946 as applied to the Kutch area (hereinafter referred to as "the said rule") are hereby repealed :

Provided that anything done or any action taken under the said rules shall, so far as it is not inconsistent with these rules, be deemed to have been done or taken under the corresponding provisions of these rules, as if the said provision was in force when such thing was done or such action taken, and shall continue in force accordingly, unless and until superseded by anything done or action taken under these rules.