
GUJARAT RURAL DEBTORS' RELIEF RULES, 1976

CONTENTS

1. Short title
2. Definitions
3. Form of application and period for making such application under sub-section (2) of section 4
4. Form of statement and period for furnishing such statement under sub-section (1) of section 6
5. Form and period for furnishing statement under sub-section (2) 1 of section 6
6. Form of statement under sub-section (1) of section 7
7. Form of public notice under sub-section (2) of section 7
8. Publication of statement prepared under sub-section (1) of section 7
9. Period within which application under sub-section (2) of section 7 may be made
10. Form of notice under sub-section (2) of section 8 and manner of service of such notice
11. Inquiry and procedure to be followed under sub-section (3) of section 8
12. Forms of certificate of discharge under sub-section (3) of section 8
13. Form of order under sub-clause (b) of clause (ii) of sub-section (3) of section 8
14. Appeal under section 13(1)
15. Issue of notice for returning property
16. Form of certificate under sub-section (2) of section 16

GUJARAT RURAL DEBTORS' RELIEF RULES, 1976

Whereas certain draft rules under section 28 of the Gujarat Rural Debtors' Relief Act, 1976 were published at pages 498-514 of the Gujarat Government Gazette, Extraordinary Part IV-B, dated the 15th September, 1976 under Government Notification No. GHKH/18/2;/76/WWS/1076/Con/2565-C, dated the 15th September, 1976 inviting objections and suggestions from all persons likely to be affected thereby till the 30th September, 1976; AND WHEREAS no objections and suggestions have been received from the public; NOW, THEREFORE, in exercise of the powers conferred by Section 28 of the Gujarat Rural Debtors Relief Act, 1976 (President's Act No. 35 of 1976) the Government of Gujarat

hereby makes the following rules, namely :

1. Short title :-

These rules may be called the Gujarat Rural Debtors' Relief Rules, 1976.

2. Definitions :-

In these rules, unless the context otherwise requires

(a) 'Act' means the Gujarat Rural Debtors' Relief Act, 1976;

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

(e) 'Section' means a section of the Act.

3. Form of application and period for making such application under sub-section (2) of section 4 :-

The application under sub-section (2) of section 4 shall be in 'Form I' and such application shall be made within a period of thirty days from the date of the publication of the statement under sub-section (2) of section 7 by the local authority concerned.

4. Form of statement and period for furnishing such statement under sub-section (1) of section 6 :-

(1) The statement under sub-section (1) of section 6 shall be furnished in triplicate before the 1st December, 1977.

(2) The statement shall be

(i) in Form II, if the debtor is a marginal farmer;

(ii) in Form III, if the debtor is a small farmer;

(iii) in Form IV, if the debtor is a rural labourer; and

(iv) in Form V, if the debtor is a rural artisan.

5. Form and period for furnishing statement under sub-section (2) 1 of section 6 :-

The statement under sub-section (2) of section 6 shall be in Form VI and may be furnished in triplicate before the 1st December, 1977.

6. Form of statement under sub-section (1) of section 7 :-

The statement under sub-section (1) of section 7 shall be in Form VII.

7. Form of public notice under sub-section (2) of section 7

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The public notice under sub-section (2) of Section 7 shall be in Form VIII.

8. Publication of statement prepared under sub-section (1) of section 7 :-

The statement under sub-sec. (1) of section 7 shall be published along- with the public notice on the notice board at the office of the authorised officer and a copy of the statement shall also be displayed at two or three conspicuous public places within the jurisdiction of the local authority. If any creditor does not reside within the area of the jurisdiction of the local authority, the authorised officer shall cause to be sent to the creditor a true extract of the particulars, given in the statement published by him concerning that creditor alongwith a copy of the public notice.

9. Period within which application under sub-section (2) of section 7 may be made :-

An application challenging the correctness of the particulars of the statement published under rule 2 may be made within a period of thirty days from the date of the publication of the statement.

10. Form of notice under sub-section (2) of section 8 and manner of service of such notice :-

The notice under sub-section (2) of section 8 shall be in Form IX and such notice shall be individually served upon the other party or also by affixing a copy of the same on the conspicuous part of the residence of such party.

11. Inquiry and procedure to be followed under sub-section (3) of section 8 :-

For the purpose of inquiry and procedure under sub-section (3) of section 8, the procedure provided for summary inquiries under the Bombay Land Revenue Code, 1879 shall be followed by the debt settlement officer.

12. Forms of certificate of discharge under sub-section (3) of section 8 :-

(1) The certificate of discharge under clause (i) of sub-section (3) of section 8 shall be in Form X.

(2) The certificate of discharge under sub-clause (a) of clause (ii) of sub-section (3) of section 8 shall be in Form XI

13. Form of order under sub-clause (b) of clause (ii) of sub-section (3) of section 8 :-

The order under sub-clause (b) of clause (ii) of sub-section (3) of section 8 shall be in Form XII.

14. Appeal under section 13(1) :-

(1) An appeal under section 13 shall be made within thirty days from the date of order or decision of the debt settlement officer:

Provided that the Appellate Officer may admit an appeal after expiry of such period if the appellant satisfies the Appellate Officer that he had sufficient cause for not preferring appeal within such period."

(2) The appeal shall be made in the form of a memorandum and shall state the grounds clearly and precisely.

(3) The appeal shall be made on payment of a fee of rupees ten in the form of a court fee stamp affixed on the memorandum of appeal.

(4) When an appeal under sub-section (1) of section 13 is received by the appellate officer, he shall issue notices, by registered post or by personal service through the local authority having jurisdiction, to all the necessary parties to the appeal, calling upon them to present their case before him on a date to be specified in the notice and on all subsequent dates to which the hearing of the appeal may, from time to time, be adjourned.

(5) The appellate officer shall not have power to stay the operation of any order of an interim nature passed by or of decision taken on a preliminary issue, by the debt settlement officer in the proceedings before such officer.

15. Issue of notice for returning property :-

Where the creditor fails to, return the property to the debtor as required by sub-section (2) of section 14, the debt settlement officer shall, on receipt of the application of the debtor, issue a notice on the creditor calling upon such creditor to return the property, to the debtor within fifteen days.

16. Form of certificate under sub-section (2) of section 16 :-

The Certificate under sub-section (2) of section 15 shall be in Form XIII.

