

(2) Where in any suit concerning a loan taken by a debtor, the court finds that the creditor has, without reasonable cause, refused or neglected to deliver to the debtor a receipt for any payment by him on account of such loan or to credit such payment on the written instrument securing such loan, it may award the debtor such compensation not exceeding double the amount of such payment as it may consider proper.

27. Saving in cases, of previous loans.—The provisions of sections 24 to 26 shall not, in the case of a loan advanced before the commencement of this Act, apply to the period prior to the commencement of this Act.

28. Burden of proofs of considerations.—Notwithstanding anything to the contrary contained in any other enactment for the time being in force the burden of proving that any consideration alleged to have been paid by a money-lender has actually passed, shall be on him, unless the consideration is acknowledged by a debtor in his own handwriting or has been endorsed by the registering officer acting under clause (c) of sub-section (1) of section 58 of the Indian Registration Act, 1908, as having been paid in his presence.

29. Power to make rules.—(1) The State Government may make rules consistent with this Act for carrying out the purposes of this Act.

(2) Every rule made under this Act be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session, for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid, or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

30. Repeal and savings.—The Himachal Pradesh Debt Reduction Act, 1953 as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966, the Punjab Relief of Indebtedness Act, 1934 and the Punjab Debtors' Protection Act, 1936 in their application to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, are hereby repealed:

Provided that anything done or any action taken, notification issued or rules made under the provisions of the Acts so repealed to the extent of their being consistent with the provisions of this Act shall be deemed to have been done or taken, issued or made in exercise of the powers conferred by or under this Act, as if this Act was in force on the day on such thing was done, action taken, notification issued or rules made.

SCHEDULE

SCHEDULE OF COURT FEE PAYABLE ON PLAINT UNDER SECTION 22

	Rs.
If the principal amount of loan is less than Rs. 100.	5.00
If the principal amount of loan is not less than Rs. 100 but is less than Rs. 250.	7.50
If the principal amount of loan is not less than Rs. 250 but less than Rs. 500.	15.00
If the principal amount is not less than Rs. 500 but less than Rs. 1,000.	30.00
If the principal amount of loan is Rs. 1,000 or above.	50.00

THE HIMACHAL PRADESH DEBT REDUCTION RULES, 1982¹

1. Short title and commencement extent.—(1) These rules may be called the Himachal Pradesh Debt Reduction Rules, 1982.

(2) They shall come into force at once.

2. Definitions.—In these rules, unless the context otherwise requires:

(1) "Act" means the Himachal Pradesh Debt Reduction Act, 1976.

(2) "form" means a form appended to these rules.

(3) "section" means a section(s) of the Act.

(4) "tenant" means a tenant as defined in the Himachal Pradesh Tenancy and Land Reforms Act, 1972.

3. Grant of Self Liquidating Mortgage.—(1) A self-liquidating usufructuary mortgage under section 11 shall be granted in the form DRI on the terms and conditions indicated therein.

¹Published in R.H.P. Extraordinary dated 19/7/1982, Pages 696-700, vide Rev. Deptt. Notification no. Rev.2-A(3) 5/76 dated 21-5-1982.

(2) In granting a mortgage under section 11 of the Act the Court shall take care that the amount on account of the value of one fourth of the produce does not exceed the total amount of the mortgage and if it does, the period of the mortgage shall be reduced accordingly.

4. Redemption of Mortgage.— When the debtor applies for redemption of mortgage granted under section 11, the Collector shall determine the number of years which the mortgage still to run, on the 30th day of June next following date on which the application is made. The Collector shall then determine the proportion of the mortgage money that must be repaid by the debtor for the redemption of his land.

5. Unsecured Decrees.— The mortgages under section 12(1)(c) shall be granted to the holders of unsecured decrees in the ratio of the amounts of the respective decrees.

Explanation.— For the purposes of this rule, if three persons have unsecured decrees amounting to Rs. 200/500 and Rs. 800 respectively one-fourth share of the produce shall be divided among the decree holders in the ratio of 2, 5, and 8.

6. Certificate of Mortgage.— The certificate of mortgage referred to in section 12(2) shall be granted by the Court in Form DR-II.

7. Maintenance of Accounts.— A creditor shall maintain accounts in respect of each debtor in the proforma in Form DR-III and shall give receipts in form DR-IV for all sums received by him in full payment or part payment of the loan, as the case may be, by the debtor.

8. Despatch of Statement of Account.— The statement of account in Form DR-III, for the half year's ending June and December each year, shall be supplied by the creditor to each debtor under a covering letter in proforma DR-V. The accounts shall be supplied before the 31st July and 31st January each year.

9. Repeal and Savings.— The Himachal Pradesh Debt Reduction Rules, 1954, are hereby repealed:

Provided that the repeal of the aforesaid rules shall not affect the validity of any action taken or done under the said rules

FORM DR-I

In the Court of Shri.....at.....

WHEREAS Shri.....of Village.....Tehsil.....District.....has applied for payment to him outstanding against Shri.....of Village.....Tehsil.....District.....

AND WHEREAS after giving an adequate opportunity the parties concerned and examining the evidence produced before me, I am of the opinion that Shri.....really owes an amount of Rs.....to the said Shri.....on account of the outstanding debt and interest admissible under the law;

NOW THEREFORE, I,.....Sub-Judge.....class at.....(Place) under the provisions of the Himachal Pradesh Debt Reduction Act, 1976 do hereby grant a self liquidating usufructuary mortgage of land lying under Khasra Nos.....situated in village.....Tehsil.....District.....as entered in the Jamabandi for the year.....in the ownership of Shri.....(Debtor) in favour of Shri.....(Creditor) for a period of.....years commencing from Rabi/Kharif of the year.....

This mortgage shall be subject to the following terms and conditions:

- (1) That the debtor, during the period of mortgage, shall be entitled to receive from the creditor only 1/4th of the produce of the land.
- (2) In case the land under the mortgage is under the cultivation of a person other than the debtor, then that person or a tenant as the case may be shall pay 1/4th share or such portion of the produce as he may be paying as rent to the debtor in terms of the tenancy as the case may be.
- (3) The creditor or the tenant of the land under the mortgage if he be other than the debtor, shall not be entitled to any compensation for improvements made by him/them during the period of mortgage:

Provided, however, that the necessary compensation as may be assessed by the competent authority shall be granted in case the improvements were made by the Government or under an order in writing of the Government or any other officer authorised by it.

Given under my hand and seal of the Court this.....day of19

Sub-Judge.....Class.

FORM DR-II

IN THE COURT OF SHRI.....Sub-Judge at.....
WHEREAS SHRI.....OF VILLAGE.....Tehsil.....of District.....has applied for payment to him of an amount of Rs.....on account of the debt outstanding against Shri.....of Village.....Tehsil.....District.....

AND WHEREAS after giving an adequate opportunity to the parties concerned and examining the evidence produced before me, I am of the opinion that Shri.....really owes an amount of Rs.....to the said Shri.....on account of the outstanding debt and interest as admissible under the law.

NOW THEREFORE I,.....Sub-Judge.....Class at.....(Place) under the provisions of the Himachal Pradesh Debt Reduction Act, 1976, do hereby grant a self liquidating usufructuary mortgage of land comprised in Khasra Nos.....and situated in Village.....Tehsil.....District.....as entered in the Jamabandi for the year.....in the ownership of Shri.....(Debtor) in favour of Shri.....(Creditor) for a period of.....years commencing from Rabi/Kharif of the year.....

During the period of mortgage the creditor shall be entitled to receive from the debtor, if the debtor is himself cultivating land under the mortgage or from such other persons as may be cultivating the land as a tenant of the debtor, 1/4th of the produce and in the case of the tenant, such amount of produce which he has been paying to the debtor as a rent if it is less than the 1/4th of the produce.

Given under my hand and seal of the Court, this.....day of.....19

Sub-Judge.....Class.

Seal of the Court.

FORM DR-III

Debt Account of Shri.....of Village.....Tehsil.....District.....

Date 1	Debits 2	Date 3	Credits 4
	(1) Debt outstanding on 1st of January/1st July, 19..... (a) Principal..... (b) Interest.....		(1) Amount received in kind/ cash or any other form of payment (if in lieu of service indicating, how the amount has been arrived at) (reference to receipt book, Rozanamach or Rokar etc.)
	(2) Amount advanced in cash/in kind/any other forms of payment (reference to Rozanamcha/ Rokar etc.)		(2) Total amount received upto 30th June/31st December, 19.....
	(3) Total amount advanced until 30th June/31st December, 19.....		(3) Balance payable on 1st July/1st January, 19.....

Place.....

Date.....

Signature of the Creditor.

FORM DR-IV

No.....

RECEIPT

Received a sum of Rs.....(in words) from Shri.....on Account of part/full payment of outstanding loan of Rs.....

Signature of Creditor

To

Shri.....

As required under clause (b) of sub-section (1) of Section 24 of the Himachal Pradesh Debt Reduction Act, 1976, I enclose for necessary action a statement of accounts of the debt you owe to me for the half year's ending on 30th June/31st December, 19.....

Date.....

Place.....

Signature of the Creditor.