

The Uttar Pradesh Chit Funds Rules, 1988¹

In exercise of the powers conferred by Section 89 of the Chit Funds Act, 1982 (Act 40 of 1982), the Governor, in consultation with the Reserve Bank of India is pleased to make the following rules:

CHAPTER I PRELIMINARY

1. Short title.—(1) These rules may be called the Uttar Pradesh Chit Funds Rules, 1988.

(2) They shall come into force with effect from the date² of their publication in the Gazette.

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

(a) “Act” means the Chit Funds Act, 1982 (Act 40 of 1982);

(b) “appendix” means an Appendix to these rules;

(c) “authorised agent” means a person duly authorised by a power-of-attorney executed and authenticated in the manner specified in Section 33 of the Indian Registration Act, 1908 (Central Act XVI of 1908) or a person authorised by a letter of authorisation by the person concerned specified in Form XX;

(d) “form” means a form to these Rules;

(e) “section” means a section of the Act;

(f) Words and expressions used in these rules but not defined therein shall have the same meanings respectively assigned to them in the Act.

CHAPTER II REGISTRATION

3. Application for obtaining prior sanction for commencement or conduct of chit.—Every application for obtaining prior sanction of the State Government or the officer empowered by it in this behalf, for commencement or conduct of a chit shall be made by the Foreman in Form I.

4. Communication of the refusal to sanction commencement or conduct of a chit.—(1) Where sanction of the commencement or conduct of a chit is refused, the reasons for such refusal shall be recorded in writing and a copy thereof shall be communicated to the applicant.

(2) Before refusing such sanction the Registrar shall issue a notice to the Foreman calling upon him to show cause within a reasonable period to be stipulated in such notice, why sanction be not refused.

(3) Where the ground for the proposed refusal of such sanction is default in payment of fees or filing of any statement or record required to be paid or filed under the Act, the Registrar shall condone the said default, if the Registrar is satisfied on hearing the Foreman that the default has occurred due to reasons beyond the

1. *Vide* Noti. No. Audit 345/X-88-605(22)-77, dated January 30, 1988, published in the U.P. Gazette, Extra., Part-4, Section (ka), dated 1st February, 1988, pp. 39-75 [W]

2. February 1, 1988.

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control of the Foreman or due to other bona fide reasons provided the Foreman has paid the fees or filed the necessary documents on or before the date of such hearing.

5. **Application for registration of chit.**—Every application for the registration of a chit to be made by the Foreman to the Registrar shall be in Form II.

6. **Endorsement of registration of a chit.**—The endorsement of registration of a chit agreement to be issued by the Registrar shall be in Form III.

7. **Registration number of chit.**—Every chit registered under the Act shall be numbered serially by the Registrar in separate series for each calendar year.

8. **Communication of the refusal to register a chit.**—(1) If the Registrar refuses to register a chit, he shall record the reasons for such refusal in writing and communicate a copy of the order to the applicant.

(2) Before refusing registration the Registrar shall issue a notice to the Foreman calling upon him to show cause within a reasonable period to be stipulated in such notice why registration be not refused.

(3) Where the ground for the proposed refusal of registration is default in payment of fees or filing of any statement or record required to be paid or filed under the Act, the Registrar shall condone the said default if the Registrar is satisfied on hearing the Foreman that the default has occurred due to reasons beyond the control of the Foreman or due to other bona fide reasons provided the Foreman has paid the fees or filed the necessary documents on or before the date of such hearing.

9. **Application for appropriation of any sum from the reserve fund.**—Every application for obtaining prior approval of the Registrar for appropriation by a company of any sum from the reserve fund shall be in Form IV.

10. **Declaration to be filed about subscriptions to all tickets of a chit.**—Every declaration to be filed by a Foreman after all tickets in a chit specified in the chit agreement have been fully subscribed shall be in Form V.

11. **Form of certificate of commencement of chit.**—The certificate of commencement of a chit to be granted to the Foreman shall be in Form VI.

12. **Form of certificate about furnishing a copy of the chit agreement to the subscribers of a chit.**—The certificate by the Foreman about having furnished a copy of the chit agreement to every subscriber of a chit to be filed with the Registrar shall be in Form VII.

13. **Form of chit agreement.**—The chit agreement of every chit started under the Act shall, as far as may be, conform to the proforma set forth in Form VIII.

14. **Registration of alteration, addition or omission of chit agreement.**—(1) No alteration, addition or omission of any provision in the chit agreement shall have effect unless such alteration or addition or as the case may be, omission is registered. If the Foreman makes any alteration or addition or omission of any provision in the chit agreement, he shall submit such alteration or addition or omission in duplicate to the Registrar duly signed and attested by at least two witnesses along with the application for registration of such alteration or addition or omission as the case may be of the chit agreement.

(2) An application to register an alteration of or addition to or omission of any provision in the chit agreement shall be dealt with in the same manner as an application for registration of the chit agreement.

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15. **Date of effect of alteration or addition or omission of any provision in the chit agreement.**—An alteration of or addition to or omission of any provision in the chit agreement shall not take effect from a date earlier than the date of such registration of the alteration or addition or omission as the case may be unless otherwise ordered by the Registrar.

Provided that the Registrar shall not give effect to the alteration or addition or omission from a date earlier than the date of application for registration of the alteration or addition or omission of any provision of the chit agreement, as the case may be.

16. **Form of notice of chit subscriber.**—Every notice to be given by a Foreman to the subscribers in a chit under Section 16 shall be in Form IX. It shall be sent to each subscriber under certificate of posting and shall also be exhibited on the notice board of the office of the Foreman.

17. **Form of minutes of proceedings.**—The minutes of proceedings of every draw shall, in addition to the particulars specified in sub-section (2) of Section 17, contain full particulars of the following points, namely—

- (a) Particulars of deposit, if any, of the prize amount under sub-sections (1) and (2) of Section 22 since the date of the previous draw;
- (b) Particulars of deposit, if any, of money under sub-section (1) of Section 30 and sub-section (4) of Section 33 since the date of the previous draw;
- (c) Amount withdrawn from the approved bank (the name of the bank to be specified) and the purpose of which the amount was withdrawn since the date of the previous draw;
- (d) How the prized subscriber was ascertained according to the terms of the chit agreement and particulars of tickets and prize amount. If the ascertainment of the prized subscriber related to a fraction of a ticket, particulars in respect of each such fraction shall be entered;
- (e) Full particulars of the commission paid to the Foreman and the amount of dividend assigned to each subscriber;
- (f) Names of subscribers or their authorised agents who bid at the drawing, their ticket numbers and signatures.

CHAPTER III FOREMAN

18. **Procedure in the case of security given by the Foreman.**—(1) In case of cash deposited in an approved bank in the name of the Registrar under clause (a) of sub-section (1) of Section 20, the receipt or the book issued by the approved bank mentioned in the chit agreement shall be delivered to the Registrar.

(2) In case of Government securities transferred in favour of the Registrar under clause (b) of sub-section (1) of Section 20, the Registrar shall keep them in safe custody under his control in any Government Treasury.

(3) If the security charged is moveable property other than deposit in an approved bank or Government securities, the Foreman shall make all necessary arrangements for their deposit with the Registrar or with such bank or other agency as may be approved by the Registrar for ensuring that the property deposited is available as security for the proper conduct of a chit.

(4) In case of trustee securities to be transferred in favour of the Registrar under clause (c) of sub-section (1) of Section 20—

- (i) where the security is other than immovable property, the value of the security shall not be less than one and a half times the value of the chit amount, and
- (ii) in respect of security of immovable property, the value of the security shall not be less than two times the value of the chit amount.

(5) A Foreman of a chit proposing to give moveable (or immovable) property as security for the proper conduct of a chit shall apply to the Registrar in Form X for permission under this sub-rule clearly furnish the correct and complete information regarding the property offered as security. (In case the property offered is immovable property, the application shall be accompanied by the documents of title to the property and an encumbrance certificate for 30 years relating to the property).

(6) Where the immovable property offered as security is situated outside the jurisdiction of the Registrar having jurisdiction over the chit, the inspection of the property shall, under the order of the concerned State Government, be made by the Registrar having jurisdiction over such property, who shall forward a report to the Registrar concerned as to the sufficiency of the security.

(7) If the security offered is accepted as sufficiency by the Registrar, he shall record in writing on the application, a certificate of sufficiency in Form XI and attach a statement of the valuation made.

(8) If the security offered is not accepted by the Registrar, he shall give the applicant an endorsement to that effect.

19. Valuation of chit amount in grain chits.—In a grain chit, for the purpose of security under Section 20, the grain shall be valued by the Registrar as follows

- (a) The total quantity of grain due from all subscribers at the instalment of the chit shall be ascertained;
- (b) The market value for the time being of the total quantity referred to in clause (a) shall then be calculated;
- (c) In assessing the market value, the Registrar shall adopt the current market prices at the nearest taluk town as ascertained from the Tahsildar having jurisdiction;
- (d) One and quarter times the market value mentioned in clause (b) shall be taken to be the chit amount for the purpose of furnishing security by the Foreman under sub-section (1) of Section 20.

20. Substitution of security.—(1) During the currency of a chit, the Foreman may apply to the Registrar in Form XII for permission to substitute the security given by him for the proper conduct of the chit by fresh security.

(2) The Registrar may grant permission after satisfying himself—

- (i) that the request of the Foreman for substitution of the security given under Section 20 is for the reasons stated in the application; and
- (ii) that the fresh security offered is adequate;
- (iii) the procedure prescribed in Rule 18 shall apply *mutatis mutandis* to the substituted security given by the Foreman under this rule.

21. Procedure for accepting fresh security.—(1) The Registrar shall, if so required by the Foreman, execute and register a deed of release in respect of the original security at the cost of the Foreman.

(2) If the original security to be returned is Government security deposited in a Government treasury, the Registrar shall arrange to return the securities offered by the Foreman after making endorsements of retransfer in the pass-book (receipt) or Government security (or other record) as the case may be.

(3) If the original security to be returned is moveable property other than Government security, the Registrar shall arrange to return such security by executing such deed or making such endorsement as may be necessary for an effective re-transfer in favour of the Foreman.

22. Application for release of security.—On termination of the chit, the Foreman may apply to the Registrar for the release of the security given by him.

23. Declaration by Foreman.—The application for release of security under sub-section (5) of Section 20 shall contain a declaration separately signed by the Foreman stating that the claims of all the subscribers have been fully satisfied and that all dues payable by the Foreman under the Act to the Registrar or any other officer have been fully paid.

24. Procedure for release of security.—(1) (a) The Registrar may, for the purpose of releasing the security under sub-section (5) of Section 20 call upon the Foreman to produce a copy duly certified to be a true copy of any register and book of accounts maintained by the Foreman and shall exhibit a notice on his office notice board stating that the security is proposed to be released and that any person objecting to such release may file with the Registrar his statement of objections, if any, within fifteen days from the date of exhibition of the notice.

(b) If no objections are received within the period specified in the notice, the Registrar shall release the security together with interest, if any, accrued thereon and remaining unpaid.]

(2) If any objections are received, the Registrar shall enquire into the objections summarily within fourteen days after the date of expiry of the period specified in the notice referred to in sub-rule (a) and record his decision in writing and forward a copy thereof to the Foreman and to the objector.

25. Books of account to be maintained by the Foreman.—In addition to the book of minutes of draws mentioned in Section 17, every Foreman shall keep the following registers and books of accounts in the forms mentioned against each or in the forms as near thereto as possible—

- (1) A register of subscribers in Form XIII.
- (2) A ledger in Form XIV.
- (3) A day book in Form XV.
- (4) A receipt book in Form XVI duly certified by the Foreman as to the number of pages in duplicate.
- (5) A book containing copies of all notices issued by the Foreman to the subscribers.

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- (6) A file containing the letters of authorisation of the subscribers, for subscribing his name in the chit agreement and for participating in the auction of the chit.
 - (7) A file containing the vouchers for payment made by the Foreman.
 - (8) A file containing documents relating to securities offered by the prized subscribers.

26. Accounts to be written up promptly.—(1) Every entry in the register of subscribers, the ledger or the day book mentioned in Rule 25 shall be made as and when the particular event occurs;

(2) On receipt of any money, a receipt shall immediately be prepared or caused to be prepared by the Foreman in Form XVI and delivered to the payer.

(3) The Foreman shall, at the time of issuing every notice, prepare a copy thereof in the book mentioned under clause (5) of Rule 25, certify it to be true copy and enter therein under his signature, the date of despatch of the notice.

(4) A voucher duly signed by the recipient shall be obtained by the Foreman at the time any payment is made to him and such voucher shall be immediately filed in the file specified in clause (7) of Rule 25 after due verification of all the particulars entered therein.

(5) Every document relating to the security given by prized subscribers shall as soon as it is received be filed in the file mentioned in clause (8) of Rule 25. The file shall contain an index for facilitating the scrutiny of the documents.

27. Filing of vouchers.—As soon as each payment is made, the Foreman shall obtain a voucher from the payee. He shall verify whether the voucher specifies the purpose for which the payment was received and whether it is properly signed by the recipient and preserve it in the file mentioned in clause (7) of Rule 25 after assigning a serial number thereto for each calendar month.

28. Date of submission of balance sheet.—(1) The balance sheet prepared in accordance with the provisions of Section 24 shall be filed with the Registrar within a period of three months from the expiry of the period with reference to which it is prepared.

(2) Receipts and Expenditure account and statement showing the assets and liabilities of the individual chit group shall be filed in the Form XXI with the Registrar within a period of two months from the termination of the chit when the duration of the chit does not exceed one year and when the duration of chit exceeds one year or expiry of every period of twelve months and also on the termination of the chit.

29. Rate of interest payable by defaulting subscribers.—The rate of interest payable by a defaulting subscriber in pursuance of the proviso to Section 28(1) of the Act shall not exceed twelve per cent per annum.

30. Audit by a chit auditor, report and certificate.—(1) If a Foreman desires to have the balance sheet and profit and loss account audited by a chit auditor appointed under sub-section (2) of Section 61, the Foreman shall immediately after the preparation of the balance sheet make an application for such audit to the Registrar within whose jurisdiction the chit is conducted, specifying whether the audit shall be at the premises of the Foreman or not. The application shall be accompanied by the amount of fee set out in Appendix II.

(2) The Registrar shall forward the application to the Inspector of Chits having jurisdiction, who shall cause the balance sheet and profit and loss account to be audited by the chit auditor, as expeditiously as possible. On receipt of the application, the Inspector of Chits shall forward it to the chit auditor, who shall thereupon call upon the Foreman to produce the chit records on such date, time and place as he may fix and the Foreman shall produce all registers, books of accounts and other records relating to the chit accordingly and furnish such information and give such facilities as may be necessary or required for the proper audit of the balance sheet and profit and loss account and receipt and expenditure account of individual chit at the time and place fixed by the chit auditor.

(3) Notice of not less than seven days shall be given to the Foreman as to the date of audit in the premises of the Foreman or for the production of registers, books of account and other records relating to the chit business as the case may be.

(4) The chit auditor shall prepare his report and audit certificate in quadruplicate and shall send one copy to the Foreman, the second copy to the Registrar, the third copy to the Inspector of Chits and keep to remaining copy for his own file.

31. Time for filing balance sheets audited by a chit auditor or other auditors.—(1) Where the audit is done by the chit auditor, the Foreman shall file with the Registrar a copy of the balance sheet and profit and loss account together with the audit certificate and the auditor's report within one month from the date of the receipt of the audit certificate and audit report from the chit auditor or within three months from the last day of the period covered by the balance sheet, whichever is earlier.

(2) In the case of audit by an auditor qualified to act as auditor of companies under the Companies Act, 1956 (Act 1 of 1956), the Foreman shall file with the Registrar the documents referred to in sub-rule (1) within three months from the expiry of the period with reference to which the balance sheet is prepared under section 24 and in case of individual chit as referred to in sub-rule (2) of Rule 28, within a period of two months.

CHAPTER IV WINDING UP OF CHITS

32. Form of petition for winding up and presentation.—A petition for winding up of a chit shall contain the following particulars, namely:—

- (1) Full name, description, occupation and address of the petitioner.
- (2) Address of his advocate, if any, for the service of all notices, process etc.
- (3) Address of the Foreman.
- (4) Particulars of the chit—
 - (i) Number and date of registration of the chit agreement;
 - (ii) Office where the chit agreement was registered;
 - (iii) The chit amount;
 - (iv) The total number of tickets;
 - (v) The number of subscribers and the number of tickets subscribed by each subscriber;
 - (vi) The number of non-prized subscribers on the date of the petition, and
 - (vii) The number of unpaid prized subscribers, if any.

- (5) Facts on which the petitioner relies in support of the petition.
- (6) Particulars relating to the award and execution of other process which has been returned unsatisfied in whole or in part, if the ground of the petition is that execution of other process issued on an award or order of the Registrar in favour of any subscriber in respect of the amounts due to him from the Foreman was returned unsatisfied in whole or in part.
- (7) Full details to show that the condition prescribed in clause (a) of the proviso to Section 49 is satisfied, if the wind-up of the chit is applied for under clause (d) of Section 48 and if the said clause (a) applies.
- (8) Whether the previous sanction of the State Government has been obtained, if clause (b) of the proviso to Section 49 applies. (A copy of the relevant order of the State Government shall be attached).

33. Proposals for collection and distribution of chit assets.—(1) The Receiver shall be soon as possible settle and submit to the Registrar a statement (hereinafter referred to as the "Provisional Statement") showing—

- (a) The names of subscribers and other persons from whom moneys are due from the chit;
- (b) The names of subscribers and other persons to whom moneys are due from the chit;
- (c) Proposals as to how the chit assets are to be collected and applied in the discharge of its liabilities; and
- (d) The amount proposed to be paid to each of the persons specified in clause (b);

(2) Notice of the preparation of the provisional statement accompanied by a copy thereof shall be published and be served on the petitioner, the subscribers and other persons mentioned by the receiver in such manner as the Registrar may direct. If the number of persons on whom notice is to be served is large the notice may, in the discretion of the Registrar, be served on the petitioner only and advertised in one or more daily newspapers. The notice shall specify the date on which objections to the provisional statement will be heard and shall call upon any person having such objections—

- (i) to submit his statement of objections and the grounds therefor supported by an affidavit before the date appointed by the Registrar in this behalf; and
- (ii) to appear in person or by advocate on the date of hearing with all the evidence in support of his objections.

34. Set-off to be allowed.—When money is due from the Foreman to a subscriber and also from the subscriber to the Foreman, the subscriber shall be allowed the benefit of a set-off.

35. Hearing of objections to the provisional statement.—On the date fixed for the hearing of the objections under sub-rule (2) of Rule 33, the Registrar shall enquire into the objections and after considering the evidence, if any, adduced in support thereof pass orders on the objections and call upon the Receiver to revise, if necessary, the provisional statement in accordance with his orders. The Registrar shall fix a date by which such revision is to be made and intimate orally or in

writing such date to the persons who have appeared in person or through their advocates on the date of the hearing.

36. Final orders of settlement by Registrar.—(1) As soon as possible thereafter and at least ten days before the date fixed under Rule 35, the Receiver shall submit to the Registrar a fresh list of subscribers or other persons to whom or from whom moneys are due and fresh proposals for the distribution of the available chit assets after making such further enquiry as may be necessary. The Registrar shall thereupon consider the said list and proposals and approve or modify them in such manner as he considers necessary. The Registrar shall pass final orders accordingly on the date fixed under Rule 35 for the collection and distribution of the chit assets. The Registrar may also pass such orders as may be necessary for the distribution of the available chit assets in case such assets happen to be insufficient to meet the sums which have to be paid to the subscribers.

(2) The final orders passed by the Registrar under this rule shall be conclusive evidence of the several claims to be met out of the chit assets.

37. Provision for expenses of winding up.—In making proposals for the distribution of the chit assets, the Receiver shall specify the estimated amount of the cost of winding up including remuneration for the Receiver and such other items of expenditure as are incidental to the winding up and such estimated amount shall first be provided for and deducted from the value of the chit assets and the balance amount shall also be proposed for distribution in the provisional statement and the fresh list mentioned in Rule 36.

38. Filing of final accounts by Receiver.—(1) Upon the termination of the proceedings relating to the winding-up, the Receiver shall file his final accounts with the Registrar within fifteen days of such final accounts being passed by the Registrar and the balance of money in the hands of the Receiver shall be paid to the Registrar. The Receiver shall also state how the balance amount may be disposed of together with the reasons for his proposals. He shall also deposit with the Registrar all books, accounts and all other records relating to the chit which has been wound up.

(2) The receiver may thereafter apply to the Registrar for a certificate of discharge from the duties as Receiver and for the vacating of his recognizance bonds entered into by him and the sureties, if any. On receipt of such application, the Registrar may pass orders of such discharge and vacating of the bonds and for the disposal of the final balance of the chit assets, if any.

39. Final order of winding up by the Registrar.—(1) After the affairs of a chit have been completely wound up, the Registrar shall make an order recording the fact of such winding up.

(2) A copy of such order shall be exhibited on the notice board of the Registrar.

40. Disposal of records.—The books and papers of a chit which has been completely wound up and of the Receiver shall be retained and disposed of in such manner as the Registrar may direct.

41. Meetings.—When the number of subscribers is large and the Registrar whether on application of the Receiver or not, at any stage considers that a meeting of all such parties is necessary in order to ascertain their wishes in any matter the Registrar may pass an order for holding such a meeting. The Registrar may c

the manner in which and the time and place at which the meeting shall be held and the Receiver shall convene and hold the meeting accordingly. [R. 42]

CHAPTER V FEES

42. **Table of fees.**—The fees payable to the Registrar for matters specified in Section 62 and Section 63 shall be as set out in Appendix II and shall be paid in cash.

43. **Receipt of fees.**—The Registrar shall grant receipts for all fees received by him.

44. **Refund of fees.**—The Registrar may refund any fee paid to him in excess of the amount prescribed or any fee that is unearned.

Explanation.—The expression “fee that is unearned” in this rule means fees paid in connection with the registration of the chit agreement, the filing of a document or other service to be performed by the Registrar where such registration or filing is not actually effected or the service is not actually rendered.

CHAPTER VI DISPUTES AND ARBITRATION

45. **Reference of dispute.**—A reference of a dispute under Section 64 shall be made in writing to the Registrar in Form XVII. Where necessary, the Registrar may require the party referring the dispute to him to produce a certified copy of the relevant records on which the dispute is based and such other statements or records as may be required by him, before proceeding with the consideration of such reference.

46. **Registrar's satisfaction regarding existence of a dispute.**—Where any reference of a dispute is made to the Registrar or any matter is brought to his notice, the Registrar shall, on the basis of the reference (if any) made to him in Form XVII and the relevant records and statements submitted to him, record his decision together with the reasons within the meaning of Section 64. Such recording of decision shall be sufficient proof of the Registrar's satisfaction whether the matter is or is not a dispute as the case may be.

47. **Disposal of a dispute or reference to a nominee.**—(1) Where the Registrar is satisfied that there is a dispute, the Registrar may decide the dispute himself or refer it for disposal to his nominee.

(2) Neither the Registrar nor his nominee shall take up for consideration any dispute, unless the parties concerned comply with the conditions of affixing the court fees specified in Rule 57 for determining the dispute.

48. **Qualifications for appointment as Registrar's nominees.**—(1) The State Government may appoint a person to be a Registrar's nominee provided that—

(a) he has practised as an advocate, Pleader or Vakil for not less than five years, or

(b) he is enrolled as an Advocate or holds a degree or other qualification in law of any University established by law or of any other authority which entitles him to be enrolled as an Advocate, and either (i) has held office not lower in rank than the Deputy Registrar of Chits for not less than five years; or (ii) possesses good knowledge and experience of chit fund legislation and practice.

(2) The State Government may, by notification in the Official Gazette appoint as many persons as might be necessary to act as Registrar's nominee for settlement of disputes arising under this Act.

49. **Procedure for hearing and decision of disputes.**—(1) The Registrar or his nominee shall record in the official language in vogue in the State, the evidence of the parties to the dispute and the witnesses who attend. Upon the evidence so recorded and upon consideration of any documentary evidence produced by the parties, a decision shall be given by him in writing such decision shall be pronounced in the open court, either at once or as soon as may be practicable on some future day, of which due notice shall be given to the parties.

(2) Where neither party appears when the dispute is called out for hearing, the Registrar or his nominee may make an order that it be dismissed for default.

(3) Where the opponent appears and the disputant does not appear when the dispute is called out for hearing, the Registrar or his nominee may make an order that the dispute be dismissed, unless the opponent admits the claims or a part thereof, in which case the Registrar or his nominee, as the case may be, may make an order against the opponent upon such admission, and where, only part of the claim is admitted, may dismiss the dispute insofar as it relates to the remainder.

(4) Where the disputant appears and the opponent does not appear when the dispute is called out for hearing, then if the Registrar or his nominee is satisfied from the record and proceedings that the summons was duly served, the Registrar or his nominee may proceed with the dispute ex parte. Where the summons is served by any Officer of the Registrar or his nominee, he shall make his report of service on *oath*.

(5) The Registrar or his nominee may not ordinarily grant more than two adjournments to each party to the dispute at his request. The Registrar or his nominee may, however, at his discretion grant such further adjournments on payment of such costs to the other side and such fees to the Registrar or his nominee as the Registrar or his nominee as the case may be, may direct.

(6) Any party to a dispute may apply for and obtain a certified copy of any order, judgment or award made by the Registrar or his nominee on payment of copying fees, at the rate prescribed in Appendix II.

50. **Summons, notices and fixing of dates, place, etc. in connection with the disputes.**—(1) The Registrar, or as the case may be, his nominee, may issue summons or notices at least fifteen days before the date fixed for the hearing of the dispute requiring:

- (i) the attendance of the parties to the dispute and of witnesses, if any; and
- (ii) the production of all books and documents relating to the matter in dispute.

(2) Summons or notices issued by the Registrar or his nominee may be served through a Tahsildar or any employee or the Chit Department or by registered post with acknowledgment due.

(3) The Officer serving a summons or notice shall, in all cases in which summons or notice has been served, endorse or annex, or cause to be endorsed on or annexed to, the original summons or notice, a return stating the time when, and the manner in which, the summons or, as the case may be, notice was served, and

the name and address of the person (if any) identifying the person served and witnessing the delivery or tender of the summons or the notice.

(4) The official issuing the summons or notice may examine the serving Officer on oath or cause him to be so examined by the Tahsildar or other Officer through whom it is served and may make such further inquiry in the matter as he thinks fit and shall either declare that the summons or, as the case may be, notice has been duly served or order it to be served in such manner as he thinks fit.

(5) The mode of serving summons and notices as laid down in sub-rules (1) to (4) shall *mutatis mutandis* apply to the service of summons or notices issued by the Registrar or the person authorised by him, when acting under Section 46.

51. Investigation of claims and objections against any attachment.—Where any claim or objection has been preferred against the attachment of any property under Section 68 on the ground that such property is not liable to such attachment, the Registrar, or as the case may be, his nominee shall investigate into the claim or objection and dispose of it on merits:

Provided that, no such investigation shall be made when the Registrar or his nominee considers that the claim or objection is frivolous.

52. Procedure for the custody of property attached under Section 68.—(1) Where the property to be attached is moveable property, other than agricultural produce in the possession of the debtor, the attachment shall be made by actual seizure and the attaching officer shall keep the property in his own custody or of his subordinates, or of a Receiver, if one is appointed under sub-rule (2) and shall be responsible for the due custody thereof:

Provided that, when the property seized is subject to speedy and natural decay, or when the expenses of keeping it in custody is likely to exceed its value, the attaching officer may sell it at once.

(2) Where it appears to the officer ordering conditional attachment under Section 68 to be just and convenient, he may appoint a Receiver for the custody of the moveable property attached under that section and his duties and liabilities shall be identical with those of a Receiver appointed under Order XL in the First Schedule to the Code of Civil Procedure, 1908.

(3) (i) Where the property to be attached is immovable, the attachment shall be made by an order prohibiting the debtor from transferring or charging the property in any way, and all persons from taking any benefit from such transfer or charge.

(ii) The order shall be proclaimed at some place on, or adjacent to, such property by beat of drums or other customary mode, and a copy of the order shall be fixed on a conspicuous part of the property and upon a conspicuous part of the village chawhaddi, and where the property is land paying revenue to the State Government, also in the office of the Collector of the district and in the office of the Tahsildar or any other Revenue Officer within whose jurisdiction the property is situated.

53. Procedure for attachment and sale of property for realization of any security given by person in course of execution proceedings.—The procedure laid down in Rules 51 and 52 shall *mutatis mutandis* apply for attachment and sale of

property for the realisation of any security given by a person in the course of execution proceedings.

54. Issue of proclamation prohibiting private transfer of property.—The Registrar when acting under clause (a) of Section 71 shall, at the time of signing a certificate affecting any property, issue a proclamation in Form XVIII and in the case of immovable property shall also forward a copy of the proclamation to the Tahsildar or any other revenue officer within whose jurisdiction the property is situated, who shall cause an entry about such certificate to be made in the Record of Rights.

55. Procedure for execution of awards.—(1) Every order or award passed by the Registrar, or his nominee under Section 68 or 69 shall be forwarded by the Registrar to the Foreman or to the party concerned with instruction that the Foreman or, as the case may be, the party concerned should initiate execution proceedings forthwith according to the provisions of Section 71.

(2) If the amount due under the award is not forthwith recovered, or the order thereunder is not carried out, it shall be forwarded to the Registrar with an application for execution along with all information required by the Registrar, for the issue of certificate under Section 71. The applicant shall state whether he desires to execute the award through a civil court or through the revenue authorities as provided under Section 71.

(3) On receipt of such application for execution, the Registrar shall forward the same to the proper authority for execution along with a certificate issued by him under Section 71 and a proclamation issued under Rule 54 in the manner prescribed therein.

(4) Every order passed in appeal under Section 70 shall also be executed in the manner laid down in sub-rules (2) and (3).

56. Transfer of property which cannot be sold.—(1) When, in execution of an order sought to be executed under Section 71, any property cannot be sold for want of buyers, if such property is in the possession of the defaulter or of some person on his behalf, or of some person claiming it under a title created by the defaulter subsequent to the issue of the certificate by the Registrar under clause (a) or (b) of the said section, the officer conducting the execution shall as soon as practicable report the fact to the Court or the Collector or the Registrar, as the case may be, and the judgment creditor applying for the execution of the said order.

(2) On receipt of a report under sub-rule (1), the judgment creditor may, within six months from the date of the receipt of the report or within such further period as may for sufficient reasons be allowed in any particular case by the Court or the Collector or the Registrar, submit an application in writing to the Court, the Collector or the Registrar, as the case may be, stating whether or not he agrees to take over such property.

(3) On receipt of an application under sub-rule (2), notices shall be issued to the defaulter and to all persons known to be interested in the property, including those whose names appear in the Record of Rights as persons holding any interest in the property, about the intended transfer.

(4) One receipt of such a notice, the defaulter, or any person owning such property, or holding an interest therein by virtue of a title acquired before the date

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(b) When such amount exceeds Rs 1000 but does not exceed Rs 5000

50.00
75.00

(c) When such amount exceeds Rs 1000 but does not exceed Rs 5000

50.00

(d) When the amount of the claim in dispute does not exceed Rs 1000

75.00
100.00
100.00

(e) When such amount exceeds Rs 5000

(f) All other disputes.

Explanation.—For the purposes of this sub-rule, "Simple money claim" means the claim of a Foreman whose business consist of conducting chits including disbursement of prize amounts based on loan bonds, promissory notes, admissions or acknowledgements and "complicated money claims" means all money claims or acknowledgements and "simple money claims". The question regarding the classification of a claim for the purposes of this sub-rule shall be decided by the Registrar or his nominee deciding the dispute and the decision of the Registrar or his nominee as the case may be, shall be final.

(2) No document of any of the kinds specified below shall be filed before the Registrar or his nominee unless it is affixed with the proper court-fee stamp as specified against it.

(i) Vakalatnama

Rs p
2.00

(ii) Application for adjournment

10.00

(iii) Application for interim stay or relief

25.00

(3) (a) The Registrar or his nominee deciding any dispute may require the party or parties to the dispute to deposit such sum as may, in his opinion, be necessary to meet the expenses including payment of fees to the Registrar or his nominee, as the case may be.

(b) The Registrar or his nominee shall have power to order the fees and expenses of determining the dispute to be paid by the foreman out of his funds or by such party, or parties of the dispute, as he may think fit, according to the scale laid down by the Registrar, after taking into account the amount deposited as above.

(c) The Registrar may, by general or special order specify the scale of fees and expenses to be paid to him or his nominee.

CHAPTER VII

MISCELLANEOUS

58. **Appeal to be in writing.**—(1) An appeal under Section 70 or sub-sections (1) and (2) of Section 74 shall be made in writing and shall be either presented in person or sent by registered post to the appellate authority.

Explanation.—For the purpose of this rule and Rule 59 'Appellate Authority' means—

(a) in respect of an appeal under Section 70, the State Government;

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(b) in respect of an appeal under sub-sections (1) and (2) of Section 74, the State Government or such officer or authority as may be empowered by notification in the State Gazette by the State Government in that behalf.]

(2) The appeal shall be in the form of a memorandum which shall be affixed with court fee stamps of Rs 150.00.

(3) Every appeal shall—

- specify the names and addresses of the appellant as well as the respondent;
- state by whom the order appealed against was made;
- set forth concisely and under distinct heads the grounds of objections to the order appealed against with a memorandum of evidence;
- state precisely the relief which the appellant claims; and
- give the date of the order appealed against.

59. **Hearing and disposal of the appeal.**—(1) On receipt of the appeal, appellate authority shall, as soon as possible examine it and ensure that—

- the appeal memorandum is affixed with court fee stamps of the value specified in Rule 58(2);
- the person presenting the appeal has the locus standi to do so;
- it is made within the specified time limit; and
- it conforms to all the provisions of the Act and these rules.

(2) In the proceedings before the appellate authority, the appellant and the respondent may be represented by an agent holding a power of attorney or by a legal practitioner.

(3) The appellate authority, on the basis of the enquiry conducted and with reference to the record examined, pass such order on appeal as may seem just and reasonable.

(4) Every order of the appellate authority under sub-rule (3) shall be in writing and it shall be communicated to the parties concerned and the Registrar.

60. **Period of retention of records by the Registrar.**—The records of a chit including registers and books of account shall be preserved in the office of the Registrar for eight years (a) from the release of the security in the case of chits which are terminated and (b) from the date when the affairs of the chit are completely wound up in cases dealt with in Chapter X of the Act and if orders passed under that Chapter are appealable, from the date of disposal of the appeal.

61. **Register of records kept.**—Registrar shall keep a separate register in which shall be entered particulars of all records relating to chits registered in his office.

62. **Compounding of offences arising under the Act.**—(1) Any person liable for punishment for contravening the provisions of the Act or these rules may, at any time either before or after the institution of the prosecution under the Act, submit an application to an Officer of the State Government especially empowered in this behalf by an order published in the Gazette, either direct or through the District Magistrate concerned for the compounding of the offence stating clearly the name and place of the chit agreement, name and designation of the inspecting officer, date and time of inspection, the irregularity detected and the offence committed.

⁴ Subs. by Not. No. Audit-1071-X-93-605(22)-77, dt. 20-4-1993 (w.e.f. 20-4-1993).

(2) On receipt of an application for the compounding of an offence, the officer as aforesaid may, where necessary, call for the records of the case from the officer who has carried out the inspection or from the District Magistrate, as the case may be, and, if satisfied, he may issue an order compounding the offence, subject to the realisation of such composition fee, as may be prescribed by an order of the State Government to be published in the Gazette.

(3) A copy of the order of the Officer as aforesaid for compounding an offence shall be sent to the District Magistrate concerned who shall realise the composition fee and, in case where a prosecution has already been filed, inform the Court concerned that the offence has been compounded and the composition fee has been realised and deposited into Government account. A copy of this order shall also be supplied to the Court.

(4) The composition fee shall be deposited into the Government account under the same head of account and in the same manner as the State Government under the same head of account and in the same manner as the Government Treasury. The treasury fix in the procedure for such deposits in the Government Treasury. The treasury challan number and the date of deposit shall be communicated by the District Magistrate to the Compounding Officer as aforesaid.

(5) The offence shall stand compounded only after the composition fee has been deposited into the Government Account.

APPENDIX I

FORM I

[See Section 4(2) and Rule 3]

(Form of application to be used by a foreman for obtaining prior sanction to commence or conduct a chit)

From

To

THE SECRETARY TO THE GOVERNMENT, UTTAR PRADESH,
FINANCE DEPARTMENT, LUCKNOW.

OR
(THE AUTHORISED OFFICER
—by designation)

Sr.

1. son/wife/daughter of (here state profession or occupation) residing at We, the Chairman and Secretary respectively* on behalf of (name of the firm, company, Co-operative Society, etc.) situate at/having its registered office at postal address in detail). Full particulars in this regard are given in the Annexure hereto.

2. A certified true copy of the resolution passed by the Managing Committee/Board of Directors at the meeting held on the for commencing and conducting the chit in question is enclosed

3. I/We remit herewith a sum of Rs. (Rupees in words) only being the fees prescribed for the purpose.

FORM II

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4. I/We hereby certify that the aggregate chit amount of the chits run by me/us is Rs. (Rupees) on the date of this application and does not exceed the aggregate chit amount prescribed by Section 13 of the Chit Funds Act, 1982 (Central Act 40 of 1982).

5. I/We request you to accord your sanction for commencing and conducting the chit. On receipt of such sanction further steps for registration, etc. of the chit will be taken.

Yours faithfully,
Chairman,
Secretary,
Foreman.
**for or on behalf of

Encls.: Sheets
Strike out or delete whatever is not applicable.
*Insert the designations as may be appropriate to the applicant.
**Here enter the name of the applicant institution, if any.

ANNEXURE E
Statement of particulars

- Name and address of the company/Association of individuals/Co-operative Society/Partnership/sole proprietorship (Addresses of the Registered as well as the Head Office/Administrative Office, if any should be given).
- Constitution i.e. whether incorporated as company/Co-operative Society or registered/unregistered association of individuals/partnership/sole proprietorship (Also specify the provision of the Act under which incorporated/registered along with the date of incorporation/registration).
- Names and addresses of the branches/offices, if any.
- Main objects of the institution (enclose a copy of the Memorandum and Articles of Association or as the case may be, of the Bye-laws or Rules regulating the activities of the institution).
- Names, occupations and residential addresses of the directors or as the case may be, of the promoters/members of the committee of management/partners, etc.
- Names and residential addresses of the Chief Executive Officer and two other officers immediately next to him, in the managerial set-up.
- Names of the bankers and their addresses.
- Names of the auditors and their addresses.
- Particulars of the chit(s) to be started (such as the chit amount, duration of the chit, frequency of the draws, manner of draws, etc. Also attach a copy of the draft of the chit agreement to be entered into with the subscribers).
- Places where the chit scheme(s) are proposed to be conducted.
- Names and addresses of the associate companies/co-operative societies/associations of individuals/partnerships/sole proprietorships.
- Names, occupations and residential addresses of the directors or as the case may be, of the promoters/members of the committee of management, etc. of the institution(s) referred to in item 11.

I/We solemnly declare that the facts stated herein as also in the enclosure are true to the best of my/our knowledge, information and belief.
Dated this day of 19..... at

Name(s)
Designation(s)
for and on behalf of
* Here enter the name of the applicant institution, if any.
Strike out whatever is not applicable.

NOTES— (i) If the space against any item is inadequate for furnishing full particulars, the required information should be given in separate sheets indicating the cross reference against the relative item of this statement.
(ii) A copy each of the latest available audited Balance Sheet and Profit and Loss Account, if any, should be attached.

FORM II
Application for registration of the Chit Agreement
[See Section 7 and Rule 5]

To,
THE REGISTRAR OF CHITS,

Place:
Date:

Dear Sir,
1. (a) I, _____ son of Shri. _____ being the foreman conducting chit under the name and style of ** _____ at _____ of _____ hereby apply for registration of the chit agreement.
(b) We, _____ the Chairman and Secretary respectively of the foreman conducting chit business under the name and style of ** _____ at _____ hereby apply for registration of the chit agreement.
2. The chit agreement in duplicate is attached herewith together with a sum of Rs. _____ being the registration fees as required under the Chit Funds (Uttar Pradesh) Rules, 19 _____.
3. The number of current chits which are running as on the date of this application is _____ and the aggregate chit amount of these chits involved therein is Rs. _____ which is within the limit specified in Section 13 of the Chit Funds Act, 1982 (Act 40 of 1982).
4. A certified true copy of the sanction obtained under Section 4 of the above Act for commencement and conduct of the chit in question is enclosed. A copy of the application dated the _____ together with its enclosures made to the State Government/Authorised Officer in this behalf is also enclosed for information and ready reference.
5. I/We remit herewith a sum of Rs. _____ (Rupees in words), _____ being the fee prescribed for the purpose.

Declaration

6. I/We have read the Chit Funds Act, 1982 (Act 40 of 1982) and the Rules made by the State Government thereunder and I/We declare that the chit agreement has been drawn up in conformity with the provisions of the said Act and the Rules.
The above statements are true and complete to the best of my/our knowledge, information and belief.

Yours faithfully,
Chairman,
Secretary,
Foreman
Name(s)
Designation (s)
**for and on behalf of (Foreman)

NOTES— (i) **Here enter the name of the applicant institution, if any.
*Here enter the place.
(ii) Strike out or delete whatever is not applicable.
Insert the designation(s) as may be appropriate to the applicant.

FORM III

[See Section 7(2) and Rule 6]
Endorsement of Registration

I hereby certify that the chit agreement relating to the chit proposed to be conducted by _____ (the name and address of the foreman should be filled in here) as a foreman has the day of _____ 19 _____.
19 _____

registered by me under sub-section (2) of Section 7 of the Chit Funds Act, 1982 (Act 40 of 1982) as Chit No. _____ of 19 _____.
Given under my hand and seal this _____ day of _____ 19 _____.

FORM IV
[See Section 8(4) and Rule 9]

Signature of Registrar

Place:
Date:

To,
THE REGISTRAR OF CHITS,

Dear Sir,
In terms of sub-section (4) of Section 8 of the Chit Funds Act, 1982 (Act 40 of 1982) we hereby seek your approval for appropriating a sum of Rs. _____ (Rupees in words) _____ by withdrawal from the Reserve Fund of company. This withdrawal has been necessitated by the following circumstances: _____ (here state the circumstances under which withdrawal from the Reserve Fund has become necessary).
2. We enclose for your information a copy each of the profit and loss account and the balance-sheet for the last two accounting years as also a proforma of the balance-sheet and profit and loss account for the current year ended _____ 19 _____. A true copy of the resolution passed by the Managing Committee/Board of Directors on the _____ for appropriation of the said sum from the Reserve Fund is also enclosed. We shall be glad to furnish such further information as may be required by you.
3. We remit herewith a sum of [Rs. _____ (Rupees in words), _____] being the fees prescribed for the purpose.
4. We shall be glad if you will kindly grant us permission to withdraw a sum of _____ from the Reserve Fund.

*Here enter the name of the applicant/company.

FORM V

[See Section 9(1) and Rule 10]

Yours faithfully,
Chairman,
Secretary,
Foreman,
*for and on behalf of
(Foreman/Company)

Place:
Date:

To,
THE REGISTRAR OF CHITS

Dear Sir,
By your letter dated the _____ you were pleased to grant me/us a certificate of registration to start a new chit of a chit amount of Rs. _____ and of a duration of _____ months.

2. I/We have subsequently enlisted the required number of members and we hereby declare in terms of sub-section (1) of Section 9 of the Chit Funds Act, 1982 (Act 40 of 1982) that all the tickets specified in the Chit Agreement have been fully subscribed.

3. I/We remit herewith a sum of Rs. _____ (Rupees in words), _____ being the fees prescribed for the purpose of filing this declaration.

Yours faithfully,
Chairman
Secretary
Foreman
For and on behalf of
(Foreman)

State not to delete whatever is not applicable.
Date of registration (as may be applicable to the applicant)

FORM VI
[See Section 9(2) and Rule 11]
Certificate of commencement of Chit

OFFICE OF THE REGISTRAR OF CHITS

I hereby certify that is entitled to commence and conduct the chit**
the chit agreement in respect of which was registered in my office as Chit No. of 19
Given under my hand and seal, this day of 19 at

Signature of Registrar

(Seal)
*Here enter the name of the foreman
**Here mention the chit amount and duration, etc. of the chits.

FORM VII
[See Section 10(2) and Rule 12]

To
THE REGISTRAR
The Chit Funds Act, 1982
[ACT 40 OF 1982]

DEAR Sir,
I/We the Foreman of chit/Chairman and Secretary on behalf of the
Foreman firm/company conducting the chit, the chit agreement bearing registration number
of 19 has been registered in the office of the Registrar of
Chits, do hereby certify that I/We have furnished to every subscriber of the
chit a copy of the said chit agreement duly certified by me/us to be a true copy. The copies were furnished
to each of the subscribers on

The date of obtaining the certificate of commencement of the said chit granted under sub-section
(2) of Section 9 is

The first draw of the said chit was held on

Yours faithfully,
Chairman,
Secretary,
Foreman
For and on behalf of (Foreman),

Strike out/delete whatever is not applicable.

Power the designation(s) as may be appropriate to the applicant.

FORM VIII
[See Section 6 and Rule 13]
Form of Chit Agreement
(Articles of agreement between the foreman and the subscribers)

- (1) Office where the chit is registered
- (2) Year and registration number
- (3) Full name and address of foreman
- (4) Occupation (if applicable)
- (5) Age (if applicable)

- I. Chit amount and number of tickets—
 - (1) Number of tickets or fraction thereof held by each subscriber
- (2) Number of instalments and amount payable for each ticket at every instalment
- (3) Chit amount

- II. Duration of the Chit—
 - (1) Date of 1st instalment
 - (2) Dates of subsequent instalments
 - (3) Number of instalments per year
 - (4) Date of termination
 - (5) Duration of the chit
- III. The place, time and probable date when the chit is to be commenced—

	Years	Months
(1) Place (give full particulars)		
(2) Probable date		
(3) Time of commencement of the proceedings		

- IV. Particulars of security given or deposited by foreman—
 - (1) Under Section 20 of the Act, the following security sufficient to the satisfaction of the Registrar of Chits, the particulars of which are described below, has been given for the proper conduct of the chit. (Here enter description of security such as cash/Government security (immovable property), etc. (In case immovable property has been charged, its particulars such as its description/location/market value etc. should be given).
 - (2) Number and date of the certificate of Registrar of Chits regarding the sufficiency of security, if obtained.
 - (3) The foreman shall not get release of the security in full until all the liabilities under the chit are discharged.
- V. Mode of conducting the chit—
 - (1) The subscriber who is to get the prize at any instalment shall be determined by lot or by auction at the time and place specified in Article III.

(Here specify the smallest fraction of a ticket, the prize for which will be determined by lot or by auction, and the time allowed for each purpose).

(2) Where the prize is to be determined by auction, a ticket of fraction thereof shall be auctioned and the prize is to be determined by lot. The subscriber who bids for a sum not less than the chit amount minus foreman's commission, and the subscriber who bids for the highest discount not exceeding 30 per cent of the total amount of the chit shall be entitled to have the highest discount not exceeding 30 per cent of the total amount of the chit shall be entitled to have the highest discount not exceeding 30 per cent of the total amount of the chit.

NOTE—Where a fraction of a ticket is auctioned, the subscriber who bids it for the highest discount is entitled to have confirmed in his name at the same rate as may such fractions as he wished to bid.

(3) In cases where the subscribers are not prepared to bid any ticket or fraction thereof or where the discount is not sufficient to meet the foreman's commission, the subscriber who is entitled to the prize amount shall be determined by lot. The subscriber so determined shall be deemed to be the prize subscriber who shall be entitled to the chit amount for his ticket less foreman's commission for that ticket.

(4) A defaulter subscriber shall not be entitled to take part in the proceedings.

(5) If for any reason the subscriber is unable to take part in the proceedings, he may in writing authorise an agent in that behalf. Such agent shall have all the rights and privileges of a subscriber at such proceedings.

VII. *Made of payment of each instalment*—

(1) Every subscriber shall on the date of each instalment pay to the foreman the amount due for his ticket for each such instalment and get a receipt in that behalf from the foreman.

(2) In the case of a prized subscriber, if the amount due from him for a particular instalment is not paid on the date of that instalment, it shall be paid within (here mention weeks or months) with interest at (here specify the rate) failing which it shall be competent to the foreman to realise from the list of subscribers and have another person substituted for such defaulter subscriber. The foreman shall duly inform the defaulter subscriber of the action taken against him.

NOTE—Under clauses (2) and (3) the period within which the amount shall be and the rate at which interest due thereon shall be paid may be such as shall not be inconsistent with the provisions of the Act or any law for the time being in force.

(4) A non-prized defaulting subscriber shall be entitled to the amount paid by him and the discount due to him on his executing an acknowledgment in writing at the time the substituted subscriber draws the prize amount. If the defaulter subscriber fails to obtain the amount due to him, the foreman shall deposit the same in the approved bank. If the foreman fails to pay such subscriber, the amount so due to him on the due date, it shall be competent for such subscriber to realise such amount with interest permissible under the law for the time being in force.

VII. *Procedure for receiving the prize amount by a prized subscriber*—

(1) A prized subscriber or his nominee shall receive from the foreman the prize amount within (here specify the period) after furnishing to the satisfaction of the foreman sufficient security, for the payment of future subscriptions.

(2) In case the prized subscriber or his nominee fails to receive the prize amount after furnishing sufficient security, the foreman shall deposit the amount in the approved bank and inform the prized subscriber of that fact.

(3) In case the amount so deposited is not sufficient for the payment of future subscriptions, it shall be competent to the foreman to realise from such prized subscriber such amount as may be deficient together with the interest due thereon and all other incidental charges.

(4) In case there remains any portion of the amount deposited after paying the future subscriptions and other charges such portion shall be payable by the foreman to the prized subscriber after the termination of the chit, failing which it shall be competent to the prized subscriber or nominee to realise from the foreman such portion as remains together with the interest due thereon from the date of termination of the chit.

(5) If at any time after the prize amount is deposited in an approved bank, the prized subscriber or his nominee furnishes sufficient security, the foreman shall withdraw the amount so deposited and pay

it to the prized subscriber or his nominee after deducting therefrom the amount due from him for the payment of the instalments prior to the date of which the security is furnished.

(6) If the foreman fails to pay the prize amount to the prized subscriber or his nominee furnishing sufficient security, it shall be competent to such subscriber or nominee to realise from the foreman the prize amount together with the interest due thereon from the date of furnishing such security.

VIII. *Disbursement of discount*—

The discount for every ticket auctioned shall be distributed equally between the prized and non-prized subscribers after deducting therefrom the foreman's commission.

IX. *Foreman's commission and the instalment at which the foreman is to get the prize*—

(1) (Here specify the date and number of instalment at which the foreman is to get the prize) First and the last instalment not being subject to auction, the subscribers shall be liable to pay the full amount of their tickets.

(2) Here specify the rate per cent of foreman's commission and the total amount of commission chargeable on the chit amount.

NOTE—Any other amount agreed to by the subscribers for any other purpose may also be specified here.

X. *Transfer how to be effected*—

(1) It shall not be competent to any subscriber to transfer his rights in a chit except with the consent in writing of the foreman provided that no such consent shall be necessary in the case of transfer by a subscriber whose name has been removed by the foreman from the list of subscribers for default of payment of subscriptions. The transferee (whether he is already a subscriber or not) shall be entitled to no more rights than the transferor had in the chit in respect of the ticket or fraction thereof is transferred.

(2) No transfer of the rights of a foreman to receive subscriptions from the prized subscribers shall be made without the previous sanction in writing of the Registrar of Chits. Any such transfer shall, if it defers or delays a non-prized subscriber, be available at the instance of such subscriber.

XI. *Balance Sheet and subscriber's right to examine chit records*—

(1) On termination of a chit, the foreman shall prepare balance sheet containing a summary of the assets and liabilities of the chit and giving such particulars as well disclose the nature of the assets and liabilities and how the value of the assets has been arrived at. Such balance-sheet shall be made available for auditing by the auditors specified in Rule 29 and a certificate of such auditing shall be received by the foreman and kept by him.

(2) The foreman shall make available for examination by the subscribers all the chit records between (here specify the time) on all the dates of the draw.

XII. *Banks where chit money may be deposited*—

[Here specify the name of the approved bank(s), the foreman proposes to deposit chit money].

XIII. *Miscellaneous*—

(1) The subscriber who gets his prize at the last instalment shall be entitled to the chit amount less than foreman's commission. The foreman shall pay up such amount within (here specify the period) after the date of termination of the chit failing which the prized subscriber shall be competent to realize the amount from the foreman together with the interest due thereon from the date aforesaid.

(2) Any amount due to the foreman from any subscriber on account of the chit shall be a first charge on the subscriptions paid by such subscriber. Similarly, the security and all chit moneys deposited by the foreman shall be liable for discharging any amount due from the foreman to the subscribers.

(3) Receipts shall be granted for all payments by the foreman to the subscriber so by the subscribers to the foreman.

(4) The chit amount shall in no case be enhanced, but if necessary it may be reduced.

(5) The foreman shall convene a meeting on the requisition in writing of not less than 25 per cent of the number of non-prized and unpaid prized subscribers for making any alteration in the chit agreement not inconsistent with the provisions of the Act and the Rules made thereunder.

(6) If for any default of the foreman, the conduct of the chit is not continued, the foreman shall pay to the non-prized subscribers their contributions including discount within (here specify the period), failing which it shall be competent to such subscribers to realise the amount together with the interest due thereon from the foreman or from all or any of the following assets:

- the security given or deposited by the foreman;
- other properties belonging to the foreman;
- the future subscriptions due to the foreman from the prized subscribers.

FORM X

Application for permission to furnish security for conducting the chit

[See Section 20 and Rule 18]

To,
THE REGISTRAR OF CHITS,

DEAR SIR,

I/We propose to give the undernoted security in respect of the chit proposed to be started by me/us, the certificate for commencement of which was granted by you on..... (vide No. dated.....). Other particulars are also given below:

1. Name and address of the applicant
2. Age and occupation
3. Chit amount
4. Details of cash/Government security/any other moveable security offered as security:
5. Details of immovable properties offered as security:
 1. District.....
 Sub-District.....
 Taluka..... Village.....
 Serial No.....
 2. Do area etc. Do.
 etc.

6. (Rights of the applicant over the property).
7. Market value of the property.
8. (Details of prior encumbrances, if any, of the property.)
9. Movable (and immovable) properties belonging solely to the applicant (to be shown separately).
10. Whether the applicant has any debt and if so, the amount of such debt.
11. Whether the applicant has conducted any chit before and if so, whether there is any subsisting liability under the same.

(*1 am/We are appending herewith—

- (1) title deed in support of title to the property offered as security; and
- (2) the encumbrance certificate of the property for the past 30 years).

The information and particulars furnished herein are true and correct to the best of my/our knowledge, information and belief.

Yours faithfully,

*Chairman.**Secretary.**Foreman.**Signature(s)**for and on behalf of*

Place:

Date:

NOTES—(1) *Applicable only when the security offered is immovable property.

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(2) Strike out/delete whatever is not applicable.
Insert the designation as may be appropriate to the applicant.

Details of decision

Signature of Registrar of Chits.

(Seal)

FORM XI

Certificate of sufficiency of security
[See Rule 181]

To, OFFICE OF THE REGISTRAR OF CHITS,

Place:

Date:

In the case of
1. Cash/Government security/other movable security
I hereby certify that I am satisfied that the amount/Government security/other security (to be specified) mentioned herein and deposited in an approved bank/transferred in my name is adequate and that the same can be accepted under Section 20 of the Chit Funds Act, 1982. (Central Act. 40 of 1982).
Signature of Registrar of Chits.

(Seal)
2. Security of immovable property
I hereby certify that the valuation of the properties as given in the application dated filed by the foreman/subscriber-foreman is correct and that it can be accepted under Section 20 of the Chit Funds Act, 1982.
Signature of Registrar of Chits.

(Seal) Strike out/delete whatever is not applicable.

FORM XII

[See Section 28(3) and Rule 20]

Application for the substitution of the security

Place:

Date:

THE REGISTRAR OF CHITS,

DEAR SIR,

I/we propose to give the undemoted security in substitution of the original security for proper conduct of the chit, for the commencement of which a certificate had been granted by you (vide No. dated). Certain other particulars are also given below:—

1. Name of Foreman.
2. Age and occupation if the foreman is not a firm or a company.
3. The office in which the chit agreement of the chit has been registered and the number and year of registration.
4. Chit amount
5. Details of the original security given to the applicant
6. Details of all movable (and immovable) properties belonging solely to the applicant
7. Whether the applicant has any debt and if so, the amount of any such debt and to whom they are due.
8. Details of Government security/other securities offered as substituted security.

I/We hereby declare that the information and particulars furnished herein are true and correct to the best of my/our knowledge, information and belief.

63

Strike out/delete whatever is not applicable.
Insert, the designations as may be appropriate to the applicant.

for and on behalf of

Yours faithfully,
Chairman,
Secretary,
Foreman,
Signature(s)

(Seal)

FORM XIII

Form of Register of subscribers to be maintained

Office where the chit agreement of the chit is registered The registration number and year of registration of the chit agreement of the chit

Serial num-	Name and full address of the subscriber	Date of signing of the chit agreement	Date of receipt of the copy of the chit agreement by the subscriber	Chit subscriber	Number of tickets	Amount
1						
2						
3						
4						
5						
6						

Name and address of the assignee	Date of assignment	Number and fraction of tickets	Amount	Date on which the Foreman recognised the assignment
7				
8				
9				
10				
11				

Reason for the removal of subscriber	Date of removal	Name and address of the substituted subscriber	Date of substitution	Number and fraction of tickets	Amount	Date of intimation of the substitution to the removed subscriber	Remarks
12							
13							
14							
15							
16							
17							
18							
19							

Substitution

Name and address of the substituted subscriber	Date of substitution	Number and fraction of tickets	Amount	Date of intimation of the substitution to the removed subscriber	Remarks
12					
13					
14					
15					
16					
17					
18					
19					

FORM XIV

[See Section 23 and Rule 25]
Form of the Ledger to be maintained

Office where the chit agreement of the chit is registered

Registration number of the chit agreement

Section I—Receipts and payments in respect of subscriber—

Number of subscriber
Name of subscriber
Number of tickets taken
Chit amount	Rs

Date	Number of instalment	On what account received or paid by the Foreman	Amount of subscription for each instalment	Dividend due to the subscriber for each instalment	Remarks
1	2	3	Rs 4	Rs 5	

Amount paid by subscriber	General number in the day book	Signature of the Subscriber	Foreman or agent	Remarks			
Share	6	7	8	9	10	11	12
Interest	Rs	Rs	Rs	Rs	Rs	Rs	Rs

Section II—Deposit and withdrawal account of the Foreman

Name of the bank in which money is deposited

Date	For what purpose deposited or withdrawn	Amount deposited	Interest accruing	Balance after each transaction	Amount withdrawn
1	2	3	4	5	6
		Rs	Rs	Rs	Rs

Balance	Number in the day book	Signature of the Foreman	Remarks
7	8	9	10
Rs			

FORM XVI

[See Section 23 and Rule 25]

Form of the Day Book to be maintained

Office where the chit agreement of chit is registered

Registration number of the chit agreement

Date	General number	On what account received or paid	Receipts					Total receipts
			Subscriptions	Interest	Withdrawal from bank	Other items		
1	2	3	4	5	6	7	8	
		Rs	Rs	Rs	Rs	Rs	Rs	

Reference to receipt in the receipt book	Amount paid to subscriber	Expenditure				Total expenditure
		Foreman's Commission	Deposit in the bank	Other items		
9	10	11	12	13	14	
	Rs	Rs	Rs	Rs	Rs	

Balance	Reference to the page number of the voucher in the file of vouchers	Signature of Foreman	Remarks
15	16	17	18
Rs			

NOTES— (1) The balance should be struck in column (15) at the close of each day. The monthly total of receipts and expenditure shall be struck at the end of each month.

(2) In column (2) each transaction shall be assigned as serial number. There shall be one separate set of serial numbers for each calendar year.

(3) If any amount is received from or paid to more than one subscriber at a time the amount paid to or received from each subscriber should be entered as a separate item.

(4) If more than one amount is received from or paid to the subscriber at a time each amount paid to or received from the subscriber should be entered as separate item.

II. STATEMENT OF ASSETS AND LIABILITIES

Assets		Liabilities	
Rs P	Rs P	Rs P	Rs P
1. Amounts due on account of arrears of subscription due from prized subscribers.	1. Amounts paid by non-prized subscribers (including dividend).	2. Amounts due to non-prized defaulter subscribers.	3. Arrears of prize amount due to prized subscribers.
2. Amounts due from the subscribers including the Foreman towards future subscriptions.	4. The amounts due to the Foreman towards contributions made by him for payment of Prize amount.	5. Other items (details to be annexed).	6. Debt Sinking Fund.
3. Interest due from defaulter subscribers.	6. Total	6. Total	6. Total
4. Investments in bank (including interest thereon).			
5. Other items (details to be annexed).			
6. Sinking Fund.			
Total			

III. DETAILS OF INVESTMENTS

Receipts

- Investment made on account of the failure on the part of prized subscribers to receive the prized amount due to them.
- Investment made on account of lump sum collection made from defaulter prized subscribers.
- Amount deposited for payment to non-prized defaulter subscribers.
- Investments on account of other items of the chit (details to be annexed)

IV. ASSESSMENT OF VALUE OF INVESTMENT

- Investment in Pass Book Account Number.
- *Amount due from the future instalments of the Chit as per bonds, etc. obtained for instalments of the chit including the arrears of Rs. due on account of defaulting instalments from defaulters.
- Balance of contributions due from the Foreman on account of prize amount received by him.

NOTE—To facilitate audit of balance sheets, the following statements of details should be annexed by the Foreman to the balance-sheet—

- Statement of details of receipts and expenditure for each instalments.
 - of disbursement.
 - (iii) of the prize amount in respect of each instalment, and
 - (iv) Statement of details of arrears due on the date of the preparation of the balance sheet from the prized and non-prized subscribers.
- *Particulars of documents to be entered here: Security offered by the Foreman, Hypothecation bonds, etc. executed under Section 20, and hypothecation bonds etc. obtained from the prized subscribers under Section 31 of the Act.

V. CERTIFICATE BY FOREMAN

I certify that the above accounts have been prepared correctly and that they contain a true and complete statement of the affairs of the chit.

Date: _____ Name and Signature of the Foreman.

VI. CERTIFICATE BY AUDITOR

Certified that I have examined that chit books and records maintained in respect of the chit the bye-laws of which have been registered in as number 19 conducted by Foreman and have verified the entries in the accounts with the books. The accounts are drawn up in conformity with the provisions of the Chit Funds Act, 1982 and the Rules framed thereunder.

Name and Signature of the Auditor.

5[APPENDIX II

[See Sections 62, 63 and Rule 42]

Lay of fees under Sections 62 and 63 of the Chit Funds Act, 1982

[ACT 40 OF 1982]
TABLE OF FEES

	Rs
1. For the application of previous sanction to commence or conduct a chit under sub-section (2) of Section 4.	200.00
2. For filing a chit agreement under sub-section (1) of Section 7.	2.00
3. For issue of certificate of commencement of chit business under sub-section (2) of Section 9.	30.00
4. For filing a certificate under sub-section (2) of Section 10.	2.00
5. For filing a copy of the minutes of the proceedings under Section 17.	4.00
6. For every application for registration of an alteration, addition or omission of any provision in chit agreement under sub-rule (1) of Rule 14.	10.00
7. A fee of rupees ten shall be levied in each case for filing with the Registrar—	
(a) a copy of each entry relating to the removal of defaulting subscriber under sub-section (3) of Section 28.	
(b) a true copy of each entry relating to the substitution of a subscriber under sub-section (2) of Section 29.	
(c) a true copy of entry relating to transfer of the rights of foreman under Section 37.	
(d) a copy of entry relating to transfer of non-prized subscriber's right under Section 37.	
(e) a true copy of assent of non-prized subscribers and unpaid prized subscribers for withdrawal of a foreman under Section 41.	
(f) a true copy of consent of all non-prized or unpaid prized subscribers to the termination of chit under Section 41.	
(g) each petition protesting against or objecting to the orders passed or proposed to be passed by the Registrar.	
8. If the balance-sheet is audited under Section 24 or the Chit books and records inspected by the Registrar or any officer authorised by the Registrar under Section 46 or the accounts books and other records of the Chit audited by the Chit Auditor at the premises of the foreman or outside the office of the Registrar for each such audit or inspection.	100.00
9. For inspection of one or more records relating to a chit under Section 62 for each inspection.	2.00
10. For every 100 words or fraction thereof of a copy or extract of the records relating to a chit furnished under Section 62.	0.50
11. For every 100 words or fraction thereof of a certified copy of any order, judgment or award made by the Registrar or his nominee under Section 69.	0.50

5. Subs. by Notif. No. Audit-2727/X-93-605(22)-77, dt. 28-4-1994 (w.e.f. 28-4-1994).

12. For every appeal to the State Government under Section 74.

50.00

Composition Fees:

13. (i) Composition fees for offences committed under sub-sections (1) and (3) of Section 76 of the Chit Funds Act, 1982.

3000

(ii) Composition fees for offences committed under sub-section (2), (a), (b) and (c) of Section 76 of the Chit Funds Act, 1982.

15000

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