



Government of Bengal

**The Bengal
Agricultural Debtors Rules
1936**

Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal
1937

**Published by the Superintendent, Government Printing
Bengal Government Press, Alipore, Bengal**

Agents in India. . .

Messrs. S. K. Lahiri & Co., Printers and Booksellers, College Street, Calcutta.

Messrs. Thacker, Spink & Co., Calcutta.

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NOTIFICATIONS.

No. 9187L.R.—26th June 1936.—In exercise of the power conferred by section 55 of the Bengal Agricultural Debtors Act, 1935 (Bengal Act VII of 1936), the Governor in Council is pleased to make the following rules, namely :—

The Bengal Agricultural Debtors Rules, 1936.

Short title.

1. These rules may be called the Bengal Agricultural Debtors Rules, 1936.

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context,—

- (1) "Central Society" means a Central Society as defined in the rules made under section 43 of the Co-operative Societies Act, 1912 ;
- (2) "co-operative society" means a co-operative society registered under the Co-operative Societies Act, 1912 ;
- (3) "Form" means a Form appended to these rules ;
- (4) "presiding member" means a member of a Board presiding over its sittings in the absence of the Chairman under rule 5 (2) ;
- (5) "section" means a section of the Act ;
- (6) "Special Appellate Officer" means an appellate officer competent to hear appeals against orders under sub-section (2) of section 13, section 18, clause (b) of sub-section (1) of section 19, section 21, section 22 or section 29, and "Ordinary Appellate Officer" means any other appellate officer ;
- (7) "Special Board" means a Board empowered by a notification under section 7 to exercise powers under clause (b) of sub-section (1) of section 19, section 21 or sub-section (1) of section 22, and "Ordinary Board" means a Board not so empowered ; and
- (8) "the Act" means the Bengal Agricultural Debtors Act, 1935.

Establishment of Board.

3. When a notification establishing a Debt Settlement Board for any local area has been published under section 3, the Collector shall—

- (i) pass an order fixing a time and place for the first meeting of the Board,
- (ii) forward copies of the notification and the order to the Chairman and members of Board, and
- (iii) cause the substance of the notification and of the order to be published within the local area.

General rules of procedure.

4. The quorum necessary for a meeting of the Board for the transaction of business shall be two if the Board is composed of three members and three if the Board is composed of more than three members :

Provided that the presence of the Chairman shall be necessary for constituting a quorum of a Special Board.

5. (1) The Chairman shall preside at every sitting of the Board at which he is present.

(2) If the Chairman is not present at any sitting of an ordinary Board, another member shall preside : and the Collector may decide the order of precedence in which members shall so preside.

6. The Board may sit at such place as may be appointed by the Collector as its headquarters or, subject to any restrictions that may be imposed by him, at any other place within its jurisdiction which it may find convenient for the conduct of its business.

7. The Board shall sit at such times as it may fix, and may adjourn the proceedings relating to any application for such period and (subject to rule 6) to such place as it may consider advisable for the better conduct of such proceedings.

The time and place to which the proceedings are adjourned shall be announced to those present.

8. The proceedings regarding any application shall normally be in public. If for any reasons they are not so conducted a note of those reasons shall be made in the order-sheet.

9. A note shall be made in the order-sheet, and signed by the Chairman or the presiding member, of every order passed during the proceedings, and of the date and place at which the proceedings are held or to which they are adjourned.

10. The Chairman or the presiding member shall sign, date and seal with the seal of the Board every notice, process, award, certificate or requisition made or issued by it and every order issued by it in Form VII or Form XVII.

11. The language of the Board and of all its records and registers shall be Bengali.

Record of evidence.

12. No record shall in general be kept of evidence given before an Ordinary Board but such Board shall make a summary of any conclusions regarding facts upon which it has heard evidence, and the Chairman or presiding member shall sign such summary.

13. The Chairman of a Special Board shall make and sign a brief memorandum of the substance of the evidence given by any party or any witness.

Applications under section 8.

14. An application made under sub-section (1) of section 8 by—

(a) an individual debtor or

(b) persons whose property and debts are joint

shall be in Form I.

15. An application made under sub-section (2) of section 8 by a creditor shall be in Form II.

16. An application by debtors or other persons whose property is not joint and who apply jointly under sub-section (1) of section 9 for the settlement of a joint debt shall be in Form III.

17. Every application shall be signed on the last page by each applicant or on his behalf by the agent who is permitted to present the application under rule 18.

18. An application shall be presented to the Chairman or any other member of the Board, at any time during a sitting of the Board, by the applicant in person or, subject to rules 92 to 101, by an agent who represents him.

19. (1) The Board shall not accept any application which does not bear such court-fee stamps as is prescribed by any rule made under the Act.

(2) When an application is accepted the Chairman or presiding member shall cancel the court-fee stamp which it bears by sealing it with the seal of the Board and writing his signature, with the date, across the stamp and upon the paper on either side of the stamp.

20. Every application shall be verified in the presence of the Chairman or other member of the Board by the applicant or one of the applicants, or by the agent who presents the application under rule 18.

21. (1) Every application shall be made the basis of proceedings and shall be entered in the prescribed case Register of applications.

(2) An order-sheet in the form fixed for revenue cases shall be attached to every application received.

22. When an application is made under sub-section (1) or (2) of section 8 to a Special Board by or relating to a debtor ordinarily resident in an area for which an Ordinary Board also has been established, such Special Board shall submit the application to the Collector with a view to its transference to the Ordinary Board for action under section 12.

23. Any member of the Board may examine the applicant or person submitting a statement of debt in order to satisfy himself of the accuracy of the information contained in it, and may call for additional information in order to complete such application or statement.

24. If it appears from an application under section 8 or from a statement under sub-section (1) of section 13 that the debtor is a member of and owes any amount to any co-operative society, and if the Board has received information as to the central society of which such co-operative society is a member the Board shall issue to such central society a notice in Form IV.

Notice under section 12 (2).

25. A notice under sub-section (2) of section 12 shall be in Form V.

26. Notice under sub-section (2) of section 12 may be given in any of the following ways at the discretion of the Board :—

- (a) If the person to whom it is to be given is present while the Board is sitting, the Chairman or the presiding member may give him verbal information of the substance of the notice and record in the order-sheet a note that this has been done ;
- (b) A copy of the notice may be sent by post under a certificate of posting ; or
- (c) A copy of the notice may be served in the manner provided in clause (2) of rule 28.

Notice under section 13 (1).

27. A notice to a debtor or creditor or a general notice under sub-section (1) of section 13 shall be in Form VI.

28. A notice under sub-section (1) of section 13 may be served in any of the following ways at the discretion of the Board :—

- (1) If the person on whom it is to be served is present while the Board is sitting, the Chairman or the presiding member may tender or deliver to him the notice and record in the order-sheet a note that this has been done ;
- (2) A copy of the notice—
 - (a) may be made over to the applicant for service to be effected by or on behalf of such applicant by delivering such copy to the person to whom it is addressed and obtaining his signature or thumb impression on a duplicate copy by way of receipt, or
 - (b) may be served by an officer or servant of the Board, or
 - (c) may be sent by registered post with acknowledgment due, if the person to whom it is addressed is resident in another district, or
 - (d) may be served through the Union Board within whose jurisdiction the person concerned resides in the manner laid down in the rules for service of processes by Dafadars and Chaukidars under the Bengal Village Self-Government Act, 1919, or
 - (e) if the person to whom it is addressed is resident in a locality where there is no Union Board, may be sent to the Subdivisional Officer for service in the manner fixed for revenue processes.

29. Service under rule 28 (2) (b) may be effected in the manner laid down in rule 179 of the Bengal Practice and Procedure Manual, 1934.

30. A general notice issued under sub-section (1) of section 13 shall be posted up conspicuously at the office of the Board, at the office of the Union Board (if any), at the Sub-Registrar's office, and in the village where the debtor ordinarily resides.

Form of statements of debt under section 13 (1).

31. Form I with necessary alterations shall be used for statements of debt to be submitted by debtors under sub-section (1) of section 13.

32. Every person who joins in making an application in Form III shall submit a statement of debt in Form I with necessary alterations.

33. Form II with necessary alterations shall be used for statements of debt to be submitted by creditors under sub-section (1) of section 13.

34. Persons whose property is joint may submit a joint statement of debt.

Order under section 13 (2).

35. An order under sub-section (2) of section 13 shall be in Form VII.

Recovery of costs from a debtor [section 13 (3)].

36. An order by a Board allowing costs against a debtor under sub-section (3) of section 13 shall be recorded in writing on the order-sheet, and

a copy of the order signed by the Chairman or presiding member and sealed with the seal of the Board, shall be given to the creditor who made the application under section 8.

37. (1) Application for the recovery of costs shall not be made by the creditor to the Certificate-officer within 40 days of the passing of the order by the Board, but must be made within 70 days of the passing of the said order or, if there is an appeal, within 30 days of the passing of orders by the Appellate Officer.

(2) A creditor making such application shall produce before the Certificate-officer the copy of the order of the Board which has been given to him under rule 36.

Production of documents (section 14).

38. A list of the documents produced by a creditor under sub-section (1) of section 14 shall be filed by him with such documents.

39. The creditor shall give on every copy of a document produced by him a signed certificate that it is a true copy.

40. The Chairman of the Board or the presiding member shall sign, date and seal with the seal of the Board each document and the true copy of it, after the correctness of the copy has been verified to his satisfaction.

41. If it is not possible to verify the copy of a document on the day when it is produced, the Board shall return the document and the copy of it to the creditor who shall again produce them on a subsequent date to be fixed by the Board.

Witnesses, etc. (section 16).

42. The parties shall ordinarily bring their own witnesses.

43. When a witness residing at a distance of over 5 miles from the place at which he is required to attend is summoned to appear before a Board the person at whose instance he is summoned shall be required to deposit in advance with the Board (a) diet allowance and (b) travelling allowance to be fixed by the Board according to the following scales :—

A—Scale of Diet Allowance.

- | | |
|---|--|
| I. Labourers, small cultivators, artisans, petty traders and others in a similar condition of life. | 4 annas to 8 annas per head per diem. |
| II. Witnesses of better class including ordinary landowners, persons belonging to the lower middle class, clerks or assistants, men of business, professional men and the like. | 9 annas to 12 annas per head per diem. |
| III. Witnesses of high class, including large landowners, persons enjoying substantial pay, professional men of high position and the like. | Rs. 1 to Rs. 2-8 per head per diem. |

Explanation.—In every case the Board should consider local conditions and the circumstances of the individual and grant a reduced allowance if the actual expenses are likely to fall short of the scale.

B—Scale of Travelling Allowance.

- | | | |
|-----|---|--|
| I. | If the witness can reasonably be expected to perform the journey on foot: | Nil. |
| II. | Otherwise, (a) when the journey is wholly or partly by rail, steamer or public motor service. | Actual fare each way according to the class by which persons of his station in life would ordinarily travel. |
| | (b) When the journey is by any other kind of conveyance by road. | Actual reasonable conveyance charge up to a maximum of 4 annas a mile. |
| | (c) Where the usual mode of travelling is by water. | Actual reasonable boat hire up to a maximum of Rs. 2 per day. |

Explanation.—The Board should in every case consider local conditions and the class to which the witness belongs, and should reduce the allowances to the actual amounts likely to be incurred.

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|------|--|-----------------------------------|
| III. | In addition to the above where ferries have to be crossed. | The authorised charges for tolls. |
|------|--|-----------------------------------|

44. A summons shall be in Form VIII.

45. A summons shall specify whether the person summoned is to give evidence or produce a document or to do both: it shall state the time and place at which he is required to attend and shall describe with reasonable accuracy any document which such person is called upon to produce.

46. A summons may be served in any of the ways specified in rule 28.

47. Any person who is not required by a summons to attend in person to produce a document shall be deemed to have complied with the summons if he causes such document to be produced instead of attending personally to produce it.

48. If any person fails to comply with a summons the Board may, if it so desires, proceed in the manner laid down in Order XVI of the Code of Civil Procedure, 1908.

49. The exercise by the Board of the following powers under Order XVI of the Code of Civil Procedure, 1908, shall be subject to the prior sanction of the Collector :—

- (a) the issue of warrants of arrest ;
- (b) proclamation and attachment of property ; and
- (c) the imposition of fines.

Determination of principal and interest of a debt [section 18 (2)].

50. (1) For the purpose of sub-section (2) of section 18, the Board shall determine as the principal due from the debtor at the time of such determination (a) the amount shown as principal in any bond relating to the debt less any amount which the Board finds to have been paid in reduction of principal, or (b) the amount which the Board finds to have been the amount of the loan taken by the debtor less any amount paid in reduction thereof.

(2) The Board shall calculate the interest payable from the date of the bond or, if there is no bond, from the date on which the Board finds the loan to have been taken, and shall take into account all payments which it finds to have been made by the debtor on account of interest.

(3) If there has been a decree of a civil court relating to any debt the Board shall note what portion of the amount decreed represents costs.

Amicable settlements and orders under section 19(1).

51. (1) The Board shall not embody in writing any proposed amicable settlement which is likely to prejudice the payment of arrears of rent due to the landlord of the debtor, or to operate unfairly to the disadvantage of any creditor or debtor.

(2) When deciding whether an amicable settlement, or an offer made by a debtor, is fair the Board may take into account the amount which it finds to have been actually received as a loan even though it be less than the amount shown in a bond to have been received by the debtor, and shall have regard to the provisions of the Bengal Money-lenders Act, 1933.

52. (1) If some but not all the debts of a debtor are settled under section 19, an order of dismissal under sub-section (1) of section 17 as regards any debt not settled shall not be passed until the award regarding the debts which have been settled under section 19 has been signed.

(2) If an Ordinary Board decides to submit a recommendation under rule 78 for the transfer of an application to a Special Board, it shall not make an award or pass an order of dismissal under sub-section (1) of section 17 regarding any debt of the debtor to whom such application relates unless the Collector refuses to transfer the application.

Report to Assistant Registrar of Co-operative Societies.

53. (1) If the debtor is a member of, and owes any amount to, a co-operative society, the Board shall not embody in writing any amicable settlement under clause (a) of sub-section (1) of section 19 or pass any order under clause (b) of that sub-section or under section 22, until it has obtained in writing the approval of the authority specified in rule 72.

(2) To enable such approval to be obtained, the Board shall forward to the Assistant Registrar of Co-operative Societies for the area in which the Board is constituted a report regarding the terms of the proposed amicable settlement or order, and shall supply to him all the particulars specified in clauses (c), (d) and (e) of sub-section (1) of section 25.

Certificate under section 21.

54. A certificate under section 21 shall be in Form IX.

Sale of insolvent's property under section 22(2).

55. (1) When a Board has passed an order under clause (b) of sub-section (1) of section 22 and embodied it in an award, it shall send to the Certificate-officer a requisition in Form X together with a copy of the award.

(2) The Certificate-officer, on receipt of the requisition from the Board, shall take steps to sell the property of which the sale has been ordered by the Board, but shall not actually sell it until the expiry of 40 days from the date of the order of the Board under sub-section (1) of section 22.

(3) When the Certificate-officer has sold the property, he shall report the fact to the Board which shall make an order of discharge under sub-section (5) of section 22.

56. (1) When the property of an insolvent debtor is sold in consequence of an order passed under clause (b) of sub-section (1) of section 22 the proceeds of the sale shall, subject to the following provisions of this rule, be utilised towards the payment of his debts in the manner specified in section 29.

(2) If there is a mortgage, lien or charge on any portion of the property exempted from sale under the provisions of sub-section (4) of section 22 or of section 24 the proceeds of the sale of any immovable property on which there is no mortgage, lien or charge shall (subject to the provisions of sub-section (1) of section 29) be utilised first for the payment of any debt secured by the mortgage, lien or charge on the exempted portion to the extent of the estimated value of such portion, and, if there is any surplus after payment of such debt, for the payment of the insolvent's debts in general.

(3) If the amount of the sale proceeds referred to in sub-rule (2) is not sufficient to pay the debt, which is secured by the mortgage, lien or charge on the exempted portion, to the extent of the estimated value of such portion, the proceeds of the sale of any immovable property on which there is a mortgage, lien or charge shall be utilised in proportionate parts for the payment of—

- (a) the debt secured by the mortgage, lien or charge on the property sold, and
- (b) the difference between the estimated value of the said exempted portion and the amount of the sale proceeds of the property on which there is no mortgage, lien or charge :

Provided that if more than one debt is secured by a mortgage, lien or charge on the immovable property sold the Certificate-officer shall refer the matter to the Board, and the Board shall, by a further order, give such directions as it may consider fair and reasonable for such proportionate utilisation of the sale proceeds of the property on which there is any mortgage, lien or charge.

57. In rule 56 "the estimated value" of the exempted portion of the property means the value of that portion as estimated by the Certificate-officer on the basis of the amounts realised by the sale of the other property of the insolvent.

Certificate of discharge under section 22(5).

58. A certificate of discharge under sub-section (5) of section 22 shall be in Form XI.

Determination of insolvent's dwelling house under section 24(1).

59. The Board shall determine in the following manner what portion of an insolvent debtor's property shall be deemed to be his dwelling house for the purposes of the Act:—

- (a) It shall ascertain what members of his family reside with him, and shall determine what accommodation is necessary for them, having regard to the standard of living that is considered normal in the locality for a cultivator holding one acre of land;
- (b) It shall, after an inspection by one or more of its members, decide whether the insolvent's homestead provides more than such necessary accommodation or includes more land than is required for it; and, if there is more such accommodation or more such land, it shall set aside out of the homestead a compact area with such buildings as in its opinion will provide that accommodation;
- (c) Such compact area shall include the sites and plinths of the buildings upon it together with such other land and such means of approach as the Board considers reasonable for the proper enjoyment of the buildings, and may include a tank or pond or portion thereof if the Board considers this to be necessary in the circumstances; but (so far as may be practicable) it shall not include garden or orchard land;
- (d) It shall consider any representations that may be made by the insolvent or any creditor on any relevant point before coming to a decision;
- (e) It shall embody its decision in a written order describing the compact area set aside by it and the buildings upon that area and declaring them to be the dwelling house of the insolvent for the purposes of the Act.

Exemption from sale of insolvent's movable property under section 24 (3).

60. The following movable property of an insolvent debtor shall be exempt from sale under sub-section (3) of section 24, viz.—

- (a) the necessary wearing apparel, cooking vessels, beds and bedding of the insolvent and of his wife and children and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman;
- (b) one pair of bullocks and such implements of husbandry and such seed grain as may, in the opinion of the Certificate-officer, be necessary to enable the insolvent to earn his livelihood as a cultivator;
- (c) such agricultural produce as may appear to the Certificate-officer to be necessary for the purpose of providing until the next harvest for the support of the insolvent and his family.

Form of award [section 25 (1)].

61. An award in respect of an insolvent debtor shall be in Form XIII or Form XIV, as the case may be, and any other award shall be in Form XII.

Notice under section 25 (2).

62. Notice under sub-section (2) of section 25 may be given in any of the ways specified in rule 28.

Application under section 28 (1).

63. An application by a creditor under sub-section (1) of section 28 for the recovery of an amount payable under an award shall be made—

- (a) within 60 days of the date when the amount was payable, or within 30 days of the date of an order by a Certificate-officer rejecting an application by a debtor for time under sub-section (2) of such section, whichever is later, or
- (b) within 60 days of the date fixed for payment by the Certificate-officer, if time is allowed by him under sub-section (2) of such section on an application under rule 65.

64. A creditor who applies for the recovery of an amount under sub-section (1) of section 28 shall give the following particulars in the appropriate column of a requisition under section 5 of the Bengal Public Demands Recovery Act, 1913 :—

- (a) the number and year of the proceedings in which the award was made, the date of the award and the name of the Board making the award ;
- (b) the time at which the amount which the debtor has failed to pay was payable.

Grant of time under section 28 (2).

65. (1) A debtor who is unable to pay an amount payable under an award by the date fixed therein may make an application to the Certificate-officer for time to be allowed within which to pay such amount.

(2) Such application shall give the following particulars :—

- (a) the number and year of the proceedings in which the award was made, the date of the award and the name of the Board making the award ;
- (b) the amount which the debtor is unable to pay and the time at which it is or was payable ;
- (c) the name and address of the creditor to whom such amount is payable ;
- (d) the reasons owing to which the debtor is unable to pay the amount.

(3) Such application shall be signed by the applicant or, with the permission of the Certificate-officer, by an agent on his behalf and shall be verified by such applicant or agent who shall present it in person to the Certificate-officer. In deciding whether to give or to withhold such permission the Certificate-officer shall be guided by the principles laid down in rules 92 to 101.

(4) The Certificate-officer may reject such application after hearing the applicant or his agent.

(5) If the Certificate-officer does not reject the application, he shall give notice to the creditor to whom such amount is payable of the date on which he will consider the application.

(6) On the date so fixed or on such other date as may, for reasons to be given in writing, be convenient the Certificate-officer, after hearing any evidence that he may consider necessary and considering any representation by the creditor, shall pass such orders upon the application as he thinks fit.

66. In deciding whether time should be allowed whether on an application under rule 65 or in proceedings under the Bengal Public Demands Recovery Act, 1913, the Certificate-officer shall take into consideration such factors as the following :—

- (a) whether the debtor or any earning member of his family has suffered from any sickness or injury which has made it impossible for the debtor properly to cultivate his land or has otherwise affected his earnings ;
- (b) whether there has been a total or partial failure of crops owing to such causes as flood, cyclone, drought, or damage by insects or blight ;
- (c) whether the debtor has suffered from any other exceptional disaster such as serious loss by fire or theft, or loss of cattle needed for cultivation owing to accident or disease.

67. If it appears unlikely that under normal circumstances the debtor will be able to pay during the next year, in addition to any other amount then payable under the award, the amount which he cannot pay during the current year, the Certificate-officer shall issue to any other creditor to whom an amount is payable under the award a notice specifying a date on which such creditor will be given an opportunity for making an objection, and may take further evidence before passing an order that time will be given to the debtor for paying any amount to such creditor.

68. A notice under rule 65(5) or rule 67 may be issued by ordinary post.

Distribution of sale proceeds by Certificate-officer (section 29).

69. (1) When a Certificate-officer has sold the property of a debtor under sub-section (2) of section 22 or under section 28, he shall fix a date on which he will determine the amounts payable from the proceeds under sub-section (1) of section 29. Such date shall be not less than 40 days after the date of the award.

(2) The Certificate-officer shall then ascertain whether any amount is due to the Local Government from the debtor and has been included in a certificate issued under the Bengal Public Demands Recovery Act, 1913, and shall issue notices to—

- (a) the landlord calling upon him to state what arrears of rent have fallen due between the date of the determination of the debt under sub-section (2) of section 18 and the date of confirmation of the sale and to produce evidence in support of his claim on the fixed date ;

- (b) the creditors whose names are given in the award informing them that a distribution is to be made of the proceeds of the sale and that the amounts payable under sub-section (1) of section 29 will be determined on the fixed date, and calling upon them to submit on that date any claims regarding the amounts due to them and the order of priority in which they are payable ; and
- (c) the debtor informing him that the amounts payable under sub-section (1) of section 29 will be determined on the fixed date and that any representation then made by him regarding such amounts will be considered.

(3) The Certificate-officer may pass orders on the date fixed or on any other date to which he thinks fit to postpone the proceedings.

70. A notice under rule 69 may be issued by ordinary post.

71. Copies of the notice issued to the creditors shall be conspicuously displayed outside the courts of the Certificate-officer and of the Munsif having jurisdiction in the area within which the debtor ordinarily resides.

Settlement of debts of member of co-operative society (section 31).

72. The authority whose previous approval is necessary under section 31 shall be either—

- (a) the Registrar of Co-operative Societies, or
- (b) subject to such restrictions as the Registrar may direct by general or special order, a Deputy Registrar or Assistant Registrar of Co-operative Societies.

Notice to Court under section 34.

73. Notice shall be given by a Board to a Court under section 34 in Form XV.

Notice to Board of application for execution [section 35 (ii)].

74. Any person who has applied for execution of a decree or certificate for the recovery of arrears of rent which have become due from a debtor after the date of an application under section 8 shall submit in duplicate a notice in Form XVI to the Chairman of the Board which made the award regarding such application or before which such application is still pending, and the Chairman shall forward such notice to the Court or Certificate-officer concerned with his endorsement.

Attachment of debtor's immovable property under section 37.

75. (1) The attachment of immovable property under section 37 shall be made by an order prohibiting the debtor from transferring or charging such property in any way and all other persons from taking any benefit from such transfer or charge.

(2) The order shall be proclaimed by beat of drum, or in some other customary manner, at some place on or near to such property, and a copy

of it shall be posted up conspicuously on the property or in a place near to it, at the office of the Board, at the Sub-Registrar's office, and at the court of the Munsif within whose jurisdiction such property lies.

(3) Where within six months of the proclamation under sub-rule (2) any person objects to the attachment of property attached under section 37 on the ground that such property belongs to him, the Board shall make a summary investigation of the objection.

(4) If the Board is satisfied after investigation that the objection is well-founded, it shall make an order releasing the property from attachment wholly or to such extent as it thinks fit; otherwise it shall reject the objection.

76. An appeal against any order under rule 75 shall be made to a Special Appellate Officer.

77. The order of attachment shall be in Form XVII; the notice to the officers in whose offices the order of attachment is to be published shall be in Form XVIII; and the notice to such officers of the withdrawal from attachment shall be in Form XIX.

Transfer of applications under section 39.

78. If an Ordinary Board, after using its best endeavours to bring about an amicable settlement of debt, considers—

- (i) that any creditor has unreasonably refused a fair offer made by a debtor and that action should be taken under clause (b) of sub-section (1) of section 19 or under section 21, or
- (ii) that the debtor should be declared an insolvent under section 22,

it shall submit to the Collector a report on the facts and a recommendation as to the action to be taken :

~~Provided that no recommendation for declaring a debtor insolvent shall be so submitted unless there is a Special Board, empowered under sub-section (1) of section 22, for the area within which such debtor ordinarily resides.~~

79. On receipt of a report and a recommendation from a Board under rule 78 and after such inquiry, if any, as he thinks fit the Collector, if so authorised under section 39, may transfer the application to which they relate to the Special Board for disposal, and if he refuses so to transfer the application the Board shall dismiss the application either as a whole or so far as it relates to a particular debt covered by the recommendation.

80. If any Board not empowered under section 7 to exercise powers under sub-section (2) of section 9 or sub-section (2) of section 13 considers that action should be taken under either or both of these sub-sections in regard to any application which is pending before it, it may submit a report and a recommendation to the Collector,

and the Collector, if so authorised under section 39, may transfer the application to a Board which has been empowered under section 7 to exercise the appropriate power.

Appeals (section 40).

81. A Special Appellate Officer shall be an officer of a rank not below that of a Munsif or Deputy Collector.

82. The experience required for a Special Appellate Officer shall be—

- (a) in the case of officers belonging to the Indian Civil Service such training as is usual before appointment as a District Judge; and
- (b) in the case of other officers two years spent in training for or working in a post as a civil judicial officer.

83. An appeal from an Ordinary Board shall be made to the Ordinary Appellate Officer appointed for the local area unless it is an appeal which, under the proviso to sub-section (1) of section 40 or under any rule, lies to a Special Appellate Officer only.

84. If an appeal which he is not competent to hear is presented to any Ordinary Appellate Officer, he shall refer the appellant to the appropriate Special Appellate Officer.

85. (1) Every appeal shall be preferred in the form of a memorandum signed by the appellant, by a person who has represented him before the Board, by his pleader or by his Revenue Agent and presented to the appellate officer.

(2) The memorandum shall give (a) the names and addresses of the appellant and the opposite party, (b) the number and year of the proceedings and the name of the Board concerned, and (c) the gist of any order or decision to which objection is taken; and it shall set forth concisely and under distinct heads the grounds of appeal without any argument or narrative.

(3) The memorandum shall be written in a fair and legible hand, or be typewritten, on foolscap water-marked paper known as "pie" or "cartridge" or "demi" paper, obtainable from the Treasury and sold by all licensed stamp vendors, on one side of the paper only.

86. If the appellate officer so directs, the appellant shall file a copy of the order or decision to which he makes objection.

87. A memorandum of appeal not drawn up in the manner prescribed may be rejected or returned to the appellant for amendment then and there or within a time fixed by the appellate officer. A memorandum thus amended shall be signed or initialled by the appellate officer.

88. When an appellate officer rejects an appeal he shall record his reasons.

89. Where there are several persons who have a common ground for objection against an order or decision of a Board or Certificate-officer any one of such persons may appeal and the appellate officer may make his order applicable to the case of all such persons.

90. Unless the appellate officer for sufficient reason directs otherwise, the proceedings of the Board or Certificate-officer shall not be stayed because any of the persons concerned has preferred an appeal.

91. The District Judge and the Collector of the Districts respectively shall control and inspect the work of Special Appellate Officers and Ordinary Appellate Officers.

Representation of a party before a Board (section 46).

92. An agent, such as a *naib* or *gomoshta*, who normally collects or supervises the collection of a landlord's rents within the area where the debtor resides, or who is authorised by such landlord to come to a settlement with a debtor regarding any payments to be made on account of arrears of rent, may represent such landlord in any proceedings regarding such arrears before a Board without its permission, even if he be a legal practitioner.

93. A recognised agent who normally transacts the money-lending business of any creditor and who is authorised to come to a settlement on behalf of the creditor regarding any payments to be made on account of any debt by a debtor, may represent such creditor in any proceedings before a Board without its permission, even if he be a legal practitioner.

94. When there are several debtors jointly liable for a debt which is the subject-matter of proceedings before a Board, or when there are several creditors jointly claiming amounts in respect of a debt which is the subject matter of such proceedings, the Board shall allow any of such debtors or any of such creditors respectively to represent any of the others who has authorised him to this effect, even if he be a legal practitioner.

95. Any debtor or creditor who is a minor or of unsound mind may be represented by a person appointed, or declared, to be his guardian by a competent authority or recognised by the Board as his lawful guardian, even if such guardian be a legal practitioner, and the permission of the Board shall not be necessary.

96. If the Board is satisfied that a debtor or creditor—

- (a) is unable to appear in person before it owing to bodily infirmity or illness or any other good cause, or
- (b) is a woman and is unwilling so to appear,

the Board shall allow such debtor or creditor to be represented by an agent duly authorised by him or her in this behalf :

Provided that no agent may be thus authorised whom the Board considers to be an unsuitable person.

97. A legal practitioner related to a debtor or creditor to whom permission to be represented by an agent has been granted under rule 96 may represent such debtor or creditor if such debtor or creditor has no nearer adult male relative, of competent mind and body, able to represent him,

and may, for adequate reasons, be permitted by the Board so to appear even though such debtor or creditor has such a nearer male relative.

98. If a creditor or an authorised agent of a creditor is a legal practitioner and appears before the Board the debtor may be represented by any legal practitioner whom he may appoint, and the permission of the Board shall not be necessary.

99. A Board shall not unreasonably refuse to any party permission to be represented by an agent.

100. If the Board is satisfied that the interests of a guardian or authorised agent are adverse to those of the debtor or creditor whom he represents or that he is not adequately protecting the interests of such debtor or creditor, it may by an order declare him incompetent further to represent such debtor or creditor.

The Board shall forthwith send to the Collector a copy of any such order

101. Subject to rule 95, and notwithstanding the provisions of any other rule, no person who has been proclaimed as a tout under section 36 of the Legal Practitioners Act, 1879, shall be permitted to represent any debtor or creditor under any of these rules unless he is related to such debtor or creditor and such debtor or creditor has no nearer competent adult male relative.

102. If the debtor is a member of, and owes any amount to, a co-operative society, it shall be lawful for—

(a) an officer of the Co-operative Department not below the rank of auditor, or

(b) an employee of any central society of which such co-operative society is a member,

to appear before the Board without the permission of the Board and any representation made by such officer or employee regarding the debt due to the co-operative society shall be considered by the Board.

(*Vide* notification No. 1165 D. C., dated the 24th April 1937, of Co-operative Credit and Rural Indebtedness Department.)

Registration of an award or certificate under section 47.

103. (1) When an award is signed under section 25 or when a certificate is granted under section 21 or sub-section (5) of section 22 :

(a) if there is no appeal, the Chairman of the Board shall, as soon as possible after the expiry of 40 days from the date of such an award or certificate, send it to the Sub-Registrar for registration ; and

(b) if there is an appeal and if the appellate officer does not set aside such award or certificate, he shall, as soon as possible after disposing of the appeal, return such award or certificate to the Chairman of the Board for registration, and, if the appellate officer has modified the terms of such an award or certificate, he shall correct it accordingly before returning it to the Chairman.

(2) The Sub-Registrar shall register such an award or certificate in the manner provided in the Indian Registration Act, 1908, and shall return it to the Chairman of the Board for despatch to the Subdivisional or Collectorate record-room as the case may be.

(*Vide* notification No. 277 T.—R. I., dated the 19th May 1937, of the Co-operative Credit and Rural Indebtedness Department.)

Publication under section 48 of order or award.

104. A copy of any award shall be published by hanging in the Court of the Munsif having jurisdiction in the area for which the Board was established,

and a notice that such copy has been thus published shall be posted in the offices of the Board, of the Sub-Registrar and of the Collector of the district.

105. Copies of any order made under sub-section (2) of section 13 shall be published by hanging in the offices of the Board, the Sub-Registrar and the Collector of the district, and in the court of the Munsif having jurisdiction in the area for which the Board was established.

Assignment of amount payable under an award (section 53).

106. (1) The assignment of a right to receive any amount payable under an award shall be effected by an instrument in writing, signed by the assignor or his duly authorised agent, and shall be subject to such stamp duty as is payable for assignment of a debt of similar amount.

(2) The assignee shall take the assignment subject to all equities and defences available against the assignor at the time, even though he may have no notice of them.

(3) It will be open to the assignee to serve a notice of the assignment upon the debtor, and unless such notice is given, or the debtor is a party to or aware of the assignment, any dealing by him in respect of such debt shall be valid against such assignment.

Validity of notices.

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

Allowances to a Chairman and other members of a Special Board.

108. (1) A Chairman or other member of a Special Board, if a non-official, may draw travelling allowance for any journey performed by him—

- (a) from his residence for the purpose of attending a sitting of the Board, or
- (b) subject to any restrictions imposed by the Collector, for any other purpose in connection with his duties as such Chairman or member

at the rates admissible, and subject to the conditions applicable, to a Government servant of the second grade, and may, subject to the like restrictions and conditions, draw daily allowance at the rate of Rs. 3.

(2) Such Chairman or member, if an official, may draw for any such journey such travelling allowance or daily allowance as he would be entitled to draw by virtue of his official position.

(3) The Collector of the district shall be the Controlling Officer empowered to countersign the travelling allowance bills of a Chairman or a member of a Special Board.

Office establishment of a Board.

109. (1) The Local Government may provide such ministerial or menial staff as it considers to be required from time to time by any Board, and may regulate the conditions of their employment and fix the salaries or allowances payable to them.

(2) The Collector of the district alone shall be competent to appoint, punish and generally control the staff of a Board.

Inspection.

110. Every Board shall at all times permit the Commissioner, Collector, Subdivisional Officer or Circle Officer or any other officer authorised by the Collector to have access to all its books, proceedings and records:

Provided that no Circle Officer may demand access to the books proceedings or records of a Special Board unless so authorised.

Control over officers exercising powers of Collector.

111. Any officer appointed by the Local Government to exercise any of the powers of a Collector under the Act shall exercise such powers subject to the control of the Collector of the district.

Accounts.

112. (1) All money received by a Board shall either remain in the custody of the Chairman or be deposited in the nearest treasury or sub-treasury.

(2) If the nearest treasury or sub-treasury is within seven miles of the Chairman's residence, all sums in excess of one hundred rupees, and if the treasury or sub-treasury is at a greater distance, all sums in excess of one hundred and fifty rupees, shall be deposited in such treasury or sub-treasury.

113. Receipts and payments on account of diet money, travelling allowance and compensation of witnesses shall be classified as peremptory, and shall be recorded in a Peremptory Cash Register in Form XX on the day on which the money is received or paid, as the case may be. A balance shall be struck in that register at the close of each day, when the Chairman or presiding member shall examine the entries with the vouchers and receipts and initial the register in token of his having verified the entries and found them correct. The totals of receipts and payments shall be transferred to the Cash Book daily.

114. All other receipts and payments shall be recorded in the Cash Book, which shall be maintained in Form XXI. The Cash Book shall be closed and balanced each day, and the closing balance shall be verified daily with the cash in hand and a certificate of such verification shall be recorded daily in the Cash Book under the signature of the Chairman or presiding member.

115. A receipt signed by the Chairman or presiding member shall be granted in Form XXII for every sum received on behalf of the Board.

116. No payment shall be made on behalf of the Board except on a written order, which shall state the amount to be paid in words as well as in figures and shall be signed by the Chairman or presiding member.

117. When any payment, other than a peremptory payment, is made on behalf of the Board, the Chairman or presiding member shall take a receipt in duplicate from the payee, one copy of which shall be marked "Duplicate" and kept with the payment order as a voucher and endorsed with the voucher number assigned to it in the cash book. The other copy shall be sent to the Collector or the Subdivisional Officer as a voucher to be filed in his office.

(*Vide* notification No. 278 T.—R. I., dated the 19th May 1937, of the Co-operative Credit and Rural Indebtedness Department.)

When a peremptory payment is made the signature of the payee shall be taken in column 13 of the Peremptory Cash Register in token of receipt.

118. A record of court-fees, including court-fees on applications for copies but excluding court-fees paid for copies, shall be maintained in Form XXIII.

119. Any person requiring a copy of a record or part of a record shall make a written application to the Chairman. The Chairman or presiding member shall determine the amount of the prescribed fee payable, and shall cancel the court-fee stamps in the manner provided in rule 19 (2). On receipt of the fee, as so determined, the copies shall be prepared and shall be authenticated by the Chairman or presiding member by affixing his signature and the seal of the Board.

120. A register of applications for copies shall be kept in Form XXIV.

121. The bill of the copyist for his remuneration, which shall be at the rate of two annas of every three paid for the copies, shall be countersigned by the Chairman and forwarded to the Subdivisional Officer each month with the applications for copies to which the bill relates in original bearing the cancelled court-fee stamps. The Subdivisional Officer shall check the bill with the stamped applications, and, if he finds it correct, shall pass it for payment.

122. (1) The Circle Officer shall check the Cash Book and other account registers, and verify the cash in hand, when he inspects the work of the Board.
 (2) The Chairman shall produce the vouchers and the cash in hand when so required by an inspecting officer.

123. A record of all postage stamps used shall be maintained in a manuscript register of letters and notices issued by post, which shall show (1) the date of issue, (2) the name of the person addressed, (3) the nature of the letters or notice and (4) the value of the postage stamps (a) purchased, (b) used on the letter or notice and (c) in hand.

Case Registers, Returns and Records.

124. A Case Register of applications under section 8, made to the Board or transferred to it from another Board, shall be maintained in Form XXV.

125. A Miscellaneous Register of applications, other than those under section 8, shall be maintained in the form described on page 15 of the Register and Return Manual, 1919, for Register of Cases No. 8.

126. A Disposal Register shall be maintained in Form XXVI by all Boards, and another in Form XXVII by Special Boards.

127. A Monthly Progress Register shall be maintained by all Boards in Form XXVIII and another by Special Boards in Form XXIX; and a return in the same form shall be submitted through the Subdivisional Officer to the Collector of the district on the 15th of each month.

128. A Process Register shall be maintained by all Boards in Form II of Schedule B of the Rules under the Bengal Village Self-Government Act, 1919, published under notification No. 5649J., dated the 13th August 1926.

129. Every Board shall keep an Inspection Book.

130. With the approval of the Collector a Board may use additional forms and registers.

131. A Board shall submit by the 1st May and the 1st November in each year through the Subdivisional Officer concerned to the Collector of the district, for submission through the Commissioner to the Local Government, a report reviewing (a) the progress made and the results achieved during the six months ending the 31st March and the 30th September, respectively, and (b) any difficulties experienced in working the Act, together with any suggestions for alterations in the Act or rules.

(Vide notification No. 2344 R.I., dated the 14th July 1937, of the Co-operative Credit and Rural Indebtedness Department.)

132. Case records of all proceedings disposed of during the month, excluding awards and those certificates which under rule 103 are to be forwarded to the Sub-Registrar, shall be transferred by a Board to the Subdivisional or Collectorate Record Room, as the case may be, before the close of the following month.

133. A Board shall transfer to the Collectorate Record Room every register kept by it within one month of the date of completion. The Inspection Book shall be kept with the Board permanently.

134. The rules relating to the preservation of registers, books and records in the Bengal Records Manual, 1928, shall apply *mutatis mutandis* to the registers, books and records of a Board.

135. The records of any case which has not yet been transferred to the Collectorate Record Room shall be open, with the permission of the Board, free of charge, to inspection by the parties during a sitting of the Board.

136. Subject to the provisions of rule 137, the fees specified in the following schedule shall be paid in court-fee stamps by the persons indicated against each:—

Schedule.

Fees.	Amount.	By whom payable.
1. On an application to a Board under section 8.	Twelve annas	.. Applicant.
2. On a process to be issued under section 16.	Such fees as would be payable under the High Court Civil Rules and Orders in respect of a process issued by a Court.	The person at whose instance the process is to be issued.
3. On a certificate under section 21.	One-half per cent. on the amount certified.	Debtor.
4. On an award under section 25—		
(a) when the debtor is not declared insolvent.	Two per cent. on the amount of the total debt which will be covered by the award.	(a) Half by the debtor, (b) Half by the creditors in proportion to the amounts payable to each under the award.
(b) when an order is passed under section 22 (1) (a).	One per cent. on the amount of total debt.	The creditors in proportion to the amounts payable to each under the award.
(c) when an order is passed under section 22 (1) (b).	Ditto	.. The creditors in proportion to the amount to be paid to each.
5. On an application for time under section 28 (2).	Two annas if the amount concerned is less than fifty rupees; twelve annas otherwise.	Applicant.
6. In respect of the recovery under sub-section (3) of section 28 of an amount payable under an award.	Such fees as are payable under the Public Demands Recovery Act, 1913.	Ditto.
7. In respect of the recovery of any amounts under sub-section (4) of section 28.	As specified in rule 62	.. As specified in rule 62.
8. On an application for attachment under section 37.	Twelve annas	.. Applicant.
9. On a memorandum of appeal regarding—		
(a) refusal to allow time under section 13 (1).	Twelve annas	.. Appellant.
(b) an order under section 13 (2).	Two per cent. on the amount in dispute, or, if the dispute does not relate to the amount of a debt, twelve annas.	Ditto.
(c) an order for costs under section 13 (3).	Six annas when the costs are five rupees or less, and an additional six annas for every five rupees or part thereof in excess of five rupees.	Ditto.

Fees.	Amount.	By whom payable.
(d) dismissal under section 17 of an application under section 8.	Twelve annas ..	Appellant.
(e) a decision as to the existence of a debt, or a determination of the amount of a debt or of its principal or interest under section 18.	Two per cent. on the amount in dispute, or, if the dispute does not relate to the amount of a debt, twelve annas.	Ditto.
(f) a decision under section 20.	Twelve annas ..	Ditto.
(g) the grant of a certificate under section 21.	Half per cent. on the amount of the debt.	Ditto.
(h) refusal to declare a debtor insolvent under section 22.	Twelve annas ..	Ditto.
(i) declaration of a debtor as insolvent under section 22.	Two per cent. on the amount in dispute, or, if the dispute does not relate to the amount of a debt, twelve annas.	Ditto.
(j) an order under section 22(1)(a).	Ditto ..	Ditto.
(k) determination of a dwelling house under section 24.	Twelve annas ..	Ditto.
(l) an award under section 25.	Two per cent. of the amount in dispute, or, if the dispute does not relate to the amount of a debt, twelve annas.	Ditto.
(m) distribution of sale proceeds under section 29 or 30.	As in article 1 of schedule 1 of the Court-fees Act.	....
(n) any such failure to perform functions or abuse of powers as is referred to in section 40(1)(d).	Twelve annas ..	Appellant.
10. On an application for review under section 44.	As for an appeal ..	Applicant.
11. On a certificate of sale ..	As for a certificate of sale under the Public Demands Recovery Act, 1913.	....
12. On an application to a Board for copies of documents.	Two annas ..	Applicant.
13. For copy of any record in the custody of a Board.	Three annas for every one hundred and fifty English or three hundred vernacular words or less.	Ditto.

Explanation.—“Amount in dispute” means (a) in respect of a debtor, any amount in excess of the amount which is admitted in his memorandum of appeal to be payable by him, and (b) in respect of a creditor, any amount in excess of the amount which has been admitted by the debtor or declared by a Board, as the case may be, to be payable to such creditor.

137. The fees payable under items 3, 4(a), 4(b), 4(c), 9(b), 9(e), 9(g), 9(i), 9(j) and 9(l) of the schedule attached to rule 136 shall be calculated to the nearest anna.

138. (1) No document requiring a stamp under rule 136 shall be filed or acted upon by any Board or Appellate Officer until the stamp has been cancelled.

(2) When any document bearing a court-fee stamp is presented the Chairman or presiding member or the Certificate-officer or Appellate Officer, as the case may be, shall cause the stamp forthwith to be cancelled by the punching out of the figure-head so as to leave the amount designated on the stamp untouched, and the part removed by punching shall be burnt or otherwise destroyed.

139. (1) Before embodying in writing any settlement under clause (a) of sub-section (1) of section 19 or passing any order under clause (b) of such sub-section and before making any direction under clause (a) of sub-section (1) of section 22, the Board shall determine the amounts of the fees, if any, payable by the debtor and by each creditor concerned under rule 136 and shall order them to pay the fees as so determined by a fixed date.

(2) The Board shall not embody in writing any such settlement or pass any such order or make any such direction under the said clauses until the fees as so determined have been paid.

(3) If any creditor defaults in making by such date payment of any fee payable by him the debtor, or any other creditor whose name appears in the order made under sub-rule (1), may pay such fee on his behalf, and thereupon, when all the fees as so determined have been paid, the Board in making the award shall, if such payment has been made by the debtor, deduct the amount of such payment from any amount that would otherwise be payable by him to the defaulting creditor under the award, or, if such payment has been made by another creditor, order that he shall be repaid the amount of such fee before any payment is made to the defaulting creditor.

140. (1) Before granting any certificate to a debtor under section 21, the Board shall determine the amount of the fee payable in respect of such certificate under rule 136 and shall direct the debtor to pay such amount by a fixed date.

(2) The Board shall not grant the certificate until such amount has been paid.

141. When a Certificate-officer has sold any immovable property of a debtor under the provisions of sub-section (4) of section 28, there shall be payable by each creditor to whom any amount is payable out of the proceeds of such sale a fee of the amount which he would have been liable to pay if, being a person to whom a public demand was payable, he had sent to the Certificate-officer a written requisition under section 5 of the Bengal Public Demands Recovery Act, 1913, in respect of such amount,

and until such fee has been paid the Certificate-officer shall not pay to such creditor any amount out of the proceeds of the sale.

142. A Certificate-officer shall not pay any amount to a creditor under sub-section (2) of section 29 until the creditor has paid the fee payable on such amount under item 4(c), 6 or 7 of the schedule attached to rule 136.

Form I.

(See rules 14, 31 and 32.)

A court-fee stamp of As. 12 is to be affixed here unless this Form is used merely for submitting a statement of debt under rule 31 or 32 of the Bengal Agricultural Debtors Rules, 1936.

Application and statement of debt by a debtor under the Bengal Agricultural Debtors Act, 1935.

Proceedings No..... Year.....

To the.....Debt Settlement Board,

.....
.....

I/we the undermentioned applicant/applicants *hereby apply under section 8 of the Bengal Agricultural Debtors Act, 1935, for the settlement of my/our debts, of which a list is given in Schedule A.

*have made an application in Form , dated , under sections 8 and 9 of the Bengal Agricultural Debtors Act, 1935, for the settlement of a joint debt of which a statement is given in that application and therefore submit this statement of debt.

Serial No.	Name of each applicant.	Father's or husband's name.	Caste of each applicant.	Residence (mauza, union, thana).

*Note.—Strike out the words which do not apply.

Schedule A.*(1) Amounts claimed by creditors to be due (including arrears of rent).*

Serial No. of the debt.	Names and addresses of creditors.	Nature of the debt (with description of any bond or other document).	Khatian and plot Nos. of any land mortgaged.	Date when the debt was incurred.
1	2	3	4	5

Amount of principal.	Rate of interest.	Total claimed by the creditor.	Amount (if any) admitted by debtor.
6	7	8	9

(2) Particulars of any joint debtors or sureties.

Reference to serial numbers in column 1.	Names and addresses of sureties or joint debtors.
10	11

(3) Particulars of any suit or proceeding instituted regarding any debt.

Reference to serial numbers in column 1.	Name of the court, etc.	Nature of the suit or proceeding with its number and date and a note as to the stage reached.	Amount (if any) decreed, with details.
12	13	14	15

Directions.

1. Each debt is to be shown separately and given a separate serial number in column 1.
2. If there is more than one debt claimed by a creditor, his name should be entered once only against all such debts.
3. Column 4 is to be filled up only if there is a mortgage.
4. If there is a bond, "date when incurred" in column 5 and "principal" in column 6 mean the date and the principal shown in the current bond. If the bond has been renewed, details of the previous bonds should be shown in Schedule B.
5. "Total" in column 8 includes principal and interest and also any costs decreed by a court. If there is a *kistibandi* the sum total payable (and not merely the annual *kist*) should be shown here.
6. Column 14 should show whether it is a "rent suit," "money suit," "mortgage suit," "certificate proceeding," "proceeding for the execution of a decree," etc.
7. In column 14 "stage reached" means "pending for sale," "property attached" and the like.
8. In column 15 "details" means principal, interest and costs.

Any information for which there is no room in the columns provided should be given in Schedule B with references to the serial and column numbers of this schedule.

Schedule B.*History of the debts.*

Reference to serial numbers in column 1 of Schedule A.

Give below any particulars additional to those given in Schedule A, such as the amounts paid from time to time.

If the principal of any of the debts shown in Schedule A includes any arrears of interest which have been added when a bond has been renewed or an additional loan has been taken, the following information (so far as it is known to the debtor) should be given below with references in the margin to the serial numbers of the debts in column 1 of Schedule A:— the date when the debt was first incurred, the amount of the original principal, the approximate dates and the conditions on which the bond was renewed or the additional loan taken, the rate of interest stipulated in each bond, the amounts paid from time to time and any other relevant facts.

Schedule D.*Particulars of any transfer of land.*

(1) If the holding or any land included in it has been transferred within the last two years, give below the following details:—the plot numbers, nature of the transfer, value for which transferred, date of the transfer, and name and address of the transferee.

(2) Also enter in parts 2 and 3 of Schedule C particulars of any land included in the holding and transferred within the last two years.

Schedule E.*Particulars of the movable property of the debtor.*

Serial No.	Description.	Estimated value.	Places where it may be found.
1	2	3	4

Schedule F.*Details of the supplementary income of the debtor.*

Nature of the income (investments, service, etc.)	Annual amount earned or received.
1	2

Schedule G.*Particulars of any mortgage, lien or charge on movable property.*

Schedule H.

Debts due to the debtor.

Serial No.	Amount claimed.		Names and residences of persons from whom claimed.	Nature of the debt with description of any bond and with khatian and plot Nos. of any land mortgaged.
	Principal.	Interest.		
1	2	3	4	5

I/we declare that all the debts which are due, or which to my/our knowledge any person claims to be due, from me/us and all my/our properties have been included in this statement * and that I/we am/are unable to pay the said debts as claimed in full.*

*I/we also declare that my/our primary means of livelihood is agriculture and that I am a *raiyyat*/under-*raiyyat*/we are *raiyyats*/under-*raiyyats* and I/we cultivate land myself/ourselves/by members of my/our family/by hired labourers/by *adhiars, bargadars* or *bhagdars*.*

Signatures of the persons submitting the application or statement of debt or of their authorised agents.

Date.....

† Verification.

I also declare that the information given on the first page and in† of this application and statement is true to my knowledge and that the information given in the other parts thereof is inserted upon information received and believed by me to be true.

Declared at.....
in my presence.

Signature or thumb impression of an applicant or authorised agent.....

Signature of Chairman/Member of the Board.....

Date.....

Note.—*Strike out portions which do not apply.
Note.—†This verification is not necessary if the Form is used merely for a statement of debt.
Note.—‡Here state the schedules and the numbers of the columns.

Form II.

(See rules 15 and 33.)

A court-fee stamp of As. 12 is to be affixed here unless this Form is used merely for submitting a statement of debt under rule 33 of the Bengal Agricultural Debtors Rules, 1936.

Application and statement of debt by a creditor under the Bengal Agricultural Debtors Act, 1935.

Proceedings No.....Year.....

To theDebt Settlement Board,

.....

.....

I/we the undermentioned applicant/applicants hereby apply under sub-section (2) of section 8 of the Bengal Agricultural Debtors Act, 1935, for the settlement of the debts owed to me/us by the debtor*/debtors whose debt and property are to my/our knowledge joint.*

Particulars regarding the applicant.

Serial No.	Name of each applicant.	Name of father or husband of each applicant.	Caste of each applicant.	Residence (mauza, union, thana).

* Strike out if not applicable.

Particulars regarding the debtor.

Serial No.	Name of each debtor.	Name of father or husband of each debtor.	Caste.	Residence of each debtor (mauza, union, thana).

Schedule A.

Amounts claimed by the applicant to be owing to him from the debtor.

Serial No. 1	Nature of the debt with description of any bond or other document. 2	Khatian and plot Nos. of any land mortgaged. 3	Date when the debt was first incurred. 4	Dates of all bonds, original or renewed. 5	Amount of principal shown in each bond. 6

Rate of interest shown in each bond. 7	Amounts paid since the current bond was executed.			Amount of the principal now due. 11	Total claimed as due. 12	Remarks. (Note here the amount of any loan given subsequently and amalgamated with the principal.) 13
	Principal. 8	Interest. 9	Dates. 10			

Schedule B.

Brief particulars of the debtor's immovable properties so far as they are known.

Serial No.	Mauza with J. L. No. and thana where the property is situated.	Name of landlord.	Settlement Khatian.	Nature of debtor's interest (tenure, ryoti, under-ryoti, etc.) with estimated value.	Extent of debtor's share or interest.
1	2	3	4	5	6

Area in acres.	Total payable yearly in—		Particulars of any mortgage, lien or charge.	Estimated value.	Remarks. (Here enter names and addresses of any co-sharers of the debtor.)
	Rent.	Cess.			
7	8	9	10	11	12

Schedule C.

Particulars of movable properties of the debtor, so far as they are known, with note as to any mortgage, lien or charge in favour of the applicant.

Schedule D.

Particulars of any supplementary income of the debtor.

Schedule E.

If the applicant has instituted any suit or proceeding regarding any debt owed by the debtor, particulars should be given here, with name of court, nature, number and date of the suit or proceeding, stage reached, amount decreed, etc.

Schedule F.

Names and addresses of other creditors of the debtor.

I/we hereby declare that agriculture is the primary means of livelihood of the debtor.

Signature of each applicant or his authorised agent.

.....
.....
.....
.....

Date.....

*** Verification.**

I also declare that the information given on the first page and in†....
.....of this application is true to my knowledge and that the information given in the other parts thereof is inserted upon information received and believed by me to be true.

Declared at.....
on.....in my presence.

Signature or thumb impression
of an applicant or authorised
agent.....

Signature of Chairman/Member
of the Board.....

Date.....

Note.—*This verification is not necessary unless the creditor is the applicant under section 8 of the Act.

Note.—†Here state the schedules and the numbers of the columns.

Form III.
(See rule 16.)

A court-fee stamp of As. 12 is to be affixed here.

Joint application under section 9 (I) of the Bengal Agricultural Debtors Act, 1935.

Proceedings No.....Year.....
To the.....Debt Settlement Board,
.....
.....

We, the undernamed joint debtors, hereby apply for relief under section 9(I) (a)/(b)* of the Agricultural Debtors Act, 1935, for the settlement of the joint* ancestral debt for which we are jointly liable and of which details are given on pages 2 and 3. Each of us has submitted a separate statement of debt in Form I which is to be read as part of this application.

Names of applicants.	Fathers' or husbands' names.	Caste.	Residence (mauza, union, thana).

* Note.—Strike out the letter or words not required.

Schedule A.

Amounts claimed by creditors to be due.

Serial No.	Names and addresses of creditors.	Nature of the debt (with description of the bond or other document).	Khatian or plot Nos. of any land mortgaged.	Date when the debt was incurred.
1	2	3	4	5

Amount of principal claimed.	Rate of interest.	Total claimed by the creditor.	Amount, if any, admitted by the debtors.	Remarks. (Give here particulars of any suit or proceeding instituted regarding the debt, with number and date and stage reached.)
6	7	8	9	10

Schedule B.

History of the debt.

<p>Reference to the serial number in column 1 of Schedule A.</p>	<p>Give below any particulars additional to those given in Schedule A, such as the amounts paid from time to time.</p> <p>If the principal of any debt shown on page 2 includes any arrears of interest which have been added when a bond has been renewed or an additional loan has been taken, the following information (so far as it is known to the debtor) should be given below with a reference in the margin to the serial number of the debt in column 1 of Schedule A :—the date when the debt was first incurred, the amount of the original principal, the approximate dates and conditions on which the bond was renewed or the additional loan taken, the rate of interest stipulated in each bond, the amounts paid from time to time and any other relevant facts.</p>
--	---

Declaration by the applicant who is a debtor within the meaning of the Act.

I declare that my primary means of livelihood is agriculture and that I am a *raiyat/under-raiyat* and I cultivate land myself/by members of my family/by hired labourers/by *adhiars, bargadars* or *bhagdars*.*

I also declare that I am unable to pay my debts in full and that I have submitted a separate application covering my debts other than the joint debt to which this application refers.

Signature or thumb impression of the applicant debtor or recognised agent.

Signatures or thumb impressions of the other applicants.

* Strike out portions which do not apply.

Verification.

I declare that the information given on the first page and in*.....
.....of this application is true to
my knowledge and that the information given in the other parts thereof is
inserted upon information received and believed by me to be true.

Declared at
on.....in my presence.

Signature of Chairman/Member of
the Board.....

Signature or thumb
impression of an
applicant or
authorised agent.....

Date

*Here state the schedules and the numbers of the columns.

Form IV.

(See rule 24.)

Notice to a Central Society of an application under the Bengal Agricultural Debtors Act, 1935.

To the Chairman,

..... Society,
.....

Proceedings No..... year.....

Notice is hereby given to you that an application under section 8 of the Bengal Agricultural Debtors Act, 1935, for the settlement of the debts of the undermentioned debtor who is said to be a member of and to be indebted to the.....
..... Co-operative Society has been received and will be considered by this Board on.....

Seal of the Board.

Signed.....

Chairman,

..... *Debt Settlement Board.*

Dated.....

Name and description of the debtor.

Name.	Name of father or husband.	Caste.	Residence.

Form V.

(See rule 25.)

Notice under section 12 (2) of the Agricultural Debtors Act, 1935, to a debtor, creditor or other interested person.

Proceedings No.....year.....

To

.....son/wife of.....
resident in mauza....., thana....., district.....

*Whereas you are reported to be a creditor/co-sharer/joint debtor/surety of/a purchaser of immovable property from
....., resident in mauza....., thana.....
....., district.....

Notice is hereby given to you that an application for the settlement of †your/his/her debts under the Bengal Agricultural Debtors Act, 1935, has been received and will be considered by this Board at.....
on the.....day of.....19.., at.....o'clock.

Seal of the Board.

Signed.....

Chairman,

.....*Debt Settlement Board.*

Dated.....

*Strike out this paragraph if the notice is addressed to the debtor.

†Strike out the word "your" "his" or "her" as the case may be.

Form VI.

(See rule 27.)

Notice under section 13 (1) of the Bengal Agricultural Debtors Act, 1935.

Proceedings No. year.

To

....., son of/wife of....., resident in mauza..... union..... thana..... district.....

Whereas an application has been submitted for the settlement of the debts of the undermentioned debtor, and whereas this Board is of opinion that it is desirable to attempt to effect a settlement between the said debtor and his creditors, you/all the said creditors are hereby required to submit to this Board a written statement in the prescribed form giving full particulars of all debts owed to you/them by the said debtor within one month of the service of this notice upon you/publication of this notice at the Board's office.

The Board will scrutinise such statement at their meeting on the day of at o'clock, when you/the creditors should be present.

Seal of the Board.

Dated.....

Signed.....

Chairman,

..... *Debt Settlement Board.*

83
88

Note.—Under section 13 (2) of the Act a Board so empowered may declare that the amount of any debt of which a statement is not submitted in compliance with this notice shall be deemed to be the amount given in the statement of the debtor or not to be payable if it is not in the debtor's statement.

Name and description of the debtor.

Name.	Name of father or husband.	Name of mauza, union, thana where resident.

Form VII.

(See rule 35.)

Order under section 13 (2) of the Bengal Agricultural Debtors Act, 1935.

In the matter of the settlement of the debts of....., son/wife of.....
....., resident in mauza....., thana.....
district.....

Proceedings No. dated.....

Whereas....., son/wife of.....
resident in mauza....., thana....., district.....
is a creditor of the abovenamed debtor, and whereas the said creditor has failed to comply with a notice, dated.....
....., under sub-section (1) of section 13 of the Bengal Agricultural Debtors Act, 1935 ;

It is hereby ordered that the sum of Rs., which is stated to be the amount due to him in the statement of
debt submitted by the debtor, shall be deemed to be the amount due to the said creditor from the debtor on the date of this
order and that no other debt of which the said creditor has failed to submit a statement before the date of this order
shall be payable by the debtor to him.

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

Signed.....

Seal of the Board.

Chairman,

..... *Debt Settlement Board.*

Form VIII.

(See rule 44.)

Summons to a party or a witness under the Bengal Agricultural Debtors Act, 1935.

Before the.....Debt Settlement Board.

Proceedings No.....year.....

In the matter of.....resident at mauza.....
....., thana....., Debtor, and.....
....., resident of....., Creditor.

To
....., son of.....,
resident in mauza....., thana.....,
district.....

You are hereby required to appear in person or by agent before this Board at.....
on the..... day of.....19....., at..... o'clock in the forenoon, for
the purpose of giving evidence in the above matter, *and to produce or cause to be produced before the Board the following
document, namely* :—

If you fail to comply with this order without lawful excuse you will be subject to the consequences of non-attendance laid
down in Order XVI of the Code of Civil Procedure, 1908.

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

Chairman,

..... *Debt Settlement Board.*

Seal of the Board.

* If no document is required to be produced, the words between asterisks should be struck out.
The words "or by agent" and "or cause to be produced" should be struck out if the person summoned is required to attend personally.

Form IX.

(See rule 54.)

Certificate under section 21 of the Bengal Agricultural Debtors Act, 1935.

Names of the parties.

First party—Debtor.			Second party—Creditor.		
Name.	Name of father or husband.	Residence.	Name.	Name of father or husband.	Residence.

This is to certify that during proceedings No..... of the year..... under the Bengal Agricultural Debtors Act, 1935, in the matter of the undermentioned debts claimed to be owing from the first party, the second party has refused an offer made by the first party which in the opinion of this Board was a fair offer and such as ought reasonably to have been accepted.

2. The following particulars of his claim were furnished by the second party :—

Nature of the debt with description of any bond, etc. 1	Principal of the debt. 2	Rate of interest. 3	Total amount claimed. 4	Remarks. 5

3. It is hereby ordered under section 21 of the said Act that if no award is made in respect of other debts of the first party the period during which the second party is debarred from executing any decree in respect of the aforementioned debts shall be.....years from the date of this certificate.

Dated.....

Seal of the Board.

Signature.....

Chairman,

.....Debt Settlement Board.

Form X.

(See rule 55.)

Requisition to a Certificate-officer under section 22(2) of the Bengal Agricultural Debtors Act, 1935.

To

The Certificate-officer,

.....
.....

Proceedings No..... year.....

In the matter of..... resident in mauza.....
thana....., district.....

Whereas, by an order, dated.....of which a copy is attached, under sub-section (1) of section 22 of the Bengal Agricultural Debtors Act, 1935, this Board has declared the person abovenamed to be an insolvent and has further directed that all his property as shown in Schedules of that order shall be sold and the proceeds be utilised towards the payment of his debts ;

I hereby require you under sub-section (2) of the said section to take such action as is necessary under the said Act to give effect to the said order.

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

Signed.....

Chairman,

.....Debt Settlement Board.

Seal of the Board.

Form XI.

(See rule 58.)

Certificate of discharge granted to an insolvent under section 22(5) of the Bengal Agricultural Debtors Act, 1935.

In the matter of the insolvent.....resident in mauza....., thana....., district.....

Whereas an order of discharge has been made by this Board under sub-section (5) of section 22 of the Bengal Agricultural Debtors Act, 1935, in proceedings No..... of the year....., on the..... day of....., 19.....

It is hereby certified that, subject to the provisions of the proviso to the said sub-section, the abovenamed insolvent is, with effect from the date of the said order, released from liability to pay any debt which was or might have been included in the application made in respect of his debts, under section 8 of the said Act, on the..... day of....., 19.....

Dated the..... day of....., 19.....

Chairman,

.....Debt Settlement Board.

Seal of the Board.

Form XII.

(See rule 61.)

Award under the Bengal Agricultural Debtors Act, 1935.

Proceedings No. Year.

ORDER OF THE BOARD.

Whereas, on an application made under the Bengal Agricultural Debtors Act, 1935, for the settlement of the debts of the debtor described in Schedule A, this Board has determined that he owes the debts specified in column 5 of Schedule C, to the creditors named in that Schedule,

And whereas an amicable settlement has been made under clause (a) of sub-section (1) of section 19 of the Act regarding the terms on which the debts numbered.....in Schedule C shall be paid and orders have been passed by this Board under clause (b) of the said sub-section regarding the terms on which the debts numbered.....in Schedule C shall be settled,

It is hereby ordered under section 25 of the Act that the debtor shall pay to each creditor concerned such amounts as are shown against his name in columns 7 to 11 of Schedule C in the manner laid down therein,

And it is hereby further ordered that all the immovable and movable properties of the debtor specified in Schedules E and D (except such as are exempt from sale) shall, *subject to any mortgage, lien or charge shown in the said Schedules as subsisting thereon*, be security for the amounts payable under this award, and that †.....simple interest shall be payable at.....per cent. per annum on any such amount not paid at the time when it is due.

*Words within asterisks should be struck out if not applicable.

†Enter "no" here if interest is not to be payable.

Seal of the Board.

Chairman.

Members,

Da'ed.....

.....Debt Settlement Board.

Schedule A.

Description of the debtor.

Serial No.	Name.	Caste.	Name of father or husband.	Names of mauza, union and thana where resident.

Schedule B.

Description of the creditors.

Serial No.	Name.	Caste.	Name of father or husband.	Names of mauza, union and thana where resident.

Schedule C.

Details of the debtor's debts and terms of settlement.

Serial No. of the debt.	Name of the creditor.	Amount of the debt as admitted or deter- mined under section 18.			Clause under which settlement is made.
		Principal.	Interest.	Total.	
1	2	3	4	5	6

Amounts payable under the award.				Total in both words and figures.	Remarks.
In how many instalments.	Amount of each instal- ment.	When payable.			
		Year.	Month.	11	12
7	8	9	10		

Schedule D.

Immovable property of the debtor.

Serial No.	Name of the mauza and thana and specification of the property.	Name of the landlord.	No. of Khatian.	Amount payable.	
				Rent.	Cess.
1	2	3	4	5	6

Area in—		Nature and extent of debtor's interest.	Details of any mortgage, lien or charge on the property.	Remarks.
Acres.	Decimals.			
7	8	9	10	11

Schedule E.

Movable properties of the debtor on which there is a mortgage, lien or charge.

Form XIII.

(See rule 61.)

Form of award when a debtor is declared insolvent under section 22 of the Bengal Agricultural Debtors Act, 1935, and an order is passed by the Board under clause (a) of sub-section (1) of that section.

Proceedings No.

Year

ORDER OF THE BOARD.

Whereas, on an application for the settlement of the debts of the debtor described in Schedule A, this Board has determined that he owes the debts specified in column 5 of Schedule C to the creditors named in that Schedule,

And whereas the Board is satisfied that the said debts cannot be reduced under the provisions of section 19 of the Bengal Agricultural Debtors Act, 1935, to an amount which the debtor will be able to repay within twenty years and that he is a fit person to be given the benefit of section 22 of the said Act,

The Board hereby declares the said debtor to be insolvent and orders that his debts be reduced to the amounts shown in column 10 of Schedule C and be repaid in.....years in the manner shown in columns 6, 7, 8, 9 and 10 of the said Schedule,

and the Board further orders that all the immovable and movable properties of the debtor described in Schedules D and E (except such as are exempt from sale) shall, *subject to the mortgage, lien or charge shown in those Schedules as

subsisting on any of them*, be security for the amounts payable under this order and that †...simple interest shall be payable at.....per centum per annum on any such amount not paid at the time when it is due.

Signed.....

Chairman.

Seal of the Board.

Members,

.....*Debt Settlement Board.*

Dated.....

*Strike out the words between asterisks if not applicable.

†Enter "no" here if interest is not to be payable.

Schedule A.

Description of the debtor.

Serial No.	Name.	Caste.	Name of father or husband.	Names of mauza, union and thana where resident.

Schedule B.

Description of the creditors.

Serial No.	Name.	Caste.	Name of father or husband.	Names of mauza, union and thana where resident.

Schedule C.

Details of the debtor's debts and terms of settlement.

Serial No. of the debt.	Name of the creditor.	Amount of the debt as admitted or determined under section 18.			Amounts payable under the award.	
		Principal.	Interest.	Total.	Number of instalments.	Amount of each.
1	2	3	4	5	6	7

Amounts payable under the award.			Total in words and figures.	Remarks.
When payable.				
Year.	Month.			
8	9		10	11

Schedule D.

Immovable property of the debtor.

Serial No.	Specification of property. Name of thana and mauza where situated.	Name of the landlord.	No. of Khatian.	Amount payable.	
				Rent.	Cess.
1	2	3	4	5	6

Area.		Nature and extent of debtor's interest.	Details of any mortgage, lien or charge on the property.	Remarks. (Here give details of any property exempted from sale.)
Acres.	Decimals.			
7	8	9	10	11

Schedule E.

Movable property of the debtor (with particulars of any mortgage, lien or charge).

Form XIV.

(See rule 61.)

Form of award when a debtor is declared insolvent under section 22 of the Bengal Agricultural Debtors Act, 1935, and an order is passed by the Board under clause (b) of sub-section (1) of that section.

Proceedings No. Year .

ORDER OF THE BOARD.

Whereas, on an application for the settlement of the debts of the debtor described in Schedule A, this Board has determined that he owes the debts specified in column 5 of Schedule C to the creditors named in that Schedule,

And whereas the Board is satisfied that the said debts cannot be reduced under the provisions of section 19 of the Bengal Agricultural Debtors Act, 1935, to an amount which the debtor will be able to repay within twenty years and that he is a fit person to be given the benefit of section 22 of the Act,

The Board hereby declares the said debtor to be insolvent,

And whereas the Board does not consider the reduction of the debts of the said debtor under clause (a) of sub-section (1) of section 22 of the Act to be desirable for the reason that

The Board hereby orders that all his immovable property as described in Schedule D other than that specifically exempted therein and all his movable property which is not exempted from sale by rules 59 and 60 of the Bengal Agricultural Debtors Rules, 1936, shall be sold and the proceeds be utilised towards the payment of the debts specified in column 5 of Schedule C in the manner prescribed by rule 56 of the said Rules.

Signed.....

Chairman.

Seal of the Board.

Members,

.....*Debt Settlement Board.*

Dated.....

Schedule A.

Description of the debtor.

Serial No.	Name.	Caste.	Name of father or husband.	Names of mauza, union and thana where resident.

Schedule B.

Description of the creditors.

Serial No.	Name.	Caste.	Name of father or husband.	Names of mauza, union and thana where resident.

Schedule C.

Details of the debtor's debts.

Serial No. of the debt.	Name of the creditor.	Amount of the debt as admitted or determined under section 18.			Remarks.
		Principal.	Interest.	Total.	
1	2	3	4	5	6

Schedule D.

Immovable property of the debtor.

Serial No.	Specification of property. Name of thana and mauza where situated.	Name of the landlord.	No. of Khatian.	Amount payable.	
				Rent.	Cess.
1	2	3	4	5	6

Area.		Nature and extent of debtor's interest.	Details of any mortgage, lien or charge on the property.	Remarks. (Here give details of any property exempted from sale.)
Acres.	Decimals.			
7	8	9	10	11

Schedule E.

Movable property of the debtor (with particulars of any mortgage, lien or charge).

Form XV.

(See rule 73.)

Notice to a Court under section 34 of the Bengal Agricultural Debtors Act, 1935.

Proceedings No.....Year.....

To

The.....
.....
.....

Sir,

I have the honour to give notice under section 34 of the Bengal Agricultural Debtors Act, 1935, that an application made/a statement of debts submitted to this Board on.....under section 8/sub-section (I) of section 13 of the said Act includes a debt claimed to be owing from....., son/wife of.....
.....caste....., resident at.....
in respect of which suit/proceedings No....., dated.....
is/are said now to be pending before you between*.....son/wife of.....
....., caste.....
resident at.....
and the said.....

I have the honour to be,
Sir,
Your most obedient servant,

Seal of the Board.

Signature.....

Chairman,

.....Debt Settlement Board.

Date.....

* Name of creditor to be entered here.

Form XVI.

(See rule 74.)

Notice under section 35 of the Bengal Agricultural Debtors Act, 1935.

To

The Chairman,

.....Debt Settlement Board,
.....

With reference to proceedings No.....of the year.....under the Bengal Agricultural Debtors Act, 1935, I hereby give notice that decree/certificate No....., dated....., has been passed/issued in case No.....in my favour by the*..... against.....son/wife of....., resident in manza....., thana....., district....., for the recovery of Rs.....on account of arrears of rent for the period.....for the marginally noted holding and that I have applied for execution of such decree/certificate.

Date.....

Signed

Address

.....
Memo. No....., dated.....

Received on.....and forwarded to the*..... for information, under section 35(ii) of the Bengal Agricultural Debtors Act, 1935.

Signed

Chairman,

.....*Debt Settlement Board.*

Seal of the Board.

Dated

* Here enter the name of the Court or Certificate Officer.

Form XVII.

(See rule 77.)

Order of attachment of immovable property under section 37 of the Bengal Agricultural Debtors Act, 1935.

In the office of the

..... Debt Settlement Board

at

Proceedings No.....year.....

Whereas an application has been made under section 8 of the Bengal Agricultural Debtors Act, 1935, for the settlement of the debts of..... son/wife of..... resident in mauza..... thana..... district..... and whereas it is in the opinion of this Board advisable to attach his/her immovable property, it is hereby ordered under section 37 of the said Act that the said..... be, and he/she hereby is, prohibited and restrained, until the further order of this Board, from transferring or charging by sale, gift or otherwise the property specified in the schedule hereunto annexed, and that all other persons be, and they are hereby, prohibited from receiving, or taking any benefit of, the same by purchase, gift or otherwise, until this order is withdrawn or cancelled.

Given under the seal of this Board, this day of 19.....

Seal of the Board.

Signed.....

Chairman,

..... *Debt Settlement Board.*

Schedule of Property.

Form XVIII.

(See rule 77.)

Notice of order of attachment of immovable property under section 37 of the Bengal Agricultural Debtors Act, 1935.

Memo. No....., dated.....

The annexed copy of an order for the attachment of the immovable property of.....
is forwarded with the request that the Munsif/Sub-Registrar will cause it to be displayed conspicuously in his court/office
as required by rule 75 (2) of the Bengal Agricultural Debtors Rules, 1936.

Signed.....

*Chairman,
Debt Settlement Board.*

Seal of the Board.

Dated.....
.....

To
The Munsif/Sub-Registrar,
.....
.....

Memo. No....., dated.....

Received memo. No....., dated....., from the.....
.....Debt Settlement Board, forwarding a copy of an attachment order dated.....

Dated.....

Signed.....
Munsif/Sub-Registrar.

Form XIX.

(See rule 77.)

Notice of withdrawal of attachment of immovable property under the Bengal Agricultural Debtors Act, 1935.

No.

From

The Chairman of the... Debt Settlement Board

at.....

To

The Munsif/Sub-Registrar of.....

Dated the19.....

Sir,

With reference to Memo. No. dated....., forwarding for publication an order for the attachment of the immovable property of..... resident in mauza....., thana....., district....., I have the honour to inform you that the attachment has been withdrawn.

I have the honour to be,
Sir,
Your most obedient servant,

Seal of the Board.

Chairman,
.....*Debt Settlement Board.*

FORM XX.

Form XX.

(See rule 113.)

Peremptory Cash Register of the _____ Debt Settlement Board.

Dr.

Date. 1	From whom received. 2	Particulars and nature of receipt. 3	Witnesses' expenses. 4	Miscellaneous. 5	Total. 6	Remarks. 7
			Rs.	Rs.	Rs.	

Form XXI.

(See rule 114.)

Cash Book.

Receipts.

Date.	From whom received.	Serial No. of counter-foil in the Receipt Book.	Opening balance.	Peremp-tory receipts.	Amounts received from treasury or other source for payment to staff, etc.	7	8	Miscel-laneous receipts.	Total.	Remarks.
1	2	3	4	5	6	7	8	9	10	11
			Rs.	Rs.	Rs.			Rs.	Rs.	

Payments.

Date.	To whom paid.	No. of voucher.	Peremp-tory payments.	Amounts paid to staff, etc. (received from treasury or other source).	Miscel-laneous payments.			Total.	Closing balance.	Remarks.
12	13	14	15	16	17	18	19	20	21	22
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	

Form XXII.

(See rule 115.)

Counterfoil Receipt Book.

.....Debt Settlement Board.

Receipt.

Serial No.....

Date.....

Received from.....

On account of.....

The sum of.....

Date of credit in Cash Book or Peremptory Cash
Register.....

Signed

Chairman/Member



.....Debt Settlement Board.

Receipt.

Serial No.....

Date.....

Received from.....

On account of.....

The sum of.....

Signed

Chairman/Member

Form XXIII.

(See rule 118.)

Register of Fees.

A total should be struck each day.

Sums received on account of diet and travelling allowance or compensation of witnesses and fees paid for copies are to be entered in Form XX or XXI, as the case may be, and not in this register.

Serial No.	Date.	No. and year of proceedings.	Fees on miscellaneous petitions.	Fees on applications under section 8.	Fees on award other than in insolvency cases.	Fees on applications for review.	Fees on certificates under section 21.	Fees on awards in insolvency cases under section 22 (1) (a).	Total.	Remarks.
1	2	3	4	5	6	7	8	9	10	11

Form XXIV.

(See rule 120.)

Register of applications for copies.

A total of fees received should be struck each day.

Debt Settlement Board.

Serial No.	Name of applicant.	Date of application.	Description of document of which copy is required and number and year of case in which filed.	Number of English words.	Number of vernacular words.	Court-fees paid.	Date of payment.	Date on which copy was delivered.	Remarks.
1	2	3	4	5	6	7	8	9	10

Form -XXV.

(See rule 124.)

Case Register of applications under section 8 of the Bengal Agricultural Debtors' Act, 1935.

Serial No.	Name of the Debtor.	Name of the Creditor.	Total amount claimed by the creditors.	Date of receipt of application.	Date of the final order.	Abstract of the final order.	Remarks.
1	2	3	4	5	6	7	8

Instructions.

Column (1).—The serial numbers should run for a year and the number of the month should be written after the yearly serial number thus—

1/1=Application 1 filed in January.

102/5=Application 102 filed in May, etc.

A new serial number should be given to any application transferred to the Board from another Board and a note—“Transferred from the..... Board (No..... of.....)” should be made in the remarks column.

Columns (2) and (3).—If there are several debtors or several creditors the names of only the first debtor or the first creditor, as the case may be, need be entered, with a note of the total number of debtors or creditors, e.g., “A. B. and 3 others”.

Column (7).—The final order will be one of the following :—

- (a) “Dismissed” wholly.
- (b) “Dismissed” in part and “settled” in part.
- (c) “Settled” wholly.
- (d) “Transferred” to another Board.

The amount of the claim dismissed or settled should be entered in this column.

Form XXVI.

(See rule 126.)

Disposal Register, Part I.

(To be maintained by all Debt Settlement Boards.)

Date of disposal.	Serial No. in this register.	Reference to serial No. in register of applications.	Total of debts—		Applications wholly dismissed under section 17.	
			As claimed by creditors.	As determined under section 18.	Serial No.	Amount of claims.
1	2	3	4	5	6	7

Applications partly dismissed and partly settled under section 19.

Serial No.	Amount of claims dismissed.	Settled under section 19 (1).			Total awarded.
		Amount of claims settled.	Amount awarded under—		
			Clause (a).	Clause (b).	
8	9	10	11	12	13

Applications wholly settled under section 19 (1).					Applications transferred to other Boards.		Remarks.
Serial No.	Amount of claims.	Amount awarded under—		Total awarded.	Serial No.	Amount of claims.	
		Clause (a).	Clause (b).				
14	15	16	17	18	19	20	21

Instructions.

A new series of serial numbers should be started each month.

Totals should be struck at the end of each month.

Below the totals for the month, totals for disposals under the various heads for the year up to date should be entered.

Form XXVII.

(See rule 126.)

Disposal Register, Part II.

(To be maintained by Special Debt Settlement Boards only.)

Date of disposal.	Totals brought forward from Part I, columns 2 and 4.		Awards under section 22 (1).						Total.		Certificates under section 21.			Remarks.
			Clause (a).			Clause (b).			No.	Amount of claims.	No. of cases.	No. of certificates.	Amount of the debts certified.	
	Serial No.	Amount of claims.	Amount awarded.	Serial No.	Amount of claims.	Amount paid to creditors.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Instructions.

Columns 2 and 3 should be filled in only when totals are struck at the end of the month.

Columns 10 and 11 should be filled in only at the end of the month, when the total of columns 2, 4 and 7 will be entered in column 10 and that of columns 3, 5 and 8 in column 11.

FORM XXVIII.

Form XXVIII.

(See rule 127.)

Monthly Progress Register, Part I.

(To be maintained by all Debt Settlement Boards.)

Year.....

.....Debt Settlement Board.

Month.	Applications to be dealt with.							
	Pending on 1st of month.		Made to the Board under section 8.		Transferred to the Board.		Total.	
	No.	Amount of claims.	No.	Amount of claims.	No.	Amount of claims.	No.	Amount of claims.
1	2	3	4	5	6	7	8	9

Disposals.

Dismissed wholly.		Dismissed in part and settled in part under section 19.			
No.	Amount of claims.	No.	Amount of the claims dismissed.	Settled under section 19(1).	
				Amount of claims.	Amount awarded.
10	11	12	13	14	15

Disposals (continued).

Disposals (continued).							Balance.		No. of sittings.	Remarks.
Settled wholly under section 19.			Transferred from the Board.		Total.		No.	Amount of claims.		
No.	Amount of claims.	Amount awarded.	No.	Amount of claims.	No.	Amount of claims.			No.	Amount of claims.	25	26
16	17	18	19	20	21	22	23	24		

Form XXIX.

(See rule 127.)

Monthly Progress Register, Part II.

(To be maintained by Special Debt Settlement Boards only.)

Year.....

.....Debt Settlement Board.

Disposals.

Month.	Totals brought forward from Part I, columns 21 and 22.		Awards under section 22 (1).					
			Clause (a).			Clause (b).		
	No.	Amount of claims.	No.	Amount of claims.	Amount awarded.	No.	Amount of claims.	Amount paid to creditors.
1	2	3	4	5	6	7	8	9

Disposals (continued).		Balance.		Certificates under section 21.			Remarks.
Total.							
No.	Amount of claims.	No.	Amount of claims.	No. of cases.	No. of certificates.	Amount of the debts certified.	
10	11	12	13	14	15	16	17

Form XXX.

Quarterly Return of Receipts and Expenditure under Agricultural Debtors Act.

Name of Board or (in returns submitted to or by Collectors) total number of Boards.	Receipts (in court-fee stamps).											
	Miscellaneous petitions (Form XXIII, column 4).		Applications under Section 8 (Form XXIII, column 5).		Awards other than in insolvency cases (Form XXIII, column 6).		Applications for review or petitions of appeal (Form XXIII, column 7).		Certificate under Section 21 (Form XXIII, column 8).		Awards in insolvency cases (Form XXIII, column 9).	
	2	3	4	5	6	7	8	9	10	11		
1	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.

Expenditure.

Processes (Process Register).		Copies (Form XXIV, column 7).		Total.		Pay of officers.		Pay of establish- ment.		Allowances, honoraria, etc.		Contingencies. (Form XXI, column 17).		Total.	
8		9		10		11		12		13		14		15	
Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.	Rs.	a.

Form XXXI.

Notice informing a Civil Court that a case is pending before Debt Settlement Board relating to a debt in respect of which a decree has been passed against the debtor.

To

The Munsiff at

SIR,

I have the honour to give notice that an application made/a statement of debt submitted to this Board on..... under section 8/sub-section (1) of section 13 of the Bengal Agricultural Debtors Act includes a debt owed by..... son/wife of..... caste..... resident at..... in respect of which a decree has been passed in*..... suit/proceedings No..... of year..... in Court No..... at..... against the said..... in favour of†..... son/wife of..... resident at..... In the event of any application for execution of the decree being filed hereafter your attention is invited to section 33 of the said Act.

Seal of the Board.

I have the honour to be,
SIR,
Your most obedient servant,

Signature

Chairman,

..... Debt Settlement Board.

Date.....

* Insert here class of suit.

† Insert here name of creditor.

Form XXXII.

.....*Debt Settlement Board.*

Bill No.....for contingent expenditure for the month of
19 ..

Serial No. of vouchers.	Description of charges.	Amount.		
		Rs.	a.	p.
	Total ..			

				Rs.	a.	p.
Amount in hand ..						
Expenditure including this bill.	Rs.	a.	p.			
Balance available.						

I certify that the expenditure charged in this bill could not, with due regard to the interest of the public service, be avoided.

Vouchers covering the expenditure charged in this bill are attached.

Signature of Chairman.

Date.....

Form XXXIII.

.....*Debt Settlement Board.*

To

The DISTRICT MAGISTRATE/SUBDIVISIONAL OFFICER of

.....

Dated.....

SIR,

I certify that during the month of.....19....the following persons were employed on the work of the.....Debt Settlement Board during the periods noted against each. I request that a remittance of(Rupees.....only) be sent on account of their pay.

Name.	Nature of post.	Period of employment	Rate of pay.			Amount due.		
			Rs.	a.	p.	Rs.	a.	p.
		Total ..						

2. I enclose the marginally noted receipts of the payees showing due payment of the amount remitted by you on account of the pay of the establishment of this Board for the month of 19....

Voucher No.	Name of payee.	Date of payment.	Amount.		
			Rs.	a.	p.
		Total ..			

I have the honour, etc.,

Chairman.

Form XXXIV.

Proceedings No.....

Year

To

The

.....

SIR,

I have the honour to say that the above proceedings in respect to which a notice was given to you under section 34 of the Bengal Agricultural Debtors Act, 1935, have been disposed of by the Board. The application has been dismissed/An award has been made in respect of the debt for which a suit is pending/in a decree has been passed in your court.

I have the honour to be,

Seal.

SIR,

Your most obedient servant,

Signature

Chairman,

.....*Debt Settlement Board.*

Date

APPENDIX A.

Extract from other Acts, Rules and Manuals bearing on the Agricultural Debtors Act, 1935.

The Code of Civil Procedure, 1908—Order XVI.

* * * * *

10. *Procedure where witness fails to comply with summons.*—(1) Where a person to whom a summons has been issued either to attend to give evidence or to produce a document fails to attend or to produce the document in compliance with such summons, the court shall, if the certificate of the serving officer has not been verified, by affidavit, and may, if it has been so verified, examine the serving officer on oath, or cause him to be so examined by another court, touching the service or non-service of the summons.

(2) Where the court sees reason to believe that such evidence or production is material, and that such person has without lawful excuse, failed to attend or to produce the document in compliance with such summons or has intentionally avoided service, it may issue a proclamation requiring him to attend to give evidence or to produce the document at a time and place to be named therein ; and a copy of such proclamation shall be affixed on the outer door or other conspicuous part of the house in which he ordinarily resides.

(3) In lieu of or at the time of issuing such proclamation, or at any time afterwards, the court may, in its discretion, issue a warrant, either with or without bail, for the arrest of such person, and may make an order for the attachment of his property to such amount as it thinks fit, not exceeding the amount of the costs of attachment and of any fine which may be imposed under rule 12 :

Provided that no Court of Small Causes shall make an order for the attachment of immovable property.

11. *If witness appears attachment may be withdrawn.*—Where, at any time after the attachment of his property, such person appears and satisfies the Court—

(a) that he did not, without lawful excuse, fail to comply with the summons or intentionally avoid service, and

(b) where he has failed to attend at the time and place named in a proclamation issued under the last preceding rule, that he had no notice of such proclamation in time to attend,

the court shall direct that the property be released from attachment and shall make such order as to the costs of attachment as it thinks fit.

12. *Procedure if witness fails to appear.*—The court may, where such person does not appear, or appears but fails so to satisfy the court, impose upon him such fine not exceeding five hundred rupees as it thinks fit, having regard to his condition in life and all the circumstances of the case, and may order his property, or any part thereof, to be attached and sold or, if already attached under rule 10, to be sold for the purpose of satisfying all costs of such attachment, together with the amount of the said fine, if any :

Provided that, if the person whose attendance is required pays into court the costs and fine aforesaid, the court shall order the property to be released from attachment.

13. *Mode of attachment* (new).—The provisions with regard to the attachment and sale of property in the execution of a decree shall, so far as they are applicable, be deemed to apply to any attachment and sale under this Order as if the person whose property is so attached were a judgment-debtor.

17. *Application of rules 10 to 13*.—The provisions of rules 10 to 13 shall, so far as they are applicable, be deemed to apply to any person who having attended in compliance with a summons departs, without lawful excuse, in contravention of rule 16.

18. *Procedure where witness apprehended cannot give evidence or produce document*.—Where any person arrested under a warrant is brought before the court in custody and cannot, owing to the absence of the parties or any of them, give the evidence or produce the document which he has been summoned to give or produce, the court may require him to give reasonable bail or other security for his appearance at such time and place as it thinks fit, and, on such bail or security being given, may release him, and, in default of his giving such bail or security, may order him to be detained in the civil prison.

19. *No witness to be ordered to attend in person unless resident within certain limits*.—No one shall be ordered to attend in person to give evidence unless he resides (a) within the local limits of the court's ordinary original jurisdiction, or (b) without such limits but at a place less than fifty or (where there is railway or steamer communication or other established public conveyance for five-sixths of the distance between the place where he resides and the place where the court is situate) less than two hundred miles distance from the court-house.

20. *Consequence of refusal of party to give evidence when called on by court*.—Where any party to a suit present in court refuses, without lawful excuse, when required by the court to give evidence or to produce any document then and there in his possession or power, the court may pronounce judgment against him or make such order in relation to the suit as it thinks fit.

21. *Rules as to witnesses to apply to parties summoned*.—Where any party to a suit is required to give evidence or to produce a document, the provisions as to witnesses shall apply to him so far as they are applicable.

The Bengal Money-lenders Act, 1933.

(Commencement of the Act 1st July, 1934.)

* * * * *

3. Where in any suit in respect of any money lent by a money-lender after the commencement of the Usurious Loans Act, 1918, it is found that the interest charged exceeds the rate of fifteen per cent. per annum in the case of a secured loan or twenty-five per cent. per annum in the case of an unsecured loan or that there is a stipulation for rests at intervals of less than six months, the court shall, until the contrary is proved, presume for the purpose of section 3 of the Usurious Loans Act, 1918, that the interest charged is excessive and that the transaction was harsh and unconscionable and was substantially unfair, but this provision shall be without prejudice to the powers of the court under the said section where the court is satisfied that the interest charged, though not exceeding fifteen per cent. per annum or twenty-five per cent. per annum as the case may be, is excessive.

4. Notwithstanding anything in any other Act where in any suit in respect of any money lent by a money-lender before the commencement of this Act it is found that the arrears of interest amount to a sum greater than the principal of the loan, the court, unless it is satisfied that the money-lender had reasonable grounds for not enforcing his claim earlier, shall limit the amount of such interest recoverable in the suit to an amount equal to the principal of the loan.

5. No money-lender shall recover by suit interest of any kind at a rate exceeding ten per cent. per annum in respect of any loan made after the commencement of this Act under a contract.

6. No court shall, in respect of any loan made after the commencement of this Act, decree on account of arrears of interest a sum greater than the principal of the loan.

Rules under the Village Self-Government Act.

Chapter VII.—Service of process by dafadars and chaukidars.

* * * * *

40. Dafadars and chaukidars shall serve process issued by union benches and union courts in accordance with rules issued under section 101 (2) (r). They shall also serve the following process :—

(i) *Revenue*.—All processes other than warrants for making arrests or warrants for distraint and sale of property.

(ii) *Criminal*.—All processes other than warrants for making arrests or warrants for making searches or warrant for distraint and sale of property:

Provided that any court may at any time cause a process to be served by the process-serving agency attached to it, instead of sending it to the union board for service by a dafadar or chaukidar.

41. Processes to be served by dafadars or chaukidars shall be sent direct to the president of the board. The president shall determine by which dafadar or chaukidar each process shall be served, and shall endorse upon each the name of the dafadar or chaukidar who is to serve it. The president shall make over to the dafadar the processes to be served by him as well as those to be served by chaukidars those which they are to serve. Similarly, after service, the dafadar shall make all processes over to the president and the president shall return them to the issuing authority.

42. The president shall maintain a register of processes sent to him for service in Form I.

*44. (1) For each process properly served, a fee of two annas shall be paid to the union fund, the cost being met from the budget of the Collector or the District Magistrate concerned.

(2) Of the fee, at least six pice shall be paid to the person who actually serves the process. The remaining two pice may, with the consent of the District Magistrate, go towards remuneration of the agency employed for keeping the process register—otherwise to the server.

APPENDIX B.

Ready Reckoner for calculating fees under the Bengal Agricultural Debtors Act.

Amount.	At $\frac{1}{2}$ per cent.	At 1 per cent.	At 2 per cent.
	Rs. a.	Rs. a.	Rs. a.
Re. 1 .. ..	..	..	..
Rs. 2 .. ..	..	..	0 1
Rs. 3 .. ..	..	..	0 1
Rs. 4 .. ..	..	0 1	0 1
Rs. 5 .. ..	..	0 1	0 2
Rs. 6 .. ..	..	0 1	0 2
Rs. 7	0 1	0 1	0 2
Rs. 8	0 1	0 1	0 3
Rs. 9	0 1	0 1	0 3
Rs. 10	0 1	0 2	0 3
Rs. 20	0 2	0 3	0 6
Rs. 30	0 2	0 5	0 10
Rs. 40	0 3	0 6	0 13
Rs. 50	0 4	0 8	1 0
Rs. 60	0 5	0 10	1 3
Rs. 70	0 6	0 11	1 6
Rs. 80	0 6	0 13	1 10
Rs. 90	0 7	0 14	1 13
Rs. 100	0 8	1 0	2 0

Note.—For amounts below Re. 1, annas eight and above should be considered a rupee for the purpose of calculating fees. Amount less than eight annas should be rejected.

[For instructions see next page.]

Instructions.

When fees are to be calculated under rule 136 (4) on an award in which several creditors are interested, the amount of the fee due on the total debt admitted or determined under section 18 to be owing to each creditor will be calculated separately, and the amount payable by the debtor and the respective creditors will next be determined.

If the total of the fees payable on the awarded amounts by (a) the debtor or (b) any creditor includes 6 pies, the 6 pies will be neglected.

The following example may be considered :—

Creditor.	Amount of debt.	Amount of fees payable.	Debtor's share.	Creditor's share.
	Rs.	Rs. a. p.	Rs. a. p.	Rs. a. p.
A	139	2 13 0	1 6 6	1 6 6
B	215	4 5 0	2 2 6	2 2 6
C	63	1 4 0	0 10 0	0 10 0
D	18	0 6 0	0 3 0	0 3 0
E	71	1 6 0	0 11 0	0 11 0
F	10	0 3 0	0 1 6	0 1 6
			5 2 6	

Debtor would pay the sum of column 4, i.e., Rs. 5-2-6 or Rs. 5-2 and the creditors the amount shown in column 5: A Re. 1-6, B Rs. 2-2 and F ana 1.

Process-fees.

Article 680—

(2) *Fees chargeable in Civil and Revenue Courts in Bengal and Assam.*

Nature of process.	Where the suit in which process issued is valued at over Rs. 1,000.	Where the suit in which process issued does not exceed Rs. 1,000 and exceeds Rs. 50 in value.	Where the suit does not exceed Rs. 50 in value.
1	2	3	4
Article 1.	Rs. a. p.	Rs. a. p.	Rs. a. p.
In every case in which personal or substituted service of any process on parties to the cause is required, where not more than four persons are to be served with the same document, one fee.	2 0 0	1 0 0	0 8 0
When such persons are more than four in number, then the fee abovementioned and an additional fee as mentioned in the table for every such person in excess of four.	0 8 0	0 4 0	0 4 0
<p><i>Note 1.</i>—A single process-fee is payable where not more than four persons have to be served whether all of them live in the same village or not.</p> <p align="center">* * * *</p>			
<p><i>Note 3.</i>—A single process-fee is payable where a major defendant has to be served with a process in his personal capacity and also with a process as guardian of a minor defendant.</p>			
<i>Article 2.</i>			
In every case falling within columns 2 and 3 in which personal or substituted service of any process on any persons who are not parties is required, when the number of such persons is not more than four, one fee.	2 0 0	1 0 0	..
When there are more than four such persons, then the fees abovementioned for the first four, and an additional fee as mentioned in the table for every one in excess of that number.	0 8 0	0 4 0	..
In every case falling within column 4 in which personal or substituted service of any process on any persons who are not parties is required, for each person to be served.	..	..	0 4 0
<p><i>Note.</i>—No process-fee is chargeable for summonses on witnesses made over for service to the party applying therefor.</p>			

For processes applied for and ordered to be executed as emergent, the fee will be the ordinary fee and half as much again.

683. (1) No fees shall be charged for fresh service or execution of processes in cases where the parties concerned are not in any way to blame for their being not served or executed.

685. (1) In the localities only where and for the periods during which travelling except by boat is impracticable, the fees chargeable for the service of processes shall be increased by such percentage not exceeding 25 per cent. as may be necessary to cover the additional cost of boat-hire or ferry-toll for journey in watery areas. The percentage of surcharge over the fees ordinarily leviable should be reduced when the realisation of the higher amount is found to exceed the additional cost incurred.

Instructions.

Where there are several creditors interested in the proceedings, the amount on which the process fee is to be calculated under the above table will be not the total of all the alleged debts but the amount of the individual debt in regard to which the witness is to give evidence or which is claimed by the creditor concerned (or admitted by the debtor, as the case may be) to be owing to such creditor.