FRNI No. KARBIL/2001/47147

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¨sÁUÀ– IVA Part–	¨ÉAUÀ¼ÀÆgÀÄ, s §ÄzsÀªÁÁgÀ, DUÀ¸ïÖ 14, 2019 (±ÁæªÀt 23, ±ÀPÀ ªÀµÀð 1 1940)	£ÀA. 704 No.

CO O-OPERATION SECRETARIAT

NOTIFICATION

No. CO 25 CLM 2019, Bengaluru, Dated 14th Augus st, 2019

The draft of the Karna ataka Debt Relief Rules, 2019 was pu ublished as required by section 18 of the Karnata aka Debt Relief Act, 2018 (Karnataka a Act 17 of 2019) is hereby published as require ed by sub-section (1) of said section n in Notification No: CO 25 CLM 2019, dated:06 6.08.2019 in part IVA of the Karnata aka extra-ordinarty persons likely to be affect ted thereby within seven days fro om the date of its publication in the official Ga azette.

06.08.2019.

And whereas, objectio ns and suggestions were not received d.

Now, therefore, in ex xercise of the powers conferred by Section 18 of the Karnataka Debt Relief Act, 2018 (Karnataka Act 17 of 2019) the Government of Karnataka hereby makes the e following rules namely:-

RULES

1. Title and commen ncement.- (1) These rules may be ca alled the Karnataka Debt Relief Rules, 2019.

(2) They shall come in nto force on the date of their publica ation in the Official

2.Definitions.- In the ese rules, unless the context otherwis se requires,-

(a) "**Form**" mean ns a form appended to these rules;

(b) "**Act**" meansthe Karnataka Debt Relief Act, 2018 (Karnataka Act 17 of 20 019);

(c) "**Section**" me eans a section of the Act.

3. Statement to be filed by creditor etc.- (1) A statement referred to in sub-section (1) of section 5 shall be in Form-1 and an application referred in sub-section (2) there of shall be in Form-2.

Form-3 and the certificate of redemption under sub-section (2) of Section 6 shall be in Form-4.

4. Procedure to be followed in an enquiry under section 5.- (1) In an enquiry under sub-section (3) of section 5 the Debt Relief Officer shall serve a notice calling upon the respondent to appear before him on the date specified in the notice.

(2) The respondent shall be given an opportunity to file objection in writing and both sides shall be given reasonable opportunity to adduce evidence both oral and documentary in support of their respective contentions and to cross-examine the witnesses of the other side. The provisions of section 34 of the Karnataka Land Revenue Act, 1964 (Karnataka Act 12 of 1964) shall apply for the recording of evidence.

(3) The order to be passed shall contain,- (a) a concise statement of the case; (b) the points for determination;
(c) the decision thereon;
(d) the reasons for such decision; and (e) the relief granted.

(4) The order shall be pronounced in open Court and if the parties are present at the time of such pronouncement a copy of the order shall be furnished to both the parties free of cost and if the parties are not present a copy of the order shall be served on the parties in person or sent by registered post.

(5) An order under sub-section (3) of Section 5 shall also specify a date within which the creditor shall produce the document evidencing the debt and the moveable properties pledge, which shall not be less than thirty days from the date of service of the copy of the order on him.

(6) On production of the moveable properties in pursuance of an order under sub-section (3) of section 5 the Debt Relief Officer shall prepare a statement containing the particulars of the said moveable properties and furnish a copy of it to the creditor of the person producing them.

(7) The Debt Relief Officer shall, immediately after the properties are produced before him by the creditor, deliver the same to the debtor after taking an acknowledgement from him in

Form-5.

5. Procedure to be followed in an enquiry under sub-section (2) of section 6 or under sub-section (3) of section 14.- (1) Except as provided in sub-rule (2), the procedure specified in rule 4 shall mutatis mutandis apply to an enquiry under sub-section (2) of Section 6 or an enquiry under sub-section (3) of Section 14.

(2) The Debt Relief Officer shall in an enquiry under sub-section (3) of section 14 take down the evidence of each witness and such evidence shall be written and signed by the Judge and shall form part of the record.

BY ORDER AND IN THE NAME OF
THE
GOVERNOR OF KARNATAKA,

(B.S. HARISH)
Officer on Special Duty & Ex-officio
Joint Secretary to Government,
Co-operation Department.

FORM-1

[see rule 3(1)]

Statement of particulars furnished by the creditor under sub-section(1) of section 5

Name, Address and Place of
business of the creditor.

Sl No.	Name of the debtor and full address	Date and nature of the document under which the debt is advanced	Amount advanced	Rate of Interest
(1)	(2)	(3)	(4)	(5)

Amount due as on 23rd July 2019			Particulars of the movable properties pledged
Principal	Interest	Total	
(6)	(7)	(8)	(9)

Place:
Date:

Signature of the creditor

FORM-2

[see rule 3(1)]

Application by the debtor for return of moveable properties pledged by him or his surety

To

The Debt Relief Officer,

……

……

……

……

I……(name) son of ……(Father's name)residing at …….do hereby state as follows.-

1.I have borrowed a sum of Rs…… on ……..... by pledging the movable properties belonging to me and/or my surety more fully described in the Schedule below.

2.I have paid so far a sum of Rs …… towards principle and a sum of Rs ……. towards interest to the creditor.

3.I am an agricultural labourer/Small farmer/a person belonging to the weaker sections of the people.

4.The following are the immovable properties owned by me/my wife/or husband and minor children.-

Particulars of the immovable properties	**Approximate value**	**Approximate income**
in the name of the petitioner		
in the name of his wife/or her husband		
in the name of minor children.		

5. Therefore, I am a debtor under the Karnataka Debt Relief Rules, 2019 and the debt due by me is deemed to have wholly discharged.

Hence I pray that the moveable properties specified in the schedule below may be ordered to be returned to me/ or my surety.

SCHEDULE
Particulars of the Moveable Properties Pledged

1. Moveable properties belonging to the debtor. 2. Moveable properties belonging to the surety.

Applicant

What is stated above is true to the best of my knowledge and information.

Date:
Place:

Applica nt.

FORM-3

[see rule 3(2)]

Certificate of Discharge

This is to certify that a debt of Rupees …….. incurred by Sri ……. (debtor) by pledging the moveable properties on …….. from Sri ……. (creditor) shall be deemed to have been wholly discharged in pursuance of an order passed under sub-section(3) of Section 4 of the Karnataka Debt Relief Act, 2019 in case No …….. on the file of the Debt Relief Officer…….……

Seal

Debt Relief Officer

……

…….

Date:

FORM-4

[see rule 3(2)]

Certificate of Redemption

This is to certify that a debt incurred by Sri …….. by mortgaging the scheduled immovable properties under the mortgage deed dated ……. from Sri ……. shall be deemed to have been wholly discharged in pursuance of an order under sub-section (3) of section 5 of the Karnataka Debt Relief Act, 2019 (Karnataka Act 17 of 2019) in case No ……. on the file of the Debt Relief Officer ……. and the said mortgage is hereby redeemed.

Seal

Debt Relief Officer

……

…….

Date:

FORM-5

[see rule 4(7)]

Acknowledgement by the Debtor

I……S/o …….. residing ……. debtor in case No …….. on file of the Debt Relief Officer……. hereby acknowledge the receipt of the following articles, namely.-

1.

2.

(here specify the particulars and full description of the articles received by the debtor)

Signature of the Debtor.

Date……