

ANDHRA PRADESH (ANDHRA AREA) PAWNBROKERS RULES, 1943

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ANDHRA PRADESH (ANDHRA AREA) PAWNBROKERS RULES, 1943

ANDHRA PRADESH (ANDHRA AREA) PAWNBROKERS RULES, 1943

1. Short title :-

These rules may be called the Andhra Pradesh (Andhra Area) Pawnbrokers Rules, 1943.

2. Definition :-

In these rules

(a) 'the Act 'Irheans the Andhra Pradesh (Andhra Area) Pawnbrokers Act, 1943;

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

(c) 'Section" means a Section of Act.

3. Application for licence :-

An application for a pawnbroker's licence shall be in Form A.

4. Form and conditions of licence :-

Every licence issued under subsection (4) of Section 4 shall be in Form B and shall be subject to the conditions specified therein.

5. Charges allqwed to pawnbrokers :-

(1) A pawnbroker shall apply to the pawner free of cost the pawn-ticket and the forms of declaration referred to in sub-clauses (i), (iii) and (iv) respectively of Clause (b) of sub section (1) of Section 10 .

(2) The fee which may be charged by a pawnbroker for the inspection of the entry of a sale in the sale book and pledges referred to in sub-clause (ii) of Clause (b) of sub-section (1) of Section 10 shall be one anna.

(3)

(a) The fee which may be charged by a pawnbroker for a statement of accounts furnished by him under Clause (d) of sub-section (1) of Section 10 shall be as follows :

	Rs .	A .
	P .	

(i) If the amount of the loan does not exceed Rs. 50 0 1 0

(ii) If the amount of the loan exceeds Rs. 50, but does not exceed Rs. 100 0 2 0

(iii) If the amount of the loan exceeds Rs. 100,

but does not Exceed Rs. 300 0 3 0

(iv) If the amount of the loan exceeds Rs. 300,

but does not exceed Rs. 500 0 4 0

(v) If the amount of the loan exceeds Rs. 500,

but does not exceed Rs. 1,000 0 6 0

(vi) If the amount of the loan exceeds Rs. 1,000 0 8 0

Explanation : The fee shall be charged separately in respect of each loan and such requisition. Thus the fee relating to two separate loans of Rs. 120 and Rs. 350 will be annas seven.

(b) The fee shall be recoverable by the pawnbrokers as if it were included in the loan but no interest shall be charged on such fee.

(4) Where a pawner redeems the pledge before it is actually disposed of by sale in public auction the pawnbroker may demand and take from him the charges, if any, incurred by the pawnbroker in bringing the pledge to auction.

6. Form of declaration :-

The printed forms of declaration referred to in sub-clauses (iii) and (iv) of Clause (b) of sub-section (1) of Section 10 shall be in Forms C and D respectively.

7. Pledge book :-

The pledge book referred to in Clause (a) of sub-section (1) of Section 10 shall be in Form E.

8. Pawn-ticket, sale book of pledges and receipt on redemption of pledges :-

The pawn-ticket, the sale book of pledges and the receipt on redemption of pledge referred to in Clause (b) of sub-section (1) of Section 10 shall be in Forms F, G and H respectively.

9. Certificates :-

No copy of an account shall be admissible in evidence under sub-section (3) of Section 10 unless it contains two certificates at the foot, the first by the pawnbroker himself or his agent and the second by some other person who has compared the copy with the original. The certificate of the pawnbroker or his agent shall be in Form I and that of a person other than the pawnbroker or his agent shall be in Form J.

10. Language in which records, etc., should be maintained :-

All records or entries made in the books, accounts and documents referred to in sub-section (1) of Section 10 shall be either in English or in Telugu.

11. Manner of furnishing statement of account :-

(1) The statement of account referred to in Clause (d) of sub-section (1) of Section 10 and shall be sent to the pawner by

registered post, acknowledgement due, to the address given in the requisition made by the pawner.

(2) Notwithstanding anything contained in sub-rule (1), where the pawner agrees in writing to the statement being delivered personally it shall not be necessary to send it by registered post.

(3) When a pawner takes personal delivery of the statement of account he shall acknowledge receipt of the same in writing. The pawner shall sign acknowledgement or if he is illiterate, affix his thumb impression thereto.

(4) If the statement of account is sent by registered post, the production of the postal receipt and acknowledgement shall be sufficient proof of the sending of such statement.

(5) The postal registration and acknowledgement charges incurred under sub-rule (1) shall be entered in the account and shall be recoverable by the pawnbroker as if such charges were included in the loan, but no interest shall be charged on such charges.

12. Public notice of claim in certain cases :-

The public notice referred to in the proviso to Clause (a) of sub-section (1) of Section 9 shall, contain the following particulars namely :

(a) The name, place of business and licence number of the pawnbroker concerned;

(b) Full and detailed description of the article (weight to be noted in the case of jewels);

(c) Name and address of the pawner; and

(d) The basis on which the applicant makes his claim, that is, whether as the owner of the pledge but not holding the pawn-ticket or as a person claiming to be entitled to hold the pawn-ticket but alleging that it has been lost, mislaid, destroyed, stolen or fraudulently obtained from him. The notice shall be published 21 days before the date of the application on two successive days in a newspaper circulating in the place where the pawnbroker carries on his business and approved by the District Magistrate.

13. Prescribed authority for the purpose of proviso 9 (i) (b) :-

The authority for the purpose of proviso (i) to Clause (b) of sub-

section (1) of Section 9 shall be the Tahsildar or the independent Deputy Tahsildar having jurisdiction over the place of business of the pawnbroker.

14. Period within which declaration should be delivered to the pawnbroker :-

The period within which the declaration referred to in proviso (ii) to Clause (b) of sub-section (1) of Section 9 shall be delivered back to the pawnbroker shall be fifteen days after the delivery of the form of declaration to the applicant.

15. Procedure in auction of pledges :-

The following procedure shall be observed with reference to the sale by public auction of pledges :

(1) The auctioneer to whom the sale of a pledge by auction is entrusted shall be a person approved by the District Magistrate.

(2) The auctioneer shall cause all pledges to be exposed to public view.

(3) (i) The auctioneer shall print and publish a catalogue of the pledges to be sold in auction with the following particulars :

(a) The name, place of business and licence number of the pawnbroker concerned;

(b) Date of loan;

(c) Number of pledge in pledge book;

(d) Full and detailed description of the article (weight to be noted in the case of jewels);

(e) Name and address of pawner; and

(f) Date, hour and place of sale.

(ii) The printed catalogue referred to in sub-section (i) shall be published in the following manner:

(a) A copy shall be pasted at the place of business of the pawnbroker concerned.

(b) Copies shall be given to intending bidders.

(iii) The auctioneer shall send atleast a week before the date fixed for the said ,

(a) two copies of the printed catalogue to the police station having jurisdiction over the premises where the auction is to be held, one copy for being pasted on the notice board of the police station and another copy for record at that police station; and

(b) one copy of the printed catalogue to the police station or each of the police stations having jurisdiction over the place of the business of the pawnbroker concerned for record at such police station.

(iv) The auctioneer shall also send a copy of the printed catalogue by registered post to the pawner at least a week before the date fixed for the sale.

(4) The pledges of each pawnbroker in the catalogue shall be separate from the pledges of any other pawnbroker.

(5) The auctioneer shall insert in some public newspaper approved by the Commissioner of Police in the City of Madras or by the District Magistrate elsewhere, an advertisement giving notice of the sale, and stating

(a) the pawnbroker's name and place of business; and

(b) the months in which the pledges were pawned.

(6) The advertisement shall be inserted on two successive days in the same newspaper, and the second advertisement shall be inserted at least ten clear days before first day of sale.

(7) Where pawnbroker bids at a sale, the auctioneer shall not take the bidding in any form other than that in which he takes the biddings of other persons at the same sale; and the auctioneer on knocking down any article to a pawnbroker shall forthwith declare audibly the name of the pawnbroker as purchaser.

(8) The auctioneer shall, within fourteen days after the sale, deliver to the pawnbroker a copy of the catalogue, or of so much thereof as relates to the pledges of that pawnbroker, filled up with the amounts for which the several pledges of that pawnbroker were sold as well as the charges for the sale of each of them and authenticated by the signature of the auctioneer.

(9) The pawnbroker shall preserve every such catalogue for at least three years after the auction.