

निक्षेप या सम्पत्ति की 9.
कुर्की के अभिलेखों का
रख-रखाव

(1) अधिनियम की धारा 4 की उपधारा (2) के अधीन परगनाधिकारी में विहित और सरकार द्वारा कुर्की की गयी सभी निक्षेप या सम्पत्ति सक्षम प्राधिकारी द्वारा सील की जायेगी और परगनाधिकारी की अभिरक्षा में रखी जायेगी।

(2) परगनाधिकारी प्राप्त सम्पत्ति, प्रबंधन और निस्तारण के संबंध में हुए सभी व्यय तथा आय का अभिलेख अनुरक्षित करते हुए पदाभिहित न्यायालय को समय-समय पर उसकी सूचना उपलब्ध करायेगा।

परगनाधिकारी की 10.
सहायता हेतु विशेष
लोक अभियोजक

परगनाधिकारी पदाभिहित न्यायालय में मामलों के संचालन में विशेष लोक अभियोजक को ऐसी सहायता के लिए जैसा अपेक्षित हो, उपलब्ध कराया जायेगा।

आज्ञा से,
अमित नेगी,
सचिव।

In pursuance of the provisions of Clause (3) of Article 348 of "the Constitution of India", the Governor is pleased to order the publication of the following English translation of the Notification No. 1507/XXVII(1)/2015, Dehradun, dated December 28, 2015 for general information:

No. 1507/XXVII(1)/2015

Dated Dehradun, December 28, 2015

NOTIFICATION

In exercise of the powers conferred by section 20 of the Uttarakhand Protection of Interests of Depositors (In Financial Establishment) Act, 2005, the Governor is pleased to make following rules to protect the interest of depositors in financial establishment in the State of Uttarakhand---

The Uttarakhand Protection of Interests of Depositors (In Financial Establishments) Rules, 2015

Short title
and
commencement

1. (1) These rules may be called the Uttarakhand Protection of Interests of Depositors (In Financial Establishments) Rules, 2015.
- (2) It shall come into force at once.

Definitions

2. In these rules, unless the context otherwise requires,--
 - (a) "Act" means Uttarakhand Protection of Interests of Depositors (In Financial Establishment) Act, 2005;
 - (b) "Competent authority" means the Officer appointed as the SDM by the Government under sub-section(1) of section 5 of the Act;

- (c) "Collector" means the chief in-charge of administration of a any district revenue officer;
- (d) "Commissioner" means the chief in-charge of administration of revenue officer in any divisions;
- (e) "Government" means the State Government of Uttarakhand;
- (f) "persons" included any company or community or person bodies whether corporate or not;
- (g) "word and expressions" used herein and not defined but defined in the Uttarakhand Protection of Interests of Depositors (In Financial Establishment) Act, 2005, shall have the meaning respectively assigned to them in that Act;

power to issue order of attachment

3. (1) An order attaching the money and other property of a Financial Establishment to be issue by the Government, under section 4 of the Act shall be issued by an officer not below the rank of a Secretary to Government in Revenue Department.
- (2) The SDM may, on issue of the order under sub-rule (1), seek the necessary assistance of police officer or any officer of the Government for the purpose of taking possession of the property in respect of which has the attachment order has been made and on such requisition, it shall be the duty of such officer to render the necessary assistance to the SDM.

examination of complainant and witnesses

4. (1) Upon the publication of the order of attachment of money or other property by Government Officer under sub-rule (1) of rule 3 such officer shall, immediately forward copies of all the relevant papers and report relating to such attachment order to the SDM.
- (2) The SDM may examine the complainant and witnesses, if any, and such examination proceedings shall be recorded in writing.
- (3) The SDM shall have power to examine any person or office bearer or employees of the Financial Establishment who, in his opinion, will be able to give any information about the Financial Establishment in respect of which the attachment order has been issued by the Government.

administrations of the attached monies and properties

5. Upon the publication of the attachment order by the Government and, on the receipt of relevant papers and record from the Government the SDM shall immediately prepare a register, giving detailed account or description of all the monies and properties attached and vested in him under sub-section (2) of section 4 of the Act, and shall, as far as may be practicable, administer the said monies and properties in the best interest of the Depositors and the Financial Establishment, as he deems fit.

- SDM's right to require information** 6 (1) The SDM shall have power to call for or require any information about the Financial Establishment or its office bearers including the promoter, director, partner or manager or members of such Financial Establishment or, to direct any officer or authority of the Government or a local authority or any other person, to furnish such information as may be required, and such Financial Establishment or its office bearer or promoter, director, partner or manager or members of such Financial . Establishment or any officer or authority of the Government or local authority or any other person, shall forthwith furnish such information to the SDM.
- (2) An officer incharge of the police station, when required by the SDM, shall take all steps, including inquiry, investigation or survey in respect of any person, place, property, documents, books of account, etc., of the Financial Establishment or promoter, director, manager, officers, servants or members of such Financial Establishment.
- power of SDM relating to absconding person** 7 Where the SDM is satisfied or has reason to believe that a person in respect of whom an action is contemplated under the Act, has absconded or is likely to abscond or is concealing himself, the SDM shall immediately make such report in writing to the Designated Court.
- power of SDM to sell or dispose of property** 8 (1) Where any property attached under sub-section (1) of section 4 of the Act and vested in the SDM under sub-section (2) of the said section 4, is subject to speedy and natural decay or if it is otherwise expedient so to do, the SDM may, after obtaining permission of the Designated Court, sell or otherwise dispose of the said property and include the proceeds in the account of the Financial Establishment.
- (2) The SDM shall, after disposing of the said property under sub-rule (1) report the same to the Designated Court.
- maintenance of the record of money or property attached** 9. (1) All money or property, attached by the Government and vested in the SDM under sub-section (2) of sections 4 of the Act shall be sealed by the SDM and shall be in the custody of the SDM.
- (2) The SDM shall maintain the record of all the income received from the expenditure incurred for, the property received, managed and disposed, and furnished the same to the designated court, from time to time.
- SDM to assist special public prosecutor** 10. The SDM shall render such assistance to the Special Public Prosecutor in conducting the cases in the Designated Court as may be required.

By Order,
AMIT NEGI,
Secretary.