

(3) पुलिस थाना के प्रभारी अधिकारी जब सक्षम प्राधिकारी द्वारा अध्यक्षता की जाय, वित्तीय स्थापना के किसी व्यक्ति, स्थान, सम्पत्ति, दस्तावेज, लेख बही आदि का, या प्रवर्तक, निदेशक, प्रबंधक, पदधिकारियों, सेवकों या ऐसी वित्तीय स्थापना के सदस्य के संबंध में जांच, अन्वेषण या सर्वेक्षण सहित सभी कार्रवाई करेगा एवं अपना प्रतिवेदन सक्षम प्राधिकारी को अग्रेषित कर देगा।

8. फरार व्यक्ति के सम्बन्ध में सक्षम प्राधिकारी की शक्तियाँ—

जहां प्राधिकारी का यह समाधान हो जाय या उनको ऐसा विश्वास करने का कारण हो कि कोई व्यक्ति, जिसके सम्बन्ध में अधिनियम के अधीन कोई कार्रवाई अनुध्यात है, फरार हो गया है या उसके फरार होने की सम्भावना है या उसने स्वयं को छिपा रखा है तो सक्षम प्राधिकारी इसकी लिखित रिपोर्ट अभिहित न्यायालय को तुरन्त देगा।

9. सक्षम प्राधिकारी की सम्पत्ति की विक्री या व्यनित करने की शक्ति—

(1) जहां अधिनियम के उपबंधों के अधीन कुर्की की गयी एवं सक्षम प्राधिकारी निहित सम्पत्ति द्रुत एवं स्वाभावित क्षय होने के अधीन हो, और यदि उसे व्यनित करना समीचीन हो तो सक्षम प्राधिकारी अभिहित न्यायालय की अनुशंसा प्राप्त करने के पश्चात् उक्त सम्पत्ति का विक्रय कर सकेगा या अन्यथा व्यनित कर सकेगा एवं विक्री आगम को वित्तीय स्थापना के लेखा में सम्मिलित कर लेगा।

(2) उपनियम (1) के अधीन उक्त सम्पत्ति को व्यनित करने के बाद सक्षम प्राधिकारी अभिहित न्यायालय को उसे प्रतिवेदित कर देगा।

10. कुर्की किये गये धन या सम्पत्ति के अभिलेख का अनुरक्षण—

(1) अधिनियम के उपबंधों के अधीन की गई कुर्की एवं सक्षम प्राधिकारी द्वारा निहित सभी धन या सम्पत्ति को सक्षम प्राधिकारी द्वारा सील कर दिया जायेगा और वह सक्षम प्राधिकारी की अभिरक्षा में रहेगा।

(2) सक्षम प्राधिकारी सभी आय एवं सम्पत्ति की कुर्की की गयी तथा उसके प्रबंधन एवं व्ययनन पर उपगत व्यय का अभिलेख संधारित करेगा एवं उसका ब्यौरा समय-समय पर अभिहित न्यायालय को भेजेगा।

11. लोक अभियोजन को सहायता—

सक्षम प्राधिकारी विशेष लोक अभियोजक/विशेष सरकारी वकील को अभिहित न्यायालय में मामलों के संचालन में ऐसी सहायता करेगा, जिसकी अध्यक्षता की जाय।

आज्ञा से,

आलोक कुमार जैन,
प्रमुख सचिव, वित्त।

No. 437/XXVII(1)/2009

Dated Dehradun, June 25, 2009

THE UTTARAKHAND PROTECTION OF INTEREST OF DEPOSITORS (IN FINANCIAL ESTABLISHMENTS) RULES, 2009

In exercise of the powers conferred by sub-section (1) of section 20 of the Uttarakhand Protection of Interest of Depositors (In Financial Establishments) Act, 2005 (Act No. 9 of 2005), the Governor hereby makes the following rules, namely :—

1. Short title, Extent and Commencement—

(1) These Rules may be called the Uttarakhand Protection of Interest of Depositors (In Financial Establishments) Rules, 2009;

(2) These Rules shall extend to the whole of the State of Uttarakhand;

(3) These Rules shall come into force at once.

2. Definitions--

In these rules, unless the context otherwise requires :--

- (a) "Act" means the Uttarakhand Protection of Interest of Depositors (In Financial Establishments) Act, 2005;
- (b) "Competent Authority" means the officer appointed as the Competent Authority by the Government under Sub-section (1) of Section 5 of the Act;
- (c) "Assistant Collector 1st Class" means an officer appointed as such under the U.P. Land Revenue Act, 1901 (Act No. 3 of 1901) (as applicable to the State of Uttarakhand).

3. Complaints--

Government or the District Magistrates in their respective jurisdiction *suo moto* or on receipt of the complaint may investigate into the complaint of fraudulent transaction referred to in section 3 of the Act. The District Magistrate shall forward his report together with the complaint to the Government at the earliest.

4. Power to issue Order of Attachment--

(1) An order of attachment of any establishment to be issued 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 the Department of Finance.

(2) The Competent Authority may, on issue of the order under sub-rule (1) of rule 9, require 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 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 Competent Authority.

5. Examination of Complaint and Witnesses--

(1) Upon the publication of the order of attachment of money or other property by Government Officer under sub-rule (1) of rule 4 such officer shall immediately forward copies of all the relevant papers and his report relating to such attachment order to the Competent Authority.

(2) The Competent Authority may examine the complaint and witnesses, if any, and such examination proceedings shall be recorded in writing.

(3) The Competent Authority shall have power to examine any person or officer or employee of the Financial Establishment who, in his opinion, is competent to give any information about the Financial Establishment in respect of which the attachment order has been issued by the Government.

6. Administration of the Attached Money and Properties--

Upon the publication of the attachment order by the Government and, on the receipt of relevant papers and other record from the Government, the Competent Authority shall immediately prepare a register, recording detailed account and description of all the money 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 money and properties in the best interest of the Depositors and the Financial Establishment, as he deems fit.

7. Right of Competent Authority to require Information--

(1) The Competent Authority 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 direct any office 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 office or authority of the Government or local authority or any other person, shall forthwith furnish such information to the Competent Authority.

(2) Any Financial Establishment/Institution intending to establish an office and operate in a district in the State of Uttarakhand shall furnish information in writing to the office of the District Magistrate or any officer authorized by the State Government in this behalf, about the details of its activities, areas of operation and/or business, supported by all necessary papers. This information shall also include its registration by the Registrar of Companies of the State concerned as also about the registration and the license obtained from the Reserve Bank of India. Securities and Exchange Board of India or any other regulatory authority for the purpose aforesaid with details of its office structure and specific location/address.

(3) An officer-in-charge of the police station, when required by the Competent Authority, shall take all steps, including inquiry, investigation for survey in respect of any person, place, property, documents, books of account etc. of the Financial Establishment or promoter, director, manager, officers, servants or member of such Financial Establishment and submit his report to the Competent Authority.

8. Powers of Competent Authority Relating to Absconding Person--

Where the Competent Authority 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 Competent Authority shall immediately make a report in writing to the Designated Court.

9. Power of Competent Authority to sell or dispose of Property--

(1) Where any property attached and vested in the Competent Authority under the provisions of the Act is subject to speedy and natural decay and if it is expedient to dispose it, the Competent Authority may, after obtaining permission of the Designated Court, sell or otherwise dispose of the said property and shall include the sell proceeds in the account of the Financial Establishment.

(2) The Competent Authority shall, after disposing of the said property under sub-rule (1) report the same to the Designated Court.

10. Maintenance of the Record of Money or Property Attached--

(1) All money or property attached by the Government and vested in the Competent Authority under the provisions of the Act shall be sealed by the Competent Authority and shall be in the custody of the Competent Authority.

(2) The Competent Authority shall maintain the record of all the income received and the expenditure incurred on attachment of the property and management and disposal of the same, and furnish the details of the same to the Designated Court from time to time.

11. Help of Public Prosecutor--

The Competent Authority shall render such assistance to the Special Public Prosecutor/ Special Government Pleader in conducting the cases in the Designated Court as may be required.

By Order,

ALOK KUMAR JAIN,
Principal Secretary, Finance.