



The Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973

Act 22 of 1973

Keyword(s):

Financial Assistance, Money

Amendment appended: 10 of 1982

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**THE HIMACHAL PRADESH PUBLIC MONEYS (RECOVERY OF DUES)
ACT, 1973**

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Recovery of certain dues as arrears of land revenue.

**THE HIMACHAL PRADESH PUBLIC MONEYS (RECOVERY OF DUES)
ACT, 1973**

¹(ACT NO. 22 OF 1973)

(Received the assent of the Governor on 26th November, 1973, and was published in R.H.P. Extra., dated the 4th December, 1973, P. 1797-1799).

An Act to provide for the speedy recovery of certain classes of dues payable to the State.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-fourth Year of the Republic of India as follows:—

1. Short title, extent and commencement. (1) This Act may be called the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. Definitions. In this Act, unless the context otherwise requires,—

(a) “financial assistance” means any financial assistance rendered—

- (i) for the purposes of vocational or technical training; or
- (ii) for the construction of residential buildings; or
- (iii) for providing drinking water *kuhl* or pipe line; or
- (iv) for the development of animal husbandry, agriculture or horticulture; or
- (v) for establishing, expanding or running any village or cottage industry; or
- (vi) for purposes of any other kind of planned development; or
- (vii) for relief against distress; or

1. For statement of Objects and Reasons, see R.H.P. Extra., dt. 28th April, 1973, P. 637.

- (viii) for loan under the National Loan Scholarship Scheme;
 (b) "State Government" means the Government of Himachal Pradesh.

3. Recovery of certain dues as arrears of land revenue (1)

Where any person is a party—

- (a) to any agreement relating to a loan, advance, grant, stipend or scholarship given to him by the State Government by way of financial assistance; or
- (b) to any agreement relating to a guarantee given by the State Government in respect of a loan; or
- (c) to any agreement providing that any money payable thereunder to the State Government shall be recoverable as arrears of land revenue; or
- (d) to any agreement to sell or distribute goods or any other article supplied by or through the State Government;

and such person—

- (i) makes any default in the repayment of the loan, advance, stipend or scholarship or any instalment or interest thereof; or
- (ii) having become liable under the conditions of the grant to refund the grant or any portion thereof, makes any default in repayment of such grant or portion or instalment thereof; or
- (iii) having become liable to pay the price of the goods or any other article or interest thereof, fails to pay the same or part thereof; or
- (iv) otherwise fails to comply with the terms of the agreement,—

then, such officer as may be authorised¹ in this behalf by the State Government, by notification in the Official Gazette, may, without prejudice to any other mode of recovery under any other law for the time being in force, send a certificate to the Collector, mentioning the sum due from such person and requesting that such sum together with the costs of the proceedings or any other sum, be recovered as if it were an arrear of land revenue.

(2) The Collector on receiving the certificate under sub-section (1) shall proceed to recover the amount stated therein as an arrears of land revenue.

1. For such authorisation, see Not. repro. at P. 724.

NOTIFICATIONS AND RULES UNDER THE HIMACHAL PRADESH
PUBLIC MONEYS (RECOVERY OF DUES) ACT, 1973

OFFICERS AUTHORISED TO ISSUE CERTIFICATES FOR THE RECOVERY OF
DUES AS ARREARS OF LAND REVENUE

HOUSING DEPARTMENT

NOTIFICATION

Simla-171002, the 13th November, 1975

No. 1-1/75-Housing.—In exercise of the powers conferred upon him under section 3 (1) (iv) of the Himachal Pradesh Public Monies (Recovery of Dues) Act, 1973, the Governor, Himachal Pradesh, is pleased to authorise the following officers within their respective jurisdictions, to issue requisite certificates for the purpose of recovery of loans including interests referred to therein:—

1. Deputy Commissioners.
2. Sub-Divisional Officers (Civil).
3. Tehsildars.
4. Naib-Tehsildars.
5. Block Development Officers.

(R.H.P. Extra., dt. 17th November, 1975, P. 1593)

**THE HIMACHAL PRADESH PUBLIC MONEYS
(RECOVERY OF DUES) (AMENDMENT) ACT, 1982**

(Act No. 10 of 1982)¹

(Received the assent of the Governor, Himachal Pradesh on the 13th August, 1982 and was published in R.H.P. Extra., dated 19-8-1982, page, 835-837).

ARRANGEMENT OF SECTIONS

SECTIONS :

1. Short title and commencement.
2. Amendment of long title and preamble.
3. Amendment of section 2.
4. Amendment of section 3.
5. Insertion of section 4.

An Act to amend the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973 (Act No. 22 of 1973).

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Thirty-third Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Himachal Pradesh Public Moneys (Recovery of Dues) (Amendment) Act, 1982.

(2) It shall come into force at once.

2. **Amendment of long title and preamble.**—In the long title and preamble to the Himachal Pradesh Public Moneys (Recovery of Dues) Act, 1973 (22 of 1973) (hereinafter called the principal Act), the words “payable to the State” shall be omitted.

3. **Amendment of section 2.**—For the existing clauses (a) and (b) of section 2 of the principal Act, the following clauses (a), (b), (c), (d), (e) and (f) shall be substituted, namely :—

“(a) “corporation” means the Himachal Pradesh Financial Corporation established under the State Financial Corporations Act, 1951 (63 of 1951) and includes any other corporation owned or controlled by the Central Government or the State Government which the State Government may, by notification, specify ;

(b) “financial assistance” means any financial assistance rendered—

- (i) for the purposes of vocational or technical training ; or
- (ii) for the construction of residential building ; or
- (iii) for providing drinking water *Kuhl* or pipe line ; or
- (iv) for the development of animal husbandry, agriculture or horticulture ; or

1. For Statement of Objects and Reasons see R.H.P. Extra., dated 9-7-1982, P. 632

- (v) for establishing, expanding, modernising, renovating or running any village or cottage industry, industrial undertaking or agro-industry ; or
 - (vi) for the purposes of any other kind of planned development ; or
 - (vii) for relief against distress ; or
 - (viii) for loan under the National Loan Scholarship Scheme ;
- (c) "Government company" means a Government company as defined in section 617 of the Companies Act, 1956 (1 of 1956) and which is notified as such by the State Government from time to time;
- (d) "industrial undertaking" includes any undertaking for the manufacture, preservation, storage or processing of goods, or mining, or the hotel-industry, or the transport of passengers or goods, or the generation or distribution of electricity or any other form of power or the maintenance, repair, testing or servicing of machinery, vehicles, vessels, motor boats, trailers or tractors or assembling, repairing or packing of any articles with the aid of machinery or power or fishing or providing shore facilities for fishing or maintenance thereof, or for the development of any contiguous area of land as an industrial estate or providing special or technical knowledge or other services for promotion of industrial growth.
- Explanation.**—The expression "processing of goods" includes any act or process for producing, preparing or making an article by subjecting any material to a manual, mechanical, chemical, electrical or any other like operation ;
- (e) "sponsored scheme" means a scheme sponsored by way of financial assistance by the State Government or the Central Government under which the concerned Government, either—
- (i) advances money to the corporation or the Government company for the the purposes of disbursing loans, advances, grants or subsidies or for the purpose of sale of goods on credit or hire purchase, or
 - (ii) guarantees or agrees to guarantee the payment of loan, advances, grant or subsidies or the payment of price of goods sold on credit or hirepurchase ; and
- (f) "State Government" means the Government of Himachal Pradesh."

4. Amendment of section 3.—In section 3 of the principal Act—

- (i) after the word 'person' occurring for the first time in sub-section (1), the words "either as principal or as surety or as guarantor" shall be inserted ;
- (ii) for clauses (a) and (b) of sub-section (1), the following clauses (a) and (b) shall be substituted, namely :—
 - "(a)(i) to any agreement relating to a loan, advance, grant, subsidy, stipend or scholarship given to him under that agreement or relating to credit in respect of, or relating to hire purchase of, goods sold by the State Government or the corporation by way of financial assistance ; or
 - (ii) to any agreement relating to a loan, advance, grant or subsidy given under that agreement or relating to credit in respect of, or relating to

hire purchase of, goods sold by the Government company under the sponsored scheme ; or

(b) to any agreement relating to a guarantee given by the State Government or a corporation in respect of a loan raised by an industrial undertaking ; or

(iii) for the words " then, such officer as may be authorised in this behalf by the State Government , by notification in the Official Gazette", occurring in sub-section (1), the words, "then, in case of the State Government, such officer as may be authorised in this behalf by the State Government, by notification in the Official Gazette, and in the case of the corporation or the company, the Managing Director thereof", shall be substituted ; and

(iv) after sub-section (2) the following sub-sections (3) and (4) shall be added, namely:—

"(3) Nothing in sub-section (1) shall affect any interest of the State Government, a corporation or a Government company, in any property created by any mortgage, charge, pledge or other encumbrance.

(4) Where the property of any person referred to in sub-section (1) is subjected to any mortgage, charge or other encumbrance in favour of the State Government, a corporation or a Government company, then in every case of a pledge or hypothecation of goods, or a mortgage, charge or other encumbrance on immovable property, such property or, as the case may be, the interest of the defaulter therein, shall first be sold in proceedings for recovery of the sum due from that person, and if the proceeds of the sale of the property are less than the sum due, proceedings may be taken against the other property of such person :

Provided that where the State Government is of the opinion that it is necessary to do so for safe-guarding the recovery of the sum due to it or to the corporation or Government company, as the case may be, it may, for reasons to be recorded, direct proceedings to be taken simultaneously for the recovery of the sum due in respect of goods pledged or hypothecated, the immovable property mortgaged, charged or encumbered and other property of such person."

5. **Insertion of section 4.**—After section 3 of the principal Act, the following new section 4, along with its heading, shall be inserted, namely :—

"4. *Levy of fees as service charges.*—The State Government may require the corporation or a Government company, as the case may be, to pay to it a fee as service charges to the extent as the State Government may consider appropriate:

Provided that the proposed fee shall be published in the Official Gazette and objections shall be invited within thirty days from the date of said publication and further that the State Government shall consider the objection, if any, before levying the fee."

NOTIFICATION
UNDER
THE HIMACHAL PRADESH PUBLIC PREMISES AND LAND (EVICTION AND RENT RECOVERY) ACT 1971
APPOINTMENT AND DELEGATION
LOCAL SELF GOVERNMENT DEPARTMENT

शिमला-2, 4 मई, 1982

संख्या 1-2170-एल० एस० जो०-II.—हिमाचल प्रदेश सार्वजनिक परिसर और भूमि (निष्कासन और किराया वसूली) अधिनियम, 1971 (1971 का अधिनियम संख्याक 22) की धारा 2 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश के राज्यपाल, सिटी मैजिस्ट्रेट शिमला को हिमाचल प्रदेश सार्वजनिक परिसर और भूमि निष्कासन और किराया वसूली अधिनियम, 1971 की धारा 2 की उप-धारा (ड) में परिभाषित सार्वजनिक परिसर के सम्बन्ध में उपर्युक्त अधिनियम के अधीन समाहर्ता के कृत्यों को निष्पादित करने हेतु सहर्ष नियुक्त करते हैं।

[R.H.P. Extra., dated 21-5-1988 P. 490].

[Authoritative English text of the Local Self Government Department Notification No. 1-21/70 LSG-II dated 4-5-1982.]

Shimla-171002, the 4th May, 1982

No. 1-2170-LSG-II.—In exercise of the powers conferred by clause (a) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971 (Act No. 22 of 1971), the Governor, Himachal Pradesh, is pleased to appoint the City Magistrate, Shimla to perform the functions of the Collector under the above Act in respect of the public premises as defined under clause (e) of section 2 of the Himachal Pradesh Public Premises and Land (Eviction and Rent Recovery) Act, 1971.

[R. H. P. Extra., dated 21-5-1982, p. 489]

NOTIFICATION
UNDER
THE HIMACHAL PRADESH REGISTRATION OF HOTELS AND TRAVEL AGENTS ACT, 1969
ENFORCEMENT OF ACT AND RULES

पर्यटन विभाग

शिमला, 19 अक्तूबर, 1981

संख्या 5-21/71-टी० डी०.—हिमाचल प्रदेश, रजिस्ट्रेशन आफ होटलज एण्ड ट्रेवल एजेंट्स ऐक्ट, 1969 (ऐक्ट न० 22 आफ 1970) की धारा 49 के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश, एतद्वारा अधिसूचित करते हैं कि उपर्युक्त अधिनियम तथा उसके अन्तर्गत बनाए गए नियम, समय-समय पर संशोधन सहित, हिमाचल प्रदेश में आउट डोर फोटोग्राफों पर (सरकारी फोटोग्राफों के अतिरिक्त) तुरन्त लागू होंगे।

[R.H.P., dated 23-1-1982, P. 21-22.]