

Tamil Nadu Debt Relief Act, 1980

TAMILNADU

India

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Act 13 of 1980

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Tamil Nadu Debt Relief Act, 1980 (Tamil Nadu Act 13 of 1980) Statement of Objects and Reasons - Tamil Nadu Debt Relief Act, 1980 (Tamil Nadu Act 13 of 1980). - The Government have decided to enact a legislation to provide relief to the people in rural and urban areas who suffer from a heavy debt burden on account of the usurious practices of pawnbrokers, money-lenders and other non-institutional sources of credit. Accordingly, the debts due to such pawnbrokers, money-lenders and other non-institutional sources of credit incurred by those who are living in rural and urban areas and whose annual household income is not more than Rs. 4,800 will be deemed to be discharged.² The Bill seeks to achieve the above object. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 8th February 1980. Statement of Objects and Reasons - Tamil Nadu Debt Relief (Amendment) Act, 1981 (Tamil Nadu Act 10 of 1981). - Under clause (d) section 3 read with clause (a) of the said section of the Tamil Nadu Debt Relief Act, 1980 (Tamil Nadu Act 13 of 1980), the expression "debtor" means any person from whom any debt is due and whose annual household income does not exceed four thousand and eight hundred rupees. Certain instances were brought to the notice of the Government that certain well to do persons are also trying to avail of the benefits of the Act. It was, therefore, decided to amend the Act suitably so that the benefits of the Act are not available to such well to do persons. Further, it came to be known that the people in rural areas were not fully aware of the time limit within which they have to make applications to the Tahsildars for seeking relief under the Act. It was, therefore, decided to extend the said time limit up to 31st December 1980. Hence, the Tamil Nadu Debt Relief (Amendment) Ordinance, 1980 (Tamil Nadu Ordinance 11 of 1980) was promulgated by the Governor.² The Bill seeks to replace the above Ordinance. Statement of Objects and Reasons - Tamil Nadu Debt Relief (Second Amendment) Act, 1981 (Tamil Nadu Act 48 of 1981). - It has been represented to the Government that the time limit allowed for filing applications by debtors under sections 5 and 6 of the Tamil Nadu Debt Relief Act, 1980 (Tamil Nadu Act 13 of 1980) as amended by the Tamil Nadu Debt Relief (Amendment) Act, 1981 (Tamil Nadu Act 10 of 1981) has not been adequate, and that more time should be given to enable debtors to seek relief under the Act. It appears that the people in rural areas are not fully aware of the time limit within which they have to make applications to the Tahsildars for seeking relief under the Tamil Nadu Debt Relief Act, 1980 (Tamil Nadu Act 13 of 1980). Hence, the Government have decided to extend the said time limit up to the 30th day of June

1981.2. The Bill seeks to give effect to the above decision. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 12th August 1981. Statement of Objects and Reasons - Tamil Nadu Debt Relief (Amendment) Act, 1982 (Tamil Nadu Act 12 of 1982). - The time limit allowed for filing applications by debtors under sections 5 and 6 of the Tamil Nadu Debt Relief Act, 1980 (Tamil Nadu Act 13 of 1980) as amended by the Tamil Nadu Act 48 of 1981 was found to be not adequate. It was felt that more time should be given to enable debtors to seek relief under the Act. In the circumstances, the Government decided to extend the time limit up to the 31st day of March 1982. Accordingly, the Tamil Nadu Debt Relief (Third Amendment) Ordinance, 1981 (Tamil Nadu Ordinance 17 of 1981) was promulgated. 2. The Bill seeks to replace the said Ordinance. Published in Part IV-Section 1 of the Tamil Nadu Government Gazette Extraordinary, dated the 5th February 1982. Received the assent of the President on the 19th April 1980, and first published in the Tamil Nadu Government Gazette Extraordinary, dated the 19th April 1980. An Act to provide for the relief of certain indebted persons in the State of Tamil Nadu Whereas it is expedient to provide relief to certain indebted persons in the State of Tamil Nadu from the usurious practices of pawnbrokers, money-lenders and other non-institutional sources of credit and to give relief from the debts due to such pawnbrokers, money-lenders and other non-institutional sources of credit; Be it enacted by the Legislature of the State of Tamil Nadu in the Thirty-first Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Tamil Nadu Debt Relief Act, 1980. (2) It extends to the whole of the State of Tamil Nadu. (3) It shall come into force at once.

2. Declaration.

- It is hereby declared that this Act is for giving effect to the policy of the State towards securing the principles specified [in clauses (b) and (c) of Article 39] [These words, brackets, letters and figures were substituted for the words and figures 'in Article 46' by section 2 of the Tamil Nadu Debt Relief (Amendment) Act, 1981 (Tamil Nadu Act 10 of 1981) which was deemed to have come into force on the 19th April 1980.] of the Constitution.

3. Definitions.

- In this Act unless the context otherwise requires, - (a) "annual household income" means the aggregate of the gross annual income from all sources of all the members of a family during the year ending on the 31st December 1979; (b) "creditor" means a person from or in respect of whom the debtor has borrowed or incurred a debt and includes the heir of such person; (c) "debt" means any liability in cash or in kind, whether secured or unsecured and whether decreed or not, but does not include arrears of taxes due to the Central Government or a State Government or a local authority; (d) "debtor" means any person from whom any debt is due and whose annual household income does not exceed four thousand and eight hundred rupees: [Provided that a person shall not be deemed to be a debtor, if he or any member of his family - (i) has, in either of the two financial years, or in both the two financial years, immediately preceding the 1st day of April 1979 has been

assessed to income-tax under the Income-tax Act, 1961 (Central Act 43 of 1961) or under the income-tax law in force in any foreign country; or(ii)has, in either of the two financial years, or in both the two financial years, immediately preceding the 1st day of April 1979 has been assessed to sales tax under the [Tamil Nadu General Sales tax Act, 1959 (Tamil Nadu Act 1 of 1959)] or under the Central Sales Tax Act, 1956 (Central Act 74 of 1956); or(iii)has, in any one or more within the four half years, or in all the four half years, immediately preceding the 1st October 1979 been assessed to property or house tax in respect of buildings or lands other than agricultural lands under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the [Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958)] [This Act has been repealed and re-enacted as the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 29 of 1994).], the Cantonments Act, 1924 (Central Act II of 1924)³ or any law governing municipal or local bodies in this State or in any other State or Union territory in India, provided that the aggregate annual rental value of such buildings and lands whether let out or in the occupation of the owner is not less than rupees one thousand and two hundred.Explanation. - The annual rental value of any building or land for the purposes of proviso (iii) shall-(1)where the assessment is based on the annual rental value, be deemed to be such value;(2)where the assessment, is based on the capital value, be deemed to be five per cent of the capital value; and(3)in any other case, be deemed to be the value ascertained in the prescribed manner; or(iv)has, in any one or more within the four half years, or in all the four half years, immediately preceding the 1st October 1979, been assessed to profession tax on half-yearly income of more than one thousand and two hundred rupees derived from a profession other than agriculture under the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920), the [Chennai] [Substituted for the word 'Madras' by the City of Madras (Alteration of Name) Act, 1996 (Tamil Nadu Act 28 of 1996).] City Municipal Corporation Act, 1919 (Tamil Nadu Act IV of 1919), the Madurai City Municipal Corporation Act, 1971 (Tamil Nadu Act 15 of 1971), the [Tamil Nadu Panchayats Act, 1958 (Tamil Nadu Act XXXV of 1958)] [This Act has been repealed and re-enacted as the Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act 29 of 1994).], the [Cantonments Act, 1924 (Central Act II of 1924)] [This Act has been repealed and re-enacted as the Cantonment Act, 2003.] or any law governing Municipal or local bodies in this State or in any other State or Union territory in India.Explanation. - Proviso (iv) shall apply only to a person whose annual household income exceeds four thousand and eight hundred rupees and such person shall not be deemed to be a debtor for the purposes of this Act, or(v)whether individually or jointly owns in this State or elsewhere agricultural lands exceeding ten acres of unirrigated lands or five acres of irrigated lands (whether irrigated from a Government source or a private source).Explanation. - Where any person owns both irrigated and unirrigated lands, for the purpose of calculating under proviso (v), the extent of lands owned by him, one acre of irrigated land shall be deemed to be equal to two acres of unirrigated land; or(vi)whether individually or jointly owns in this State or elsewhere any other immovable property (other than agricultural lands), the market value of which exceeds twenty-five thousand rupees; or(vii)whether individually or jointly owns in this State or elsewhere both agricultural lands and other immovable property, the market value of both such agricultural lands and other immovable property exceeds twenty-five thousand rupees.Explanation. - For the purpose of provisos (vi) and (vii), the market value of the immovable property or both the agricultural lands

and other immovable property, as the case may be, shall be estimated to be the price, which, in the opinion of the authority prescribed in this behalf, such immovable property or both the agricultural lands and other immovable property, as the case may be, would have fetched if sold in the open market on the 19th April 1980;] [This proviso was inserted by section 3 of the Tamil Nadu Debt Relief (Amendment) Act, 1981 (Tamil Nadu Act 10 of 1981) which was deemed to have come into force on the 19th April 1980](e)"family" in relation to a person, means the individual, the wife or husband, as the case may be, of such individual and their unmarried minor children.Explanation. - For the purpose of this clause, "minor" means a person who has not completed his or her age of eighteen years;(f)"interest" means any amount or other thing paid or payable in excess of the principal sum borrowed or pecuniary obligation incurred; or where anything has been borrowed in kind, in excess of what has been so borrowed, by whatsoever name such amount or thing may be called, and whether the same is paid or payable entirely in cash or entirely in kind or partly in cash and partly in kind and whether the same is expressly mentioned or not in the document or contract, if any;(g)"person" means an individual or a family;(h)"Tahsildar" includes a Deputy Tahsildar in independent charge of a taluk or sub-taluk and any other officer of the Revenue Department not below the rank of a Deputy Tahsildar empowered by the State Government to exercise the powers and perform the functions of a Tahsildar under this Act;(i)"transferee of the creditor" means any person (including an institution referred to in clause (h) of section 12) to whom-(i)the creditor has pledged the movable property pledged to him, by the debtor and includes any subsequent transferee to whom such transferee has pledged such movable property and also includes any person in possession of the property pledged;(ii)the creditor has transferred or otherwise assigned his interest in the property mortgaged by the debtor and includes any subsequent transferee to whom such transferee has transferred or otherwise assigned his interest in the property mortgaged and also includes any person in possession of the property mortgaged.

4. Relief from indebtedness.

- Notwithstanding anything contained in the Tamil Nadu Agriculturists Relief Act, 1938 (Tamil Nadu Act IV of 1938), the Tamil Nadu Pawnbrokers Act, 1943 (Tamil Nadu Act XXIII of 1943), the Tamil Nadu Money-lenders Act, 1957 (Tamil Nadu Act XXVI of 1957), the Tamil Nadu Debt Relief Act, 1972 (Tamil Nadu Act 38 of 1972), the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976), the Tamil Nadu Debt Relief Act, 1979 (Tamil Nadu Act 40 of 1979), or in any other law for the time being in force or in any contract of instrument having force by virtue of any such law and save as otherwise expressly provided in this Act, and in particular sub-section (2), with effect on and from the commencement of this Act,-(a)every debt advanced or incurred before the first day of January, 1980 (including interest, if any) and payable by the debtor to the creditor shall be deemed to be wholly discharged;(b)no Civil Court shall entertain any suit or other proceeding against the debtor for the recovery of any amount of such debt (including interest, if any):Provided that where any suit or other proceeding is instituted jointly against the debtor and any other person, nothing in this section shall apply, to the maintainability of such suit or proceeding insofar as it relates to such other person;(c)all suits and other proceedings (including appeals, revisions, attachments or execution proceedings) pending at the commencement of this Act against any debtor for the recovery of any such debt (including interest, if any) shall abate:Provided that nothing in this clause shall apply to the sale, in respect of any such debt, of-(i)any movable property held and concluded

before the commencement of this Act;(ii)any immovable property confirmed before such commencement;(d)every debtor undergoing detention in a civil prison in execution of any decree for money passed against him by a Civil Court in respect of any such debt (including interest, if any) shall be released;(e)every movable property pledged by a debtor shall stand released in favour of such debtor and the creditor shall be bound to return the same to the debtor forthwith;(f)every mortgage executed by the debtor in favour of the creditor shall stand redeemed and the mortgaged property shall be released in favour of such debtor.Explanation. - Nothing in this section shall be construed as entitling any debtor for refund of any part of any debt repaid or interest paid already by him or recovered from him before the commencement of this Act.(2)Nothing contained in this Act shall apply to any debtor who is entitled to the benefits of the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976) only insofar as any debt to which that Act applies, is concerned.

5. Debtors to make application for the return of the movable property pledged by them.

(1)(a)Every debtor referred to in clause (e) of sub-section (1) of section 4 shall make an application in such form and containing such particulars as may be prescribed to the Tahsildar having jurisdiction over the area where his creditor has his ordinary place of business for an order for the return of the movable property pledged by the debtor.(b)Every such application shall be,-(i)supported by an affidavit, which shall be in such form and be sworn or affirmed before such officer or authority as may be prescribed and which shall state that the debtor is entitled to relief under section 4; and(ii)accompanied by a certificate from the prescribed authority as to the annual household income of such debtor.(c)Every such application shall be made on or before the [30th day of June 1982] [This expression was substituted for the expression 'the 30th day of September 1981' by section 3(i)(a) of the Tamil Nadu Debt Relief (Amendment) Act, 1982 (Tamil Nadu Act 12 of 1982), which was deemed to have come into force on the 30th day of September 1981. Earlier, for the expressions 'before the expiry of the period of six months from the date of the commencement of this Act', 'the 31st day of December 1980', the expressions 'on or before the 31st day of December 1980', 'the 30th day of September 1981' were substituted by section 5(i)(a) of the Tamil Nadu Debt Relief (Amendment) Act, 1981 (Tamil Nadu Act 10 of 1981), which was deemed to have come into force on the 19th April 1980 and by section 3(i)(a) of the Tamil Nadu Debt Relief (Second Amendment) Act, 1981 (Tamil Nadu Act 48 of 1981) which was deemed to have come into force on the 31st day of December 1980, respectively.]:Provided that the Tahsildar may, in his discretion, allow further time not exceeding one month for making any such application, if he is satisfied that the debtor had sufficient cause for not making the application in time, but no application shall be made [after the 31st day of July 1982] [This expression was substituted for the expression 'the 30th day of September 1981' by section 3(i)(a) of the Tamil Nadu Debt Relief (Amendment) Act, 1982 (Tamil Nadu Act 12 of 1982), which was deemed to have come into force on the 30th day of September 1981. Earlier, for the expressions 'before the expiry of the period of six months from the date of the commencement of this Act', 'the 31st day of December 1980', the expressions 'on or before the 31st day of December 1980', 'the 30th day of September 1981' were substituted by section 5(i)(a) of the Tamil Nadu Debt Relief (Amendment) Act, 1981 (Tamil Nadu Act 10 of 1981), which was deemed to have come into force on the 19th April 1980 and by section 3(i)(a) of the Tamil Nadu Debt Relief (Second Amendment) Act, 1981 (Tamil Nadu Act 48 of 1981) which was deemed to have

come into force on the 31st day of December 1980, respectively.].(2)(a)On receipt of an application under sub-section (1), the Tahsildar, after giving a reasonable opportunity to the creditor concerned and the debtor to make their representations and if he is satisfied,-(i)that the debtor is entitled to relief under section 4, shall pass an order for the return of the movable property pledged by the debtor and direct the creditor to produce on or before the date specified in the order, the movable property pledged by such debtor with the creditor; or(ii)that the debtor is not entitled to relief under section 4, shall pass an order dismissing the application:Provided that the Tahsildar may, if he deems fit, hold a summary enquiry before passing an order under this sub-section.(b)An order under clause (a) shall be communicated to the creditor concerned and the debtor within such period as may be prescribed.(3)(a)The Tahsildar shall, as soon as may be, [after the 31st day of July 1982] [This expression was substituted for the expression '31st day of October 1981' by section 2(ii) of the Tamil Nadu Debt Relief (Amendment) Act, 1982 (Tamil Nadu Act 2 of 1982) which was deemed to have come into force on the 30th day of September 1981. Earlier, for the expressions 'after the expiry of seven months from the date of the commencement of this Act', 'the 31st day of January 1981', the expressions 'after the 31st day of January 1981', 'the 31st day of October 1981' were substituted by section 4(ii) of the Tamil Nadu Debt Relief (Amendment) Act, 1981 (Tamil Nadu Act 10 of 1981) and by section 2(ii) of the Tamil Nadu Debt Relief (Second Amendment) Act, 1981 (Tamil Nadu Act 48 of 1981).] publish in such form and in such manner as may be prescribed a list of debtors who have made applications under sub-section (1).(b)Upon publication under clause (a) of the list of debtors, it shall be lawful for the creditors to dispose of in accordance with the provisions of the Tamil Nadu Pawnbrokers Act, 1943 (Tamil Nadu Act XXIII of 1943) or any other law for the time being in force relating to the sale of pledged articles the movable properties pledged with the creditors by persons other than those whose names are published in the list referred to in clause (a).(c)Where the Tahsildar has passed an order under sub-section (2) dismissing any application, the creditor may, subject to the provisions of sub-section (3) of section 8, dispose of in accordance with the provisions of the Tamil Nadu Pawnbrokers Act, 1943 (Tamil Nadu Act XXIII of 1943) or any other law for the time being in force relating to the sale of pledged articles, the movable property for the return of which the said application was made.(d)Where any debtor referred to in clause (e) of sub-section (1) of section 4, has not made any application in accordance with the provisions of, and within the time specified in, sub-section (1), then, such debtor shall not be entitled to relief under this Act.(4)Where the movable property pledged by the debtor is in the possession of any transferee of the creditor, the creditor shall redeem the said property from such transferee and produce it on or before the date specified in the order referred to in sub-section (2).(5)If the creditor fails to produce the movable property as directed in the order under sub-section (2),-(a)the Tahsildar may, with the previous approval of the Revenue Divisional Officer concerned, enter any premises of the creditor or of the transferee of the creditor [other than an institution referred to in clause (h) of section 12] search and seize the said property; and(b)where the movable property is in the possession of any of the institutions referred to in clause (h) of section 12, the Tahsildar shall,-(i)by an order, direct the said institution to deposit, on or before the date specified in the order, the movable property with the Tahsildar together with a statement specifying the amount due to the said institution in respect of the said property and simultaneously issue a certificate to the said institution to the effect that the amount due to the said institution in respect of the said property shall be recovered from the creditor as if it were an arrear of land revenue and paid to the said institution; and(ii)on the said institution depositing the said property, with the Tahsildar, acknowledge in writing the receipt of the

movable property and proceed to recover from the creditor such amount as is due to the said institution in respect of the said property as if it were an arrear of land revenue, and on such recovery, pay the same to the said institution.(6)After such production or recovery or deposit of the movable property pledged, the Tahsildar shall deliver the said property to the debtor.(7)Pending the passing of an order under sub-section (2) in respect of an application made under sub-section (1), no creditor or the transferee of the creditor shall sell or pledge or otherwise dispose of any movable property pledged by the debtor.(8)Notwithstanding anything contained in sub-section (5) or in the Tamil Nadu Pawnbrokers Act, 1943 (Tamil Nadu Act XXIII of 1943), the Tahsildar-(a)may, with the previous approval in writing of the Revenue Divisional Officer concerned, enter any premises of the creditor or of the transferee of the creditor [other than an institution referred to in clause (h) of section 12] and search and seize the movable properties pledged by debtors and arrange for their safe custody;(b)shall proceed to determine which of the movable properties so seized are to be released to the debtors and pass orders accordingly.(9)The Revenue Divisional Officer shall not give his approval under sub-section (5) and sub-section (8) unless he is of opinion that there is sufficient cause for effecting search and seizure.(10)The provisions of sections 100 and 165 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), relating to search and seizure shall, as far as may be, apply to searches and seizures under sub-sections (5) and (8).

5A. [Ban on the sale of movable properties pledged by debtors. [This section was inserted by section 5 of the Tamil Nadu Pawnbrokers and Debt Relief Laws (Amendment) Act, 1980 (Tamil Nadu Act 35 of 1980).]

- Notwithstanding anything contained in this Act or in any other law for the time being in force relating to the sale of pledged articles, where any debtor has pledged any movable property with the creditor, the creditor or the transferee of the creditor shall not sell or otherwise dispose of, in any manner whatsoever, any such movable property during the period up to and inclusive of the date of publication of the list of debtors under clause (a) of sub-section (3) of section 5 and in the case of debtors whose names are so published in the said list, the creditor or the transferee of the creditor shall not sell or otherwise dispose of, in any manner whatsoever, the movable properties pledged by such debtors until final orders (including orders on appeal) are passed on the applications made by them.]

6. Debtors to apply for release of mortgaged property.

(1)(a)Every debtor referred to in clause (f) of sub-section (1) of section 4 shall make an application in such form and containing such particulars as may be prescribed to the Tahsildar having jurisdiction over the area within which such debtor ordinarily resides for an order releasing the mortgaged property and for the grant of a certificate of redemption.(b)Every such application shall be,-(i)supported by an affidavit, which shall be in such form and be sworn or affirmed before such officer or authority as may be prescribed and which shall state that the debtor is entitled to relief under section 4; and(ii)accompanied by a certificate from the prescribed authority as to the annual household income of such debtor.(c)Every such application shall be made [on or before the 30th day of June 1982] [This expression was substituted for the expression 'the 31st day of October 1981' by

section 3(i)(b) of the Tamil Nadu Debt Relief (Amendment) Act, 1982 (Tamil Nadu Act 12 of 1982). Earlier, for the expressions 'after the expiry of seven months from the date of the commencement of this Act', 'the 31st day of January 1981', the expressions 'after the 31st day of January 1981', 'the 31st day of October 1981' by section 5(i)(b) of the Tamil Nadu Debt Relief (Amendment) Act, 1981 (Tamil Nadu Act 10 of 1981) and by section 3(i)(b) of the Tamil Nadu Debt Relief (Second Amendment) Act, 1981 (Tamil Nadu Act 48 of 1981), respectively.]: Provided that the Tahsildar may, in his discretion, allow further time not exceeding one month for making any such application, if he is satisfied, that the debtor had sufficient cause for not making the application in time, but no application shall be made [after the 31st day of July 1982] [This expression was substituted for the expression 'the 31st day of October 1981' by section 3(i)(b) of the Tamil Nadu Debt Relief (Amendment) Act, 1982 (Tamil Nadu Act 12 of 1982). [Earlier, for the expression 'after the expiry of seven months from the date of the commencement of this Act', 'the 31st day of January 1981', the expression 'after the 31st day of January', 'the 31st day of October' by section 5(i)(b) of the Tamil Nadu Debt Relief (Amendment) Act 1981 (Tamil Nadu Act 10 of 1981) and by section 3(i)(b) of the Tamil Nadu Debt Relief (Second Amendment) Act, 1981 (Tamil Nadu Act 48 of 1981), respectively]. (2)(a) On receipt of an application under sub-section (1), the Tahsildar, after giving a reasonable opportunity to the creditor concerned and the debtor to make their representations and if he is satisfied—(i) that the debtor is entitled to relief under section 4, shall pass an order releasing the mortgaged property and grant a certificate of redemption in the prescribed form which shall be admissible as evidence of such redemption in any proceeding before any Court or other authority; or (ii) that the debtor is not entitled to relief under section 4, shall pass an order dismissing the application: Provided that the Tahsildar may, if he deems fit, hold a summary enquiry before passing an order under this clause. (b) An order under this clause shall be communicated to the creditor concerned and the debtor within such period as may be prescribed. (3)(a) The Tahsildar shall, as soon as may be, [after the 31st day of July 1982] [This expression was substituted for the expression 'the 31st day of October 1981' by section 3(ii) of the Tamil Nadu Debt Relief (Amendment) Act 1982 (Tamil Nadu Act 12 of 1982) [Earlier for the expression 'after the expiry of seven months from the date of the commencement of this Act', 'the 31st day of January 1981', the expression 'after the 31st day of January 1981', 'the 31st day of October 1981' were substituted by section 5(ii) of the Tamil Nadu Debt Relief (Amendment) Act, 1981 (Tamil Nadu Act 10 of 1981) and by section 3(ii) of the Tamil Nadu Debt Relief (Second Amendment) Act 1981 (Tamil Nadu Act 48 of 1981, respectively)]]], publish in such form and in such manner as may be prescribed a list of debtors who have made applications under sub-section (1). (b) Where any debtor referred to in clause (f) of sub-section (1) of section 4 has not made any application in accordance with the provisions of, and within the time specified in, sub-section (1), then, such debtor shall not be entitled to relief under this Act. (4) Pending orders under sub-section (2), no creditor or the transferee of the creditor shall transfer or otherwise assign his interest in, or exercise his right of foreclosure in respect of, the property mortgaged by the debtor. (5) Where the mortgaged property has been transferred or any right therein has been assigned to any of the institutions referred to in clause (h) of section 12 by the creditor, the Tahsildar shall recover from the creditor such amount as is due to such institution in respect of the said mortgaged property, as if it were an arrear of land revenue, and shall pay the same to the said institution.

7. Finality of orders passed under this Act.

- Every order of the Tahsildar under section 5 or section 6 shall, subject to appeal under section 8, be final and shall not be called in question in any Court.

8. Appeal.

(1) Any person aggrieved by an order made by the Tahsildar under this Act may, within such period and in such manner as may be prescribed, appeal to such authority as may be specified by the State Government in this behalf. (2) In deciding the appeal, the authority specified under sub-section (1) shall follow such procedure as may be prescribed and the decision of such authority on such appeal shall be final and shall not be called in question in any Court. (3) Pending disposal of an appeal under this section in respect of an order made by the Tahsildar, - (a) under section 5, any movable property pledged by any debtor who is a party to such appeal shall not be either returned or disposed of under this Act; and (b) under section 6, - (i) the Tahsildar shall not order the release of the mortgaged property or grant a certificate of redemption; and (ii) the creditor or the transferee of the creditor shall not transfer, or otherwise assign his interest in, or exercise his right of foreclosure in respect of, the property mortgaged by the debtor.

9. Legal practitioner not to appear.

- No party to any proceeding under this Act shall be entitled to be represented by a legal practitioner. Explanation. - In this section, "legal practitioner" shall have the meaning assigned to it in section 2 of the Advocates Act, 1961 (Central Act 25 of 1961).

10. Penalty.

(1) Any person failing to furnish the statement under section 5 or to comply with the order made or direction given under section 5 or section 6 or filing false affidavit under section 5 or section 6 or otherwise contravening the provisions of either of the said sections shall be liable to imprisonment for a term which shall not be less than three months but which may extend to one year and with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees. (2) Every offence punishable under sub-section (1) shall be cognizable. (3) Every offence punishable under sub-section (1) shall be tried in a summary way and the provisions of sections 262 to 265 (both inclusive) of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) shall, as far as may be, apply to such trial.

11. Offences by companies.

(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that nothing

contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.(2)Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.Explanation. - For the purpose of this section-(a)"company" means any body corporate and includes a firm or other association of individuals; and(b)"director" in relation to a firm, means a partner in the firm.

12. Certain debts and liabilities not to be affected.

- Nothing in this Act shall apply to the following categories of debts and liabilities of a debtor, namely:-(a)any rent due in respect of any property including agricultural land let out to a debtor;(b)any amount recoverable as arrears of land revenue;(c)(i)any revenue, tax or cess payable to the State Government or any other sum due to them, by way of loan or otherwise;(ii)any revenue, tax or cess payable to the Central Government or any other sum due to them, by way of loan or otherwise;(iii)any tax or cess payable to any local authority or any other sum due to them, by way of loan or otherwise;(d)any liability arising out of breach of trust or any tortious liability;(e)any liability in respect of wages or remuneration due as salary or otherwise for services rendered;(f)any liability in respect of maintenance whether under a decree of a Court or otherwise;(g)a debt due to-(i)the Central Government or any State Government,(ii)any local authority;(h)save as otherwise provided in this Act, any liability in respect of any sum due to-(i)(A)any banking company to which the Banking Regulation Act, 1949 (Central Act 10 of 1949) applies;(B)the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955);(C)any subsidiary bank as defined in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 (Central Act 38 of 1959);(D)any corresponding new bank as defined in clause (d) of section 2 of the Banking Companies Acquisition and Transfer of Undertakings Act, 1970 (Central Act 5 of 1970);(DD)[any corresponding new bank as defined in clause (b) of section 2 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Central Act 40 of 1980);] [This was added by section 6(a) of the Tamil Nadu Debt Relief (Amendment) Act 1981 (Tamil Nadu Act 10 of 1981) which was deemed to have come into force on the 19th April, 1980](E)the Agricultural Refinance and Development Corporation, established under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act 10 of 1963);(F)any Regional Rural Bank established under the Regional Rural Banks Act, 1976 (Central Act 21 of 1976);(G)the Committee for the Administration of the Amalgamated Tamil Nadu Shares of the Post War Services Reconstruction Fund and Special Fund for Reconstruction and Rehabilitation of Ex-servicemen;(H)any other financial institution notified in this behalf by the Government in the Tamil Nadu Government Gazette;(i)any Government company within the meaning of the Companies Act, 1956 (Central Act 1 of 1956);(i)any debt which represents the price of property whether movable or immovable purchased by a debtor or any amount due under a hire purchase agreement;(ii)any company which is declared to be a Nidhi or Mutual Benefit Society under sub-section (1) of section 620-A of the Companies Act, 1956 (Central Act 1 of 1956);(iii)any corporation owned or controlled by the Central Government or any

State Government;(iv)the Life Insurance Corporation of India;(v)any co-operative society including a land development bank, registered or deemed to be registered under the [Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961)] [This Act has been repealed and re-enacted as the Tamil Nadu Co-operative Societies Act, 1983 (Tamil Nadu Act 30 of 1983)];(j)any amount received by a debtor as advance for the delivery of goods at a future date;(k)any liability incurred or arising under any chit, the bye-laws of which have been registered under the [Tamil Nadu Chit Funds Act, 1961 (Tamil Nadu Act 24 of 1961)] [This Act was repealed];(l)any debt or debts payable on the 1st day of January 1980 to-(i)a widow; or(ii)a minor child both of whose parents are dead;(iii)a minor child whose father is dead; or(iv)a female person whose marriage has been dissolved by a decree of divorce or has been declared null and void, or annulled by a decree of nullity:Provided that,-(a)[the market value of the property owned by such widow, minor child or female person including the principal amount of the debt or debts so due, did not exceed twenty-five thousand rupees;] [[This clause was substituted for the following clause by section 6(b)(i) of the Tamil Nadu Debt Relief (Amendment) Act, 1981 (Tamil Nadu Act 10 of 1981) which was deemed to have come into force on the 19th April 1980.'(a) the value of the property owned by such widow child or female person on that date including the principal amount of the debt or debts so due, did not exceed ten thousand rupees']](b)the right of such widow, minor child or female person to recover the debt or debts did not arise by reason of any assignment.[Explanation. - For the purposes of clause (1), the market value of the property shall be estimated to be the price, which in the opinion of the authority prescribed in this behalf, such property would have fetched if sold in the open market on the 19th April 1980.] [This explanation was added by section 6(i)(ii) of the Tamil Nadu Debt Relief (Amendment) Act, 1981 (Tamil Nadu Act 10 of 1981) which was deemed to have come into force on the 19th April 1980]

13. Power to make rules.

(1)The Government may make rules for carrying out all or any of the purposes of this Act.(2)(a)All rules made under this Act shall be published in the Tamil Nadu Government Gazette, and unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(b)All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, shall come into force on the day on which they are so published.(3)Every rule made or notification issued under this Act shall, as soon as possible after it is made or issued, be placed on the table of [the Legislative Assembly] [Substituted for the words 'both Houses of the Legislature' by the Tamil Nadu Adaptation of Laws Order 1987], and if, before the expiry of the session in which it is so placed or the next session, [the Legislative Assembly agrees] [Substituted for the words 'both Houses agree' by the Tamil Nadu Adaptation of Laws Order, 1987] in making any modification in any such rule or notification or [the Legislative Assembly agrees] [Substituted for the words 'both Houses agree' by the Tamil Nadu Adaptation of Laws Order, 1987.] that the rule or notification should not be made or issued, the rule or notification shall, thereafter, have effect only in such modified form, or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.