

**THE TAMIL NADU MONEY-LENDERS ACT, 1957
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¹[TAMIL NADU] ACT No. XXVI OF 1957 ²

[THE ¹[TAMIL NADU] MONEY-LENDERS ACT,1957.]

(Received the assent of the Governor on the 20th December 1957; first published in the Fort.St.George Gazette on the 28th December 1957.)

An Act to regulate and control of the business of money-lenders in the

³ [State of Tamil Nadu].

WHEREAS it is expedient to make provision for the regulation and control of the business of money-lenders in the ³ [State of Tamil Nadu];

BE it enacted in the Eighth Year of the Republic of India as follows:-

- | | | |
|----|--|--|
| 1. | (1) This Act may be called the ¹ [Tamil Nadu] Money-lenders Act, 1957 | Short title,
extent and
commencement |
| | (2) It extends to the whole of the ³ [State of Tamil Nadu]. | |

(3) It shall come into force in any area on such date as the Government may be notification specify which date shall not be earlier that the expiry of one month from the publication of the notification, and the Government may cancel or modify any such notification.

1. These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969,

2. For Statement of Objects and Reasons, see Fort. St. George Gazette, Extraordinary, dated the 2nd October 1957, Part IV-A pages 93-94.

This Act was extended to the added territories by section 3 of, and the First Schedule to, the Tamil Nadu (Added Territories) Extension of Laws (No.2) Act, 1961 (Tamil Nadu Act 39 of 1961), repealing the corresponding law in force in those territories.

3. This expression was substituted for the expression “State of Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

Definitions

2. In this Act, unless the context otherwise requires-

¹[(1) 'bank' means—

(a) a banking company to which the Banking Regulation Act, 1949 (Central Act X of 1949) applies;

(b) the State Bank of India constituted under the State Bank of India Act, 1955 (Central Act 23 of 1955);

(c) a 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) a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act 5 of 1970);

(e) a Regional Rural Bank established under the Regional Rural Banks Act, 1976 (Central Act 21 of 1976);

(f) the Industrial Development Bank of India established under the Industrial Development Bank of India Act, 1964 (Central Act 18 of 1964);

(g) the Agricultural Refinance and Development Corporation established under the Agricultural Refinance and Development Corporation Act, 1963 (Central Act 10 of 1963);

(h) the Life Insurance Corporation of India established under the Life Insurance Corporation Act, 1956 (Central Act 31 of 1956) ;

(i) the Industrial Finance Corporation of India established under the Industrial. Finance Corporation Act, 1948 (Central Act XV of 1948) ;

(j) the Tamil Nadu Industrial Investment Corporation Limited; and

(k) any other financial or banking Institutions notified in this behalf by the Government in the Tamil Nadu Government Gazette.

¹ Clauses (1) and (2) were substituted for original clauses (1) and (2) by section 2(i) of the Tamil Nadu Money-lenders (Amendment, Act. 1979 (Tamil Nadu Act 41 of 1979).

(1-A) "citizen of India" means a person who is a citizen of India within the meaning of Part II of the Constitution of India and the Citizenship Act, 1955 (Central Act 57 of 1955) ;

(2)"co-operative society" means a society registered or deemed to be registered under the Tamil Nadu Co-operative Societies Act, 1961 (Tamil Nadu Act 53 of 1961)

(3) 'Government' means the State Government;

(4) 'interest' includes the return to be made over and above what was actually lent, whether the same is charged or sought, to be recovered specifically by way of interest or otherwise, but does not include any sum charged by a lender in accordance with the provisions of this Act or any other law for the time being in force, for or on account of costs, charges or expenses ;

(5) 'licence' means a money-lender's licence granted under this Act;

(6) 'loan' means an advance whether of money or in kind at interest, and includes any transaction which the Court finds in substance to amount to such an advance, but does not include—

(i) a deposit of money or other property in a Government Post Office Savings Bank or in a bank, in a company as defined in the Companies Act, 1956 (Central Act I of 1956), or with a co-operative society;

(ii) an advance made by a bank or a co-operative society or an advance made from a provident fund to which the Provident Funds Act, 1925 (Central Act XIX of 1925) applies;

(iii) an advance made by Government or by any person authorized by Government to make advances in their behalf, or by any local authority;

(iv) an advance made by any authority specified by Government by notification;

(v) an advance made *bona fide* by any person carrying on any business, not having for its primary object the lending of money, if such loan is advanced in the regular course of such "Business";

(vi) an Advance made on the basis of a negotiable instrument as defined in the Negotiable instruments Act, 1881 (Central Act XXVI of 1881), exceeding [rupees ten thousand];

² [(vi-a) an advance made by any company or corporation owned or controlled by the Central Government or any State Government];

(vii) an advance made to its members by any Nidhi or Permanent Fund registered under any law in force in India ;

(viii) an advance made under any Chit Fund Scheme ;

(ix) an advance made by an agriculturist to his tenant ;

(7) a person shall be deemed to 'molest' another person if he —

(a) obstructs or uses violence to, or intimidates, such other person, or

(b) Persistently follows such other person from place to place or interferes with any property owned or used by him or deprives him of, or hinders him in the use of, any such property, or

(c) loiters at or near a house or other place where such other person resides, or works, or carries on business, or happens to be or

(d) does any act calculated to annoy or intimidate the members of the family of such other person, or

(e) moves or acts in a manner which causes or is calculated to cause alarm or danger to the person or property of such other person ;

¹ These words were substituted for the words "rupees three thousand" by section 2(ii) (a) of the Tamil Nadu Money-lenders (Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979).

² This item was inserted by section 2(ii) (b) of the Tamil Nadu Money-lenders (Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979)

(8) 'money-lender' means a person whose main or subsidiary occupation is the business of advancing and *realizing* loans, but excludes a bank or a co-operative, society.,

Explanation.—Where a person who carries on in the ¹[State of Tamil Nadu] the business of advancing and realizing loans is resident outside the ¹[State of Tamil Nadu], the agent of such person resident in the ¹[State of Tamil Nadu] shall be, deemed to be the money-lender in respect of that business for the purposes of this Act.

(9) 'principal' in relation to a loan means the amount actually lent to the debtor;

(10) 'year' means the financial year.

3. (1) No person shall, on and after the date on which the provisions of this Act are brought into force in any area carry on, or continue to carry on, business as a money-lender at any place in such area, except under and in accordance with the terms of licence

Money-lender
to obtain
licence.

(2) Where a money-lender has more than one shop or place of business, whether in the same town or village or in different towns or villages he shall obtain a separate licence in respect of each such shop or place of business.

(3) (a) Where a money-lender is a registered firm the licence shall be obtained in the firm's name.

(b) Where a money-lender is an undivided Hindu family,, the licence shall be obtained in the name of the manager, or the karnavan or the yajaman, as the case may be, described as such in the licence.

(c) Where a money-lender is any other association of individuals, not required to be registered under the Companies Act, 1956 (Central Act I of 1956) a separate licence shall be obtained by each such individual in his name describing himself as a member of the association;

Provided that nothing contained in this sub-section shall affect the operation of section 69 of the Indian Partnership Act, 1932 (Central Act IX of 1932).

1.This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (second Amendment) Order, 1969.

Grant and
refusal of
licence

4. (I) Every application for a money-lender's licence shall be in writing and shall be made to the licensing authority prescribed under this Act:

Provided that a person under the age of eighteen years shall be eligible to apply for a licence only through a guardian :

Provided further that if any person acting as a guardian on behalf of a minor applies for, and obtains, a licence under this Act, such guardian shall be subject to all the provisions of this Act as if the licence has been granted to himself.

(2) Every licence shall be, granted in such form and subject to such conditions as may be prescribed including conditions as to payment of licence fees not exceeding one hundred rupees.

(3) The licensing authority may by order in writing refuse to grant a licence if such authority is satisfied—

(a) that the applicant has not complied with the provisions of this Act or the rules made thereunder in respect of an application for the grant of a licence; or

(b) that the applicant has made wilful default *in* complying with or knowingly acted in contravention of any requirement of this Act ; or

(c) that the applicant has-

(i) knowingly participated in or connived at any fraud or dishonesty in the conduct of or in connection with the business of money-lending ; or,

(ii) been found, guilty of an offence under Chapter XVII or Chapter XVIII of the Indian Penal Code (Central Act XLV of 1860) ; or

(iii) been found guilty of a offence ¹ [under section 10-A or section 11] or section 13 on two or more occasions ; or

(c) that the applicant has had his licence cancelled within six months before the date of application

¹This expression was substituted for the expression "undersection11" by section 3 of the Tamil Nadu Money-lenders (Amendment Act, 1979 (Tamil Nadu Act 41 of 1979).

(4) Any person aggrieved by an order of the licensing authority under sub-section (3) may, within one month from the date of communication of such order to him, appeal to the prescribed authority.

(5) Every licence granted under this Act shall, subject to the provisions of sub-section (7), expire on the last day of the year in which it was granted.

(6) A licence granted under sub-section (2) may be renewed from year to year and the provisions of subsections (1) to (5) shall apply in relation to the renewal of a licence as they apply in relation to the grant of a licence.

(7) If orders refusing to renew a licence are not communicated to a money-lender by the licensing authority before the expiry of his current licence, the money-lender shall, notwithstanding such expiry, be deemed to have a valid licence till orders are received by him on his application for renewal.

(8) Nothing in this section shall be deemed to disentitle a money-lender, whose licence has expired or has not been renewed, from taking steps to recover any loan advanced during the period when the licence was in force.

5. No money-lender shall change his place of business without previous notice to the licensing authority and without having the address of the new place of business duly endorsed on his licence.

Change of place of business by money lender.

6. Every money-lender shall always keep exhibited over his shop or place of business his name with the word "money-lender" and its equivalent in the regional language.

Money-lenders to exhibit their names over shops

7. 1[(1) No money –lender shall charge interest on any loan at a rate exceeding Interest such rate as the Government may, by notification, fix from time to time

Interest and charges allowed to money lenders.

Provided that the rate of interest as may be fixed by the Government shall be correlated to the current bank rates of lending as may be fixed by the Reserve Bank of India, from time to time.]

1. This sub-section was substituted for the original sub-section (1) by section 4 of the Tamil Nadu Money-lenders (Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979)

(2) A money-lender may demand and take from the debtor such charges and in such cases, as may be prescribed.

(3) A money-lender shall not demand or take from the debtor any interest, profit or other sum what so-ever in excess of that payable under sub-section (1).

8. (1) Where a money-lender refuses to accept 'the whole or any portion of the money or other property due in respect of his loan, the debtor may deposit the said money or property into the Court having jurisdiction to entertain a suit for recovery of such loan and apply to the Court to record full or part-satisfaction of the loan as the case may be.

(2) Where any such application is made, the Court shall, after due inquiry, pass orders recording full or part-satisfaction of the loan, as the case may be.

(3) The procedure laid down in the Code of Civil Procedure, 1908 (Central Act V of 1908), for the trial of suits shall, as far as may be, apply to applications under this section.

(4) An appeal shall lie from an order passed by a Court under sub-section (2) as if such an order relates to the execution, discharge or satisfaction of a decree within the meaning of section 47 of the Code of Civil Procedure, 1908 (Central Act V of 1908).

9. (1) Every money-lender shall—

(a) regularly record and maintain or cause to be recorded and maintained, an account showing for each debtor separately-

(i) the date of the loan, the amount of the principal of the loan, the rate of interest charged on the loan and the nature of security taken, if any ; and

(ii) the amount of every payment received by the money-lender in respect of the loan, and the date of such payment;

(b) give to the debtor or his agent a receipt for every amount paid by him, duly signed and if necessary, stamped at the time of such payment;

Power to
deposit in
Court money
due on loan

**Money-
lender to
keep books,
give
receipts, etc.**

(c) on requisition in writing made by the debtor furnish to him, or, if he so requires, to any person mentioned by him in that behalf in his requisition a statement of account signed by himself or his agent, showing the particulars referred to in clause (a) and also the amount which remains outstanding on account of the principal and of Interest and charge such fee therefore as the Government May prescribe;

Provided that no such statement shall be required to be furnished to a debtor if he is supplied by the money-lender with a pass-book in the prescribed form containing an up-to-date account of the Money-lender's transactions with the debtor ; and

(d) submit such returns relating to the loans advanced by him to the Inspector concerned, in such form and at such times as may be prescribed.

(2) All records or entries made in the books, accounts and documents referred to in sub-section (1) shall be in such language as may be prescribed in respect of any area.

(3) A debtor to whom a statement of account has been furnished under clause (c) of sub-section (1) and who fails to object to the correctness of the account shall not by such failure alone be deemed to have admitted the correctness of such account.

(4) In the receipt to be given under clause (b) or sub section (1) or in the statement of account to be furnished under clause (c) of that sub-section, the figures shall be entered only in Arabic numerals.

(5) In any suit or proceeding relating to a loan, if the Court finds that a money-lender has not maintained an account as required by clause (a) of sub-section (1), he shall not be allowed his cost.

(6) If any money-lender fails to give the debtor or his agent a receipt as required by clause (b) of sub-section (1) or to furnish on a requisition made under clause(c) of that subsection a statement of account as required therein within one month after such requisition has been made, he shall not be entitled to any interest for the period of his default.

(7) Notwithstanding any agreement between the parties or any law for the time being in force, when a statement is furnished to a debtor under this section on any day during a month, the interest due shall be calculated as payable for the entire month irrespective of the fact that such statement is furnished on any such day.

10. (1) The Government or any authority or officer empowered by them may, by notification, appoint one or more persons to be Inspectors for the purposes of this Act and specify in such notification the local limits of their jurisdiction.

Appointment
of Inspectors
and their
powers.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section. 21 of the Indian Penal Code (Central Act XLV of 1860).

(3) (a) ¹[A District Magistrate, an Additional District Magistrate or a Sub-Divisional Magistrate] may, on receiving a report from an Inspector that a person carries on without a licence or that a money-lender carries on in contravention of the provisions of this Act or the conditioner of the licence granted thereunder the business of money-lending at any place within the jurisdiction of such Magistrate, issue a warrant empowering the Inspector to enter such place with such assistants as he considers necessary and inspect the books, accounts, records, files, documents, ²[securities, safes and Vaults] in such premises. On receiving such warrant, the Inspector may enter the place and inspect the books, accounts, records., files, documents, ²[securities, safes and vaults] in such premises and may take to his office for further investigation such books, accounts, records, files ³[documents and securities], as he considers necessary ;

Provided that if the Inspector removes from the premises any books, account, records, files ³[documents

¹These words were substituted for the words "A Magistrate of the first class in the Mufassal or a Presidency Magistrate in the Presidency town " by section 5(i) of the Tamil Nadu Money-lenders (Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979).

²These words were substituted for the words "safes, vaults and pledges " by section 5(ii) of the Tamil Nadu Money-lenders (Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979).

³These words were substituted for the words "and documents" by section 5(iii) of the Tamil Nadu Money-lenders (Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979).

and securities] he shall give to the person in charge of the place, a receipt describing the books, accounts, records, files [documents and securities] so removed by him:

Provided further, that within twenty-four hour of the removal of the books, accounts, records, files ² [documents and securities] from the premises, the Inspector shall either return them to the person from whose custody they were removed or produce them in the, Court of the Magistrate who issued the warrant.. Such Magistrate may return the books accounts records, files ¹ [documents and securities] or any of them to the person from whose custody they were removed by the Inspector, after taking from such person such security as the Magistrate considers necessary for the production of the books, accounts, records, files ² [documents and securities], when required whether by the Inspector or by the Court or may pass such other orders as to their disposal as appear just and convenient to the Magistrate.

(b) An Inspector shall have authority to require any, person whose testimony he may require regarding any loan or any money lending business, to attend before him or to produce or cause to be produced any document and to examine such person on oath.

(4) An Inspector may apply for assistance to an officer- in-charge of a police station and take police officers to accompany and assist the Inspector in performing his duties under this Act.

¹[10-A No money-lender, whether licenced or not, shall take from a debtor or an intending borrower any note, promise to pay, acknowledgement, power of attorney, bond, security or other document which does not state the actual amount of the loan, the rate of interest charged and the time, if any, within which the principal is stipulated to be repaid in full, or which states any of such particulars incorrectly, nor shall he take from any debtor or an intending borrower any document in which any entry is left blank for completion at a later date.

¹ These words were substituted for the words "and documents" by section 5[iii] of the Tamil Nadu Money-Lenders (Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979).

² This section was inserted by section 6 of the Tamil Nadu Money-lenders (Amendment) Act, 1979 (Tamil Nadu Act,41 of 1979).

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(3) Notwithstanding anything contained in section 21 or in any other law for the time being in force, any note, promise to pay, acknowledgement, power of attorney, bond, security, or other document referred to in sub-section (1) shall be void and unenforceable.]

11. ¹(1) Any money-lender whether licensed or not-

(a) who actually advances an, amount less than the amount shown in his accounts or register or other document relating to the loan, or

(b) who takes or receives interest or any other charge at a rate higher than the rate shown in the accounts, registers or documents aforesaid or allowed under this Act,

shall be punished with imprisonment for a term not exceeding six months but not less than three months;

Provided that the Court may, in addition to such imprisonment, impose fine which may extend to one thousand rupees.

(1-A) Notwithstanding anything contained in the Indian Evidence Act, 1872 (Central Act I of 1872), or in any other law for the time being in force, in any suit by or against a money-lender, whether licensed or not, or in any prosecution or other proceeding in a Court, the burden of proving that the money-lender had actually advanced to the debtor the amount specified in--

(a) any document relating to the loan; or

(b) the accounts or registers of such money-lender, shall be on the money-lender.];

(2) If a money-lender is convicted of an offence ²[under section 10-A or under this section], the Court convicting him may cancel his licence as a money-lender.

¹Sub-Sections (1) and (1-A) were substituting for original sub-section 7(1) by section 7 (i) of the Tamil Nadu Money-lenders Amendment) Act 1979. (Tamil Nadu Act, 41 of 1979)

²This expression was substituted for the expression "under sub-section (1)" by 7(ii) of the Tamil Nadu Money-lenders Amendment Act, 1979(Tamil Nadu Act 41 of 1979)).

Money-lender advancing smaller amount or securing higher interest than that specified in the accounts etc. to be punishable.

12. No court shall take cognizance of an offence punishable under this Act or the rules made thereunder except on a complaint in writing made by any prescribed authority. Cognizance of offences

¹[12-A Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), an offence under section 18-A shall be deemed to be cognizable offences within the meaning of that Code]. Offences under section 18-A to be cognizable.

² [13..Whoever molests or abets the molestation of any debtor for the recovery of any loan shall be punished with imprisonment for a term not exceeding six months but not less than three months: Penalty for molestation

Provided that the court may, in addition to such imprisonment, impose fine which may extend to one thousand rupees.] of debtor

14. (1) The licensing authority may, at any time, during the term of any licence, cancel it by an order in writing – Power to or

(a) if the licensee carries on the business in contravention of any of the provisions of this Act or the rules made thereunder or of the conditions of the licence, or ⁴[cancel or suspend] licences, etc.

(b) if any reason for which the licencing authority could have refused to grant the licence to the money-lender under sub-section (3) of section (4), is brought to the notice of that authority after the grant of the licence or

(c) if the licensee is convicted for an offence ³[under section 10-A or section 13, or

(d) if the licensee maintains false accounts or is found to molest or abet the molestation of any debtor for the recovery of any debt.

(2) Before cancelling a licence under sub-section (1), the licensing authority shall give the licensee a notice in writing stating the grounds on which it is proposed to take action and requiring him to show cause against it within such time as may be specified in the notice.

¹. This section was inserted by section 8 of the Tamil Nadu Money-lenders (Amendment) Act, 1979. (Tamil Nadu Act 41 of 1979).

². This section was substituted for original section 13, by section 9 of the Tamil Nadu Money-lenders (Amendment) Act 1979 (Tamil Nadu Act 41 of 1979).

³ This expression was substituted for the expression "under section 11" by section 10 of the Tamil Nadu Money-lenders (Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979).

⁴. This expression was substituted for the expression "cancel licences" by section 2 of the Tamil Nadu Money-lenders (Amendment) Act, 1982.

(*) (2-A) Notwithstanding anything contained in sub-section (1) or sub-section (2), where in the opinion of the licensing authority any licence granted under this Act is liable to be cancelled under sub-section (1), the licensing authority may, pending cancellation of the licence under sub-section (1) and for reasons to be recorded in writing, suspend any licence granted under this Act and in such a case, no show cause notice is necessary.

(3) Any person aggrieved by an order of the licensing authority cancelling a licence may, within one month of the date of communication of such order to him, appeal to the prescribed authority.

Publication of order of cancellation (*) or suspension.

15. Every order of cancellation (*) or suspension of a licence under this Act shall be notified in the District Gazette and also on the notice board of the office of the licensing authority.

No compensation for (*)cancellation or suspension of licence.

16. A person whose licence is (*)cancelled or suspended under section 14 ¹[or is deemed to have been cancelled under sub-section (2) of section 18-A] shall not be entitled to any compensation in respect of (*)such cancellation or suspension to the refund of any fee paid in respect of such licence.

Penalty for carrying on business without licence.

17. Whoever carries on the business of money-lending without a licence or otherwise than in conformity with the terms and conditions of a licence shall be punished with fine which may extend to one thousand rupees:

Provided that a person shall not be deemed to carry on the business of money-lending without a licence, if he had ceased to carry on the business of money-lending but was taking steps to recover any loan advanced by him.

18. (1) Whoever contravenes any of the provisions of this Act or any rule made thereunder or of any terms or conditions of a licence granted or deemed to be granted thereunder or makes a claim or a statement which is false or which he does not believe it to be true shall, if no other penalty is elsewhere provided for in this Act for such contravention, be punished with fine which may extend to one thousand rupees.

Explanation.—The (*)cancellation or suspension of a licence under section 14 shall not be deemed to be a penalty for the purpose of this sub-section.

Penalties

(2) Where a contravention of any of the provisions of this act or of any rule made thereunder of which a person is convicted consists of an omission to do a thing, the Magistrate may, when convicting the offender; direct him to do the thing before an appointed day and may on the failure of the offender to do the thing before the said day, pass an order, whether the offender appears in Court or not on that day cancelling his licence.

¹ These words, brackets, figures and letter were inserted by section 11 of the Tamil Nadu Money-lenders (Amendment) Act 1979 (Tamil Nadu Act 41 of 1979)

(*) Inserted as per Tamil Nadu Money-lenders (Amendment) Act, 1982.

¹[18-A. (1) Notwithstanding anything contained in sections 3 and 4, no person who is not a citizen of India shall, on and from the date of publication of the Tamil Nadu Money-lenders (Amendment) Act, 1979 in the Tamil Nadu Government Gazette (hereinafter in this section referred to as the said date); carry on the business of money-lending.

Non-citizens not to carry on business of money-lending.

(2) All licences granted under this Act to any person who is not a citizen of India shall be deemed to have been cancelled on and from the said date and all transactions of money-lending carried on by such person as a money-lender, shall cease from the said date.

(3) Any person referred to in sub-section (1) who had obtained a licence for money-lending under this Act, prior to the said date may, subject to the provisions of this Act including section 21-A recover through a competent court, the loans advanced before the said date.

(4) Any person referred to in sub-section (1) who carries on the business of money-lending in contravention of the provisions of the said sub-section or recovers his dues otherwise than in accordance with the provisions of sub-section (3) shall be punished with imprisonment which may extend to one year or with fine or with both.

(5) Any court trying an offence under this section shall, unless it is proved to the contrary, presume that the accused is not a citizen of India and that he was carrying on the business of money-lending in contravention of the provisions of this section.]

19. (1) Where a licensee under this Act dies, any person claiming to be his legal representative may apply to the licensing authority for transferring in his name the licence standing in the name of the deceased.

Transfer of licence to heir

(2) Every such application shall be in such form and shall contain such particulars as may be prescribed.

¹ This section was inserted by section 12 of the Tamil Nadu Money - lenders (Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979).

(3) The licensing authority may, if he is satisfied that the applicant is in fact the legal representative of the deceased and that he is otherwise eligible to a licence under this Act, transfer the licence in the name of the applicant after obtaining from the applicant a declaration in the prescribed form.

(4) Any licence transferred under sub-section (3) shall be deemed to have been granted to the applicant himself and shall be valid for the period for which it would have been valid if the licence had not been transferred ; and the provisions of this Act shall apply accordingly.

Jurisdiction
to try
offences

¹[20. No court inferior to that of a Metropolitan Magistrate or of a Judicial Magistrate of the first class shall try any offence punishable under this Act.

Power of
court to limit
interest
recoverable
in certain
cases

20-A. Notwithstanding anything contained in any agreement or any law for the time being in force, no court shall, in respect of any loan whether advanced before or after the date of the publication of the Tamil Nadu Money-lenders (Amendment) Act, 1979, in the Tamil Nadu Government Gazette, decree on account of interest a sum greater than the principal of the loan due on the date of the decree.

Power of
court to
direct
payment of
decretal
amount by
instalments.

20-B. Notwithstanding anything contained in the Code of Civil Procedure, 1908 (Central Act V of 1908), the court may, at any time, on application of a judgment-debtor and after notice to the decree-holder, direct that the amount of any decree passed against him, whether before or after the date of the publication of the Tamil Nadu Money-lenders (Amendment) Act, 1979, in the Tamil Nadu Government Gazette, in respect of a loan, shall be paid in such number of installments and subject to such conditions and payable on such dates, as having regard to the circumstances of judgment-debtor and the amount of the decree, it considers fit.

Re-
opening
of
transacti
ons

20-c. Notwithstanding anything contained in any law for the time being in force, the court shall, in any suit to which this Act applies, whether heard ex-parte or otherwise-

¹Sections 20, 20-A, 20-B, 20-C and 20-D were substituted for the original section by section 20 by section 13 of Tamil Nadu money-tenders (Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979).

(b) take an account between the parties ;
 (c) reduce the amount charged to the debtor in respect of any excessive interest ;

(d) if on taking accounts it is found that the moneylender, has received, more than what is due to him, pass a decree in favour of the debtor in respect of such excess amount

Provided that in the exercise of these powers, the court shall not —

(i) reopen any adjustment or agreement purporting to close previous dealings and to create new obligations which has been entered into by the parties or any person through whom they claim at a date More than six years prior to the date of the suit ;

(ii) do anything which affects any decree of a court. ,

Explanation.—For the purpose of this section, 'excessive interest' means interest charged at a rate higher than that fixed by the Government under sub-section (1) of section 7.

20-D (1) Any debtor may make an application at any time to the court, whether the loan to which the suit relates has or has not become payable, for taking accounts and for declaring the amount due to the money-lender. Such application shall be in the prescribed form and accompanied by the prescribed fee.

Inquiry for taking accounts and declaring the amount due.

(2) On receipt of such application, the court shall cause a notice of the application to be given to the money-lender.

(3) On the date fixed for the hearing of the application or on such date to which the hearing may be adjourned from time to time, the court shall make an inquiry and shall after taking an account of the transactions between the parties pass an order declaring the amount, if any, still payable by the debtor to the money-lender, in respect of the principal and interest, if any].

21.¹[Subject to the provisions of sub-section (3) of section 10A, where a money-lender] is guilty of an offence punishable under this Act any contract made by him in relation to his business of money-lending shall not be void by reason only of that offence nor shall he, by reason only of that offence, lose his right to the loan and the interest and other charges, if any, payable in respect thereof.

¹ This expression was substituted for the words "Where a money-lender" by section 14 of the Tamil Nadu Money-Lenders (Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979).

Savings

¹[21-A. (1) Nothing in this Act shall affect, or shall be deemed to affect any of the benefits conferred on any person by any of the provisions of the Tamil Nadu Agriculturists Relief Act, 1938 (Tamil Nadu Act IV of 1938) or the Tamil Nadu Debt Relief Act, 1972 (Tamil Nadu Act 38 of 1972) or the Tamil Nadu Indebted Agriculturists (Temporary Relief) Act, 1976 (President's Act 15 of 1976 or the Tamil Nadu indebted Persons (Temporary Relief) Act, 1976 (President's Act 16 of 1976) or the Tamil Nadu Indebted Agriculturists and Indebted Persons (Special Provisions) Act, 1976 (President's Act 17 of 1976) or the Tamil Nadu Debt Relief Act, 1976 (President's Act 31 of 1976) or the Tamil Nadu Debt Relief Act, 1978 (Tamil Nadu Act 40 of 1978), notwithstanding anything to the contrary contained in this Act.

(2) Save as otherwise provided in sub-section (1), the provisions of this Act shall be in addition to, and not in derogation of, any of the Acts specified in sub-section (1), or any other law for the time being in force.]

22. (1) The State Government may, after previous publication, make rules to carry out the purposes of this Act.

Power to make rules

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed ;

(b) the form and the particulars to be contained in an application for a licence under this Act ;

(c) the terms and conditions subject to which a licence may be granted ;

(d) the form in which books, accounts and documents specified in this Act shall be recorded, maintained, kept or used ;

(e) the procedure which should be followed and the powers which may be exercised by the authorities exercising functions, holding inquiries and hearing appeals under this Act.

¹ This section was inserted by section 15 of the Tamil Nadu Money-lenders (Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979).

¹[(3) (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.

(c) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(2) 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 both Houses of the Legislature, and if, before the expiry of the session in which it is so placed or the next session, both Houses agree in making any modification in any such rule or notification or both Houses agree 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]

1. These sub-sections were substituted for original sub-section (3) by section 16 of the Tamil Nadu Money-lenders Amendment) Act, 1979 (Tamil Nadu Act 41 of 1979):

TAMIL NADU ACT NO. 51 OF 1982.*

THE TAMIL NADU MONEY-LENDERS
(AMENDMENT) ACT, 1982.

[Received the assent of the Governor on the 1st October 1982, first published in the Tamil Nadu Government Gazette on the 5th October 1982 (Purattasi 19, Thunthubi, Thiruvalluvar Aandu - 2013).]

An Act further to amend the Tamil Nadu Money-Lenders Act, 1957.

BE it enacted by the Legislature of the State of Tamil Nadu in the Thirty-third Year of the Republic of India as follows :—

1. (1) This Act may be called the Tamil Nadu Money-lenders (Amendment) Act, 1982. .

Short title and commencement

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In section 14 of the Tamil Nadu Money-lenders Act, 1957 (Tamil Nadu Act XXVI of 1957) (hereinafter referred to as the principal Act),—

Amendment of section 14, Tamil Nadu Act XXVI of 1957.

(a) in the marginal heading, for the words " cancel licences " ,the words " "cancel or suspend licences " shall be substituted ;

(b) after sub-section (2), the following sub-section shall be inserted, namely :-

Amendment of
section 15, Tamil
Nadu Act XXVI
of 1957.

"(2-A) Notwithstanding anything contained in sub-section (1) or sub-section (2), where the opinion of the licensing authority any licence granted under this Act is liable to be cancelled under sub-section (1), the licensing authority may, pending cancellation of the licence under sub-section (1) and for reasons to be recorded in writing, suspend any licence granted under this Act and in such a case, no show cause notice is necessary."

Amendment of
section 16, Tamil
Nadu Act XXVI
of 1957.

* For Statement of Objects and Reasons, see *Tamil Nadu Government Gazette Extraordinary* dated the 6th September 1982, part IV—Section 1, page 432,

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(Amendment)

3. In section 15 of the principal Act—

(i) in the marginal heading, after the word " cancellation ", the words " or suspension " shall be added ;

(ii) after the word " cancellation ", the words " or suspension " shall be inserted.

4. In section 16 of the principal Act,—

(a) in the marginal heading, for the word " cancellation ", the words " cancellation or suspension " shall be substituted ;

(b) for the expression " cancelled under section 14 ", the expression " cancelled or suspended under section 14 " shall be substituted ;

(c) for the words "such cancellation ", the words such cancellation or suspension " shall be substituted.

Amendment of
section 18,
Tamil Nadu
Act XXVI of
1957.

5. In section 18 of the principal Act, in sub-section (1), in the *Explanation*, for the word "cancellation ", the words "cancellation or suspension " shall be substituted