The Tamil Nadu Repatriates (Bar of Proceedings) Act, 1969

Act 22 of 1969

Keyword(s):
Debt, Foreign Country, Repatriate

TAMIL NADU ACT No. 22 OF 1969*.

THE TAMIL NADU REPATRIATES (BAR OF PROCEEDINGS) ACT, 1969.

[Received the assent of the President on the 29th October 1969, first published in the Fort St. George Gazette *Extraordinary, on the 1st November 1969 (Kartika 10, 1891).]*

An Act to bar and abate suits and applications for execution of decrees against repatriates from certain foreign countries ordinarily residing in the State of Tamil Nadu.

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

Short title and extent.

1. (1) This Act may be called the Tamil Nadu Repatriates (Bar of Proceedings) Act, 1969.

(2) It extends to the whole of the State of Tamil Nadu.

Definitions.

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

(1) " debt " means any liability, whether secured or unsecured, incurred in a foreign country by a repatriate, whether payable under a contract or decree or an order of a court, civil or revenue or otherwise ;

(2) "foreign country" means Burma or Ceylon or such other foreign country as the State Government may, by notification, specify, in this behalf ;

(3) " repatriate " means a person of Indian origin who was ordinarily residing in a foreign country, and who, on leaving or being forced to leave, such foreign country,—

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* For Statement of Objects and Reasons, *see* *Fort St. George Gazette* Extraordinary, dated the 20th August 1969, Part IV—Section 3, page 120.

(*a*) has returned to India with the intention of permanently residing therein,

(*b*) is ordinarily residing in the State of Tamil Nadu, and

(*c*) is unable or has been rendered unable to—

(i) occupy, supervise, manage or control his property, if any, in such foreign country, or

(ii) exercise any profession of calling or to transact any business or to carry on any trade or to hold any appointment in such foreign country.

Explanation.—A person shall be deemed to be of Indian origin if he, or either of his parents, or any of his grand-parents or any of his other ancestors or ancestresses, was born in undivided India.

3. Notwithstanding anything to the contrary contained in any law, custom or contract,—

(*a*) no suit for recovery of a debt shall be instituted, and no application for execution of a decree for debt shall be made against any repatriate in any civil or revenue court, on or after the date of the commencement of this Act; and

Bar and abatement of suits and execution of decrees for recovery of certain debts from repatriates.

(*b*) every suit for recovery of a debt instituted, and every application for execution of a decree for debt made against any repatriate, pending before any civil or revenue court on the date of the commencement of this Act, shall abate.