

The Agriculturists Loans Act, 1884

MADHYA PRADESH

India

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Act 12 of 1884

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The Agriculturists Loans Act, 1884(No. 12 of 1884)[Dated 24th July, 1884](As amended and applicable to Madhya Pradesh)For Statement of Object and Reasons see Gazette of India 1884 Part V Pg. 2. The Act was extended to the whole of Madhya Pradesh by Section 3 (1) of the M.P. Extension of Laws Act, 1958 (23 of 1958).An Act to amend and provide for the extension of the Northern India Takkavi Act, 1879.Whereas it is expedient to amend the "Northern India Takkavi Act, 1879 (10 of 1879), and provide for its extension to [certain other areas] [Substituted by A.O. No. 2 of 1956.];It is hereby enacted as follows :

1. Short title and commencement.

(1)This Act may be called The Madhya Pradesh Agriculturists' Loans Act, 1884.(2)It shall come into force on the first day of August, 1884.

2. Local extent.

(1)This section [extends to the whole of India except the territories which, immediately before the 1st November, 1956, were comprised in Part B States [other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh] [Substituted by A.O. No. 2 of 1956.],(2)[The rest of this Act extends in the first instance only to Utter Pradesh, the [Madhya Pradesh] [Substituted by A.O. No. 2 of 1956.], Assam and Delhi and the territories which immediately before the 1st November, 1956, were comprised in the State of Bombay, Punjab and Ajmer].(3)But any State Government may, from time to time, by notification in the official Gazette, extend the rest of this Act to the whole or any part of [the territories to which this Act extends] [Substituted by A.O. No. 2 of 1956.] under its administration.

3.

[Repeal of Act X of 1879, and Sections 4 and 5 of Act XV of 1880], Repealed by the Repealing Act, 1938 (1 of 1938), Section 2 and Schedule.

4. Power for State Government to make rules.

(1) State Government [or, in a State for which there is a Board of Revenue or Financial Commissioner, such Board or Financial Commissioner, subject to the control of the State Government] [Inserted by No. 4 of 1914.] may, from time to time [xxx] [The words 'subject to the Control of the G.G. in C' Omitted by No. 4 of 1914] make rules as to loans to be made to owners and occupiers of arable land, for the relief of distress, the purchase of seed or cattle, or any other purpose not specified in the Land Improvement Loans Act, 1883 (19 of 1938), but connected with agricultural objects. (2) All such rules shall be published in the Official Gazette.

5. [Recovery of loans. [Substituted CP & Berar Act No. XXXIV of 1947.]

(1) Subject to such rules as may be made under Section 4, a loan granted under this Act with any interest due thereon shall, in default of payment, be recoverable by the [Collector] in all or any of the following modes, namely : (a) from the borrower- as if it were an arrear of land revenue due by him; (b) from his surety, if any- as if it were an arrear of land revenue due by him; (c) out of any land of the borrower- as if it were an arrear of land revenue due by him; (d) out of property comprised in collateral security, if any, according to the procedure for the realization of land revenue by the sale of immovable property other than the land on which that revenue is due. (2) It shall be in the discretion of the [Collector] [Substituted by MP Adaptation of Laws (State and Concurrent Subjects) (Second Amendment) Order, 1957.] acting under this section to determine the order in which he will resort to the various modes of recovery permitted by it.

5A. Loans to have priority.

- A loan granted under this Act together with interest due thereon and cost of recovery shall, except in respect of land revenue and a loan granted under the Land Improvement Loans Act, 1883 (19 of 1883), have priority over all encumbrances and charges created before the date of the order granting the loan on the borrower's interest in any land].

6. Liability of joint borrowers as among themselves.

- When a loan is made under the Act to the members of a village community or to any other person on such terms that all of them are jointly and severally bound to the Government for the payment of the whole amount payable in respect thereof, and a statement showing the portion of the amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed, marked or sealed by each of them or his agent duly authorised in this behalf and by the officer making the order, that statement shall be conclusive evidence of the portion of that

amount which as among themselves each of those persons is bound to contribute.

7. [Prohibition of misapplication of loan under the Act. [Added by CP & Berar Act No. LIV of 1949.]

(1) Every person taking loan under this Act shall, in the manner provided for in the rules made by the State Government in this behalf and the conditions contained in the order granting such loan, apply the amount thereof for the purpose and within the period specified in the order granting such loan. (2) Without prejudice to any penalty which may be imposed under any other provision of law or instrument, any person who fails to comply with the provisions of sub-section (1) shall, on an order in writing passed by a revenue officer not below the rank of Sub-Divisional Officer, be liable to pay by way of penalty such sum not exceeding twice the amount of the loan outstanding as such officer may by order fix unless such person refunds the amount of loan and satisfies such officer that the failure was due to reasons beyond his control.]