

The M.P. Refugees Rehabilitations (Loans) Act, 1949

MADHYA PRADESH

India

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Act 19 of 1949

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The M.P. Refugees Rehabilitations (Loans) Act, 1949M.P. Act No. 19 of 1949[Dated 12th April, 1949]Received the assent of the Governor on the 12th April, 1949, assent first published in the "Central Provinces and Berar Gazette" (Extra-ordinary) dated 12th April, 1949.An Act to provide for loans [x x x] [Omitted by M.P. Act No. 1 of 1961.] by the [State Government] [Substituted by A.O. 1950, for 'Provincial Government'.] to refugees for their rehabilitation.Preamble. - Whereas it is expedient to provide for loans [x x x] [Omitted by M.P. Act No. 1 of 1961.] to refugees for their rehabilitation.It is hereby enacted as follows :-

1. Short title and extent.

(1)This Act may be cited as the [Madhya Pradesh] [Substituted by M.P. Act No. 23 of 1958.] Refugees Rehabilitation (Loans) Act, 1949.(2)[It extends to and shall be in force in the whole of Madhya Pradesh] [Substituted by M.P. Act No. 23 of 1958.].

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context,-(a)"borrower" means an individual, company or association or body of individuals whether incorporated or not to whom or to which a loan has been advanced under this Act [and includes his heirs, successors and assigns] [Inserted by M.P. Act No. 1 of 1961.];(b)"Chief Administrator" means an officer appointed as such by the State Government;(c)"company" means a company as defined in the Indian Companies Act, 1913 (VII of 1913);(d)"Controlling Authority" means the authority which makes a loan under the powers conferred by this Act;(dd)["displaced person" means a person displaced from the territories now comprised in East Pakistan who is wrestled in Madhya Pradesh on or after the 1st day of April, 1957 under any scheme of resettlement of displaced persons sanctioned by the Central Government or the State Government; [Inserted by M.P. Act No. 1 of 1961.](ddd)"loan" means a loan granted or deemed to have been granted under the provisions of this Act, in cash or in kind or partly in cash and partly in kind;](e)"person in industry" means any person engaged or who intends to engage

whether as owner or as worker and whether whole-time or part-time, in any industrial business or enterprise or undertaking conducted either by an individual or by a company, association or body of individuals whether incorporated or not; (f) "prescribed" means prescribed by rules made under this Act; (g) "refugee" means a person displaced from the territories now comprised in [x x x] [Omitted by M.P. Act No. 44 of 1950.] Pakistan who is for the time being resident in [Madhya Pradesh] [Substituted by M.P. Act No. 23 of 1958.] and who has been registered in accordance with Section 3 of the Central Provinces and Berar Refugees Registration [and Movement] [Inserted by M.P. Act No. 44 of 1950.] Act, 1947 [and includes a displaced person.] [Substituted by M.P. Act No. 1 of 1961.]

3. Chief Administrator and Controlling Authorities.

(1) There shall be a Chief Administrator for the [State] [Substituted by A.O. 1950, for 'province'.] and such number of Controlling Authorities under him as may be appointed by the State Government. (2) The Controlling Authorities shall exercise jurisdiction over such areas as the State Government may, by notification specify. (3) The State Government may make rules for the distribution or allocation of work to be performed by the Chief Administrator and the Controlling Authorities and the manner in which the powers conferred and the duties imposed upon them shall be exercised and discharged. (4) The Chief Administrator shall have powers of supervision, direction and control over the Controlling Authorities.

4. Limit of loans.

- The amount of loan which may be advanced to a refugee under this Act shall not exceed such limit as may be fixed by the State Government by notification from time to time.

5. Procedure regulating grant of loans.

(1) Any refugee may submit to the Controlling Authority within the local limits of whose jurisdiction he resides or intends to carry on his business or profession, an application on the prescribed form, supported, by an affidavit by him stating the amount of loan desired, the purpose for which it is needed and the manner in which he proposes to repay the loan, if granted to him. (2) A Controlling Authority, subject to any general or special orders of the Chief Administrator, may grant loan to such extent and in such manner as may be prescribed. (3) The Controlling Authority shall, when granting any loans, specify the conditions on which the same is made and the instalment in which it is to be repaid.

6. Security for repayment of loans.

(1) As soon as may be after an application for loan has been sanctioned, the applicant, and, if the applicant is a firm or company, a duly authorised representative thereof shall execute a bond in the prescribed form under taking to apply the [loan] [Substituted by M.P. Act No. 1 of 1961.] for the purpose or purposes for which, and to fulfil the conditions on which, the application has been sanctioned. (2) The assets created from the loan shall, notwithstanding any law or usage to the

contrary, be deemed to be mortgaged or hypothecated, as the case may be, to the Chief Administrator for the repayment of the loan together with the interest thereon if any, and the amount of the loan and the interest thereon shall be first charge on such assets.(3)[Subject to the provision of sub-section (2), the borrower shall not without the prior approval of the controlling authority, mortgage, convey or otherwise transfer any of his interests in the whole or any part of assets acquired with the loan, and any mortgage, conveyance or other transfer without such approval shall be void as against the State Government :Provided that nothing in this sub-section shall affect the borrower's right to sell such articles of his stock-in-trade as are meant for sale to customers in the normal course of business.] [Inserted by M.P. Act No. 1 of 1961.]

7. Returns.

- The Controlling Authority may require any borrower to furnish such returns, at such times and in such manner as he may, by general or special order, specify.

8. Inspection and supply of information.

- The borrower shall be bound :-(a)to comply with any general or special order of the Controlling Authority relating to the inspection of the premises, buildings, machines and stock in hand purchased or hired by the borrower with the aid of the loan, advanced to him; and(b)to furnish any information which the aforesaid authority may requires relative to the purpose or purposes for which the loan was advanced, and the manner in which the loan has been or is being utilized.

9. Powers to call for repayment before agreed period.

(1)Notwithstanding any agreement to the contrary, the Controlling Authority may, after serving by post a notice on the borrower and considering any representation, which the borrower may make within seven days from the date of the receipt of the notice, order any borrower forthwith to repay in full with interest thereon any loan borrowed from it,-(a)if the borrower fails to comply with an order under Section 7, or Section 8, or if it appears to the Controlling Authority that false or misleading information in any material particular was given by the borrower for obtaining the loan or while furnishing any information under Section 7 or Section 8; or(b)if the borrower has failed to comply with the terms of the bond with the Controlling Authority in the matter of the loan; or(c)if there is a reasonable apprehension that the borrower is unable to pay his debts or that insolvency proceeding or proceedings for liquidation may be commenced against him; or(d)if for any other reason it is necessary in the opinion of the Controlling Authority to protect the interests of the State Government.(2)A copy of the order shall be served on the borrower.

10. Appeal.

- Within thirty days from the service of the order under Section 9, the borrower may appeal to the State Government and the decision of the State Government thereon shall be final.

11. Mode of recovery.

- If the amount of loan or any instalment thereof or interest therein which is due, in accordance with the terms of the bond or under the provisions of Section 9, has not been repaid the Controlling Authority may -(a)without prejudice to any other remedy provided by law, recover such loan, instalment or interest as arrears of land revenue; or(b)taken charge of the business or industry of the borrower on such terms and conditions as it may [deem fit; or] [Substituted by M.P. Act No. 1 of 1961.](c)[take over, in whole or in part, the assets acquired with loan on such terms and conditions as may be determined by the State Government] [Inserted by M.P. Act No. 1 of 1961.].

12. Postponement of realization of loan or instalment.

- Notwithstanding anything contained in this Act, the State Government may either of its own motion or on the recommendation of the Controlling Authority or Chief Administrator, postpone the realization of any loan or instalment thereof, or write off the same.

13. Application of Sections 6 (2), 7, 8, 9, 10, 11 and 12 to loans granted before the 18th day of January, 1949.

(1)Every loan granted by the State Government to a [refugee other than displaced person] [Substituted by M.P. Act No. 1 of 1961.] for his rehabilitation before the commencement of the Central Provinces and Berar Refugees Rehabilitation (Loans) Ordinance, 1949 (I of 1949), shall be deemed to be a loan granted under this Act and the provisions of [sub-sections (2) and (3)] [Substituted by M.P. Act No. 1 of 1961.] of Section 6 and Sections 7, 8, 9, 10, 11 and 12 of this Act shall apply to such loan as they apply to a loan granted under this Act.(2)Every loan granted by or under the provisions of the Central Provinces and Berar Refugees Rehabilitation (Loans) Ordinance, 1949 (I of 1949), shall be deemed to be a loan granted under this Act.(3)[Every loan granted by the State Government to a displaced person on or after the 1st day of April, 1957 but prior to the commencement of the Madhya Pradesh Refugees Rehabilitation (Loans) Amendment Act, 1960 (No. 1 of 1961), under any scheme of resettlement of displaced persons sanctioned by the Central or the State Government shall be deemed to be a loan granted under this Act and the provisions of sub-sections (2) and (3) of the Section 6 and of Sections 7, 8, 9, 10, 11 and 12 shall apply to such loan as they apply to a loan granted under this Act.] [Inserted by M.P. Act No. 1 of 1961.]

14. Protection of action taken under the Act.

- No prosecution, suit or other proceedings shall lie against any Government officer or other authority vested with powers under this Act for any thing in good faith done or intended to be done thereunder.

14A. [Bar of Jurisdiction of Court. [Inserted by M.P. Act No. 1 of 1961.]

- No order made by the Chief Administrator, Controlling Authority or the State Government in exercise of any power conferred by or under this Act shall be called in question in any Court].

15. Power to make rules.

(1)The State Government may make rules consistent with this Act for the carrying out of all or any of its purposes.(2)In particular and without prejudice to the generality of the foregoing power, the State Government may make rules regulating or determining all or any of the following matters, namely :-(i)the class of refugees to which a particular scheme of loans shall apply;(ii)the object for which loans shall be given;(iii)the form of application to be made and the bond to be executed in respect of loans;(iv)the principles on which loans shall be advanced, the extent and manner of granting a loan and the interest to be charged;(v)the machinery for checking the proper utilization of the loans;(vi)the procedure for the realisation of loans and the fixation of instalments;(vii)the form of notice to be given or declarations to be made by Controlling Authority.

16. Repeal and Saving.

(1)The Central Provinces and Berar Refugees Rehabilitation (Loans) Ordinance, 1949 (1 of 1949), is hereby repealed.(2)Notwithstanding the repeal of the said Ordinance things done and action taken by any authority by or under the provisions of the said Ordinance shall be deemed to have been done and taken under this Act.