

THE LAND IMPROVEMENT LOANS ACT, 1883
(XIX of 1883)

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TEXT

'THE LAND IMPROVEMENT LOANS ACT, 1883

(XIX of 1883)

[12" October, 1883]

An

Act

to consolidate and amend the law relating to loans of money by the Government for agricultural improvements.

WHEREAS it is expedient to consolidate and amend the law relating to loans of money by the Government for agricultural improvements;

It is hereby enacted as follows:—

1. Short title. (1) This Act may be called the Land Improvement Loans Act, 1883.

Local extent. Commencement.- (2) It extends to '[the whole of '[the Punjab], but shall not come into force in any '[part thereof] until such date as the '[

'For the Statement of Objects and Reasons, see Gazette of India, 1882, Pt. V., P. 954; for Report of the Select Committee, see *ibid.*, 1883, Supplement, p. 1296; for Proceedings in Council, see *ibid.*, 1882, Supplement, pp. 1494 and 1697; *ibid.*, 1883, Supplement, p. 2071.

Instruments executed by persons taking loans, or by their sureties, as security for the repayment of such loans, are exempted from stamp duty, see the Stamp Act, 1899 (II of 1899), Schedule I, Art 40, exemption (1), and notification under section 9.

This Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications, see N.W.F.P. (Upper Tanawal) (Excluded Area) Law Regulation, 1950; and also extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from 1st June, 1951, see N.W.F.P. Gazette, Extraordinary, dated 1st June, 1951.

It has been declared to be in force in Baluchistan by the British Baluchistan Laws Regulation, 1913 (II of 1913).

It has also been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 G.G.O. 3 of 1950); and applied in the Federated Areas of Baluchistan, see Gazette of India, 1937, Pt. I, p. 1499.

The provisions of this Act, has been extended to the district of Khairpur (with effect from the 15th March, 1961), see Gazette of West Pakistan, 1961, Pt. I, p. 145.

Substituted for the words "all the Provinces and the Capital of the Federation" by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960); and published in the Gazette of Pakistan (Extraordinary) dated 9.6.1960, pages 725-845, see Article 3 and the Second Schedule (with effect from the 14th October, 1955), which had been substituted for the words "the whole of British India" by the Adaptation of Central Acts and Ordinances Order, 1949 (G.G.O. 4 of 1949); and published in the Gazette of Pakistan (Extraordinary) w.e.f. 28.3.1949, pages 223-283, see Article 3 & the Schedule.

Substituted for the words "Pakistan" by the Punjab Laws (Amendment) Act 2011 (VI of 2011); and published in he Punjab Gazette (Extraordinary) dated 14.4.2011, pages 4043 to 4047, s.2.

'Substituted for the words "part of British India" by the Adaptation of Central Acts and Ordinances Order, 1949

G.G.O. 4 of 1949); and published in the Gazette of Pakistan (Extraordinary) w.e.f. 28.3.1949, pages 223-283, see Article 3 & the Schedule.

Substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 and Table of General Adaptations.

['***]Government] ['***] may, by notification in the '[Official Gazette], appoint in this behalf.

2. Acts XXVI of 1871 and XXI of 1876 repealed.— (1) The Land Improvement Act, 1871, and Act XXI of 1876 (An Act to amend the Land Improvement Act, 1871), shall, except as regards the recovery of advances made before this Act comes into force and costs incurred by the Government in respect of such advances, be repealed.

(2) | When in any Act, Regulation or Notification passed or issued before this Act comes into force, reference is made to either of those Acts, reference shall, so far as may be practicable, be read as applying to this Act or the corresponding part of this Act.

(3. Definitions.— In this Act-

(a) "Board of Revenue" means the Board of Revenue established under the Punjab Board of Revenue Act, 1957 (XI of 1957);

(b) "Collector" means the Collector of a District appointed under the Punjab Land Revenue Act, 1967 (XVII of 1967) and includes an officer authorized by the Government to exercise the powers of the Collector; and

(c) "Government" means Government of the Punjab.]

4. Purposes for which loans may be granted under this Act.— (1) Subject to such rules as may be made under section 10, loans may be granted under this Act, by such officer as may, from time to time, be empowered in this behalf by the [Government], for the purpose of making any improvement, to any person having a right to make that improvement, or, with the consent of that person, to any other person.

(2) "Improvement" means any work which adds to the letting value of land, and includes the following, namely:—

(a) — the construction of wells, tanks and other works for the storage, supply or distribution of water for the purposes of agriculture, or for the use of men and cattle employed in agriculture;

(b) the preparation of land for irrigation;

°The word "Provincial" omitted by the Punjab Laws (Amendment) Act 2011 (VI of 2011); and published in the Punjab Gazette (Extraordinary) dated 14.4.2011, pages 4043 to 4047, s.2.

"The words, "with the previous sanction of the G.G. in C.", repealed by the Land Improvement and Agriculturist's Loans (Amendment) Act, 1906 (VIII of 1906).

Substituted for the words "Local Official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 and Table of General Adaptations.

°Substituted for the original section 3 by the Punjab Laws (Amendment) Act 2011 (VI of 2011); and published in the Punjab Gazette (Extraordinary) dated 14.4.2011, pages 4043 to 4047, s.2.

"Substituted for the words "Provincial Government" by the Punjab Laws (Amendment) Act 2011 (VI of 2011); and

published in the Punjab Gazette (Extraordinary) dated 14.4.2011, pages 4043 to 4047, s.2, which had been substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 and Table of General Adaptations.

(c) the drainage, reclamation from rivers or other waters, or protection from floods or from erosion or other damage by water, of land used for agricultural purposes or waste-land which is culturable;

(d) the reclamation, clearance, enclosure or permanent improvement of land for agricultural purposes;

(e) the renewal or reconstruction of any of the foregoing works, or alterations therein or additions thereto; and

(f) such other works as the "[Board of Revenue] "[***] may, from time to time, by notification in the "[Official Gazette], declare to be improvements for the purposes of this Act.

5. Mode of dealing with applications for loans.— (1) When an application for a loan is made under this Act, the officer to whom the application is made may, if it is, in his opinion, expedient that public notice be given of the application, publish a notice, in such manner as the "[Government] may, from time to time, direct, calling upon all persons objecting to the loan to appear before him at a time and place fixed therein and submit their objections.

(2) The officer shall consider every objection submitted under sub-section (1), and make an order in writing either admitting or overruling it:

Provided that, when the question raised by an objection is, in the opinion of the officer, one of such a nature that it cannot be satisfactorily decided except by a Civil Court, he shall postpone his proceedings on the application until the question has been so decided.

6. Period for repayment of loans.— (1) Every loan granted under this Act shall be made repayable by instalments (in the form of an annuity or otherwise), within such period from the date of the actual advance of the loan, or, when the loan is advanced in instalments, "Tfrom the date of the advance of the last instalment actually paid] as may, from time to time, be fixed by the rules made under this Act.

(2) [The period fixed as aforesaid shall not ordinarily exceed thirty-five years.

"Substituted by the West Pakistan (Adaptation and Repeal of Laws) Act, 1957 (XVI of 1957); and published in the Gazette of West Pakistan (Extraordinary), dated 2.7.1957, pages 709-789, see section 3(2) & Schedule II(w.e.f. 14.10.1955).

"The words, "with the previous sanction of the G.G. in C.", repealed by the Land Improvement and Agriculturist's Loans (Amendment) Act, 1906 (VIII of 1906); and published in the Gazette of India, dated 31.8.1906, s.2

"Substituted for the words "Local Official Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 and Table of General Adaptations.

"Substituted for the words "Provincial Government" by the Punjab Laws (Amendment) Act 2011 (VI of 2011); and published in the Punjab Gazette (Extraordinary) dated 14.4.2011, pages 4043 to 4047, s.2, which had been substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 and Table of General Adaptations.

Substituted for the words “from the date of the actual advance of the last installment” by the Land Improvement Loans (Amendment) Act, 1899 (XVIII of 1899); and published in the Gazette of India, dated 14.7.1899, s.2.

(3) The "[Government] "[***] in making "[***] the rules fixing the period, shall, in considering whether the period should extend to thirty-five years, or whether it should extend beyond thirty-five years, have regard to the durability of the work for the purpose of which the loan is granted, and to the expediency of the cost of the work being paid by the generation of persons who will immediately benefit by the work.

7. Recovery of loans.— (1) Subject to such rules as may be made under section 10, all loans granted under this Act, all interest (if any) chargeable thereon, and costs (if any) incurred in making the same, shall, when they become due, be recoverable by the Collector in all or any of the following modes, namely:—

(a) from the borrower- as if they were arrears of land-revenue due by him;

(b) — from his surety (if any) — as if they were arrears of land-revenue due by him;

(c) out of the land for the benefit of which the loan has been granted- as if they were arrears of land-revenue due in respect of that land;

(d) out of the property comprised in the collateral security (if any)— according to the procedure for the realization of land-revenue by the sale of immoveable property other than the land on which that revenue is due:

Provided that no proceeding in respect of any land under clause (c) shall affect any interest in that land which existed before the date of the order granting the loan, other than the interest of the borrower, and of mortgagees of, or persons having charges on, that interest, and, where the loan is granted under section 4 with the consent of another person, the interest of that person, and of mortgagees of, or persons having charges on, that interest.

(2) | When any sum due on account of any such loan, interest or costs is paid to the Collector by a surety or an owner of property comprised in any collateral security, or is recovered under sub-section (1) by the Collector from a surety or out of any such property, the Collector shall, on the application of the surety or the owner of that property (as the case may be), recover that sum on his behalf from the borrower, or out of the land for the benefit of which the loan has been granted, in manner provided by sub-section (1).

(3) It shall be in the discretion of a Collector acting under this section to determine the order in which he will resort to the various modes of recovery permitted by it.

8. Order granting loan conclusive on certain points.— A written order under the hand of an officer empowered to make loans under this Act granting a loan to, or

'Substituted for the words "Provincial Government" by the Punjab Laws (Amendment) Act 2011 (VI of 2011); and published in the Punjab Gazette (Extraordinary) dated 14.4.2011, pages 4043 to 4047, s.2, which had been substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 and Table of General Adaptations.

"The words, "and G.G. in C.", repealed by the Land Improvement and Agriculturist's Loans (Amendment) Act, 1906 (VIII of 1906); and published in the Gazette of India, dated 31.8.1906, s.3

*The words, “and sanctioning”, repealed, *ibid.*

with the consent of, a person mentioned therein, for the purpose of carrying out a work described therein, for the benefit of land specified therein, shall, for the purposes of this Act, be conclusive evidence—

(a) that the work described is an improvement within the meaning of this Act;

(b) that the person mentioned had at the date of the order a right to make such an improvement; and

(c) that the improvement is one benefiting the land specified.

9. Liability of joint borrowers as among themselves.— When a loan is made under this Act to the members of a village-community or to any other persons 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 that amount which as among themselves each is bound to contribute is entered upon the order granting the loan and is signed by each of them 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.

10. Power to make rules.— The “[Government] “[***] may, from time to time, by notification in the “[Official Gazette], make rules consistent with this Act to provide for the following matters, namely:—

(a) the manner of making applications for loans;

(b) the officers by whom loans may be granted;

(c) the manner of conducting inquiries relative to applications for loans, and the powers to be exercised by officers conducting those inquiries;

(d) the nature of the security to be taken for the due application and repayment of the money, the rate of interest at which, and the conditions under which, loans may be granted, and the manner and time of granting loans;

(e) the inspection of works for which loans have been granted;

(f) the instalments by which, and the mode in which, loans, the interest to be charged on them and the costs incurred in the making thereof, shall be paid;

Substituted for the words “Provincial Government” by the Punjab Laws (Amendment) Act 2011 (VI of 2011); and published in the Punjab Gazette (Extraordinary) dated 14.4.2011, pages 4043 to 4047, s.2, which had been substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 and Table of General Adaptations.

The words “subject to the control of the G.G. in C.”, repealed by the Decentralization Act, 1914 (IV of 1914). The words “subject to the control” had been substituted for the words “with the previous sanction”, by the Land Improvement and Agriculturist's Loans (Amendment) Act, 1906 (VIII of 1906); and published in the Gazette of India, dated 31.8.1906, s.4

"Substituted for the words “Local Official Gazette” by the Government of India (Adaptation of Indian Laws) Order,

1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 and Table of General Adaptations.

(g) | the manner of keeping and auditing the accounts of the expenditure of loans and of the payments made in respect of the same; and

(h) all other matters pertaining to the working of the Act.

11. Exemption of improvements from assessment to land-revenue.— When land is improved with the aid of a loan granted under this Act, the increase in value derived from the improvement shall not be taken into account in revising the assessment of land-revenue on the land:

Provided as follows:—

(1) | where the improvement consists of the reclamation of waste-land, or of the irrigation of land assessed at unirrigated rates, the increase may be so taken into account after the expiration of such period as may be fixed by rules to be framed by the “[Government] “[***];

(2) nothing in this section shall entitle any person to call in question any assessment of land-revenue otherwise than as it might have been called in question if this Act had not been passed.

“112. Board of Revenue to exercise certain powers of Government.- (1)
Subject to the general control of the Government, the Board of Revenue may exercise the powers conferred on the Government under sections 4(1) and 5(1) of this Act.

(2) The Board of Revenue may, subject to the prior approval of the Government, exercise the powers of the Government to make rules under section 10 of this Act.]

2Substituted for the words “Provincial Government” by the Punjab Laws (Amendment) Act 2011 (VI of 2011); and published in the Punjab Gazette (Extraordinary) dated 14.4.2011, pages 4043 to 4047, s.2, which had been substituted for the words “Local Government” by the Government of India (Adaptation of Indian Laws) Order, 1937; and published in the Gazette of India (Extraordinary), dated 1.4.1937, pages 75-344, see Article 4 and Table of General Adaptations.

The words “with the approval of the G.G. in C.”, repealed by the Land Improvement and Agriculturist’s Loans (Amendment) Act, 1906 (VIII of 1906); and published in the Gazette of India, dated 31.8.1906, s.5.

“Substituted for section 12 by the Punjab Laws (Amendment) Act 2011 (VI of 2011); and published in the Punjab Gazette (Extraordinary) dated 14.4.2011, pages 4043 to 4047, s.2, which had been inserted by the Decentralization Act, 1914 (IV of 1914); and published in the Gazette of India dated 24.2.1914, section 2 and Schedule Part I., after repeal of the original section 12 by the Registration Act, 1908 (XVI of 1908).