

AGRICULTURISTS' LOANS ACT, 1884

12 of 1884

[24th July, 1884]

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STATEMENT OF OBJECTS AND REASONS "The object of this Bill is to repeal the Northern India Takkavi Act and re-enact it with certain amendments which appear to be desirable. First.- The existing law makes no provision for recovery as an arrear of land revenue of interest on loans made under it and of the costs (if any incurred by the Government in making the loans. Section 3 of Act X of 1879 only provides for the recovery in this way of the principal sum advanced. Section 5 of the Bill supplies this omission by providing that interest and costs (if any) may be recovered as arrear of land-revenue in the same manner as the principal. Secondly.- Act X of 1879 extends to certain limited areas, namely the North Western Province and Oudh, the Punjab, the Central Provinces, Assam and Ajmer. At present there is no law in force in Bengal and Coorg under which advances of the nature of those with which the Act deals can be made. There are provisions relating to such advances in the laws in force in Bombay, Madras and British Burma; but the Local Government of Bombay and Madras are authorised to accept the extension of Northern India Act to their provinces; and the Chief Commissioner of British Burma says that if that Act is not extended in his province, it will be necessary to amend the law at present in force there in order to provide for the recovery of

interest on advances. Provision has, therefore, been made in Section 2 of the Bill empowering any Local Government, if it thinks fit, to extend the Act to the whole or any part of the territories under its administration. Thirdly.- A new Section 6 has at the request of the Punjab Government been inserted in the Bill similar to S.9 of the Land Improvement Loans Act, 1883, recognising the principle of making loans on the joint responsibilities of village communities. Lastly- As the term "Takkavi" is, it is understood, applied in some parts of India to advances of the nature of those to which Land Improvement Loans Act, 1883 relates, it is proposed to alter the present title and to style the new Act "The Agriculturists' Loans Act". -Gazette of India, 1884, Part V, page 2. ACT HOW AFFECTED BY SUBSEQUENT LEGISLATION -Amended by Acts 8 (VIII) of 1906 and 4 of 1914. " (in Andhra Pradesh) by Andhra Pradesh Act 19 of 1950. " (in Maharashtra) by Bombay Acts 6 of 1949; 27 of 1958; Maha. Act 38 of 1965;. " (in Coorg) by Coorg Act 3 of 1936. " (in Madhya Pradesh) by C. P. and Berar Acts 6 of 1946; 34 of 1947; 54 of 1949; M. P. Act 23 of 1958. " (in Madras) by Madras Act 16 of 1935. " (in Orissa) by Orissa Act 6 of 1937. " (in U. P.) by U. P. Acts 12 of 1934; 12 of 1948. -Adapted by A. O., 1937; A. C. A. O. 1948; A. L. O., 1950; 2 A. L. O. 1956; Guj. A. L. (8th Am.) O. 1961 and Maha. A. L. (Am.) O. 1961; -Extended by A. P. Act 19 of 1958. " By Assam Act of 1963. " By Reg. 12 of 1962. " By Bombay Act 4 of 1950. " To Dadra and Nagar Haveli by notification G.S.R. 1638, dated 3-12-1962 under S. 10 of Act 35 of 1961 Laccadive Minicoy and Amindivi Islands, by Reg. 8 of 1965 (now known as Lakshadweep islands - See Act 34 of 1973, S. 3(1-11-1973). " By M. P. Acts 12 of 1950 and 23 of 1958. " Madras Act 35 of 1949 and Madras Act 22 of 1957. " Orissa Act 4 of 1950. " Punjab Act 5 of 1950 and Punj. Act 5 of 1957. -Repealed in part by Act I of 1938; " (in U. P.) by U. P. Act 12 of 1922. " (Malabar) by Ker. 6 of Act 27 of 1961, S. 43. " Born. and Mad. Area, and Coorg and Bellary District by Mys. Act 17 of 1963, S. 11. " (in Vidarbha Region) by Born. Act 27 of 1958. " in Abu and Ajmer Areas by Raj. Act I of 1957.

1. Short title :-

(1) This Act may be called The Agriculturists' Loans Act, 1884 and commencement.

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.

(2) The rest of this Act extends in the first instance only to Uttar Pradesh, the Central Provinces, Assam and Delhi and the territories which immediately before the 1st November, 1956, were comprised in States 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 under its administration.

3. 3 :-

Repeal of Act X of 1879, and sections 4 and 5 of the Act XV of 1880.] Repealed by the Repealing Act, 1938 (I of 1938), S. 2 Schedule.

4. Power for State Government to make rules :-

(1) The ¹[²[State] Govern- ment] [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 ¹[²[State] Government] may, from time to time, ⁵[* * *] make rules⁶ 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, but connected with agricultural objects.

(2) All such rules shall be published in the ⁷ [Official Gazette].

1. Substituted by A. O. for "Local Government".

2. Substituted for "Provincial" by A. L. O., 1950.

5. The words "subject to the control of the G.-G. in C." were repealed by the Decentralization Act, 1914 (IV of 1914), S. 2 and Schedule, Pt. 1.

6. For rules under this power, see different local Rules and Orders.

7. Substituted by A. O. for "local official Gazette".

5. Recovery of loans :-

Every loan made in accordance with such rules, all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same, shall, when they become due, be recoverable from the person to whom the loan was made, or from any person who has become surety for the repayment thereof, as if they were

arrears of land-revenue or costs incurred in recovering the same due by the person to whom the loan was made or by his surety.

6. 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, marked, or sealed by each of them or his agent duly authorized 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.