



THE LAND IMPROVEMENT LOANS ACT, 1883



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THE LAND IMPROVEMENT LOANS ACT, 1883

¹ACT NO. XIX OF 1883

[12th 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.

(2) **Local extent; Commencement.** It extends to ²[the whole of Pakistan], but shall not come into force in any ³[part thereof] until such date as the ⁴[Provincial

¹ 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 (2 of 1899), Sch. I, Art. 40, exemption (I), and notification under s. 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) Laws 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 (2 of 1913), s. 3.

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 provision 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.

The Act as in force in the North-West Frontier Province immediately before the commencement of N.W.F.P. Regulation No. II of 1974, has been applied to the Provincially Administered Tribal Areas of Chitral, Dir, Kalam, Swat and Malakand Protected Area, by N.W.F.P. Regulation No. II of 1974, s. 3.

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960., (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for “all the provinces and the Capital of the Federation”, which had been subs. by A. O., 1949, Arts. 3(2) and 4, for “the whole of British India”.

³Subs. by A. O., 1941, Sch., for “part of British India”.

⁴Subs. by A. O., 1937, for “L. G.”.

Government]¹ * * * may, by notification in the² [official Gazette], appoint in this behalf³.

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, the reference shall, so far as may be practicable, be read as applying to this Act or the corresponding part of this Act.

3. "Collector" defined. In this Act, "Collector" means the Collector of land revenue of a district, or the Deputy Commissioner, or any officer empowered by the⁴ [Provincial Government] by name or by virtue of his office to discharge the functions of a Collector⁵ under this Act.

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 the⁴ [Provincial 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;
- (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

¹The words "with the previous sanction of the G. G. in C." rep. by the Land Improvement and Agriculturist's Loans (Amdt.) Act, 1906 (8 of 1906), s.2.

²Subs. by A. O., 1937, for "local official Gazette" .

³As to the date when this Act came into force in different provinces and tribal areas connected thereto, see different local Rules and Orders.

⁴subs. by A.O., 1937, for "L.G." .

⁵Cf.s. 3 (10) of the General Clauses Act, 1897 (10 of 1897).

¹(f) such other works as the ²[Provincial Government] ³* * * may, from time to time, by notification in the ⁴[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 ²[Provincial 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 installments (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 installments, ⁵[from the date of the advance of the last installment 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.

(3) The ²[Provincial Government] ⁶* * * in making ⁷* * * 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.

¹ This clause has been amended in its application to the Province of West Pakistan (except the Capital of the Federation) by the West Pakistan Act No. 16 of 1957, s. 3(3) and 3rd Sch. (with effect from the 14th October, 1955).

² Subs. by A. O., 1937, for "L. G."

³ The words "with the previous sanction of the G.G. in C." rep. by the Land Improvement and Agriculturist's Loans (Amdt.) Act, 1906 (8 of 1906), s. 2.

⁴ Subs. by A. O., 1937, for "local official Gazette".

⁵ Subs. by s. 2 of the Land Improvement Loans (Amdt.) Act, 1899 (18 of 1899), for "from the date of the actual advance of the last installment".

⁶ The words "and G. G. in C." rep. by the Land Improvement and Agriculturists Loans (Amdt.) Act, 1906 (8 of 1906), s. 3.

⁷ The words "and sanctioning" rep. ibid.