

SIND ACT No. III OF 1928¹

[THE SIND NON-AGRICULTURISTS' LOANS ACT, 1928.]

[30th March, 1928].

An Act to provide for the grant of loans by Government to non-agriculturists for the relief of distress or other calamities and for the recovery of such loans.

WHEREAS it is expedient to provide for the grant of loans by Government to non-agriculturists for the relief of distress by floods or other calamities and for the recovery of such loans in manner hereinafter appearing:

5 & 6
Geo.
V,
c. 61.

And whereas the previous sanction of the Governor-General required by sub-section (3) of section 80A and the previous sanction of the Governor required by section 80C of the Government of India Act have been obtained for the passing of this Act ; It is hereby enacted as follows :—

1. This Act may be called “ the ²[Sind] Non-Agriculturists' Loans Act, 1928 ”. Short title.

2. Section 1 and this section extend to the whole of the ³[Province of Sind]. The rest of the Act may be extended⁴ by the ⁵[Provincial Government] by notification in the ⁶[Official Gazette] to any part of the ⁷[Province] from such date as may be specified in such notification. Extent.

XII of
1884.

3. Subject to such rules as may be made under section 6, loans may be granted under this Act for rebuilding or repairing houses or for the relief of distress to any person to whom a loan under the Agricultutists' Loans Act, 1884, cannot be granted. Purpose for which loans may be granted.

4. All loans granted after the 1st day of August 1927 to such persons as are referred to in section 3 for the purpose mentioned therein shall be deemed to be loans granted under this Act. Loans already granted to be deemed to have been granted under Act.

¹For Statement of Objects and Reasons, see B. G. G., 1928, Pt. V, p. 7 ; and for Proceedings in Council, see Bombay Legislative Council Debates, 1928, Vol. XXII.

² Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 3 (i) (w. e. f. 30th May 1951), for “ Bombay ”.

³ Subs. *ibid*, s. 3 (ii) (a) (w. e. f. 30th May, 1951) for “ Bombay Presidency ”.

⁴ Sections 3 to 6 have been extended to the Province of Sind, *vide* G. N., R. D., No. R-722-F dated 31st March, 1941, see S. G. G., 1941, Pt. I, p. 988.

⁵ Subs. by the A. O., 1937, for “ L. G.”.

⁶ Subs. *ibid*, for “ B. G. G.”.

⁷ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 3 (ii) (c) (w. e. f. 30th May 1951), for “ Presidency ”.

Recovery of
loans.

5. ¹*All loans granted or deemed to have been granted under this Act, together with all interest (if any) chargeable thereon, and costs (if any) incurred in making or recovering the same shall be recoverable at the discretion of the Collector in any one or more 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 assets left by a deceased borrower or surety or 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 a defaulter's moveable or immoveable property other than the land on which that revenue is due ;

(d) if the loan is for the benefit of a house, out of such house,—as if it were arrears of land revenue due in respect of the land on which the house stands.

Power to
make rules.

6. (1) The ²[Provincial Government] may, from time to time by notification in the ³[*Official Gazette*], make rules⁴ to carry out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made for the following matters, namely :—

(a) the manner of making applications for loans ;

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

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

(d) the instalments by which and the mode in which loans shall be repaid.

1 The figure and brackets "(1)" rep. by Sind 11 of 1928, s. 3, Sch. II.

2 Subs. by the A. O., 1937, for "L. G. ".

3 Subs. *ibid*, for "B. G. G.".

4 For Rules, see G. R., R. D., No. R/722/F., dated 12th February 1942.