

THE BOMBAY NON-AGRICULTURISTS' LOANS ACT, 1928

[Text as on 31st May 2024]

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BOMBAY ACT No. III OF 1928¹[THE BOMBAY NON-AGRICULTURISTS' LOANS ACT, 1928.]²[30th March 1928]**An Act to provide for the grant of loans by Government to non-agriculturists³[for certain purposes] and for the recovery of such loans.**

WHEREAS it is expedient to provide for the grant of loans by Government to non-agriculturists⁴[for certain purposes] and for the recovery of such loans in manner hereinafter appearing;

⁵* * * * *

It is hereby enacted as follows:—

1. Short title.— This Act may be called “the Bombay Non-Agriculturists' Loans Act, 1928”.

⁶**[2. Extent.**— This Act shall extend to the whole of the ⁷[State of Maharashtra].

3. Purpose for which loans may be granted.— Subject to such rules as may be made under section 6, loans may be granted under this Act ⁸[for erecting, rebuilding or repairing houses, for building or repairing boats] or for the relief of distress to any person to whom a loan under the ⁹[Agriculturists' Loans Act, 1884 (XII of 1884),] cannot be granted.

4. Loans already granted to be deemed to have been granted under Act.— 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.

5. Recovery of loans.— ¹⁰* * * 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 realisation 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.

¹¹[*Explanation.*— In this section “Collector” includes a Deputy Commissioner.]

¹ For Statement of Objects and Reasons, see *Bombay Government Gazette*, 1928, Pt. V., p. 7; and for proceedings in Council, see *Bombay Legislative Council Debates*, 1928, Vol. XXII.

² The Act was extended to that part of the State of Bombay to which, immediately before the commencement of Bom. 29 of 1958, it did not extend (*vide* Bom. 29 of 1958, s. 2).

³ These words were substituted by Bom. 6 of 1949, s. 3.

⁴ These words were substituted by Bom. 6 of 1949, s. 3.

⁵ The words beginning with the words “And whereas” and ending with the words “passing of this Act” were deleted by Bom. 29 of 1958, s. 3(1).

⁶ This section was substituted for the original by Bom. 29 of 1958, s. 3(2).

⁷ These words were substituted for the words “State of Bombay” by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

⁸ These words were substituted for the original by Bom. 6 of 1949, s. 4.

⁹ See Central Acts.

¹⁰ The figure and brackets “(i)” were repealed by Bom. 11 of 1928, s. 3, and Second Schedule.

¹¹ This Explanation was added by Bom. 29 of 1956, s. 3(3).

¹[6. **Power to make rules.**— (1) The ²[³[State] Government] may, from time to time, by notification in the ⁴[*Official Gazette*], make rules 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.

7. [*Repeals and Savings.*] Omitted by the Maharashtra Adaptation of Laws (State and Concurrent Subjects) Order, 1960.

¹ For Rules under this section, see Government Notification in the Finance Department, No. 6004-E, dated the 1st December 1930, published in the *Bombay Government Gazette*, 1930, Part I, pp. 295-98.

² The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation of Indian Laws Order in Council.

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ The words "*Official Gazette*" were substituted for the words "*Bombay Government Gazette*" by the Adaptation of Indian Laws Order in Council.