



The Himachal Pradesh Distressed Persons (Facilities for Loans) Act, 1976

Act 18 of 1976

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**THE HIMACHAL PRADESH DISTRESSED PERSONS
(FACILITIES FOR LOANS) ACT, 1976**

(ACT NO. 18 OF 1976)¹

ARRANGEMENT OF SECTIONS

SECTIONS:

1. Short title, extent and commencement.
2. Definitions.
3. Power of State Government to make rules for grant of loans and their recovery.
4. Recovery of loans as arrears of land revenue.
5. Liability of joint-borrowers as among themselves.
6. Rule making power.
7. Repeal and savings.

(Received the assent of the Governor on the 30th April, 1976 and was published in R.H.P. Extra., dated the 4th May, 1976, at p. 1201—1204).

An act to provide for extension of loan facilities to distressed person in certain cases.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-seventh Year of the Republic of India, as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Himachal Pradesh Distressed Persons (Facilities for Loans) Act, 1976.

(2) It extends to the whole of Himachal Pradesh.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) 'Official Gazette' means the Rajpatra, Himachal Pradesh; and

(b) 'State Government' means the Government of Himachal Pradesh.

3. Power of State Government to make rules for grant of loans and their recovery.—The State Government may, from time to time, by notification in the Official Gazette, make rules as to the grant of loans and their recovery to be made, to persons affected by distress caused by calamities, such as floods, epidemics, famine, earthquakes, land-slides, avalanches, snow-storms, hail-storms, fire, severe drought, excessive rains, wind storm, lightning and electric shock and locusts.

4. Recovery of loans as arrears of land revenue.—Every loan made in accordance with rules made under this Act, all interest 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.

1. For Statement of Objects and Reasons, see R. H. P. Extra., dated the 8th, March, 1976, P. 833. and for its authoritative Hindi text see R.H.P. Extra., dated 25.3.1994 p. 442-444.

5. Liability of joint borrowers as among themselves.—When a loan is made under this Act to two or more persons on such terms and conditions that all of them are jointly and severally bound to the State 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 authorised 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 these persons is bound to contribute.

6. Rule making power.—(1) The State Government may subject to the condition of previous publication, make rules for the purpose of giving effect to the provisions of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than four teen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

7. Repeal and savings.—The Punjab Distressed Persons (Facilities for Loans) Act, 1958, (11 of 1958), in its application to the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966, (31 of 1966), is hereby repealed :

Provided that anything done, action taken, rules made or notification issued in exercise of the powers conferred by or under the provisions of the Act so repealed to the extent of their being consistent with the provisions of this Act shall be deemed to have been done, taken, made or exercise of the powers conferred by or under this Act, as if this Act was in force on the day on which such thing was done, action taken, rules made or notification issued.