

ACT No. XXI OF 1876.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the
17th of December 1876).

An Act to amend the Land Improvement Act, 1871.

WHEREAS doubts have arisen as to the effect of certain provisions of the Land Improvement Act, 1871, and it is expedient, with a view to removing such doubts, to amend the said Act; It is hereby enacted as follows :—

1. This Act extends to the whole of British India :
It shall be read with, and taken as part of, the said Land Improvement Act, 1871, and it shall be deemed to have come into force on the twenty-eighth day of September 1871, being the day on which the said Act came into force.

2. The definition of "improvement" in section one of the said Act includes works for the storage, supply or distribution of water for the use of men and cattle employed in agriculture.

3. To section fourteen of the said Act the following clause shall be added (namely)—
“(e.) if such security consists of a charge upon land—the position, extent and boundaries of such land.”

4. Section fifteen of the said Act is repealed, and instead thereof the following section shall be substituted :—

“15. All sums advanced under this Act shall, when they become due, be recoverable in all or any of the following ways :—

(a) from the borrower—as if they were arrears of land-revenue due from him :

(b) from

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(b) from the surety (if any)—as if they were arrears of land-revenue due from him :

(c) out of the land to be improved—as if they were arrears of land-revenue due on account of such land :

(d) out of the property comprised in the collateral security (if any)—according to the terms of such security :

“ Provided--

(e) that if the borrower is the landlord, any proprietary or cultivating interest which a tenant may have in the land to be improved shall not, unless the tenant has given such interest as collateral security for the advance, be liable to sale for the recovery of such advance :

(f) that if the borrower is such a tenant as is mentioned in section seven, the landlord's interest in the land to be improved shall not be liable to sale for the recovery of the advance :

(g) and if the advance is recovered from the surety or out of his property, to the exoneration of the borrower or of the land to be improved, the surety shall have the same rights against the borrower and the land to be improved, as the Government had when the advance was due, and may enforce such rights by ordinary process of law.”

Power to
authorize
Collector to
delegate cer-
tain powers.

5. The Local Government may authorize the Collector (as defined in the said Act) to delegate to any officer subordinate to him such of his powers under the said Act as the Local Government may from time to time prescribe.