

The Orissa



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SEPARATE PAGING IS GIVEN TO THIS PART, IN ORDER THAT IT MAY BE FILED AS A SEPARATE COMPILATION

## PART XI

Bills introduced into the Legislative Assembly of Orissa, Reports of Select Committees presented or to be presented to that Assembly and Bills published before introduction in that Assembly

## LEGISLATIVE ASSEMBLY DEPARTMENT

## NOTIFICATION

The 5th February 1943

**No. 129-L.A.**—The following report of the Select Committee on the Orissa Money-lenders (Amendment) Bill, 1942 together with the Bill as amended by that Committee, is hereby published for general information :—

**REPORT OF THE SELECT COMMITTEE ON THE ORISSA MONEY-LENDERS (AMENDMENT) BILL, 1942**

We, the undersigned members of the Select Committee, to which the Orissa Money-lenders (Amendment) Bill, 1942, was referred, have the honour to submit this, our report, with a copy of the Bill, as amended by us annexed.

The Select Committee, to which the Orissa Money-lenders (Amendment) Bill, 1942, was referred consisted of nine members, namely (1) Rai Bahadur Mandhata Gorachand Patnaik (2) The Hon'ble Pandit Godavaris Misra, (3) Sri Biswanath Behera, (4) Maulavi Muhammad Latifur Rahman, (5) Sri Brajasundar Das, (6) Sri V. K. V. Raju, (7) Sri Atal Behari Acharya, (8) Sri Radhamohan Panda and (9) Sri Birabar Narayan Chandra Dhir Narendra.

The Committee held its meetings on Monday, the 21st December 1942 and on Monday, the 11th January 1943. At the first meeting, the first five members mentioned above were present and at the second meeting, they and the sixth and the seventh members named above were present. The other two members, namely, Sri Radhamohan Panda and Sri Birabar Narayan Chandra Dhir Narendra were not present at any of the meetings. Rai Bahadur Mandhata Gorachand Patnaik, who was nominated as the Chairman of the Committee by the Hon'ble the Speaker, presided at the meetings. We examined the clauses of the Bill and approved it, subject to the alterations stated and explained in the following note :—

*Clause 2*—Under the clause, as it stands in the Bill as referred to us, a usufructuary mortgage, which was executed before the commencement of the Orissa Money-lenders Act, 1939, will be deemed to stand discharged after the expiration of 15 years from the date of the mortgage. The exact date of the expiry of the period of 15 years may, in certain cases, be sometime before the commencement of the present Amendment Act. To hold the mortgage as discharged prior to the commencement of the present Amendment Act, may lead to complications as to the rights and liabilities of the parties to the mortgage and those claiming under them during the intervening period until the commencement of the present Amendment Act. To safeguard the interests of all concerned, it is considered desirable to provide that the mortgage should be deemed to stand discharged after the expiration of 15 years from the date of the mortgage or on the commencement of the Amendment Act, whichever is the later date. With a view to give effect to this decision and to make the provision of the clause clear and unambiguous, the clause has been re-drafted as follows :—

“ 2. In section 17 of the Orissa Money-lenders Act, 1939, after the words ‘ after the expiration of fifteen years from the date of the mortgage ’ the words “ and a usufructuary mortgage, which is executed before the commencement of this Act, shall, unless discharged previously, be deemed to stand discharged after the expiration of fifteen years from the date of the mortgage or on the commencement of the Orissa Money-lenders (Amendment) Act, 1942, whichever is the later date. ”

The Bill was published in the *Orissa Gazette* on the 3rd November 1942, and we do not consider its republication necessary.

We recommend that the Bill, as amended by us, be passed.

M. G. PATNAIK  
BISWANATH BEHERA  
ATAL BEHARI ACHARYA  
BRAJASUNDAR DAS  
MD. LATIFUR RAHMAN  
G. MISRA  
\* V. K. VISWANADHAM RAJU

\* Subject to a note of dissent annexed.

**Note of dissent by Sri V. K. V. Raju, M.L.A.**

The original Act was passed when the Assembly was in full session. Section 17 of the Act came in that final form after full discussion in the then Select Committee and in the Assembly during the regime of the Congress Government. It was understood that this section, as it is, would satisfactorily meet the requirements aimed at. I do not see any necessity to amend the section. I, therefore, dissent from the view expressed by the other members of the Select Committee on the amendment proposed by my hon'ble colleague, Janab Md. Latifur Rahman. If this amendment is to be passed, the Sahukars dealing in usufructuary mortgages in Sanokhimedi, Bodokhimedi and Athagada taluks of Ganjam district will suffer losses exceeding ten lakhs of rupees, in these hard days. This means the ruining of all these Sahukars, which is unjust and undesirable.

Further, by the introduction of such amendments, panic will be spread in these war days and it shall be the duty of the Government to avoid or avert such an unpleasant situation and to see that no impediments are created in our efforts for the successful prosecution of war. We should, therefore, note that this is a precious time to bring about benevolent and popular legislation to win the public approbation. Let the amendment, therefore, be allowed to lie over till after the close of the war.

**THE ORISSA MONEY-LENDERS (AMENDMENT) BILL, 1942**

*(As amended by the Select Committee)*

NOTE—Matter omitted is shown in italics within square brackets. New matter is underlined.

**A  
BILL**

TO AMEND THE ORISSA MONEY-LENDERS ACT, 1939

Preamble

**W**HEREAS it is expedient to amend the Orissa Money-lenders Act;

It is hereby enacted as follows:—

Short title,  
extent and  
commence-  
ment

1. (i) This Act may be called the Orissa Money-lenders (Amendment) Act, 1942.

(ii) It extends to the whole of the Province of Orissa.

(iii) It shall come into force throughout the Province on such date as the Governor may, by notification, appoint.

Amendment  
of section 17,  
Orissa Act  
III of 1939

2. [*Delete the expression "which is executed after the commencement of this Act" occurring after the words "usufructuary mortgage" in section 17 of the Orissa Money-lenders Act, 1939.*]

In section 17 of the Orissa Money-lenders Act, 1939, after the words "after the expiration of fifteen years from the date of the mortgage" the words "and a usufructuary mortgage, which is executed before the commencement of this Act, shall, unless discharged previously, be deemed to stand discharged after the expiration of fifteen years from the date of the mortgage or on the commencement of the Orissa Money-lenders (Amendment) Act, 1942, whichever is the later date."

C. G. NAIR  
Secretary, Orissa Legislative Assembly