



# The Orissa Gazette

## EXTRAORDINARY

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CUTTACK, TUESDAY, NOVEMBER 3, 1942.

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**LAW DEPARTMENT.**

NOTIFICATION.

*The 3rd November 1942.*

**No. 12146-L. (C).**—The following Bill, which it is proposed to introduce in the Orissa Legislative Assembly, is hereby published under rule 70 of the Orissa Legislative Assembly Rules, 1937, for general information.

**THE HINDU WOMEN'S RIGHTS TO  
PROPERTY (EXTENSION TO AGRICULTURAL  
LAND IN ORISSA)  
BILL, 1942.**

**A**

**BILL**

TO EXTEND THE OPERATION OF THE  
HINDU WOMEN'S RIGHTS TO PROPERTY  
ACT, 1937, TO AGRICULTURAL LAND IN  
THE PROVINCE OF ORISSA.

**WHEREAS** the Hindu Women's  
Rights to Property Act, 1937, <sup>XVIII of</sup>  
purported to give better rights to women <sup>1937.</sup>  
in respect of property in general;

**AND WHEREAS** it has been estab-  
lished that the said Act does not operate  
to give women better rights in respect of  
agricultural land;

**AND WHEREAS** many transactions  
have already taken place in the Province  
of Orissa on the basis that women had  
acquired better rights under the said  
Act in respect of agricultural land as well  
as other kinds of property;

**AND WHEREAS** it is therefore  
expedient to extend the operation of the  
said Act, to agricultural land in the  
said Province with retrospective effect,  
but with certain savings, for the purpose  
of giving women better rights under the  
said Act in respect of agricultural land  
in the said Province as well as for validat-  
ing the transactions referred to above  
and for other purposes;

It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the Hindu Women's Rights to Property (Extension to Agricultural Land in Orissa) Act, 1942.

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

Extension of operation of Hindu Women's Rights to Property Act, 1937, to agricultural lands in Orissa.

2. The expression "property" in the Hindu Women's Rights to Property Act, 1937, in its application to the Province of Orissa shall include and shall be deemed always to have included agricultural land, and the provisions of the said Act shall apply and shall be deemed always to have applied to agricultural land in the said Province accordingly.

XVIII of 1937.

Saving of previous possession and transfer.

3. Notwithstanding anything contained in section 2, where any person who, but for this Act, would have been entitled to any property, has been in possession thereof or has before the 9th March 1942 made a transfer thereof, his possession up to the date of the commencement of this Act shall be deemed to be as lawful, and the transfer so made by him shall be deemed to be as valid, as if this Act had not been passed.

Saving of special laws.

4. Nothing in this Act shall be deemed to affect any special law for the time being in force in any part of the Province of Orissa relating to succession to the rights of tenants in agricultural land.

## STATEMENT OF OBJECTS AND REASONS.

The Hindu Women's Rights to Property Act, 1937, an Act of the Central Legislature, gives better rights to Hindu women in respect of property in general. But it has been held that the Act does not operate in respect of agricultural land in the provinces. This has created an anomalous position in which one law as regards such rights applies to agricultural land and a different law to other kinds of property. The main object of the Bill is to remove this anomaly and give Hindu women in the Province of Orissa the same rights in respect of agricultural land as they enjoy under the Hindu Women's Rights to Property Act, 1937, in respect of other property. The Bill is made retrospective in order to protect transactions already entered into on the faith of the 1937 Act. At the same time provision is made for preserving the validity of past possession of those who have been enjoying rights on the basis of the pre-existing law, which was not altered by the 1937 Act, and of transferees from such persons. As regards transfers, however, this saving will only operate up to the 9th of March 1942, this being the date on which a Bill to the same effect as the present Bill was introduced in the Orissa Legislative Assembly by a private member.

ABDUS SOBHAN KHAN,

*Member-in-charge.*

*The 31st October 1942.*

By order of the Governor,

W. W. DALZIEL,

*Secretary to Government.*