

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

LAW DEPARTMENT

NOTIFICATIONS

The 8th June 1943

No. 11797—Legis.(G)-8/43-L.(C).—The following Bills, which it is proposed to introduce in the Orissa Legislative Assembly, are hereby published under rule 70 of the Orissa Legislative Assembly Rules, 1937, for general information :—

**THE BIHAR AND ORISSA MOTOR VEHICLES TAXATION
(ORISSA AMENDMENT) BILL, 1943**

**A
BILL**

TO AMEND THE BIHAR AND ORISSA MOTOR VEHICLES TAXATION ACT, 1930, IN ITS APPLICATION TO THE PROVINCE OF ORISSA

WHEREAS the Bihar and Orissa Motor Vehicles Taxation Orissa Act (Orissa Amendment) Act, 1940, an act to amend the Bihar ^{II of 1940} and Orissa Motor Vehicles Taxation Act, 1930, for the purpose ^{B & O Act II of 1930} of avoiding repugnancy with the Motor Vehicles Act, 1930, ^{IV of 1930} will expire on the 23rd November, 1943 ;

AND WHEREAS it is expedient to re-enact the provisions of sections 2 to 8 of the said amending Act ;

It is hereby enacted as follows :—

Short title and commencement

1. (1) This Act may be called the Bihar and Orissa Motor Vehicles Taxation (Orissa Amendment) Act, 1943.

(2) It shall come into force at once.

Amendment of section 2 of the principal Act

2. In section 2 of the Bihar and Orissa Motor Vehicles Taxation Act, 1930, hereinafter called the principal Act,

(1) For clause (a) the following clause shall be substituted, namely :—

(a) " registration " means registration under the Motor Vehicles Act, 1939, and the rules made thereunder.

(2) For clause (b) the following clause shall be substituted, namely :—

" (b) " public place " has the same meaning as in the Motor Vehicles Act, 1939 ".

(3) For clause (c) the following clause shall be substituted, namely :—

" (c) " motor vehicle " has the same meaning as in the Motor Vehicles Act, 1939 ".

Amendment of section 6

3. In section 6 of the principal Act sub-section (3) shall be omitted.

Insertion of new sections 6A and 6B.

4. After section 6 of the principal Act the following sections shall be inserted namely :—

" 6A. When any person pays the amount of tax due in respect of a motor vehicle, the taxing officer shall grant to such person

a tax token in such form as may be prescribed by the Provincial Government specifying the period for which tax has been paid.

6B. (1) The tax token granted in respect of a motor vehicle under section 6A shall be carried in a conspicuous place upon the vehicle in such a manner as may be prescribed by the Provincial Government, and if such a tax token is not so carried upon such vehicle the person who keeps the vehicle for use shall be punishable with fine which may extend to Rs. 50.

(2) Any police officer in uniform who is not below the rank of Sub-Inspector or who being below such rank is specially authorised in this behalf by the District Magistrate may require the driver of any motor vehicle in any public place to stop the vehicle and cause it to remain stationary so long as may reasonably be necessary for the purpose of satisfying himself that a tax token has been obtained in respect of such vehicle for the period then current.

(3) Any person failing to stop a motor vehicle when required to do so by a police officer in uniform under the preceding sub-section or resisting such officer shall be punishable with fine which may extend to Rs. 50."

Substitution
of new
section for
section 7 of
principal Act

5. For section 7 of the principal Act the the following section shall be substituted, namely:—

"7. (1) When any person has paid the tax in respect of a motor vehicle he shall be entitled—

(a) on production of a certificate signed by the taxing officer stating that the tax token granted in respect of such vehicle has been surrendered, to a refund for each calendar month of the period for which such tax has been paid and which is unexpired on the date on which the tax token was surrendered of an amount equal to one-twelfth of the annual rate of tax payable on such vehicle, or

(b) on production of a certificate signed by the taxing officer stating that the tax token granted in respect of such vehicle has been surrendered and that an application for the registration of such vehicle for the first time has been refused to a refund of the total amount of the tax paid.

(2) Before granting the certificate referred to in clause (b) of sub-section (1) the taxing officer shall satisfy himself in the prescribed manner that an application for the registration of the vehicle of the first time has been refused."

Amendment
of section 9

6. In section 9 of the principal Act the words " and the licensing authority shall not grant a fresh certificate of registration or renew any certificate of registration in respect of such vehicle as so altered until such amount of tax has been paid " shall be omitted.

Insertion of
new sections
13B and
13C

7. After section 13A of the principal Act the following two sections shall be inserted, namely:—

" 13B. Any tax due under this Act may be recovered in the same manner as an arrear of land revenue. The motor vehicle in respect of which tax is due or its accessories may be distrained and sold in pursuance of this section, whether or not such vehicle is, or such accessories are, in possession or control of the person liable to pay the tax.

13C. No prosecution suit or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act "

Amendment
of section
14

8. In section 14 of the principal Act,

" (1) In sub-section (2)—

(a) in clause (a) after the word ' certificate ' the words ' tax token ' shall be inserted, and (b) in clause (c), the words ' and of the licensing authority ' shall be omitted "

(2) After sub-section (2) the following sub-section shall be inserted, namely :—

“(3) Any rule made under sub-section (1) or (2) of this section may provide that a breach thereof shall be punishable with fine which may extend to Rs. 50 ”.

Repeal of Orissa Act II of 1940

9. The Bihar and Orissa Motor Vehicles Taxation (Orissa Amendment) Act, 1940, is hereby repealed. Orissa Act II of 1940

STATEMENT OF OBJECTS AND REASONS

The Bihar and Orissa Motor Vehicles Taxation (Orissa Amendment) Act, 1940, which was made by the Governor, in exercise of the powers of the Legislature assumed to himself by Proclamation, dated the 6th November 1939, made certain amendments in the Bihar and Orissa Motor Vehicles Taxation Act, 1930. This Amending Act will expire on the 23rd of November 1943, unless re-enacted. The object of the present Bill is to re-enact the provisions of the 1940 Act in a permanent Act of the Provincial Legislature.

K. C. GAJAPATI
Member-in-charge

CUTTACK : 4th May 1943

THE MADRAS MOTOR VEHICLES TAXATION (ORISSA AMENDMENT) BILL, 1943

A BILL

TO AMEND THE MADRAS MOTOR VEHICLES TAXATION ACT, 1931, IN ITS APPLICATION TO THE PROVINCE OF ORISSA

WHEREAS the Madras Motor Vehicles Taxation (Orissa Amendment) Act, 1940, an Act to amend the Madras Motor Vehicles Taxation Act, 1931, for the purpose of avoiding repugnancy with the Motor Vehicles Act, 1939, will expire on the 23rd November 1943 ;

AND WHEREAS it is expedient to re-enact the provisions of said amending Act ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Madras Motor Vehicles Taxation (Orissa Amendment) Act, 1943.

(2) It shall come into force at once.

2. In section 2 of the Madras Motor Vehicles Taxation Act, 1931, hereinafter called the principal Act :—

(1) For clause (iii) the following clause shall be substituted, namely :—

“(iii) “ motor vehicle ” has the same meaning as in the Motor Vehicles Act 1939 ”.

(2) For clause (iv)-a the following clause shall be substituted, namely :—

“(iv)-a. “ public road ” means a public place as defined in section 2(24) of the Motor Vehicles Act, 1939 ”.

(3) For clause (v) the following clause shall be substituted, namely :—

“(v) “ registered owner ” means the person in whose name a motor vehicle is registered in accordance with the Motor Vehicles Act, 1939, and the rules made thereunder. ”

3. In section 5 of the principal Act, sub-clause (ii) of clause (a) of sub-section (3) shall be omitted.

4. The Madras Motor Vehicles Taxation (Orissa Amendment) Act, 1940, is hereby repealed.

Short title and commencement Amendment of section 2 of the principal Act.

Amendment of section 5 Repeal of Orissa Act II of 1940

Orissa Act III of 1940
Madras Act III of 1931

IV of 1939

Orissa Act III of 1940

STATEMENT OF OBJECTS AND REASONS

The Madras Motor Vehicles Taxation (Orissa Amendment) Act, 1940, which was made by the Governor, in exercise of the powers of the Legislature assumed to himself by Proclamation, dated the 6th November 1939, made certain amendments in the Madras Motor Vehicles Taxation Act, 1931. This Amending Act will expire on the 23rd of November 1943 unless re-enacted. The object of the present Bill is to re-enact the provisions of the 1940 Act in a permanent Act of the Provincial Legislature.

CUTTACK : 4th May 1943

K. C. GAJAPATI
Member-in-chargeBy order of the Governor
W. W. DALZIEL
Secretary to Government

The 8th June 1943

No. 11799—Legis.(C.)-9/43-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 BIHAR AND ORISSA MUNICIPAL (ORISSA AMENDMENT) BILL, 1943

A
BILL

TO AMEND THE BIHAR AND ORISSA MUNICIPAL ACT, 1922 IN ITS APPLICATION TO THE PROVINCE OF ORISSA

WHEREAS the Bihar and Orissa Municipal (Orissa Amendment) Act, 1940, an Act to amend the Bihar and Orissa Municipal Act, 1922, will expire on the 23rd November 1943 ;
AND WHEREAS it is expedient to re-enact the provision of the said amending Act ;

It is hereby enacted as follows :—

- Short title and comment—
Amendment of the First Schedule to B. & O. Act VIII of 1922
Repeal of Orissa Act VI of 1940
- (1) This Act may be called the Bihar and Orissa Municipal (Orissa Amendment) Act, 1943 ;
(2) It shall come into force at once.
 - In the first schedule to the Bihar and Orissa Municipal Act, 1922, after the entry " For every two-wheeled vehicle including a shampani but excluding a bicycle. . . 2-0 the following entry shall be inserted, namely :—
" For every bicycle. . . 1-0 "
 - The Bihar and Orissa Municipal (Orissa Amendment) Act, 1940, is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Bihar and Orissa Municipal (Orissa Amendment) Act, 1940, which was made by the Governor, in exercise of the powers of the Legislature assumed to himself by Proclamation, dated the 6th November 1939, made an amendment in the Bihar and Orissa Municipal Act, 1922. This amending Act will expire on the 23rd of November 1943 unless re-enacted. The object of the present Bill is to re-enact the provisions of the 1940 Act in a permanent Act of the Provincial Legislature.

CUTTACK : 9th May 1943

K. C. GAJAPATI
Member-in-chargeBy order of the Governor
W. W. DALZIEL
Secretary to Government