

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
NOTIFICATIONS

The 15th November 1943

No. 1937-L.A.—The following Report of the Select Committee on the Orissa Hindu Religious Endowments (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 HINDU RELIGIOUS ENDOWMENTS (AMENDMENT) BILL, 1942

1. We, the undersigned members of the Select Committee to which the Orissa Hindu Religious Endowments (Amendment) Bill, 1942, was referred, have the honour to submit this our Report with a copy of the Bill, as amended by us, annexed.

2. The Committee held its meeting on Tuesday, the 4th May 1943, and on Saturday, the 25th September 1943.

3. Rai Bahadur Mandhata Gorachand Patnaik, who was nominated Chairman of the Committee by the Hon'ble Speaker, presided at both the meetings.

4. We gave our careful consideration to the opinions received on the provisions of the Bill before us and examined the Bill clause by clause. We approved the Bill subject to the alterations made therein and explained in the following note :—

Short title—The figures "1942" have been changed into "1943". This amendment is necessitated by the efflux of time.

Clause 2(a)—In our opinion the field of choice for appointment to the post of the Commissioner of Endowments should not be so extensive as has been provided in the Bill before us. We were in favour of limiting it only to the members of the Orissa Civil Service, Executive and Judicial Branch, who have served either as judicial or as revenue officers for at least ten years and who are still in the active service under the Government of Orissa. We have made amendments in clause 2 (a) of the Bill to give effect to our above recommendation.

Clause 2(b)—Having regard to the nature of duties the Commissioner of Endowments will have to discharge we did not think it proper that the Commissioner of Endowments should continue to hold his office even after he retires from the service of which he is a member. In order to give effect to our above recommendation we have made suitable amendments in clause 2 (b) of the Bill.

Clause 3—We were strongly of opinion that the Commissioner of Endowments should not be allowed to take up other duties in addition to his own as the Endowments Commissioner. We have, therefore, deleted clause 3.

5. The Bill was published in the *Orissa Gazette, Extraordinary*, dated the 8th November 1942, and we do not consider its republication necessary.

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

M. G. PATNAIK
A. S. KHAN
BRAJASUNDAR DAS
ATAL BEHARI ACHARYA
BISWANATH BEHERA
MUHAMMAD LATIFUR RAHMAN
LAL ARTATRAN DEO

**THE ORISSA HINDU RELIGIOUS
ENDOWMENTS (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 HINDU RELIGIOUS
ENDOWMENTS ACT, 1939

WHEREAS it is expedient to amend the Orissa Hindu Religious Endowments Act, 1939, for the purposes hereinafter appearing; Orissa Act
IV of 1939

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Orissa Hindu Religious Endowments (Amendment) Act, [1942] 1943.

Amendment of
section 7 of
Orissa Act IV of
1939.

2. In section 7 of the Orissa Hindu Religious Endowments Act, 1939 (hereinafter referred to as the said Act)— Orissa Act
IV of 1939

(a) for sub-section (1) the following sub-section shall be substituted, namely:—

“(1) The Provincial Government may, by notification in the official Gazette, appoint as Commissioner of Endowments a person who professes the Hindu religion and [*who is—*

(a) *a member or retired member of the Indian Civil Service or of the Orissa Civil Service, executive or judicial branch, or*

(b) *a Barrister of England or Ireland or a Member of the Faculty of Advocates in Scotland of not less than five years' standing, or*

(c) *a person having been a pleader for a period of not less than ten years.”;*]

(a) who is a member of the Orissa Civil Service, executive or judicial branch, and

- (b) who has put in recognised service either as a judicial officer or as a revenue officer for a period of not less than ten years, and
- (c) who is still in active service under the Government of Orissa.

[(b) sub-section (2) shall be renumbered as sub-section (3) and the following sub-section shall be inserted as sub-section (2), namely:—

“(2) the person so appointed shall be deemed to be holding an office in the service of the Crown in India.”]

(b) for sub-section (2) the following sub-sections shall be substituted, namely:—

“(2) The person so appointed shall be deemed to be holding an office in the service of the Crown in India.

(3) The Commissioner shall cease to hold his office if he ceases to profess the Hindu religion, or if he ceases, either by retirement or otherwise, to be a member of the service to which he belongs or to hold a lien or a suspended lien on a civil post in the said service, as the case may be.”

[Amendment of section 8 of Orissa Act IV of 1939]

[3. To sub-section (1) of section 8 of the said Act the following proviso shall be added, namely:—

“Provided that the Provincial Government may permit the Commissioner to engage in other work, if satisfied that he can do so without detriment to the performance of his duties as Commissioner.”]

G. DHAL

Secretary, Orissa Legislative Assembly

The 15th November 1943

No. 1944-L.A.—The following Report of the Select Committee on the Hindu Women's Rights to Property (Extension to Agricultural Land in Orissa) Bill, 1942, together with the Bill, as amended by that Committee, is hereby published for general information :—

REPORT OF THE SELECT COMMITTEE ON THE HINDU WOMEN'S RIGHTS TO PROPERTY (EXTENSION TO AGRICULTURAL LAND IN ORISSA) BILL, 1942

We, the undersigned members of the Select Committee to which the Hindu Women's Rights to Property (Extension to Agricultural Land in Orissa) Bill, 1942, was referred, have the honour to submit this our Report with a copy of the Bill as amended by us, annexed.

2. Maulavi Muhammad Latifur Rahman was nominated Chairman of the Committee by the Hon'ble the Speaker.

3. The Committee held its meeting on the 25th September 1943 with Maulavi Muhammad Latifur Rahman in the chair.

4. All the members, except Lal Artatran Deo and the Hon'ble Maulavi Abdus Sobhan Khan, attended the meeting.

5. We gave our careful consideration to the opinions received on the provisions of the Bill before us and considered it clause by clause. We approved the Bill subject to the alterations made therein and explained in the following note :—

Preamble—The Hindu Women's Rights to Property Act, 1937, has been amended in the year 1938. We, therefore, considered it better to make mention of that Act also in the preamble as well as in the body of the Bill wherever necessary.

Clause 1—For the figures " 1942 " the figures " 1943 " have been substituted. This amendment is necessary because of the efflux of time.

Clause 2—We allowed clause 2 to stand as it is in the Bill subject only to the minor amendments necessitated by the mention of the amending Act, 1938.

Clause 3—We considered the provision of this clause very carefully. We were of the opinion that to meet the ends of justice and equity transfers up to the date of the commencement of this Act should be deemed to be valid. We have, therefore, deleted the words and figures " before the 9th March 1942 " in order to give effect to our above recommendation.

Clause 4—So far as we are aware there is no special law in the Province of Orissa governing the succession to the rights of tenants in agricultural land. However, we know that there are certain estates in Orissa which descend to a single heir either by customary or other rule of succession. We have, therefore, substituted clause 4 by the following, namely :—

" 4. The provisions of this Act shall not apply to an estate which, by a customary or other rule of succession or by the terms of the grant applicable thereto, descends to a single heir or to any property to which the Indian Succession Act, 1925, applies."

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

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

MUHAMMAD LATIFUR RAHMAN
BRAJASUNDAR DAS
ATAL BEHARI ACHARYA
A. S. KHAN
BISWANATH BEHERA
M. G. PATNAIK
SARALA DEVI
J. M. MANGARAJ
LAL ARTATRAN DEO

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

(As amended by the Select Committee)

NOTE--All matters omitted by the Select Committee have been printed in italics and included in square brackets and all new matters inserted have been underlined.

**A
BILL**

TO EXTEND THE OPERATION OF THE
HINDU WOMEN'S RIGHTS TO PROPERTY
ACT, 1937, AND THE HINDU WOMEN'S
RIGHTS TO PROPERTY (AMEND-
MENT) ACT, 1938, TO AGRI-
CULTURAL LAND IN
THE PROVINCE
OF ORISSA

WHEREAS the Hindu Women's
Rights to Property Act, 1937,
as amended by the Hindu Women's
Rights to Property (Amendment) Act,
1938, purported to give better rights to ^{XVIII of} 1937
women 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] 1943.

(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 as amended by the Hindu Women's Rights to Property (Amendment) Act, 1938 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.

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 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.]

Exclusion of certain estates from the operation of the Act

4. The Provisions of this Act shall not apply to an estate which, by a customary or other rule of succession or by the terms of the grant applicable thereto, descends to a single heir or to any property to which the Indian Succession Act, 1925 applies.

G. DHAL

Secretary, Orissa Legislative Assembly

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