

**THE ORISSA MONEY-LENDERS (AMENDMENT) ACT, 1976**

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## ORISSA ACT 32 OF 1976

**\* THE ORISSA MONEY-LENDERS ( AMENDMENT ) ACT, 1976**

*[Received the assent of the President on the 1st July 1976, first published in an extraordinary issue of the Orissa Gazette, dated the 6th July 1976]*

## AN ACT TO AMEND THE ORISSA MONEY-LENDERS ACT, 1939

**BE** it enacted by the Legislature of the State of Orissa in the Twenty-seventh Year of the Republic of India, as follows :—

Short title

1. This Act may be called the Orissa Money-Lenders (Amendment) Act, 1976.

Amendment of section 2.

2. In section 2 of the Orissa Money-Lenders Act, 1939 (hereinafter referred to as the principal Act),—

Orissa Act 3 of 1939.

(a) in clause (g), the word “and” occurring at the end shall be omitted;

(b) after clause (g), the following clause shall be inserted, namely:—

“(g-1) “Tahasildar” includes an Additional Tahasildar;”.

Amendment of section 5.

3. In section 5 of the principal Act, in sub-section (3), the words “not exceeding twenty-five rupees” shall be deleted.

Amendment of section 7-B.

4. In section 7-B of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) While making an inspection under sub-section (1), the inspecting officer may seize and take to his office for further investigation such books, accounts, records, files and documents as he considers necessary after giving to the person from whose custody they are seized, a receipt describing the books, accounts, records, files and documents so seized.

(4) The inspecting officer shall, within seven days of the seizure and removal of the books, accounts, records, files and documents from the premises, return them to the person from whose custody they were removed, unless they are required to be made over to the police or to be produced in a Court.”.

Amendment of section 19.

5. In section 19 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) Any money-lender who, without sufficient cause,—

(a) fails to put the mortgagor or his successor-in-interest, as the case may be, in possession of the property as required by sub-section (2) or sub-section (3) of section 17; or

(b) fails to make an application to the Court as required by sub-section (4) of that section,

shall, on conviction, be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.”.

insertion of  
new sections  
20A, 20B  
and 20C.

6. In Chapter IV of the principal Act, after section 20, the following new sections shall be inserted, namely:—

Abetment to  
be an  
offence.

“20-A. Whoever abets any offence punishable under this Act shall, whether or not the offence abetted is committed, be punishable with the same punishment as is provided for the offence which has been abetted.

*Explanation*—For the purposes of this Act, “abetment” has the meaning assigned to it in the Indian Penal Code.

45 of 1960

Offences to  
be tried by  
Executive  
Magistrates  
summarily.

20-B. (1) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class or of the second class for the trial of the offences under this Act; and on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973, to be a Judicial Magistrate of the first class or of the second class, as the case may be.

2 of 1974

(2) An offence under this Act may be tried summarily by a Magistrate.

Cognizance  
of offences.

20-C. Every offence under this Act shall be cognizable and bailable.”