

OA 2/40

ODISHA ACT 2 OF 1943

THE ODISHA CO-OPERATIVE LAND MORTGAGE BANK (AMENDMENT) ACT, 1943

(27<sup>th</sup> March 1943)

AN ACT TO AMEND THE ODISHA CO-OPERATIVE LAND MORTGAGE BANK ACT, 1938

Preamble WHEREAS it is expedient to amend the Orissa Co-operative Land Mortgage Bank Act, 1938, for the purpose hereinafter appearing; Orissa Act II of 1938

It is hereby enacted as follows :—

Short title 1. This Act may be called the Orissa Co-operative Land Mortgage Bank (Amendment) Act, 1943.

Insertion of new section 32-A in Orissa Act III of 1938 2. After section 32 of the Orissa Co-operative Land Mortgage Bank Act, 1938, the following section shall be inserted, namely :— Orissa Act III of 1938

“ 32-A. (1) Subject to such restrictions, limitations and conditions as may be prescribed, the Registrar and persons subordinate to the Registrar who are authorised by him in this behalf by general or special order in writing, and such other persons, being officials engaged in the relief of rural indebtedness or officers of co-operative banks which are registered or deemed to be registered under the Bihar and Orissa Co-operative Societies Act, 1935, or under the Madras Co-operative Societies Act, 1932, as the Provincial Government may, by notification in the official Gazette, authorise in this behalf, shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely :— B. & O. Act VI of 1935  
Madras Act VI of 1932  
V of 1903

Power to summon witnesses and requisition documents

- (a) enforcing the attendance of any person and examining him on oath or affirmation;
- (b) compelling the production of documents; and
- (c) issuing commissions for the examination of witnesses.

(2) Any of the officers or persons authorised by or under sub-section (1) may require any person present before him to furnish any information or to produce any document then and there in his possession or power.

(3) Any officer or person before whom any document is produced under sub-section (1) or sub-section (2) shall have power to take, or to authorise the taking of, such copies of the document or of any entries therein as such officer or person may consider necessary. Copies so taken shall, when certified in such manner as may be prescribed, be admissible in evidence for any purpose in the same manner and to the same extent as the original document or the entries therein, as the case may be.

(4) (a) Any person who wilfully or without reasonable excuse disobeys any summons, requisition or order issued under sub-section (1) or sub-section (2) shall be punishable with fine which may extend to fifty rupees, and in the case of a continuing disobedience with an additional fine which may extend to five rupees for every day during which such disobedience continues after conviction for the last such disobedience.

(b) No court inferior to that of a Magistrate of the first class shall try any offence under clause (a).

(c) Every offence under clause (a) shall, for the purposes of the Code of Criminal Procedure, 1898, be deemed to be non-cognisable. V of 1893

(d) No prosecution shall be instituted under clause (a) without the previous sanction—

(i) of the Registrar in case the summons, requisition or order alleged to have been disobeyed was issued by the Registrar or any person subordinate to him or by any officer of a co-operative bank; and

(ii) of the Collector of the district in other cases.

Such sanction shall not be given without giving the party concerned an opportunity to be heard.

(5) The Provincial Government shall have power to make rules for giving effect to the provisions of this section."