

# Madhya Pradesh Protection of Debtors Act, 1937

MADHYA PRADESH

India

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### Act 04 of 1937

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An Act to provide for the protection of debtors from molestation and intimidation by their creditors. Preamble. Whereas it is expedient to make provision for the protection of debtors from molestation and intimidation by their creditors for the recovery of debts; And whereas the previous sanction of the Governor-General required by sub-section (3) of section 80-A of the Government of India Act has been obtained for the passing of this Act; It is hereby enacted as follows: Section 1. Short title, extent and commencement (1) This Act may be called the [Madhya Pradesh] 2 Protection of Debtors Act, 1937. [(2) It extends to and shall be in force in the whole of Madhya Pradesh.] 3 Section 2. Application of sections 4 and 5 The provisions of sections 4 and 5 shall apply only to such areas as the State Government may, by notification, direct. Section 3. Definition of molestation For the purposes of this Act, a person who, with intent to cause another person to abstain from doing or to do any act which he has a right to do or to abstain from doing, (a) obstructs, or uses violence to, or intimidates, such other person, or (b) persistently follows such other person from place to place or interferes with any property owned or used by him or deprives him of, or hinders him in, the use thereof, or (c) loiters or does any similar act at or near a house or other place where such other person resides, or works, or carries on business, or happens to be, shall be deemed to molest such other person: Provided that a person who attends at or near such house or place in order merely to obtain or communicate information shall not be deemed to molest. Section 4. Penalty for molestation Whoever molests, or abets the molestation of, any debtor for the recovery of a debt owed by him to his creditor shall be punishable with simple imprisonment which may extend to five hundred rupees, or with both. Section 5. Offence of molestation to be cognizable, bailable and compoundable Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898) an offence punishable under section 4 shall be cognizable and bailable, and no court shall take cognizance of any such offence except upon a report in writing of facts which constitute the offence made by report in writing of facts which constitute the offence made by police officer not below the rank of sub-inspector. Such an offence shall be compoundable with the leave of the Court.

- 1. For Statement of Objects and Reasons and Report of Select Committee, see Central Provinces Gazette, dated the 10th July, 1936 and 11th Sept. 1936, Part II, Page 249-250 and pages 422-423, respectively. For discussion, see Central Provinces Legislative Council Proceedings, dated the 6th August, 1936, 5th and 6th November, 1936, pages 726-728 of Vol. XII of 1936, pages 29-46 and pages 49-53 of Vol. XIII of 1936, respectively.**
- 2. Subs. by M.P. Act 23 of 1958, S. 3(4), Sch. Part A, item 38 for Central Provinces and Berar .**
- 3. Subs. by S. 3(3), ibid for sub-sections (2) and (3).**