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[THE GANJAM AND BOUDH (VILLAGE OFFICES ABOLITION) ACT, 1969]

[Received the assent of the President on the 13th January 1970, first published in an extraordinary issue of the Orissa Gazette, dated the 22nd January 1970]

AN ACT TO ABOLISH CERTAIN VILLAGE OFFICES IN THE STATE OF ORISSA

Whereas it is expedient in the public interest to abolish certain Village Offices in the districts of Ganjam and Boudh of the State of Orissa and to provide for matters incidental thereto in the manner hereinafter appearing;

It is hereby enacted by the Legislature of the State of Orissa in the Twentieth Year of the Republic of India, as follows:—

1. (1) This Act may be called the **Ganjam and Boudh (Village Offices Abolition) Act, 1969.**

Short title,
extent and
commence-
ment.

(2) It extends to the Ganjam Agency areas and to the Baliguda Subdivision in the district of Boudh of the State of Orissa.

(3) It shall come into force on such date as the State Government may, by ²notification, appoint in that behalf.

2. In this Act unless the context otherwise requires—

Definitions

(a) “appointed date” in relation to any village office means the date appointed in respect of such office by a notification under sub-section (1) of section 3;

(b) “Collector” includes any officer, not being below the rank of an Additional District Magistrate appointed by the State Government to perform all or any of the functions of a Collector under this Act;

1. For Statement of Objects and Reasons, see *Orissa Gazette*, Extraordinary, dated the 8th October 1969 (No. 1545).

2. Came into force in the Ganjam Agency and Baliguda Sub-division w. e. f. the 1st June 1970—vide S. R. O. No. 389/70 published in *Orissa Gazette*, Extraordinary, dated the 3rd June, 1970 (No. 625).

(Sec. 3)

(c) "emolument" in relation to any Village Office means salary, cash payment, commission, sanja or cist mamool, use or enjoyment of lands held and all kinds of privileges and benefits in respect of or annexed to such office in lieu of remuneration for the performance of the duty appertaining thereto and includes right to fees or perquisites in money or in kind, whether at fixed times or otherwise as incidental to such office;

(d) "prescribed" means prescribed by rules made under this Act; and

(e) "Village Office" shall mean the office shown in the Schedule.

Abolition of
Village Offi-
ces and con-
sequences
thereof.

3. (1) The State Government may from time to time, by notification, declare the village offices specified therein to have been abolished with effect from such date as may be appointed thereunder.

(2) Notwithstanding anything in any law, usage, settlement, grant, sanad or order or in any judgment, decree or order of a Court, with effect from and on the appointed date—

(a) all the incidents of the service tenures relating to such offices shall be deemed to have been extinguished;

(b) all settlements, sanads and all grants in pursuance of which such tenures were being held immediately before the appointed date shall be deemed to have been cancelled;

(c) the rights of the holders of such offices to receive any emoluments shall be deemed to have been terminated;

(d) all rights to hold office and any liability to render service appertaining to such office shall stand extinguished;

(e) all lands held as emolument in respect of such offices shall stand resumed and vested absolutely in the State Government free from all encumbrances; and

(Secs. 4—7)

- (f) the holders of such offices shall cease to have the right to hold all other lands which they would not have continued to hold except by virtue of or as incidental to his office.

4. (1) If any question arises as to whether a person was immediately before the appointed date the holder of any Village Office the Collector shall after giving the person affected an opportunity of being heard and after holding an enquiry decide the question.

Collector to decide, if a person is the holder of a Village Office.

(2) Any person aggrieved by the decision of the Collector under sub-section (1) may within thirty days of such decision prefer an appeal to the Board of Revenue.

5. All lands resumed under the provisions of this Act shall be settled with rights of occupancy therein on a fair and equitable rent with the holder of the Village Office or with him and all those other persons if any, who may be in the enjoyment of the land or any part thereof as his co-sharers or as tenants under him or under such co-sharer to the extent that each such person was in separate and actual cultivating possession of the same immediately before the appointed date.

Settlement of lands.

6. The Village Officer shall, on abolition of the office, if there are no lands to be settled with him, be paid by way of solatium a lump sum grant equivalent to rupees fifty for every completed year of service:

Employment of certain Village Office in State Services, and payment of Solatium.

Provided that no such solatium shall be payable, if such officer on his application has been appointed before the expiry of a period of six months from the appointed date to any suitable post under the State Government in accordance with such rules as may be prescribed.

7. (1) It shall be the duty of every holder of a Village Office in the prescribed manner—

Submission of Records and delivery of possession of land.

- (a) to deliver all records maintained by him before the appointed date in respect of the land or village held by him in relation to his office; and

(Sec. 8)

- (b) to render all accounts appertaining to his office in respect of dues payable by and to him.

(2) Whoever without sufficient cause fails to comply with the provisions of any of the clauses of sub-section (1) within thirty days from the date of service of a notice in that behalf or such further period as the Collector may allow, shall be punishable on conviction with fine which may extend to two hundred rupees and in the case of continuing failure, with an additional fine which may extend to ten rupees for everyday during which such failure continues after the conviction for the first such failure.

(3) The Collector may for the purpose of recovering the record specified in clause (a) of sub-section (1) issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under Chapter VII of the Code of Criminal Procedure, 1898.

5 of 1898

Determina-
tion of
question if
the abolition
amounts to
acquisition.

8. (1) If any person is aggrieved by the provisions of this Act on the ground that it provides for the acquisition of property by the State, such person may apply within a period of three months from the appointed date to the Collector for the determination of the question and the compensation, if any, payable in respect thereof.

(2) The Collector shall after holding an enquiry and giving all parties interested an opportunity of being heard determine the right to and the amount of such compensation, if any, as may be payable, so far as may be in accordance with the provisions of sub-section (1) of section 23 and section 24 of the Land Acquisition Act, 1894:

Provided that in determining the compensation the Collector shall take into account the value of the interest acquired by such person as a result of the settlement of land, if any, in accordance with the provisions of section 5.

(3) Any amount paid as compensation in respect of any land settled under section 5 with any person other than the holder of the Village Office shall be realised by the State Government from such person and all such amounts shall be recoverable as arrears of land revenue.

(Secs. 9—13)

(4) Any person aggrieved by the decision of the Collector under sub-section (2) may, within thirty days of such decision, prefer an appeal to the Board of Revenue.

9. In giving effect to the provisions of section 5 no premium shall be charged for the settlement of lands and the rent, if any, assessed and in force immediately before the appointed date shall, in the absence of any proof to the contrary, be deemed to be the fair and equitable rent. Settlement to be free of premium.

10. The State Government may, by rules made in that behalf, specify either generally or in relation to any particular area the time within which, the authorities by whom and the manner in which proceedings in respect of matters under section 5 including matters preliminary, incidental or ancillary thereto shall be commenced, heard and disposed of. Procedure to be followed in proceedings.

11. (1) Save as otherwise expressly provided in this Act any person aggrieved by any order passed under this Act or the rules made thereunder, may prefer an appeal within thirty days from the date of the order before the Collector, and if the original order is passed by the Collector, before the Board of Revenue. Appeal

(2) Any person aggrieved by an order passed in appeal not being an appeal before the Board of Revenue, may, within thirty days from the date of the order, prefer an appeal both on questions of fact and law before the Board of Revenue, who may after calling for the records and giving the parties an opportunity of being heard pass such orders confirming, modifying or reversing the order in question according as the Board deems proper.

(3) Any person aggrieved by an order passed by the Board of Revenue in an appeal under sub-section (4) of section 8 may within sixty days from the date of such order, file an appeal before the High Court.

12. All orders passed under this Act shall, subject to the decision passed in an appeal, if any, be final. Finality of orders.

13. The provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 shall be applicable to the filing of appeals under this Act. Application of Limitation Act, 1963

(Secs. 14—15)

Authorities
to exercise
certain
powers of
Civil Court.

14. (1) The Collector, Board of Revenue and the other authorities specified under sections 10 and 11 shall, for the purposes of this Act, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 when trying a suit in respect of—

- (a) summoning and enforcing the attendance of witnesses and examining them on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavit; and
- (d) such other matters as may be prescribed.

(2) All enquiries and proceeding before the aforesaid authorities under this Act shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code. 45 of 1860

Power to
make rules.

15. (1) The State Government may after previous publication make*rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the procedure to be followed by the Collector, the Board of Revenue and other authorities while proceeding under any of the provisions of this Act;
- (b) the qualifications and other conditions for the appointment of the holders of village offices in suitable posts under Government; and
- (c) all other matters which under the provisions of this Act are required to be or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days

*For rules see Notification No. 67755-E. A. I. (S. D.) 33/70-R., dated the 9th December 1970 bearing S. R. O. No. 963/70 published in *Orissa Gazette* extraordinary, dated the 12th December 1970 (No. 1649).

(Sch.)

which may be comprised in one or more sessions and if during the said period the State Legislature makes modification, if any, therein the rules shall thereafter have effect only in such modified form, so however that such modification shall be without prejudice to the validity of anything previously done under the rules.

SCHEDULE

[See section 2 (c)]

GANJAM AGENCY AREAS

- | | |
|-----------------------|----------------------|
| 1. Mutha Head | 21. Bada Kumaro |
| 2. Sub-Mutha Head | 22. Bodo Bodo Kumaro |
| 3. Bisoyee | 23. Sano Bodo Kumaro |
| 4. Patro | 24. Bodo Naik |
| 5. Sub-Patro | 25. Bodo Bodo Naik |
| 6. Hodadar | 26. Sano Bodo Naik |
| 7. Samesthan Paik | 27. Ghadei |
| 8. Paik | 28. Ghodia Patro |
| 9. Peshinia | 29. Khotha Dalai |
| 10. Behera Dolai | 30. Bodo Dalai |
| 11. Bodo Behera Dolai | 31. Dala Behera |
| 12. Sano Behera Dolai | 32. Dalapati |
| 13. Dandasena | 33. Dharmo Dalapati |
| 14. Bodo Dandasena | 34. Sano Dalapati |
| 15. Sano Dandasena | 35. Malo Dalapati |
| 16. Malo Dandasena | 36. Rauto |
| 17. Padhani | 37. Majhi |
| 18. Bodo Padhani | 38. Bodo Majhi |
| 19. Sano Padhani | 39. Sana Majhi |
| 20. Malo Padhani | 40. Maharathy |

(Sch. Contd.

- | | |
|-----------------------|-----------------|
| 41. Pradhan | 54. Ranohati |
| 42. Dora | 55. Ranojiti |
| 43. Bodo Bissoyee | 56. Arisailya |
| 44. Sano Bissoyee | 57. Bairisailya |
| 45. Dhangada Bissoyee | 58. Pharsia |
| 46. Malo Bissoyee | 59. Karji |
| 47. Sirdar | 60. Karanam |
| 48. Sirdar Pradhan | 61. Dalai |
| 49. Jagat Singi | 62. Sano Ghadai |
| 50. Uttam Singi | 63. Adhikari |
| 51. Patta Singi | 64. Head Naik |
| 52. Gajendra | 65. Naik |
| 53. Sundarai | |

BOUDH DISTRICT

- | | |
|--------------------|----------------------------|
| 1. Mutha Head | 26. Dakua |
| 2. Sub-Mutha Head | 27. Pradhan |
| 3. Patro | 28. Kohar |
| 4. Sub-Patro | 29. Godatiya |
| 5. Paik | 30. Mutha Adhikari |
| 6. Karanam | 31. Dandasena |
| 7. Chatia | 32. Badamajhi |
| 8. Karji | 33. Behera Dalei |
| 9. Mallika | 34. Rauto |
| 10. Padra | 35. Dalai |
| 11. Majhi | 36. Bodo Naik |
| 12. Bebhari | 37. Kabat Majhi |
| 13. Peshinia | 38. Pato Majhi |
| 14. Desipatra | 39. Mutha Majhi |
| 15. Dalabehera | 40. Singi |
| 16. Kotodalai | 41. Sitha |
| 17. Naik | 42. Bindhani |
| 18. Goditory | 43. Gauntia |
| 19. Dandias | 44. Badhei |
| 20. Sub-Bissoyee | 45. Bodo Kumbhar |
| 21. Bissoyee | 46. Barik |
| 22. Digal | 47. Sani |
| 23. Dalapati | 48. Badhaik |
| [24. Samasthanpaik | 49. Sudhi Mallik |
| 25. Muthamallik | 50. Sudhiholder Mallik |
| | 51. Assistant Mutha Head] |