

KERALA HEREDITARY VILLAGE OFFICES (ABOLITION) ACT, 1961 (NO.33 OF 1961)

729 THE KERALA HEREDITARY VILLAGE OFFICES (ABOLITION) ACT, 1961 (Act 33 of 1961) CONTENTS Short title and extent. Definitions. Abolition of hereditary Village offices together with incidents thereof. Power of District Collector to decide whether a person was the holder of a hereditary village office and appeal therefrom. Relief to holders of village offices abolished under the Act. Power to take evidence on oath, etc. Enquiries and proceedings to be judicial proceedings. Power to make rules. Power to remove difficulties. Repeal and savings. • ACT 33 OF 1961 THE KERALA HEREDITARY VILLAGE OFFICES (ABOLITION) ACT, 1961 * An Act to abolish hereditary Village Offices in the State of Kerala. Preamble.—WHEREAS It expedient in the public interest to abolish hereditary Village offices and the emoluments appertaining [thereof] in the State of Kerala, * Published in the Gazette Extraordinary dated 24th November, 1961. 73 0 BE it enacted in the Twelfth Year of the Republic of India as follows:— 1. Short title and extent —(1) This Act may be called the Kerala Hereditary Village Offices (Abolition) Act, 1961. (2) It extends to the whole or the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956)

2. Definitions.—In this Act, unless the context otherwise requires, — (a) "appointed date" means the first day of September, 1961; (b) 'Emoluments' means money salaries and all other kinds of remuneration granted or continued respect of, or annexed to, any hereditary Village office; (c) "existing law relating to a hereditary Village office" includes any enactment, rule, bye-law, regulation, order, notification, standing order or any other instrument or custom, usage or practice relating to a hereditary Village office, which is in force immediately before the appointed date; (d) "hereditary Village office" means a village Office to which emoluments have been attached and which held under any existing law relating to a hereditary Village Office, for the performance of duties connected with the administration or collection of the revenue or with the maintenance of order or with the settlement of boundaries or other matter of Civil administration of a Village, whether the services originally appertaining to the Office continue, or have ceased, to be performed or demanded, and by whatsoever designation the office may be locally known; (e) "holder of a hereditary Village office" means a person holding a hereditary Village office permanently or officiating in a permanent vacancy after a selection in accordance with the procedure in force immediately before the appointed date, (f) "prescribed" means prescribed by rules made under this Act

3. Abolition of hereditary Village offices together with incidents thereof.—Notwithstanding anything in any existing law relating to hereditary village offices or in any decree or order of court, with effect on and from the appointed date,— (1) all hereditary Village Offices shall be, and are hereby, abolished; (2) all incidents including the right to hold office and to receive emoluments attached thereto, the right if any, to customary fees or perquisites in money or in kind and the liability to render service appertaining to the said village offices shall be, and are hereby, extinguished

4. Power of District Collector to decide whether a person was the holder of a hereditary Village office and appeal. If any question arises as to whether a person was, immediately before the appointed date, the holder of a hereditary Village office, the District Collector shall, after giving the parties affected an opportunity to be heard and after holding an enquiry, decide the question. 731 (2) Any person aggrieved by the decision of the District Collector under sub-section (1) may, within sixty days of such decision, prefer an appeal to the Board of Revenue, and the decision of the Board of Revenue on such appeal shall be final

5. Relief to holders of village offices abolished under the Act.—The holders of hereditary village offices shall, on the abolition of the offices under section 3, be either— (i) appointed in suitable posts under the Government in accordance with such rules as may be prescribed; or (ii) paid by way of solatium a gratuity in accordance with the rules made in that behalf

6. Power to take evidence on oath, etc.—The District Collector and the Board of Revenue 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 the following matters, namely:— (a) summoning and enforcing the

attendance Of any person and examming him on oath; (b) requumg the discovery and Oduction of documents• (c) receivmg evidence on affidavit

7. Enqumes and proceedings [0 be judicial Poccedzngs.—All enqui ies and proceedings before the Disti ict Collector or the Board of Reveune under this Act shall be deemed to be Judicial proceedmgs within the meanmg of sections 193, 219 and 228 of the Indian Penal Code

8. Pouer to make The Government may, by notification in the Gazette, make ules to cany out the put poses of' thw Act.(2) In particular, and without prejudice to the generality ot the foregomg power, such rules may provide for (a) the pocedure to be followed by the DiStr:ct Collect01 determnmng questions as to whether a person was the holde Of a hereditary village office 01 not; (b) the procedure relating to appeals before the Board Of Revenue, (c) the qualifications and other conditions for appointment of holders Of hereditary village offices rn suitable posts undel the Gover nment , (d) the prnciples Of determnmng the giatultv payable undel section 5, the form of application fol the grant of such gratuity, the time within which and the authority to which such applications shall be made and appeals fion orders on such applications , (e) any other matter which has to be, or may be, pcscl ibed under this Act. (3) All rules made undet this section shall be leud befofe the Legislative Assembly foa a peliod of not less than foul lcen days, as soon as possible after they arc made, and shall be subject to such modifica- tions as the Legislative Assembly may make durang the session In which they are so or the session immediately following. 34/4095

9. Poun to temove difficulties. —If any difficulty arises m grvmg effect to the powsons of tlus Act, the Gove) nment may by order make such ptougo:j gwe such direction, not inconsistent With the provtsrons of this Act, as may appcat to them to be neccsszuy 01 expedient for the temoval of the dlffcultv, and the order of the Government, In such cases, shall be final. IO. Repeal and Any exzstmg law iclatmg to a her edlta1Y Village Ofhce m f0lce In the Malabar distract 1 cfeud to in sub-section (2) of section 5 of the States Remgamsatlon Act, 1956 (Central Act 37 of 1956), IS helebv lepcalcd . Provided that the 1 epeal shall not affect— (a) any obligation or hability aheadv red by the holde of a hereditaty Village ofhicc or other person beföte the appomted date. (b) any procccdmg ot lemedy tn respect Of such obligation or liability, and any such procccdng may be continued and any such remcd} may be enforced as If this Act had not been passed. (2) The Kerala Herechтары Village Offices (Abolit:on) Oldmance, 1961 (Ordinance No. 5 of 1961), as hejcbv lepealed . Provided that anything done or any action taken Oncludng any dnrccttons given and o,ders and tulcs made) under the sard Oldmance shall be deemed to have been done ot taken undet this Act as If this Act •acre m force on the day on which such thing was done ot action was taken