

GANJAM AND BOUDH (VILLAGE OFFICES ABOLITION) ACT, 1969

ORISSA ACT I OF 1970 11 THE GANJAM AND BOUDH (VILLAGE OFFICES ABOLITION) ACT, 1969 | [Received the assent of the President on the 13th January 1970, first published in an extra- ordinary 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 appering; 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 Short title, Boudh (Village Offices Abolition) Act, 1969. extent and commence- men t. (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 Definitions requires (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 Govern- ment to perform all or any of the functions of a Collector under this Act; 1.For Statement of Objects and Reasons, see Orissa Gazette, Extra ordinary, 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 ide S. R. O. No." 389/70 nublished in Orissa Gazette, Extraordinary, dated the 3rd June, 1970 (No. 625). 481 482 Abolition of THE GANJAM AND BOUDH [Or. Act (c) " emolument " in relation to any Village Office means salary, cash payment, commi- ssion, sanja or cist mamool, use or enjoy- ment of lands held and all kinds of privile- ges and benefits in respect of or annexed to such omce 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 omce; (d) "prescribed" means prescribed by rules made under this Act; and (e) "Village Office" shall mean the omce shown in the Schedule. 3. (1) The State Government may from time to Village time, by notification, declare the village omces speci- ces and con- fied therein to have been abolished with effect from seque n c e s such date as may be appointed thereunder. thereof. (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 rela- ting 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 appoin- ted date shall be deemed to have been cancelled ; (c) the rights of the holders of such omces to receive any emoluments shall be deemed to have been terminated; (d) all rights to hold omce and any liability to render service appertaining to such office shall stand extinguished; (e) all lands held as emolument in respect of such omces shall stand resumed and vested absolutely in the State Government free from all encumbrances; and 1 of 19701 OFFICES ABOLITION) ACT, 1969 (Secs.4 7) 483 (f) the holders of such offices shall cease to have the right hold all other lands which the u would not have continued to ho]e except by' virtue Ot" or as incidental to his 4. (1) If any qvestion arises as to whether a Collector to person was immediat, •ore the appointed date Che decider if a person is the holder ot' anv Village the Collector shall after holder of a Village Office. giving the perso;n,. ai- tected an opportunity of being heard and after holding e •.quiry decide the ques- tion. (2) Any person aggrieved by the decision of the Collector under f l) may within thirty days of such decision prei-er an appeal to the Board of Revenue

5. All lands resumed under the provisions of this Settlement of lands.Act shall be settled rights of occupancy therein on a fair and equitable re.nt with the holder of the Village Office or with him and all those other persons if any, who may be in lthe 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

6. The Village Officer shall, on abolition of the Employment office, if there are no lands to be settled with him, be of certain Vil lage Office paid by way of solatium a lump sum grant equivalent in state

Services, and to rupees fifty for every completed year of service: 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 submision Village Office in the prescribed manner 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 484 Determination of question if the abolition amounts to acquisition. THE GANJAM AND BOUDH (Sec. 8) [Or. Act (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 every day 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. § of 1898 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 1 of 1894 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. L of 19701 (VILLAGE OFFICES ABOLITION) ACT, 1969 (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. 485 9. In giving effect to the provisions of section 5 Settlement to be free of no premium shall be charged for the settlement of premium. 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

10. The State Government may, by rules made Procedure to be followed in in that behalf, specify either generally or in relation proceedings. 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. 11. (1) Save as otherwise expressly provided in Appeal 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. (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, Finality of subject to the decision passed in an appeal, if any, be orders. final

13. The provisions of sections 4, 59 12 and 14 of Application 36 of 1963 the Limitation Act, 1963 shall be applicable to the Of Limitation Act, 1963 filing of appeals under this Act. 486 Authorities to exercise certain powers of Civil Court, Power to make rules. THE GANJAM AND BOUDH (Secs. 14—15) [Or. Act 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 5 of 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 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 Govern- ment; and (c) all other matters which under the provi- sions 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.) 33170-R., dated th e 9th December 1970 bearing S. R. O. No. 963170 published in Orissa Gazette extraordinary, dated the 12th December 1970 (No. 1649). 1 of 19701 (VILLAGE OFFICES ABOLITION) ACT, 1969 (sch.) 487 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 pre- judice to the validity of anything P! eviously done under the rules. SCHEDULE [See section 2 (e)] GANJAM AGENCY 1. Mutha Head Sub-Mutha Head 2

3. Bisoyee 4. Patro Sub-Patro 5

6. Hodadar Samesthan Paik 7

8. Paik Peshinia 9

10. Behera Dolai 11. Bodo Behera Dolai Sano Behera Dolai 12

13. Dandasena Bodo Dandasena 14. Sano Dandasena 15. Malo Dandasena 16. Padhani 17. Bodo Padhani 18. Sano Padhani 19. Malo Padhan i 20. AREAS 21. Bada Kumaro 22. Bodo Bodo Kumaro 23. Sano Bodo Kumaro 24. Bodo Naik 25. Bodo Bodo Naik 26. Sano Bodo Naik 27. Ghadei 28. Ghodia Patro 29. Khotha Dalai 30. Bodo Dalai 31. Dala Behera 32. Dalapati 33. Dharmo Dalapati Sano Dalapati 34

35. Malo Dalapati 36. Rauto 37. Maihi 38. Bodo Maihi 39. Sana Majhi 40. Maharathy 488 41. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 2. 3. 4. 6. 7. 8. 10. 13. 14. 15. 18. 19. 20. 21

24. THE GANJAM AND BOUDH (VILLAGE OFFICES ABOLITION) ACT, 1969 Pradhan

42. Dora 43. Bodo Bissoyee Sano Bissoyee Dhangada Bissoyee Malo Bissoyee Sirdar Sirdar Pradhan Jagat Singi Uttam Singi Patta Singi Gajendra Sundarai 1. Mutha Head Sub-Mutha Head Patro Sub-Patro 5. Paik Karanam Chatia Karji 9. Mallika Padra 11. Majhi 12. Bebhari Peshinia Desipatra Dalabehera 16. Kotodalai 17. Naik Goditory Dandias Sub-Bissoyee Bissoyee 22. Digal 23. Dalapati Samasthanpaik 25. Muthamallik [Or. Act 1 of 19701 (Sch. Contd

54. Ranohati Ranojiti 55

56. Arisailya 57. Bairisailya 58. Pharsia 59. Karji 60. Karanam 61. Dalai 62. Sano Ghadai 63. Adhikari 64. Head Naik 65. Naik BOUDH DISTRICT 26. Dakua 27 Pradhan 28. Kohar 29. Godatiya 30. Mutha Adhikari 31. Dandasena 32. Badamajhi 33. Behera Dalei 34. Rauto 35. Dalai 36. Bodo Naik 37. Kabat Majhi 38. Pato Majhi 39. Mutha Majhi 40. Singi 41. Sitha 42. Bindhani 43. Gauntia 44. Badhei 45. Bodo Kumbhar 46. Barik 47. Sani 48. Badhaik 49. Sudhi Mallik Sudhiholder Mallik 50

51. Assistant Mutha Head I 1. Added by the Ganjam and Boudh (Village Offices Abolition) Amendment Act, 1975(Cr. Act 2 28