

The M.P. Manoeuvres, Field Firing and Artillery Practice Rules, 1964

MADHYA PRADESH

India

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Rule

THE-M-P-MANOEUVRES-FIELD-FIRING-AND-ARTILLERY-PRACTICE-RULES of 1964

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The M.P. Manoeuvres, Field Firing and Artillery Practice Rules, 1964Published vide Notification No. 4988-2200-1-(4)-64, dated 28-10-1964, published in the M.P. Rajpatra, Part 4 (Ga), dated 25-12-1964In exercise of the powers conferred by Section 15 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), the State Government hereby makes the following rules, namely :Chapter-I Preliminary

1. Title.

- These rules may be called the Madhya Pradesh Manoeuvres, Field Firing and Artillery Practice Rules, 1964.

2. Definitions.

- In these rules, unless the context otherwise requires-(a)"the Act" means the "Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938);(b)"Schedule" means a Schedule appended to these rules.Chapter-II Publication of Notices

3. Publicity of notice to be issued under sub-section (1) of Section 2 of the Act.

- Wherever it is the intention of the State Government to notify an area for the execution of military manoeuvres under sub-section (1) of Section 2 of the Act, notice of such intention shall, as required

by sub-section (3) of Section 2 be published in "Madhya Pradesh Gazette" at least three months in advance of the notification, and immediately after such publication the Collector shall give wide publicity to the notice throughout the affected area in the manner prescribed below : (a) by publication, in the news papers in circulation in the area in the language commonly understood by the people of the area; (b) by beat of drum in such place or places in or near the area as the Collector may direct; (c) by affixation of copies of the notice in the language of the locality in all prominent or public places in or near the area such as Courts, police stations, post offices and other public buildings; (d) by sending copies of the notice to selected unofficial bodies and associations with a view to enlisting their co-operation in making the contents of such notice known to the people of the area; (e) by distributing copies of the notice at agricultural, religious or other lairs, at public markets and at social and political assemblies held in the affected area or in the vicinity thereof during the currency of the notice; (f) by instructing the officials, who may be visiting the area at the time to emphasize the main features of the notice to as many people as possible in the area; and (g) in any other manner which the Collector may consider necessary.

4. Publicity of notices to be issued under sub-section (3) of Section 9.

- Whenever it is the intention of the State Government to issue a notification under sub-section (2) of Section 9 of the Act to authorise the carrying out of field firing and artillery practice throughout a notified area or a part thereof, notice of such intention shall, as required by sub-section (4) of Section 9 of the Act be published in the "Madhya Pradesh Gazette" as early as possible; and immediately after such publication, the Collector shall give wide publicity to the notice throughout the affected area in the manner specified in clauses (d), (e), (f) and (g) of sub-rule (1) of Rule 3 of these rules.

5. Publication of general information.

- When taking action under Rules 3 or 4, the Collector shall, in such of the ways described therein as may appear to him desirable give wide publicity to the rights and duties of the general public prescribed in the Act and the rules made thereunder and in particular to the principles governing assessment and payment of compensation, as specified in Schedule I.

6. Forms.

- Notifications and notices to be issued under Sections 2 and 9 of the Act shall be in the Forms appended to Schedule II. Chapter-III Selection of Areas for Manoeuvres, Field Firing and Artillery Practice

7. Selection of sites and fixation of dates for manoeuvres or field firing and artillery practice.

(1) The Collector shall give every assistance to the military authorities in the selection of areas for manoeuvres or field firing and artillery practice. In doing so due consideration should be given to

the selection of a tract the temporary occupation of which will cause the least possible inconvenience to the inhabitants. Waste land or land with few inhabited sites or separately covered by crops should be selected as far as possible.(2)In selecting the time for the holding of manoeuvres or field firing and artillery practice, regard shall also be had to the following considerations :(a)as far as practicable the manoeuvres or field firing and artillery practice should be held at a time when there is least likelihood of damage to standing crops or of interference with agricultural operations.(b)dates of local fairs and religious gatherings should as far as possible be avoided.

8. Duties of Officer in Command.

- The Officer-in-Command of the Military forces engaged in the manoeuvres or field firing and artillery practice shall, in order to minimize the probable damage and inconvenience, at least fifteen days before the date notified for the commencement of such manoeuvres or practice, consult the Collector concerned regarding-(a)the actual course of the manoeuvres or the direction of the field firing and artillery practice;(b)the time or times of the day or days during which such manoeuvres or practice shall take place.

9. Submission of programme and list of danger zones to Collector.

- The Officer-in-Command shall, at least ten days before the date notified for the commencement of the manoeuvres or field firing and artillery practice, forward to the Collector, as far as may be possible, the exact programme and the exact areas of such manoeuvres or field firing and artillery practice and the list of the areas to be considered as danger zones.

10. Duties of the Collector or other officer deputed by him.

(1)The Collector or other officer deputed by the Collector in this behalf shall arrange for all thoroughfares, paths, byways and other approaches to the notified areas to be guarded by signboards, pickets, etc. at least one day before the manoeuvres or the practice begin. These notices shall remain in position until the conclusion of the manoeuvres or the practice.(2)The Collector shall by beat of drum make known to the inhabitants of the area affected the time and dates during which manoeuvres or field firing and artillery practice shall take place. In the case of field firing and artillery practice, he shall similarly publish the areas declared to be the danger zones under sub-section (2) of Section 10 of the Act. He shall also cause publication by beat of drum of the provisions of the appropriate penal sections of the Act so that there may be no interference in the carrying out of the manoeuvres or the practice.(3)When the officer commanding the forces engaged in any such field firing and artillery practice declares any area to be a danger zone under sub-section (2) of Section 10 of the Act, the Collector or the officer deputed by him in this behalf shall on removal from the danger zone of all persons and domestic animals take such steps for their accommodation as may be necessary and shall also see that compensation in accordance with Rule 22 is actually disbursed to the persons concerned before they are removed or prohibited entry into the area so declared. Notice of evacuation of the villagers shall be given by beat of drum to the villagers at least seven days before the date of evacuation. Compensation at such rate per day as the Collector may, by general or special order fix, shall be paid to every person whose land is utilized for

the accommodation of persons and domestic animals removed from the danger zone. Chapter-IV
Procedure of Revenue Officers and the Commission

11. Procedure of Revenue Officers.

- The Collector shall depute one or more Revenue Officers not below the rank of a Tahsildar to accompany the forces engaged in the manoeuvres or field firing and artillery practice. It shall be the duty of the officer or officers so deputed to see that all reasonable facilities are afforded to the inhabitants of the locality who have to evacuate the areas affected.

12. Notices regarding claims for compensation.

- As soon as the Revenue Officer so deputed reaches the notified area, he shall fix his camp at some central place near the area fixed for the purpose. He shall at once arrange to announce by beat of drum and by issue of notices to all villagers in the area likely to be affected by the provisions of Section 6 of the Act and announce the place of his camp, stating that all claims for compensation and all complaints shall be presented to him and emphasizing the fact that delay in their presentation shall, unless justified, render them liable to rejection. In respect of the villages in the danger zone declared as such by the officer commanding the forces, the Revenue officer shall let the villagers know that the compensation due for evacuation of the villages or exclusion therefrom will be paid in advance.

13. Assessment and payment of compensation.

- The Revenue Officer shall hear the claimants and record their evidence briefly and also examine the reports prepared by the Land Records Staff as required by Rule 14 before assessing compensation. He shall see that the compensation assessed by him is paid in his presence by the Military Compensation Officer appointed by the military authorities. The compensation fixed shall, as far as possible, be paid direct to the person concerned. In the case of pardanashin ladies, sick or invalids, the compensation may be paid to their authorised agents.

14. Assessment of damage or injury.

- The Revenue Officer shall depute the Assistant Superintendent of Land Records, Revenue Inspector and Patwari to report the damage done to the crops and verify personally, where necessary, by inspection of the spot, their reports in this respect and estimate compensation to be paid by comparing the extent of damage with the future out-turn that the neighbouring fields, which have not been so damaged, may reasonably be expected to give. A similar report shall be submitted in respect of damage done to any person or other property and in respect of interference with rights or privileges arising from such manoeuvres or practice including expenses reasonably incurred in protecting person, property, rights and privileges. A register of damage or injury shall be maintained by the Patwari in Form A, B or C as the case may be, prescribed in Schedule III. The amount of compensation fixed shall be entered by the Revenue Officer in the appropriate column of the

register. In fixing the amount of compensation, the Revenue Officer may also take into consideration the points mentioned in Rules 20 and 21. The payee's acquittance shall be taken in the remarks column of the register or on a separate paper, as may be convenient.

15. Assessment of compensation for evacuation.

- A register of compensation paid for exclusion or removal of persons or domestic animals from any place declared to be a danger zone shall be maintained in Form D prescribed in Schedule III. As soon as the Revenue Officer is satisfied that an area will have to be evacuated he shall instruct the Patwari to fill in columns 1 to 3 of the said register. Immediately before the evacuation takes place, the Revenue Officer shall check the entries and, after calculating the amount of compensation due in the manner required by Rule 22, pay the amounts to the persons concerned. The payee's acquittance shall be taken in the remarks column of the register or on a separate paper as may be convenient.

16. Submission of statement at the close of the operations.

- After the close of the operations, when the payment of compensation has been completed and the period allowed in sub-section (3) of Section 6 of the Act for notice of appeal has expired, the Revenue Officer shall forward to the Collector a tabulated statement in the following form : (1) Name of tahsil..... (2) Name of village..... (3) Amount of compensation paid..... (4) Remarks..... and also a list of such claimants as have given notice of their intention to appeal against his order or award under sub-section (3) of Section 6 of the Act.

17. Constitution of the Commission.

- On receipt of the list referred to in Rule 15, the Collector shall constitute the Commission prescribed by sub-section (4) of Section 6 of the Act and fix a date or dates for hearing the appeals.

18. Notice to appellants.

- As soon as the Commission is formed, its constitution shall be made known in the area affected in such manner as is deemed necessary, and notices shall be issued to the appellants concerned informing them of the dates on which and the place where their appeals will be heard. Appellants may be allowed to be represented by legal practitioners.

19. Submission of return after the disposal of appeals.

- After the disposal of the appeals and the payment of compensation to the claimants, the Collector shall forward, through the Commissioner of his Division to the Officer commanding the Military Forces engaged in the manoeuvres or field firing and artillery practice, a statement showing the amount of compensation paid in each village.

Chapter-V Principles to be Followed in Assessing Compensation

20. Points to be considered in assessing compensation.

- Each case shall be decided with due regard to the actual damage caused to the land or standing crops, the existing value of the land and the prevailing market rate of the crop damaged and the probable total loss to the claimant. Damage to wells, walls, trees, houses and livestock, etc. shall also be assessed with due regard to the actual loss or inconvenience caused and shall be not less than the sum required to replace the property or to restore it to its original condition.

21. Compensation for loss of life or injury to person.

- In assessing compensation for loss of life regard shall be had to the age and the number of persons wholly dependent upon the deceased and the health and the earning capacity of the deceased. In case of injury to the person, regard shall be had to the age, health and reduction in the earning capacity of the person as a result of that inquiry.

22. Compensation for evacuation.

- Compensation shall be paid in respect of each day on which the evacuation of villages or exclusion therefrom is in force at rates to be fixed by the Collector. Such compensation shall not be less than the following scale for each day on which the evacuation is in force : (a) for men, women and children over 12 years of age-one day's wages of male, female or child agricultural labourer, as the case may be; (b) for persons superior in status to an agricultural labourer-in addition to (a) such actual earnings as the Revenue Officer estimates to have been lost; (c) for the removal of sick or invalid persons-the actual cost of removal in addition to (a); (d) for the removal of cattle-(i) one day's wages for the grazier actually in attendance thereon, and (ii) the cost of transport of fodder actually transported.

23. Power to increase rates of compensation.

- The rates prescribed in Rule 22 are the minimum rates at which payment may be made. The Collector may fix rates higher than the minimum rates, having regard to the time of the year and to any other special circumstances applicable to the area. Chapter-VI General

24. Procedure when affected area lies in more than one district.

- If the area of military operations extends over more than one districts, the Collector of each such district shall take action in accordance with these rules. Collectors shall act in consultation with each other in order to secure uniformity of procedure throughout the area over which the operations extend.

25. Repeal.

- The Manoeuvres, Field Firing and Artillery Practice Rules, 1938, in their application to the Mahakoshal region, the Madhya Bharat Manoeuvres, Field Firing and Artillery Practice Rules, 1951 and all other rules corresponding to these rules in force in any region of the State of Madhya Pradesh immediately before the commencement of these rules are hereby repealed :Provided that anything done or any action taken under any of the rules so repealed shall, unless such thing or action is inconsistent with any of the provisions of these rules, be deemed to have been done or taken under the corresponding provisions of these rules.

I

(See Rule 5)Summary of the Main Provisions of the Act and the RulesWhen an area has been duly notified and notices authorising the execution of manoeuvres, field firing or artillery practice, as the case may be, have been issued, the military forces engaged in such manoeuvres or practice may, pass over, encamp or construct military works of a temporary nature on land included in the area. They may also take reasonable water supplied from any public or private source, but not to an extent which will curtail the supply to those ordinarily using those sources. They are, however, precluded from entering or interfering with sacred building or any wells or tanks, held to be sacred or with burial or burning grounds, dwelling houses, gardens, pleasure grounds, educational institution or business premises. They are also required to restore all lands used to their previous condition so far as possible.Compensation will be paid for all damage done and also for compulsory evacuation of persons or domestic animals. The patwari will prepare a list of damage which will be checked by an officer appointed by the Collector. The amount of compensation will be determined by this officer and paid by him as soon as possible afterwards. Any person dissatisfied with the amount awarded, may, within 15 days of the communication to him of the decision by such officer, give notice to the officer, of his intention to appeal. The appeal will be decided by a commission of which the Collector will be the Chairman and the decision will be final. No fee shall be charged for any claim, notice, appeal or application or document filed by a claimant.When an area has been declared to be a danger zone, the Collector is authorised to exclude therefrom all persons and domestic animals during such times as may be considered necessary.Any person wilfully obstructing or interfering with the manoeuvres, or field firing or artillery practice in any way or entering a camp without the authority is liable to a fine of Rs. 10 on Conviction.

II

(See Rule 6)Notification Under Sub-Section (1) of Section 2In exercise of the powers conferred by sub-section (1) of Section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), the State Government hereby authorises the execution of military manoeuvres over any area specified below during the period from..... to..... notice of the same, as required by sub-sections (2) and (3) of the said section, having been previously published in the Official Gazette, dated and Notifications No. dated..... and No..... dated..... respectively.The land plan may be inspected at the office of the.....Details of the AreaNotice Under Sub-Section (2) of Section 2In pursuance of sub-section (2) of Section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of

1938), the State Government hereby notifies its intention to issue, on the expiry of at least three months from the date of the first publication of this notice in the Official Gazette, a Notification under sub-section (1) of the said section authorising the execution of military manoeuvres over any area specified below during a period from..... to.....The land plan may be inspected at the office of the.....Details of the Area

Notification Under Sub-Section (3) of Section 2In pursuance of sub-section (3) of Section 2 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), the State Government hereby repeats the notice of its intention to issue a notification under sub-section (1) of the said section authorising the execution of military manoeuvres over the area specified below during a period from..... to..... on the expiry of one month/week as nearly as may be, from the date of publication of this notice, the same having, as required by sub-section (2) of the said section also been previously published in the Official Gazette dated thein Notification No. dated.....The land plan may be inspected at the office of the.....Details of the Area.

Notification Under Sub-Section (1) of Section 9In exercise of the powers conferred by sub-section (1) of Section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), the State Government hereby defines the area specified below as the area within which for a period of years commencing from the..... day of..... 19..... and ending with the.... day of..... 19..... the carrying out periodically of field firing and artillery practice may be authorised.The land plan may be inspected at the office of the.....Details of the Area.

Notification Under Sub-Section (2) of Section 9In exercise of the powers conferred by sub-section (2) of Section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), the State Government hereby authorises during the periods specified below the carrying out of field firing and artillery practice throughout the area mentioned in the schedule, a notification as required by sub-section (1) of the said section defining the said area as the area within which for a term of years commencing from the carrying out periodically of field firing and artillery practice may be authorised and notices in respect of the same as required by sub-sections (3) and (4) of the said section publishing the intention to issue this notification having been previously published in the Official Gazette, dated and..... in Notifications No. dated..... No. dated..... respectively.The land plan may be inspected at the office of the.....Periods during which field firing and artillery practice are authorised.

Schedule 3

Notification Under Sub-Section (3) of Section 9In pursuance of sub-section (3) of Section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), the State Government hereby notifies its intention to issue, on the expiry of at least two months from the date of the first publication of this notice in the Official Gazette, a notification under sub-section (2) of the said section authorising the carrying out of field firing and artillery practice throughout the area notified below or any specified part thereof during the period commencing from the..... day of..... 19..... and ending with the..... day of..... 19..... a notification defining the said area as the area within which for a term of years commencing from the carrying out periodically of field firing and artillery practice may be authorised having been previously published in the Official Gazette, dated..... in Notifications No..... dated.....The land plan may be inspected at the office of the.....Details of the area

Notification Under Sub-Section (4) of Section 9In pursuance of sub-section (4) of Section 9 of the Manoeuvres, Field Firing and Artillery Practice Act, 1938 (V of 1938), the State Government hereby repeats the notice of its intention to issue a notification under sub-section (2) of the said section authorising the area notified below or any specified part thereof during the period commencing

from the.... day of.... 19... on the expiry of one week as nearly as may be after the publication of this notice, the first notice as required by sub-section (3) of the said section having been previously published by Notification No.... dated..... in the Official Gazette, dated the....The land plan may be inspected at the office of the.....Details of the Area

III

(See Rules 13 and 14) Register of Damages or Injuries Form A For Crops (1) Name of Village..... (2) Name of cultivator..... (3) Father's name..... (4) Number of field in the Khasra..... (5) Area of the field..... (6) Whether irrigated or unirrigated..... (7) Name of crop or nature of income (e.g., fruit or grass)..... (8) Extent of damage or injury assessed and expressed in terms of annas in the rupee and the area damaged (roughly)..... (9) Cash compensation..... (10) Remarks..... Form B For Other Property/animals (1) Name of village..... (2) Name of owner..... (3) Father's name..... (4) Description of property with location (Khasra No. etc.) animals (if animals, give the number) (5) Nature and extent of damage..... (6) Cash compensation..... (7) Remarks..... Form C For Personal Injury (1) Name of village..... (2) Name of person with father's name..... (3) Nature of injury or loss..... (4) Cash compensation..... (5) Remarks..... Form D Register of Compensation for Evacuation (1) Name of Head of the family with father's name..... (2) Number and description of his dependants..... (3) Number and description of his domestic animals..... (4) Number of days for which compensation is payable..... (5) Amount of compensation payable..... (6) Remarks.....