

The Rajasthan Manoeuvres, Firing and Artillery Practice Rules, 1954

RAJASTHAN

India

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Rule

THE-RAJASTHAN-MANOEUVRES-FIRING-AND-ARTILLERY-PRACTICE-RULES-1954

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The Rajasthan Manoeuvres, Firing and Artillery Practice Rules, 1954 Published vide Notification No. F. 41(57) Pol. 53, dated 16-6-1955 Published in Rajasthan Gazette Part 4-C, dated 17-9-1955, Page 360 In exercise of the powers conferred by Section 13 of the Manouvers, Field Firing an Artillery Practice Act, 1938, the Government of Rajasthan is pleased to make the following rules, namely:-

Chapter I Preliminary

1. Title.

- These rules may be cited as the Rajasthan Manoeuvres, Field Firing and Artillery Practice Rules, 1954, and shall come into force on their publication in the Rajasthan Gazette.

2. Definitions.

- In these rules, unless the context otherwise requires:- (a) "Act" means the Manoeuvres, Field Firing and Artillery Practice Act, 1938. (b) "Schedule" means one of the schedules to these rules: and (c) words and expressions defined in the Act shall have the meanings respectively assigned to them in the Act.

Chapter II

Publication of Notices

3. Method of publishing notices under Sections 2 and 9 of the Act.

(a) A notice under sub-section (2) of Section 2 of the Act in respect of Manoeuvres or under sub-section (3) of section 9 of the Act in respect of field firing and artillery practice shall be published in the following manner: (i) by publication in the Rajasthan Gazette; (ii) by publication in some Hindi newspaper circulating in the area affected; (iii) by beat of drum in such place or places in or near the area as the Collector or Collectors concerned may direct; (iv) by affixation of copies of the notice in the Hindi outside police-stations and in and outside the offices of all Tehsildars having jurisdiction in the area concerned. (b) For publication one month and one week as nearly as may be before the commencement of the manoeuvres as required by subsection (3) of Section 2 of the Act, and for publication one week as nearly as may be before the commencement, of the period or of each period notified for field firing and artillery practice as required by sub-section (4) of Section 9 of the Act, the methods mentioned in sub-rules (a) above shall be employed. (c) As required by the proviso to sub-section (4) of Section 9 of the Act, publication by beat of drum and affixation in respect of notices regarding field firing and artillery practice shall, in each case, be verified in writing by one headman and two other literate inhabitants of the locality, and notice by beat of drum shall also be given seven and two days as nearly as may be before the commencement of such field firing and artillery practice.

4. Summary to be published.

- When taking action under rule 3, the Collector shall, in such of the ways mentioned herein above as may appear to him desirable, give wide publicity to the rights and duties of the general public on the subject, by bringing before the notice of the public the main provisions of the Act and these rules as summarised in Schedule I.

Chapter III

5. Selection of sites and fixation of dates for manoeuvres or field firing and artillery parties.

(a) 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 sparsely covered by crops should be selected as far as possible. (b) In selecting the time for the holding of manoeuvres or field firing and artillery practice, regard shall also be had to the following considerations: - (i) 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:(ii)dates of local fairs and religious gatherings should, as far as possible, be avoided.

6. 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 minimise 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; and(b)the time or times of the day or days during which such manoeuvres or practice shall take place.

7. Submission of Programme and list of danger zones to Collector.

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

8. Clearing of affected areas.

- The Collector shall take necessary steps to inform the villagers by beat of drum or in any other manner that he may consider proper, of the times and dates during which manoeuvres or field firing and artillery practice shall take place and in the case of field firing and artillery practice, also of the areas declared to be danger zones. He shall also depute sufficient police force to secure that the areas notified as danger zones are cleared of human beings and animals at least two hours before the military operations are scheduled to begin and that no unauthorised persons enters the danger area until the Military operations have finished.

Chapter IV

Procedure to be followed by Revenue Officers and the Commissioner

9. Deputation of Revenue Officers and their duties.

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

10. Notice regarding claims for compensation.

- When the Collector takes action in accordance with rule 8 to inform the inhabitants of the areas affected of the times and dates of the military operations, he shall at the same time cause them to be informed of their rights and duties under the Act and Rules and of the manner of submission of claims for compensation. If more revenue Officers than one are deputed, the area affected shall be divided between them and each other shall be provided with a map showing the area of the circle for which he is responsible. The circle shall, as far as possible, be so arranged as to contain only complete Patwari's circles, and should be marked with red lines on the map, the villages in which the Patwaris reside being underlined in red.

11. Forms of register of damage.

- Registers of damage or injury shall be maintained in such one of the Forms (A), (B), (C) or (D) given in Schedule II as may be appropriate.

12. Directions regarding the maintenance of registers.

- The site to be occupied by the camps, if any, shall be entered by the Patwari in the registers before the manoeuvres or field firing and artillery practice commence, and the fields which may be damaged by the movements of the troops shall be entered in them from day to day. The following directions in regard to the maintenance of registers shall be observed: (i) A sufficient number of blank sheets of the registers prescribed in rule 11 shall be supplied to the Revenue Officers concerned for distribution to the Patwaris and a reserve stock shall be kept at the tehsil. All Patwaris concerned shall be summoned to the headquarters of the Tehsil at least a week before the commencement of military operations and shall be instructed in their duties by the Revenue Officer or Officers who should see that the instructions given to them are duly entered by them in their diaries. (ii) On any day on which damage is done in a circle, the Patwari shall send an immediate written report to the Revenue Officer so as to reach him early in the evening of the same day. The report will merely give the name or names of the villages in which damages has been done and state whether the damage has been slight, ordinary or heavy. (iii) Whatever the incidence in any particular field may be, damage done in five fields or under will be reported as "slight", in six to twenty fields as "ordinary" and in more than twenty fields as "heavy". If possible, the Patwari will fill up the first six columns of the register the same evening with regard to each field in which the damage has been done. He will be held personally responsible for seeing that no field is omitted in which damage, however slight, has been done. The Revenue Officer will then arrange his programme of inspection for the following day and send information to the Patwaris concerned.

13. Method of making claim.

- Villagers who claim compensation for any kind of damage or loss caused to them may either make a report to the Patwari, who shall forward it to the Revenue Officer or present their claims directly before the Revenue Officer. If a claim is made orally, the Revenue Officer shall reduce it to writing.

14. Procedure for working out amount of compensation.

- The Revenue Officer shall inspect all fields in which damage has been done. He shall take over the registers of damage or injury in Form A from the Patwari and fill in columns 6 and 7 thereof and make an estimate of the area damaged expressed in terms of annas in the rupee. The amount of the compensation shall then be worked out.

15. Report of damage to houses, trees, etc. and assessment of compensation.

- The Patwari shall also report the damage caused, if any, to houses, wells, trees and other property in Form B, prescribed in rule II. The Revenue Officer shall inspect the houses, etc. so damaged and make an estimate of the amount of the compensation to be paid to the owners.

16. Report of damage to persons and animals and assessment of compensation.

- Injuries to persons and domestic animals shall be reported in the forms prescribed therefor in rule II. The Revenue Officer shall personally verify the extent of the damage or loss and fix the amount of compensation to be paid for it.

17. Taking of receipts for adjusted claims.

- In all cases under rule 14, 15 and 16, if the award is accepted payment shall be made at once and a receipts, stamped whether necessary, in full satisfaction of the claim taken from the payee either on a separate paper or in the remarks column of the register, as may be convenient.

18. Register of compensation.

- 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 E given in Schedule.

19. Assessment and payment of compensation.

- As soon as the Revenue Officer is satisfied that an area will have to be evacuated, he will instruct the Patwari to fill columns 1 to 3 of the register prescribed in rule 18. Immediately before the evacuation takes place the Revenue Officer will check the entries and, after calculating the amount of compensation due pay the amounts to the persons concerned. He will take a receipt, stamped necessary, either on a separate paper or in the remarks column of the register, as may be convenient.

20. (a) Notice regarding appeal from award of Revenue Officer.

- Before deciding any claim for compensation, the Revenue Officer shall make known to the villagers in the area affected by beat of drum mind also by affixing a notice at some prominent places in the village that any claimant dissatisfied with his award may, within 15 days of the award, give him notice in writing of his intention to appeal and that the appeal will, in due course, be heard by the Commission prescribed in sub-section (4) of Section 6 of the Act. (b) Copies of entries and orders to be given to appellants free of cost. - Any person who notifies his intention to appeal in the manner provided in sub-rule (a) above shall, on application, be entitled to free copies of the relevant entries and the order or award of the Revenue Officer.

21. Method of paying compensation.

- Money awarded as compensation shall, as far as possible, be paid direct to the person concerned by the Revenue Officer on the spot immediately after making the award, whether notice of an appeal is given or not. The officer in Command or the Military forces engaged in the manoeuvres or field firing and artillery practice will arrange for sufficient cash for immediate disbursement. Additional compensation awarded as a result of appeals shall be paid to the person concerned through the Tehsildar.

22. Assessment when final damage is uncertain.

- When it appears that damage is likely to be done in any village more than once, or that the damage or part of it may be of a temporary nature only, the Revenue Officer shall use his discretion as to the time when the damage done should be assessed.

23. Procedure when operations continue over a long period.

- When the manoeuvres or field firing and artillery practice continue over a considerable period of time or takes place periodically over a considerable period of time, the Collector shall decide in consultation with the Officer in Command of the Military forces, the period or periods after which an assessment of the damage caused and the award of compensation should be made.

24. Nomination of members of the Commission.

- Before the manoeuvres or field firing and artillery practice commence, the Officer in Command of the forces engaged in the manoeuvres or practice shall nominate a person to serve on the Commission to be constituted under sub-section (4) of Section 6 of the Act, and the Collector concerned shall also take steps to get two persons nominated by the District Board concerned to serve on the said Commission.

25. 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 of notice of appeal, that is 15 days, has expired, the Revenue Officer shall forward to the Collector a tabulated statement in Form F in Schedule III 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.

26. Constitution of Commission and fixation of the date of hearing.

- On receipt of the list referred to in the preceding rule, 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.

27. Hearing of appeals.

- Appeals shall be heard, as far as possible, within one month from the date of the original award and the date fixed shall ordinarily be for final hearing. In no case, however, should an appeal be heard until the claimant has been duly served with a notice fixing the date and place of hearing.

28. Procedure of hearing appeals.

- The Commission may determine its own procedure and may: if it considers necessary, receive evidence, call for a further report from the Revenue Officer concerned or admit documents without formal proof.

29. Appearance before the Commission.

- It shall not be necessary to present any formal appeal unless the Commission so directs. A claimant may appear before the Commission either in person or through a duly authorised agent or pleader.

30. Submission of return after the decision 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, statement showing the amount of compensation paid in each village.

Chapter V

Principles to be followed in assessing compensation

31. Payment of compensation.

- The compensation fixed should be adequate and payment should, wherever possible, be made direct to the person concerned.

32. Points to be considered in assessing compensation.

- Each case shall be decided with due regard to the actual damage caused to the land of 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 not be less than the sum required to replace the property or to restore it to its original condition.

33. 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 injury.

34. Rate of compensation for evacuation.

(a)When villagers are compelled to leave their houses they shall be entitled to compensation at not less than the following rates for each day or part of a day on which they are compelled to remain out of their houses:

Males above the age of 18 years	-/12/- per male
Females above the age of 18 years	-/8/- per female
Children of either sex above the age of 12	-/4/- per child

(b)When cattle have to be removed from their normal grazing grounds compensation shall be paid at not less than the following rates per head for each day or part of a day during which they are so removed:-

Plough-bullocks, plough-buffaloes in milk	-/8/-
Cows in milk	-/4/-
Calves, sheep, goats, dry cows and buffaloes, horses, camelsand donkeys	-/2/-

(c)Compensation under this rule shall be paid only to genuine residents of the area and not to persons who are only temporary visitors except those who have come in the area in search of labour and are actually employed as such immediately before the period that they are compelled to remain out of the area.

35. Power to increase rates of compensation.

- The rates prescribed in rule 34 are the minimum rates at which payment may be made. It will be open to the Collector to 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.

36. Procedure when affected areas lies in more than one district.

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

I

[See Rule 4] Summary of the main provisions of the Manoeuvres, Field Firing and Artillery Practice Act. 1938, and the Rules made by the Government of Rajasthan thereunder. When an area has been duly notified and notices authorising the execution of manoeuvres or field firing and 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 buildings or any wells or tanks held to be sacred or with burial or burning grounds, dwelling-houses, gardens pleasure-grounds, educational institutions or business premises. They are also required to restore all lands used to their previous condition as far as possible. Compensation will be paid for all damages done and also for compulsory evacuation of persons or domestic animals. The Patwari will prepare a list of damage which will be checked by any 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 that 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 due authority is liable to fine of Rs. 10 on conviction.

II

(See rules 11, 18, 25) Form (A) Register of damage to crops

Column No. 1. Name of Village

" " 2. Number of field in Khasra

"	"	3. Name of the cultivator	To be filled in by the Patwari and to be verified by the Revenue Officer-Rule 12.
"	"	4. Father's name.	
"	"	5. Area of the field.	
"	"	6. Whether irrigated or not	To be filled in by the Revenue Officer.
"	"	7. Name of crop or nature of Sayar income (forexample fruit, grass, etc.)	To filled in by the Revenue Officer- Rule 12.
"	"	8. Extent of damage or injury assessed and expressed in terms of annas in the rupee and the area damaged (Roughly).	To be filled in by the Revenue Officer- Rule 14.
"	"	9. Cash compensation	To be filled in by the Revenue Officer-Rule 14.
"	"	10. Remarks (may include receipt-Rule (17)).	

Form (B) Register of damage to property not being crops and not being domestic animals

Column No. 1. Name of Village

"	"	2. Number of field in Khasra.	
"	"	3. Name of the owner of the property and his father's name.	To be filled in by the Patwari and verified by the Revenue Officer-Rule 15.
"	"	4. Description of the property damages.	
"	"	5. Cash Compensation	To be filled in by the Revenue Officer-Rule 15.
"	"	6. Remarks (may include receipt-Rule 17).	

Form (C) Register of damage in respect of domestic animals

Column No. 1. Name of Village

"	"	2. Name of owner of the animals and his father's name	
"	"	3. Number and description of the animals and whether they are used in ploughing or not, and whether buffaloes and cows are in milk.	To be filled in by the Patwari and verified by the Revenue Officer-Rule 16.
"	"	4. Cash compensation.	To be entered by the Revenue Officer-Rule 16.
"	"	5. Remarks (may include receipt-Rule 17).	

Form (D) Register of damage for personal injury

Column No. 1. Name of Village

"	"	2. Name of person injured, his father's name and his caste.	To be filled in by the Patwari and verified by the Revenue Officer-Rule 16.
"	"	4. Cash compensation	To be entered by the Revenue Officer-Rule 16.

" " 5. Remarks (may include receipt-Rule 17).

Form (E) Register of compensation paid for exclusion or removal of persons or domestic animals from danger zone

Column No. 1. Name of the head of the family with his parentage and caste.

" " 2. Number and description of his dependents, stating adult males and adult females. Children above the age of 12 years and children below that age separate. To be filled in by the Patwari-Rule 19.

" " 3. Number and description of his domestic animals, stating distinctly whether they are used for ploughing or not, and in the case of buffaloes and cows, whether they are in milk or not.

" " 4. Number of days for which compensation is paid. To be filled in by the Revenue Officer-Rule 19.

" " 5. Amount payable.

" " 6. Remarks (may include receipt-Rule 19).

Form (F) Statement to be forwarded by the Revenue Officer to the Collector regarding compensation paid

Column No. 1. Name of the Tehsil.

" " 2. Name of the Village.

" " 3. Amount of compensation.

" " 4. Remarks.