

# **The Orissa Merged Territories (Village Offices Abolition) Act, 1963**

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### **Act 10 of 1963**

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The Orissa Merged Territories (Village Offices Abolition) Act, 1963 Orissa Act No. 10 of 1963 Published vide Orissa Gazette Extraordinary/4.6.1963. For Statement of Objects and Reasons, see Orissa Gazette Extraordinary No. 462/11.9.1962, and for Report of the Select Committee, see ibid No. 83/7.2.1963. 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 merged territories of the State of Orissa and to provide for matters incidental thereto in the manner hereinafter appearing; Be it enacted by the Legislature of the State of Orissa in the Fourteenth Year of the Republic of India, as follows :

### **1. Short title, extent and commencement.**

(1) This Act may be called the Orissa Merged Territories (Village Offices Abolition) Act, 1963. (2) It extends to the whole of the State of Orissa and shall apply to the merged territories of each of the former States specified in Column (i) of the Schedule. (3) It shall [come into force on such date] [[The Act came into force with effect from-(i) The 1st April, 1965 in the Merged Territories of the former States of Daspalla, Khandpara, Mayurbhanj and Nayagarh, vide Notification No. 21496-E.A-I-N.D-5/75-R./31.3.1965, published in Orissa Gazette Extraordinary No. 419/31.3.1965. (ii) The 1st May, 1965 in the Merged Territories of the former States of Bamra and Rairakhol, vide Notification No. 24210/E.A.I. (N.D.) 5165-R./22.4.1965, published in the Orissa Gazette Extraordinary No. 557-A/23.4.1965. (iii) The 1st April, 1966 in the Merged Territories comprised in the districts of Boudh, Dhenkanal and Sundargarh, vide Notification No: 20335-E. A-I-C.D.-41/66-R./31.3.1966, published in the Orissa Gazette Extraordinary/No. 340-B/31.3.1966. (iv) The 1st April, 1967 in the Merged Territories comprised in the district of Keonjhar, vide Notification No. 16333-E. A.-I.-C.-D.-81/67-R./31.3.1967, published in the Orissa Gazette Extraordinary No. 336/ 1.4.1967.]] as the State Government may, by notification, appoint in

that behalf and different dates may be so appointed in respect of different areas.

## **2. Definitions.**

- In this Act unless the context otherwise requires-(a)"appointed date" in relation to any area means the date appointed in respect of such area by a notification under Sub-section (3) of Section 1;(b)"Bhogra lands" in relation to any Village Office means lands by whatever name described or locally known, whether or not recorded as such in the settlement papers, held as emolument in respect of such office;(c)"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;(d)"emolument" in relation to any Village Office means salary, cash payment, commission, use of 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;(e)"former State" means a Merged State within the meaning of the States Merger (Governor's Provinces) Order, 1949;(f)"Gountia" includes Gountia with protected status;(g)"Gounti-raiyati land" means land recorded as such in the settlement papers in the merged territories of the former State of Bamra;(h)"Grama Sasan" means the Grama Sasan constituted under the provisions of the Orissa Grama Panchayats Act, 1948 (Orissa Act 15 of 1948);(i)"right of occupancy" shall have the same meaning as has been assigned to it in the Orissa Merged States' (Laws) Act, 1950 (Orissa Act 4 of 1950) in respect of an occupancy tenant;(j)"Village Office" in relation to any of the merged territories specified in Column 1 of the Schedule shall mean the office shown in Column 2 of the said Schedule in respect of such merged territories; and(k)words and expressions used in this Act but not defined shall have the same meaning as assigned to them in the relevant law, rule, order, usage, settlement, sanad or other grant relating to the Village Offices in the corresponding merged territories.

## **3. Abolition of Village Offices and consequences thereof.**

- Notwithstanding anything in any law, usage, settlement, grant, sanad or order in any judgement, decree or order of a Court, with effect from and on the appointed date-(a)the Village Offices, if any, within the respective territories shall be deemed to have been abolished;(b)all the incidents of the service tenures relating to such offices shall be deemed to have been extinguished;(c)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;(d)the rights of the holders of such offices to receive any emolument shall be deemed to have been terminated;(e)all rights to hold office and any liability to render service appertaining to such office shall stand extinguished;(f)all Bhogra lands shall stand resumed and vested absolutely in the State Government free from all encumbrances; and(g)the holder of any Village Office shall cease to have the right to hold all other lands which he would not have continued to hold except by virtue of or as incidental to his office.

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

(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. (2) Any person aggrieved by the decision of the Collector under Subsection (1) may within thirty days of such decision prefer an appeal to the Board of Revenue and the decision of the Board on such appeal subject to the provisions of Sub-section (3) of Section 13 shall be final.

#### **5. Settlement of Bhogra lands.**

(1) All Bhogra lands resumed under the provisions of this Act shall subject to the provisions of Sub-section (2) be settled with rights of occupancy therein on 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-sharer or as tenant 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 : Provided that no water reservoir, whether known as tank, munda, bandha, kata or by any other name whatsoever, which forms part of such Bhogra land and which was being used for the purposes of irrigation or for any communal purpose; shall be settled with the holder of the Village Office or with any other person as aforesaid. (2) The total area of such land in possession of each such person shall be subject to a reservation of a certain fraction thereof in favour of the Grama Sasan within whose limits the land is situate and the extent of such reservation shall be determined in the following manner, namely :

Land in possession	Extent of reservation
For the first 10 acres	Nil
For the next 20 acres	5 per cent
For the next 70 acres	10 per cent
For the next 100-acres	30 per cent
For the remaining	40 per cent ;

Provided that the area reserved shall, as far as practicable be in compact blocks of one acre or more.

#### **5A. De-reservation of lands.**

- The State Government shall, at any time, if it is necessary in the public interest, de-reserve any land reserved in favour of any Grama Sasan under Section 5, and on such de-reservation the land shall vest in the State Government free from all encumbrances.

#### **5B. Divesting of water reservoirs already settled.**

- Notwithstanding any judgement, decree or order of any Court, Tribunal or other authority, the settlement of any water reservoir of the description mentioned in the provision to Sub-section (1) of

Section 5 made under that section prior to the date of commencement of the Orissa Merged Territories (Village Offices Abolition) Amendment Act, 1976, shall be of no effect whatsoever; and all such water reservoirs shall, for all intents and purposes, be deemed to have vested absolutely in the State Government free from all encumbrances.

## **6. Settlement of Gounti-raiyati lands.**

- All Gounti-raiyati lands shall be settled with rights of occupancy therein on a fair and equitable rent with the Gountia or, as the case may be, with him and all those other persons 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.

## **7. Settlement of abandoned and surrendered holdings and waste land.**

(1)All abandoned and surrendered holdings in the possession of the holder of a Village Office and all waste lands reclaimed by him from and after the 1st day of January, 1949 shall be, so far as may be practicable, settled with the previous holders or their heirs, or with landless persons and small-holders of land in the prescribed manner.(2)All waste lands reclaimed prior to the said date shall be settled with the holder of a Village Office with rights of occupancy therein on a fair and equitable rent.(3)Notwithstanding anything to the contrary in Sub-sections (1) and (2) in the territories of the former State of Pal-Lahara, waste lands reclaimed by the Sarbarakar prior to the first day of January, 1942 shall be settled in the manner specified in Sub-section (2) and waste lands reclaimed on and after the said date in the manner specified in Sub-section (1).

## **8. Employment of certain Village Officers in State service and payment of solatium.**

- The Village Officer shall, on abolition of the office, if there are no Bhogra lands to be settled with him, be paid by way of solatium a lump sum grant of fifteen times the annual commission received by him during the year immediately prior to the appointed date :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 :Provided further that where a Gountia in the former State of Bamra holds any Gountia-raiyati lands Immediately before the appointed date-(a)no solatium shall be payable, if the market value of such lands is not less than fifteen times the annual commission; and(b)in any other case the solatium shall be equal to the amount by which fifteen times such commission exceeds the said market value:Provided also that where the annual commission received by any Village Officer during the year immediately prior to the appointed date has been affected as a result of remission of rent or revenue payable in respect of that year or as a result of suspension of realisation of such rent or revenue, the solatium under this section shall be calculated on the annual commission received by the Village Officer during the year next preceding the appointed date the rent in respect of which year has not been so affected.

## **9. Submission of records and delivery of possession of land.**

(1) It shall be the duty of every Village Officer in the prescribed manner-(a) to deliver all records maintained by him before the appointed date in respect of the land or village hold by him in relation to his office; (b) to render all accounts appertaining to his office in respect of dues payable by and to him; and (c) to deliver to the State Government Possession of all abandoned and surrendered holdings and all lands to which they have no right to a settlement by or under the provisions of this Act. (2) Whoever without sufficient cause falls 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 further liable 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 failure continues after the conviction or the first such failure. (3) The Collector may for the purpose of recovering the records 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).

## **10. Determination of question if the abolition amounts to acquisition.**

(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 to the Collector for the determination of the question and compensation, if any, within a period of three months from the appointed date. (2) The Collector shall after holding an inquiry 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 (I of 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, if any, in accordance with the provisions of Sections 5, 6 and 7. (3) Any amount paid as compensation in respect of any land settled under Sections 5, 6 and 7 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. (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 and the decision of the Board on such appeal shall, subject to the provisions of Sub-section (3) of Section 13, be final.

## **11. Settlement to be free of premium.**

- In giving effect to the provisions of Sections 5, 6 and 7 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.

## **12. Procedure to be followed in proceedings.**

- 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 Sections 5, 6 and 7 including matters preliminary, incidental or ancillary thereto shall be commenced, heard and disposed of.

## **13. Appeal and revision.**

(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. (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- (a) under any of the provisions of this Act other than Sub-section (4) of Section 10 may, within sixty days from the date of such order, file an application for revision on a question of law before the High Court; (b) under Sub-section (4) of Section 10 may, within sixty days from the date of such order, file an appeal before the High Court; and subject to the decision of the High Court the orders passed by the Board of Revenue shall be final.

## **14. Application of Limitation Act, 1908.**

- The provisions of Sections 4, 5, 12 and 14 of the Indian Limitation Act, 1908 (9 of 1908) shall be applicable to the filing of appeals and applications for revision under this Act.

## **15. Authorities to exercise certain powers of Civil Court.**

(1) The Collector, Board of Revenue and the other authorities specified under Sections 12 and 13 shall for the purposes of this Act have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (5 of 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 proceedings 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 (Act 45 of 1860).

## **16. Power to make rules.**

(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 Officers in suitable posts under Government;(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 which may be comprised in one or more sessions and shall be subject to such modifications as the State Legislature may make during the said period.

## 17. Power to remove doubts and difficulties.

- If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything not inconsistent with the provisions of this Act or the rules made thereunder, which appears to them necessary for purposes of removing the doubt or difficulty.

## Schedule

[See Sections 1 and 2]

Name of the former States(1)	Name of the Village Officers(2)	
1.	Athmallik	Sarbarakar, Dangua, Dakua.
2.	Bamara	Gountia. Khuntkati Gountia, Sikmi Gountia, Gouni Gountia.
3.	Baromba	Sarbarakar, Sardar, Dakua, Tandakar.
4.	Boudh	Sarbarakar, Pradhan, Makaddam.
4-A.		Khuntkati Ganju, Thika Ganju.
5.	Bonai	Gountia, Naik, Gadnaik, Makaddam
6.	Daspalla	Sarbarakar, Dalai, Paik, Sardar, Dangua.
7.	Dhenkanal	Sarbarakar, Dakua.
8.	Gangpur	Gountia, Sikmi Gountia, Head Ganju, Ganju, Sub-Ganju, Pradhan, Dakua, Tandakar.
9.	Hindol	Sarbarakar, Pradhan.
10.	Keonjhar	Pradhan, Pradhan Garhnaik, Dakua, Pradhan Garhtia, Sikmi Gountia, Gouni Gountia.
11.	Khandapara	Sarbarakar, Makaddam, Gadanaik, Bera, Pradhan.
12.	Mayurbhanj	Pradhan, Chhatia, Collection Moharrir.
13.	Narsinghpur	Sarbarakar.
14.	Nayagarh	Sarbarakar Mallik.

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| 15. | Pal-Lahara | Sarbarakar.                                      |
| 16. | Rairakhol  | Gountia.   |
| 17. | Sonepur    | Gountia, Pattidar, Sub-Pattidar, Gartia, Birtia. |
| 18. | Talcher    | Sarbarakar.                                      |
| 19. | Tigiria    | Sarbarakar.                                      |