

The Orissa Offices of Village Police (Abolition) Rules, 1964

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Rule

THE-ORISSA-OFFICES-OF-VILLAGE-POLICE-ABOLITION-RULES-1964 of 1964

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The Orissa Offices of Village Police (Abolition) Rules, 1964Published vide Notification No. 46663-Legislative (LR)-21/64-R., dated 26th July, 1964No. 46663-Legislative (LR)-21/64-R., dated 26th July, 1964. - In exercise of the powers conferred by Section 10 of the Orissa Offices of Village Police (Abolition) Act, 1964 (Orissa Act 3 of 1964) the State Government do hereby make the following rules :Chapter-I General

1. Short title.

- These rules may be called the Orissa Offices of Village Police (Abolition) Rules, 1964.

2. Definitions.

- In these rules, unless the context otherwise requires-(1)"Act" means the Orissa Offices of Village Police (Abolition) Act, 1964;(2)"Chapter" means a Chapter in these rules;(3)"Jamabandi" means the record of settlement prepared under these rules,(4)"relevant provisions of the Act" means the provisions of the Act under which any of these rules is made;(5)"section" means a section of the Act;(6)"Tahsildar" means the Chief Officer in charge of the Revenue administration of a Tahsil and includes an Additional Tahsildar;(7)all words and expressions used in these rules but not defined herein shall have the same meanings as are respectively assigned to them in the Act.

3. Proceedings under Chapter III to be summary.

(1)The enquiries made by officers under Chapter III shall be conducted in a summary

manner.(2)While conducting proceedings for disposal of objections to any entry in or omission from the draft jamabandi under Chapter III the Tahsildar shall record the substance of statement of parties and witnesses, if any, and shall record an order in writing.

4. Notice and mode of their service.

(1)All notices required under the relevant provisions of the Act or under these rules shall be in writing.(2)Where no other mode of service of notice is provided by the relevant provisions of the Act or by these rules, service shall be effected in the manner prescribed for the service of summons on a defendant under the Code of Civil Procedure, 1908, if the notice is addressed to only one person. If it is addressed to a number of persons or to persons in general of one and the same village, it shall be served in the manner-prescribed for such service of summons under the Code of Civil Procedure, 1908, by proclamation and by beat of drum and by posting it; in the presence of not less than two persons of the locality in some conspicuous place in the village.(3)In the case of an uninhabited village the service of any general notice shall be by proclamation and by beat of drum and by posting it in the presence of not less than two persons of the locality in some conspicuous place in the nearest inhabited village.

5. Claims, objections and applications to be in writing.

- All claims objections and applications under the relevant provisions of the Act and these rules shall be in writing.Chapter-II Filing of claims, submission of records and delivery of possession of land

6. Notice inviting applications for settlement of jagir lands and calling upon the Village Police Officer for delivering records and lands.

(1)As soon after the appointed date as may be possible, the Collector shall issue a notice to every Village Police Officer and a general notice to other persons entitled to a settlement of jagir lands under Section 4 in the manner provided in Rule 4 to-(a)file his claim before the Tahsildar indicating the situation and extent of jagir land in his actual cultivating possession before the appointed date; and(b)deliver all records maintained by him in respect of the land held by him as Village Police Officer.(2)The notice shall further specify that every person who is entitled to settlement of jagir land under Section 4 or liable to deliver records under these rules shall comply with the provisions of Sub-rule (1) within thirty days from the date of its service.(3)The Collector may allow any such person further time for complying with the provisions of Sub-rule (1) if he is satisfied on an application made in that behalf that it would not be reasonably practicable for him to comply with the said provisions within thirty days, from the date of service of the notice.

7. Manner of delivering of records.

- The Village Police Officer shall prepare in duplicate, a challan of record, referred to in Clause (b) of Sub-rule (1) of Rule 6, sign it and deliver the same alongwith the records to the Tahsildar who shall

receive them and shall return a copy of the challan duly acknowledging therein receipt of the records.

8. Delivery of possession of land not settled.

(1)After preparation of the final jamabandi under Chapter-III, the Collector shall issue in the manner prescribed in Rule 6, a notice to the Village Police Officer and all other concerned persons to deliver possession of the land in their cultivating possession which has not been settled with them.(2)The persons to whom a notice under Sub-rule (1) is issued, shall deliver, in duplicate, a list of all lands in his cultivating, possession which has not been settled with him to the Tahsildar whom on receipt of the list shall be deemed to have taken delivery of possession of the lands mentioned therein and shall acknowledge receipt in writing to that effect.(3)After taking possession of the land, the Tahsildar shall deliver possession of such land as has been reserved for Grama Sasan to the Grama Sasan concerned for management subject to order of Government that may be made from time to time in this behalf.(4)If the period intervening between the appointed date and the date of delivery of possession under Sub-rule (2) exceeds one year, the person concerned shall, for use and occupation of the land during the period, be liable to pay fair and equitable rent as may be determined by the Tahsildar in that behalf.Chapter-III Settlement of service of jagir lands

9. Preparation of draft Jamabandi and sketch map.

(1)As soon after the appointed date as may be possible, the Tahsildar shall prepare a draft Jamabandi in respect of the service Jagir lands of each village.(2)He shall also prepare, to a convenient scale, a sketch map of these lands as may be considered necessary for facility of reference and identification.(3)The draft Jamabandi shall contain the following particulars, namely:(a)the name of each person entitled to settlement of service jagir lands under Section 4;(b)the situation and extent of the land to the settlement of which he is entitled;(c)the situation and extent of the land which is required to be reserved in favour of Grama Sasan under Sub-section (2) of Section 4 and the name of Grama Sasan in favour of which such reservation is required to be made;(d)the use of water for carrying on agricultural operation on such lands whether obtained from a river, tank, well or any other source of supply and the repair and maintenance of works for securing supply of water for the cultivation of such lands whether or not such works are situated within the boundaries of such lands;(e)the rent, cess and charges for irrigation that will be payable from the appointed date by each person entitled to settlement;(f)any right of way or other easement attached to the lands recorded in the Jamabandi; and(g)the special conditions or incidents, if any, that are proposed to be attached to the tenancy after settlement.(4)Where no claim for settlement of jagir lands has been made as required under Sub-section (4) of Section 4, such lands shall be recorded in favour of the State Government.

10. Local enquiry.

(1)The preparation of the draft Jamabandi and sketch map shall be based on local enquiry and check of the existing record and map, if any.(2)The Tahsildar may conduct the local enquiry himself or may, entrust it to any of his subordinates.

11. Proclamation.

(1)Not less than one week before the date of commencement of the local enquiry, the Tahsildar shall cause a proclamation to be published.(2)The proclamation shall be published in the village in which the land is situated by beat of drums and by pasting a copy of it in the presence of not less than two persons, to some conspicuous place in the village :Provided that if the village is uninhabited the publication shall be made in the aforesaid manner in the nearest inhabited village.(3)The proclamation shall be addressed in general to all persons; entitled to settlement of land under this Chapter and shall inform them, that if required by the persons conducting the local enquiry, they shall-(a)point out to him boundaries of the lands in respect of which they are entitled to a settlement under this Chapter, and(b)furnish to him such information and produce before him such records as may be considered relevant for the purpose of the enquiry.

12. Publication of the draft Jamabandi and inviting objections thereto.

(1)The Tahsildar shall publish a copy of the draft Jamabandi by posting it, in the presence of not less than two persons to some conspicuous place in the village :Provided that if the village is uninhabited, the publication shall be made in the nearest inhabited village in the aforesaid manner.(2)Along with the publication of the draft Jamabandi the Tahsildar shall serve a general notice intimating all persons interested that objections, if any, to any entry in, or omission from the said Jamabandi may be made to him within thirty days from the date of such publication.

13. Receiving and disposal of objections.

(1)Objections, if any, to any entry in, or omission from the draft Jamabandi, made during thirty days of its publication shall be received and considered by the Tahsildar in accordance with the subsequent provisions of this rule.(2)When an objection is received under Sub-rule (1) a notice thereof containing the substance of the objection shall be served on every person whose interest may, in the opinion of the Tahsildar, be affected thereby and all such persons shall be called upon to attend at such time and place as the Tahsildar may fix for the disposal of the objection.(3)On the date fixed for hearing of the objections or on any other date to which the hearing may stand adjourned, the Tahsildar after making such enquiries as he considers necessary and after giving the parties present an opportunity of being heard, pass such orders as he may deem proper.

14. Final Jamabandi and sketch map.

- The Tahsildar shall frame the final Jamabandi and correct the sketch map on the basis of the draft Jamabandi as corrected in accordance with orders made under Rule 13 and in appeal or revision, if any, under Section 8.

15. Issue of the patta to the parties and correction of records-of-right.

(1)The Tahsildar shall, thereafter, issue to each of the persons with whom the jagir lands are settled a patta in a form to be specified by the Board of Revenue in that behalf.(2)The patta shall be issued on payment of fee of rupee one only in each case :Provided that no such fee shall be realised from persons belonging to Scheduled Tribes and Scheduled Castes.(3)The Tahsildar in determining the fair and equitable rent shall take into account all or any of the following considerations namely : (a)the nature of the soil and general productivity of such land;(b)market value of the land;(c)the prevailing rates of rent obtaining for similar lands in the neighbourhood;(d)crop or crops generally grown on the land;(e)average price of the staple food crops for the preceding ten years; and(f)such other factors as may be considered necessary by the Tahsildar;Provided that 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.(4)He shall also forward certified copies of the final Jamabandi and sketch map prepared under Rule 15 to the authority competent to maintain the record-of-rights under the provisions of the Orissa Survey and Settlement Act, 1958.

Chapter-IV
Payment of solatium

16.

As soon after the appointed date as may be possible the Collector or any Gazetted Revenue Officer authorised by him, shall issues notice to the Village Police Officer who is entitled to solatium requiring him to be present at the police station specified m the notice and to receive payment at the prescribed rate. The payment shall be made by the Sarpanch of the concerned Grama Panchayat or by his authorised representative in the presence of the Revenue Officer authorised in that behalf, after taking acknowledgment of receipt of the payment from the payee.

17.

Before payment is made, the Village Police Officer shall be identified by the Officer-in-charge of the police station and the Sarpanch concerned. In case of death or disability of the Village Police Officer, the solatium shall be paid to his legal heir or authorised agent on proper verification by the Revenue Officer authorised in that behalf.

18.

(1)If the Village Police Officer or his authorised agent does not turn up to receive the payment, the Revenue Officer shall send the amount to him by postal money order in his last known address :Provided that commission payable for money order shall be paid out of the amount payable to the Village Police Officer.(2)If the money order is received back undelivered, the Revenue Officer shall keep the amount in revenue deposit until the Village Police Officer claims it when it shall be paid to him or to his duly authorised agent.

19.

The Collector shall keep the account of the expenditure incurred and submit the expenditure statement and utilisation certificate to the Home Department through the Revenue Divisional Commissioner concerned for verification. Chapter-V Miscellaneous

20.

Filing of appeals before the Collector and their disposal shall be regulated by the following procedure, namely : (a) with every appeal, a certified copy of the order appealed against shall be filed; (b) if an appeal is admitted, the Collector may call for a report from the officer against whose order the appeal has been filed : Provided that the points on which such a report is required shall be distinctly mentioned in the order calling for the report ; (c) pending disposal of the appeal, operation of the order appealed against may, at the discretion of the Collector be stayed; (d) a notice of the appeal and the date of its hearing shall be served on the respondent, if any; and (e) reasonable opportunity shall be given to the parties to be heard in person or through pleaders before final order in appeal is passed.

21. Procedure to be followed by Board of Revenue while proceeding under provisions of the Act.

- The filing, hearing and disposal of petitions of revision before the Board of Revenue shall be regulated by the provisions of the Board of Revenue (Orissa Regulations), 1963.