

The Orissa Seaward Artillery Practice Rules, 1967

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Rule

THE-ORISSA-SEAWARD-ARTILLERY-PRACTICE-RULES-1967 of 1967

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The Orissa Seaward Artillery Practice Rules, 1967Published vide Notification No. 8375-Poll., dated 21.3.1967Notification No. 8375-Poll, dated 21st March, 1967. - In exercise of the powers conferred by Section 9 of the Seaward Artillery Practice Act, 1949 (Central Act VIII of 1949), the State Government after consultation with the authorities specified in the said section of the said Act hereby make the following rules :

1.

These rules may be called the Orissa Seaward Artillery Practice Rules, 1967.

2.

In these rules, unless the context otherwise requires-(a)"Act" means the Seaward Artillery Practice Act, 1949;(b)"Section" means a section of the Act;(c)All words and expressions used but not defined in these rules shall have the respective meanings assigned to them in the Act.

3.

Manner of publication-The notice required by Sub-section (2) of Section 3 shall, in addition to the publication in the Orissa Gazette and in the newspaper as required under Clauses (a) and (b) of Sub-section (3) of the said section, be published in the following manner, namely :(i)by beat of drums in the residential portion of the area proposed to be specified in the notification under Sub-section (1) of Section 3;(ii)by affixation of copies of the notice in the language of the locality in each of the offices of Government and local authorities situated in such area including other local offices such as Tahasil Office, Block Development Office, Grama Panchayat office and if there is no

such office, by affixation of such copies at important places in such area; and(iii)by giving publicity to the notice at agricultural, religious or other fairs which are being hold in the vicinity of such area during the currency of the notice :Provided that the fact of such beat of drums and affixation shall be verified in writing by the Chairman or Sarpanch of the Grama Panchayat and two other literate inhabitants of the locality.

4.

After a notification under Sub-section (2) of Section 3 has been issued the Officer Commanding of the forces engaged in the Seaward Artillery Practice shall intimate in writing to the Collector of the district at least one month in advance, the exact time when the operation will commence and a clear description of the exact locality where the operations will be carried on. He shall also intimate to the nearest port authority concerned so that necessary notice to marines and fishermen may be issued and the port officials notified to warn vessels proceeding towards the area of coast where artillery practices are to be carried out. The locality where the operations will be carried on shall also be indicated by the military authorities by means of marks such as red flags or targets on the ground.

5.

(1)On receipt of such intimation from the Military authority, the Collector shall be accompanied by two respectable residents of the locality notified and a person nominated by the Military authority immediately inspect the portions of the notified area covered by land and prepare a record of the conditions of the land and the alterations that are likely to be made on it for the purpose of the operation. The Collector shall also secure the presence of the owner or occupier of the land and include in the record the gist of the representations, if any, of such owner or occupier.(2)The inhabitants of the surrounding areas shall be informed by the Collector at least two days in advance by beat of drum and publication of notice in the local offices or other places of public assembly in each village at the time of commencement, the exact locality where the operations will be carried on and the duration of operations and warn them (i) not to enter or remain in any camp without due authority, (ii) not to enter or remain without due authority in any area as may be declared to be a danger zone under Sub-section (2) of Section 4 at a time when entry thereto is prohibited, and (iii) not to interfere without due authority with any flag or mark or target or buoy or any apparatus used for the purpose of Seaward Artillery Practice.

6.

Where any area is declared to be a danger zone under Sub-section (2) of Section 4 the Officer Commanding shall put up prominent danger signals on all sides of the area wherever possible and shall give written warning in English and in the language used in such locality prohibiting the entry into the area during the time when the discharge of the lethal missiles is taking place or there is danger to life or property.

7.

The Collector, on receipt of application from the Officer-in-command under Sub-section (2) of Section 4, shall notify in the manner specified in Rule 5 that the entry into the danger zone is prohibited and that all persons, property and vessels shall be removed from such danger zone during the times when discharge of lethal missiles is taking place or there is danger to life or property.

8.

Any person claiming compensation under Section 5 shall within one month from the date on which the claim arises appear in person or by agent before the Revenue Officer deputed by the Collector under Sub-section (1) of Section 6 and state the nature of the claim, the amount of compensation he demands and his title thereto and such statement shall be made in or reduced to writing and signed by the claimant or his agent, as the case may be.

9.

The Revenue Officer shall fix a specified day or days commencing from the day next after the operations have concluded and a place for enquiry into such claims and notify the same in the manner specified in Rule 5.

10.

On the appointed day or days, the Revenue Officer shall enquire into all the claims received in time and determine the amount of compensation to be awarded in each case and disburse the same in accordance with the provisions of Sub-section (2) of Section 6.

11.

The Collector shall maintain a claims register which shall contain the following particulars :
(a) Number and date of the claim
(b) Name of the village
(c) Name of the claimant and his address
(d) Nature of the claim and date on which the claim arose
(e) Compensation claimed with date alleged for the claim
(f) Compensation awarded with brief reasons for the decisions
(g) Signature of the party in acknowledgement of the communication of decision
(h) If the party does not accept the award, date of intimation of the notice of intention to appeal
(i) Signature of party in token of receipt of the compensation awarded
(j) Remarks.

12.

The Officer Commanding of the forces engaged in any seaward artillery practice shall nominate a person to be present at the time of consideration of claims by the Revenue Officer who shall while proceeding under Rule 10 take into consideration the representation, if any, made by the person so

nominated before arriving at any decision on each claim.

13.

The person nominated by the Officer-in-command under Rule 12 shall be with funds for payment to the claimants on the spot as soon as the Revenue Officer passes his awards.

14.

If a claimant refuses to receive the money awarded or if there are rival claimants to it, the Revenue Officer shall receive it from the person nominated by the Officer Commanding and keep it in the treasury or in Revenue Deposit.

15.

Any claimant dissatisfied with the decision of the Revenue Officer in respect of the award of compensation or with the amount of compensation awarded to him may in accordance with the provisions of Sub-section (4) of Section 6 prefer an appeal to the Collector against the decision.

16.

The Revenue Divisional Commissioner, Central Division shall have his first sitting to hear the appeal not later than six weeks from the date on which the appeal is filed.

17.

A notice specifying the time and place fixed for the first sitting of the Collector shall be given to the appellant at least a week before such sitting. The notice shall be served on the appellant in person. If he cannot be found at the address given by him or at the address mentioned in the appeal it may be served on any adult member of the family or failing that, affixed to a prominent part of the building specified in that address.

18.

The Collector may adjourn his sitting if he finds it necessary to do so but an appeal shall be disposed of as expeditiously as possible.

19.

The Officer Commanding shall place the additional compensation, if any, awarded in appeal at the disposal of the Collector within seven days of the date on which, the appeal is decided.

20.

The Collector shall place the additional compensation if any, in revenue deposit and arrange for the disbursement of the entire compensation to the appellant as early as possible by the issue of a refund order to the appropriate treasury in cases in which the amount was originally refused by the appellant and deposited by the Revenue Officer.

21.

If the person who is entitled to receive the compensation or any portion thereof (a) is a minor, (b) is of unsound mind, or (c) has only a limited interest in the land or other property which has suffered damage, the orders of the Collector shall be obtained as to the manner of payment. If any money is deposited with the Collector, the Collector shall deal with it in the manner laid down in Sections 32 and 33 of the Land Acquisition Act, 1894.

22.

Damage to property shall be determined with reference to the prevailing market value of the property. Damage for interference with the rights or privileges or both shall be assessed solely with reference to the material loss sustained by the claimant by such interference.

23.

Compensation for the damage arising from seaward artillery practice, expenses reasonably incurred or as estimated by the Revenue Officer to have been reasonably incurred in protecting the person, property, rights and privileges of claimant during the time of the operation shall be allowed.

24.

If a person is directed to remove himself, his property or vessel from any place declared to be a danger zone, under Sub-section (2) of Section 4, the expenses of such removal as estimated by the Revenue Officer shall be paid at least 12 hours in advance of the hour before which the removal has to be completed.

25.

The minimum amount of compensation payable for the removal of a person, property or vessel from any place declared to be a danger zone under Sub-section (2) of Section 4 of the Act shall be the amount required for removal to the nearest place of safety and for meeting any extra cost of living or feeding charges or of the accommodation of the person, property or vessel at current local rates that would have to be incurred during the period for which the removal is enforced.

26.

No compensation shall be awarded for any damages caused to any person, property or vessel by the infringement of the warning or instructions issued under these rules.