

The Orissa Civil Court Survey Commission Rules, 1942

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Act 3 of 1942

- Published on 25 October 1942
- Commenced on 25 October 1942
- [This is the version of this document from 25 October 1942.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Civil Court Survey Commission Rules, 1942 Published vide Notification Orissa Gazette, Part 3 of 1942/Notification No. 11165/15.10.1942

1.

These rules may be called the Civil Court Survey Commission Rules, 1942. They shall come into force on the 25th October, 1942.

2.

(1) When a commission issued by a Civil Court under Rule 9 of Order XXVI of Schedule I of the Code of Civil Procedure, 1908, is of such a nature as to require that the person executing it shall possess knowledge of surveying, it shall, so far as possible be issued only to a person whose name is entered in a list maintained by the District Judge in the manner set forth below : Provided that a Civil Court may issue a commission to salaried Amins in judgships in which they still exist : Provided further that a Civil Court in the merged State may, for a period of eight years from the 25th day of February 1950, issue a commission to persons who have executed commissions in any Civil Court in the State of Orissa for a period of not less than five years ending with 31st December, 1947. (2) Each District Judge shall maintain a list of persons qualified to execute such commissions from amongst persons possessing the following qualifications : (a) The holding of a certificate of proficiency in surveying granted in accordance with these rules or in accordance with rules promulgated with Bengal Government Resolution No. 2047 J. D., dated the 9th October, 1901, and No. 2724-J. O., dated the 24th September, 1904, which were published in the issues of the Calcutta Gazette, of the 16th October, 1901, and 28th September, 1904, respectively, and Notification No. 4962-J., dated the 24th June, 1922, re published at page 918 of Part II of the Bihar and Orissa Gazette, dated the 6th September, 1922, as subsequently amended by Bengal Government Notification No. 1382-J., dated

the 7th February, 1930, re-published at page 62 of Part III of the Bihar and Orissa Gazette, dated the 12th March, 1930, or in accordance with the rules promulgated in the Bihar and Orissa Government Notification No. 4783-J. R., dated the 26th October, 1934, published in Part II of the Bihar and Orissa Gazette, dated the 7th November, 1934 and in the Bihar Government Notification No. 2088 J., dated the 27th July, 1938, re-published in Part IV of the Orissa Gazette, dated the 26th August, 1938.(b)The possession of an equivalent or higher qualification.This shall include the passing of the following examinations : Bachelor of Civil Engineering, Intermediate Civil Engineering, the examination for overseers of the Public Works Department (but not that for sub-overseers Subordinate Engineer's Certificate Examination).(c)The satisfactory execution of survey commissions for the Civil Courts in the judgship during a period of not less than ten years before the 1st December, 1934.As between persons included in the aforesaid list preference should ordinarily be given to those who are pleaders, except in those special cases in which an expert knowledge of survey may be more important than a knowledge of law.Constitution and Functions of the Examination Board

3.

Certificates of proficiency in surveying will be granted to persons desirous of qualifying themselves for execution of Civil Court Commissions requiring a knowledge of survey on their passing the examination held annually under these rules :Provided that no certificate shall issue to any person who has not been duly enrolled as a pleader.

4.

The examination will be conducted by an Examination Board which will be composed as follows :
(1)A High Court Judge to be nominated by the High Court of Judicature at Patna-President.Members
(2)A District judge to be nominated by the High Court of Judicature at Patna.
(3)The Principal of the Bihar College of Engineering-Secretary.
(4)The member of the Board of Revenue, Bihar.
(5)The Principal, Orissa School of Engineering Cuttack-Joint Secretary.

5.

Certificates issued to successful candidates will be signed by the Secretary.

6.

The Board will, through their Secretary and Joint Secretary arrange to conduct the examination, to appoint examiners and receive their reports, to issue instructions to the candidates, to record marks and announce results, to receive examination fees, and to pay the examiners and contingent expenses. The Board will also determine the scale of remuneration to be given to the examiners in consultation with the Government of Bihar and the Government of Orissa.Rules for the Examination of Candidates for Certificates of Proficiency in Surveying

7.

An examination for these certificates will be held once annually in the month of February, or at such time as may be notified, at the following centres : (i) Bihar College of Engineering, Patna-For Bihar candidates. (ii) The Orissa School of Engineering-For Orissa candidates.

8.

The maximum number of names that will ordinarily be registered for the examination at either centre is 20.

9.

In the event of more candidates than are provided in Rule 8 being registered for examination in any year, the number registered for examination may be increased for that year. If in the opinion of the officer controlling the examination the number of candidates for examination be too great to be examined at one time, he may arrange for two separate examinations in the field tests. All candidates shall appear at the same paper examination.

10.

The registration of candidates for the examination will be conducted by the Secretary in the case of candidates from Bihar and by Joint Secretary in the case of candidates from Orissa.

11.

No candidate will be admitted to the examination unless he has been enrolled as a pleader or has obtained the degree of Bachelor of Law or an equivalent degree, or having passed all other examinations for such degree has appeared at the final examination for the degree, and; (i) has worked for a year as an assistant to a pleader qualified under Rule 3 and nominated by the District Judge and produced a certificate through the District Judge from the said pleader to the effect that he has diligently applied himself to field training; or (ii) has been registered for admission to the Intermediate Engineering Examination of the Patna University; or (iii) has passed the Sub-Overseer Examination; or (iv) has obtained the Surveyor's certificate of one of the Government Survey Schools; or (v) be specially exempted from the operation of this rule by the Board controlling the examination.

12.

No candidate will be admitted to the examination more than three times.

13.

Candidates for admission to the practical examination shall, after they have had their applications on the prescribed form countersigned by the District Judge (or the Principal of the Law College, as the case may be), forward them to the Secretary or the Joint Secretary of the Examination Board, as the case may be, so as to reach his office on such date in January as may be fixed by the Board and notified in two issues of the Bihar Gazette and the Orissa Gazette during the preceding month. Each application shall be accompanied by a receipt from the local treasury certifying that the examination fee of RS. 50 has been paid into the treasury, unless such receipt be received the candidate's name will not be registered.

14.

Each examination is complete in itself. A candidate will be required to pass the examination in every test and will not be exempted from a test on the ground that he satisfied the examiner in it previously.

15.

No certificates of partial success will be issued.

16.

The examination will comprise the following tests :I. A paper on practical surveying (three hours).II. A practical test in chain surveying during which the candidate's knowledge of the use of a prismatic compass will be tested.III. A practical test in plane tabling.IV. A practical test in levelling.V. An oral and practical test in the adjustment and care of surveying instruments.VI. Plotting and calculations in connection with the work done in the field.Test Nos. II, III, and IV will be such as can be completed by the candidate within four hours.Rules as to Special Course of Practical InstructionThis special course in itself is of little use as a training in surveying. It is only intended as a preliminary instruction, the real training depends on the work done in the field during the year's interval between the course and the examination.

17.

The training will be arranged at the Bihar College of Engineering, Patna and the Orissa School of Engineering, Cuttack for six weeks in the months of January and February each year. The course will consist of four hours' field work and two hours' class work daily. The class will be confined to Pleaders, Graduates-in-law and bona fide students for the degree of Bachelor of Law.

18.

The heads of these institutions will fix the exact dates in each season and the sites of training and inform the candidates.

19.

The class will be held under canvas, and the necessary tents for this purpose will be provided by Government.

20.

A separate instructor, for each class at Patna and Cuttack approved by the Board will be appointed by the Head of the Bihar College of Engineering, Patna and the Principal of the Orissa School of Engineering, Cuttack, respectively for eight weeks in each season.

21.

Attendance will not be marked any day unless the pupil attends for the full working hours, and if a pupil does not work satisfactorily, he will be marked as absent.

22.

The instructor shall keep a register of attendance. To obtain credit for attendance at this special course of instruction a candidate shall have entered according to Rule 21 as having attended at least 80 per cent, of the full number of working days, and this attendance shall be so distributed that the Board is satisfied that none of the subjects taught has been neglected. He shall also submit maps and sections of all field work to the satisfaction of the instructor.

23.

The teacher of the class will not be permitted to give private certificates for this course.

24.

A statement showing the total attendance of each pupil will be forwarded to the Secretary.

25.

The instructor will arrange for tents, coolies and instruments under the supervision of the Head of the Bihar College of Engineering Patna, or the Principal of the Orissa School of Engineering, Cuttack, as the case may be.

26.

The fee for the course will be Rs. 100 payable in advance.

27.

Any candidate who desires to undergo the course of training shall apply to the Secretary or the Joint Secretary of the Examination Board, as the case may be, not later than such date in November as may be fixed annually by the Secretary and notified in the first two issues of the Bihar Gazette, and the Orissa Gazette during that month. The application shall be endorsed by the District Judge in the case of Graduates-in-law students, It shall state the centre which the candidate wishes to join and shall be accompanied by a receipt from the treasury, certifying that the fee of Rs. 100 for the course has been deposited into the treasury, unless such receipt be received, the candidate's name will not be registered.

28.

The number of candidates admitted for training at either centre will ordinarily be not more than 24. Should the number of candidates exceed 24, the Board may arrange a second course. Should the number of candidates be greater than it is practicable to accommodate, the Board shall be entitled to reject, without assigning any reason for their action, such applications as they may deem advisable.

29.

Pupils attending the class are expected to make their own arrangements for residence. The following is the syllabus of instruction : (a) Practical work - Two weeks on chain surveying, two weeks on plane tabling, one week on prismatic compass and one week on levelling., (b) Class work-

Use of mathematical Instrument	Variation of compass.
Construction on scales	Preparation of field-Books from maps.
Mensuration of areas	Elementary principles of levelling.
Plotting	Plotting level sections.