

The Orissa Merged Territories (Village Offices Abolition) Rules, 1963

ODISHA

India

The Orissa Merged Territories (Village Offices Abolition) Rules, 1963

Rule

THE-ORISSA-MERGED-TERRITORIES-VILLAGE-OFFICES-ABOLITION of 1963

- Published on 1 January 1963
- Commenced on 1 January 1963
- [This is the version of this document from 1 January 1963.]
- [Note: The original publication document is not available and this content could not be verified.]

The Orissa Merged Territories (Village Offices Abolition) Rules, 1963Chapter-I General

1. Short title.

- These rules may be called the Orissa Merged Territories (Village Offices Abolition) Rules, 1963.

2. Definitions.

- In these rules, unless the context otherwise requires-(1)"Act" means the Orissa Merged Territories (Village Offices Abolition Act, 1963;(2)"Chapter" means a Chapter in these rules;(3)"Jamabandi" means the record of settlement prepared under any of the Chapters III to V;(4)"landless person" means any person, the total extent of whose land along with the lands held as tenant by all members of his family living with him in one mass is less than five acres and who has no profitable means of livelihood other than agriculture;(5)"ordinary waste land" means waste land reclaimed by a Village Officer before the appointed date but does not include privileged waste land;(6)"privileged waste land" means waste land reclaimed by a Village Officer prior to the 1st day of January, 1942 in the merged territory of Pallahara or waste land reclaimed by a Village Officer prior to the 1st day of January, 1949 in any other merged territory;(7)"section" means a section of the Act;(8)"small holder of land" means any person the total extent of whose land along with the lands held as tenant by all members of his family living with him in one mass is five acres or more but less than ten acres and who has no profitable means of livelihood other than agriculture;(9)"Sub-Divisional Officer" means the Chief Officer, in charge of the revenue administration of a sub-division;(10)"Tahsiidar" means

the Chief Officer, in charge of that revenue administration of a Tahsil;(11)all words and expressions used in these rules but not defined therein shall have the same meanings as are respectively assigned to them in the Act.

3. Proceedings under certain Chapters to be summary.

(1)The proceedings conducted by every officer under any of the Chapters III to V shall be summary.(2)While conducting proceedings for disposal of objections to any entry in or omission from the draft Jamabandi under any of the aforesaid Chapters the Sub-divisional Officer 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 Act or these rules shall be in writing.(2)Where no other mode of service of notice is prescribed by 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, it shall be served in the manner prescribed for the service of summons on a defendant under the Code of Civil Procedure, 1908 or by proclamation and beat of drum and by posting it, in the presence of not less than two persons to 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 beat of drum and by posting it in the presence of not less than two persons to some conspicuous place in the nearest inhabited village.

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

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

6. Notice calling upon the Village Officer for delivering records and lands.

(1)Immediately after the appointed date, the Collector shall issue a notice to every Village Officer directing him to-(a)deliver all record, maintained by him before the appointed date in respect of the land or village held by him in relation to his office, and(b)render all accounts appertaining to his office in respect of dues payable by and to him.(2)The notice shall-further specify that the Village Officer shall comply with the order within thirty days from the date of its service in the manner specified in Rule 7.(3)The Collector may allow any Village Officer further time for complying with the order if he is satisfied on an application made by the Village Officer in that behalf that it would not be reasonably practicable for him to comply with the order within thirty days from the date of service of the notice.

7. Manner of delivery of records and accounts.

(1)The Village Officer shall prepare in duplicate, a challan of records referred to in Clause (a) of Sub-rule (1) of Rule 6, sign it and deliver the same along with the records to the authorised officer who shall receive them and shall return a copy of the challan duly acknowledging therein receipt of the records.(2)He shall deliver in duplicate a statement of accounts; referred to in Clause (b) of Sub-rule (1) of Rule 6 to the authorised Officer who shall receive it and acknowledge its receipt in writing.Explanation - For the purposes of this Chapter, the expression "authorised officer" shall mean the Tahsildar and any other officer authorised by the Collector.

8. Delivery of possession of land reserved for Grama Sasan.

(1)After preparation of the final Jamabandi under Chapter 3 the Collector shall issue in the manner described in Rule 6, a notice to the Village Officer and all other concerned persons to deliver possession of the land in their cultivating possession which has been reserved for the Grama Sasan under the provisions of Section 5.(2)The person to whom a notice under Sub-rule (1) is issued shall deliver in duplicate, a list of all land in his cultivating possession which has been reserved for the Grama Sasan under the provisions of Section 5 to the authorised officer who on receipt of the list shall be deemed to have taken delivery of possession of the land mentioned therein and shall acknowledge receipt in writing to that effect.(3)After taking possession of the land, the authorised officer shall deliver its possession 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 the 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.

9. Procedure for taking possession of ordinary waste land surrendered and abandoned holdings.

(1)After preparation of the final Jamabandi under Chapter IV, the Collector shall issue, in the manner prescribed in Rule 6, a notice to the Village Officer to deliver possession of all ordinary waste lands in his cultivating possession.(2)After preparation of the final Jamabandi under Chapter V, a similar notice shall be issued by the Collector to the Village Officer to deliver possession of all surrendered and abandoned holdings in his possession.(3)The person to whom a notice under Sub-rule (1) or Sub-rule (2) is issued shall deliver possession of the land specified in the said notice in the manner laid down in Sub-rule (2) of Rule 8.(4)After taking possession of the land the authorised officer shall deliver its possession to the person in whose favour the land has been recorded in the final Jamabandi prepared under Chapter IV or Chapter V, as the case may be.(5)If the period intervening between the appointed date and the date of delivery of possession under Sub-rule (3) exceeds one year the Village Officer shall for the use and occupation of the land during the period the person liable to pay fair and equitable rent as may be determined by the Tahsildar in that behalf.Chapter-III Settlement of Bhogra lands, Gounti-Rayati lands and privileged waste lands

10. Preparation of draft Jamabandi and sketch map.

(1)As soon after the appointed date as may be possible, the Sub-Divisional Officer shall prepare a draft Jamabandi in respect of Bhogra lands, Gounti-Rayati lands and privileged waste lands of each village.(2)He shall also prepare to a convenient scale, a sketch map of the lands and such other adjoining lands as may be considered necessary for facility of reference and identification.(3)The draft Jamabandi shall contend the following particulars namely:(a)the name of each person entitled to a settlement of Bhogra lands, Gounti-Rayati lands and privileged waste lands under Sections 5, 6 and 7;(b)the situation and the extent of the land to which he is entitled to such settlement;(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 5 and the name of the Grama Sasan in favour of which such reservation is required to be made;(d)the use of water for carrying on agricultural operations on such lands, whether obtained from a river, tank, well or any other source of supply and the repair and maintenance 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 canals after settlement.

11. Local enquiry.

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

12. Proclamation.

(1)Not less than one week before the date of commencement of the local enquiry, the Sub-Divisional Officer 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 drum and by posting 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 there 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.

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

(1)The Sub-Divisional Officer shall publish a copy of the draft Jamabandi by posting it, in 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 he 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.

14. 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 Sub-Divisional Officer 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 Sub-Divisional Officer, be affected thereby and all such persons shall be called upon to attend at such time and place as the Sub-Divisional Officer may fix for the disposal of the objection.(3)On the date fixed for hearing of the objections or any other date to which the hearing may stand adjourned the Sub-Divisional Officer, 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.

15. Final Jamabandi and sketch map.

- The Sub-Divisional Officer 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 14 and in appeal or revision, if any, under Section 13.

16. Intimation to the parties and corrections of records-of-rights.

(1)The Sub-Divisional Officer shall, thereafter, intimate the parties about the lands settled with each of them and other relevant particulars thereof.(2)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 Settlement of ordinary waste lands

17. Preparation of a list of ordinary waste lands and calling for application for settlement.

(1)The Sub-Divisional Officer shall prepare a list of ordinary waste lands of each village and shall publish a copy of it in the manner prescribed in Sub-rule (1) of Rule 13.(2)Along with the list he shall publish a general notice in the same manner calling upon landless persons and small holders of land to apply, within a period of thirty days from the date of publication, for a settlement of these lands as a tenant with rights of occupancy therein on a fair and equitable rent.

18. Fixation of priority for settlement.

- The names of persons who apply for settlement in response to the notice issued under Sub-rule (2) of Rule 17 shall be arranged by the Sub-Divisional Officer in the following order of priority, namely : (a) persons of Orissa who are or were serving in the Armed Forces; (b) members of Scheduled Tribes; (c) members of Scheduled Castes; (d) members of other Backward Classes; and (e) other persons : Provided that landless persons of any one of these categories shall get preference over small holders of land of that category.

19. Provisional allotment.

- The Sub-Divisional Officer shall thereafter take into consideration the merits of each individual case, conduct local enquiry, if necessary, and shall make a provisional allotment in favour of all or any of them : Provided that until cases of all applicants of any one category in the list of priorities mentioned in Rule 18 are considered, no case of any category with a lower priority shall be taken into consideration.

20. Preparation of draft Jamabandi and sketch map.

(1) The Sub-Divisional Officer shall thereafter prepare a draft Jamabandi of all the lands forming the subject-matter of allotment under Rule 19. (2) He shall also prepare, to a convenient scale, a sketch map of these lands and such other adjoining 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 in whose favour a provisional allotment of land has been made under Rule 19; (b) the situation and extent of such land; (c) the use of water for carrying on agricultural operations 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 land, whether or not such works are situated within the boundaries of such land; (d) the rent, cess and charges for irrigation that will be payable by each person from the date of settlement; (e) any right of way or other easement attached to the land recorded in the Jamabandi; and (f) the special conditions or incidents, if any, that are proposed to be attached to tenancy after settlement.

21. Procedure for preparation of the draft Jamabandi and sketch map-their finalisation.

- The procedure laid down in Rules 11, 12, 13, 14 and 15 shall, mutatis mutandis be followed for preparation of the draft Jamabandi and sketch map and their finalisation under this Chapter.

22. Final disposal of applications made for settlement.

(1) The Sub-Divisional Officer shall, thereafter intimate the parties about the lands settled with each of them, the date from which the settlement takes effect and other relevant particulars thereof. (2) He shall also intimate all applicants in whose favour no settlement was made. (3) He shall thereafter

forward certified copies of the final Jamabandi and sketch map to the authority competent to maintain the record-of-rights under the provisions of the Orissa Survey and Settlement Act, 1958. Chapter-IV Settlement of surrendered and abandoned holdings

23. Calling for applications.

(1) The Sub-Divisional Officer, shall, on the basis of records available at his disposal and if necessary by local enquiry, ascertain the names of persons to whom the surrendered and abandoned holdings had belonged before such surrender or abandonment, as the case may be. (2) He shall then prepare a list of these persons indicating therein the lands each has surrendered or abandoned : Provided that if any of these persons is believed to be dead, then instead of his name the name of his legal heir shall be shown in the list. (3) The Sub-Divisional Officer shall then publish the list along with a general notice calling upon the persons mentioned in the list and all other persons claiming to be interested to apply to him, within thirty days from the date of publication, for settlement of the lands surrendered or abandoned by them or their predecessors-in-title. (4) Publication of the list and notice under Sub-rule (3) shall be made in the manner prescribed in Sub-rule (2) of Rule 12.

24. Procedure for settlement.

(1) If any person who had surrendered or abandoned his holding or in the event of his death, his heir applies for settlement within the period specified in the notice issued under Sub-rule (3) of Rule 23 then his application shall be considered and disposed of in the manner hereinafter appearing. (2) The Sub-Divisional Officer shall take into consideration the merits of each individual case, conduct local enquiry if necessary, and shall make a provisional allotment in favour of the applicants. (3) Thereafter, the provisions of Rules 20, 21 and 22 shall, mutatis mutandis be followed by the Sub-Divisional Officer for final disposal of applications received under Sub-rule (1). (4) If after final disposal of applications under Sub-rule (3) any surrendered or abandoned holding or a part thereof remains unsettled it shall be treated as ordinary waste land and its disposal shall be regulated under Chapter IV. Chapter-VI Appointment of Village Officers to suitable post under the State Government

25. Qualifications required of Village Officers for appointment to suitable posts.

(1) The minimum educational qualifications required of Village Officers for appointment to different posts under the State Government shall be as mentioned below :

- | | |
|--------------------------------|--|
| (a) for the post of Peon | a pass in the lower Primary Examination |
| (b) for the post of a Moharrir | a pass in the Upper Primary Examination |
| (c) for the post of an Amin | a pass in the Upper Primary Examination and knowledge in landrecords and cadastral survey to the satisfaction of the Sub-Divisional Officer. |

- (d) for the post of a Revenue Inspector a pass in the examination held for Class IX of a High School or any examination equivalent thereto.
- (e) for the post of a Revenue Supervisor Grade II a pass in the Matriculation or any other equivalent examination.

(2) The maximum age-limit for appointment to the posts mentioned in Sub-rule (1) shall be fifty years. (3) The minimum age limit for the said purpose shall be eighteen years excepting in case of Clause (c) of Sub-rules (1) for which it shall be twenty years : Provided that no Village Officer whose record of work before the appointed date was not satisfactory who is not physically fit or mentally alert shall be appointed to any post under the State Government

26. Application by Village Officers and selection for appointment.

(1) Any Village Officer who fulfils the requirements laid down in Rule 25 may within two months from the appointed date apply to the Sub-Divisional Officer for appointment to a suitable post under the State Government. (2) After expiry of two months from the appointed date, the Sub-Divisional Officer shall prepare a list giving all relevant particulars of such of the applicants as are in his opinion suitable for appointment to different posts on the basis of requirements laid down in Rule 25. (3) He shall also prepare another list giving all relevant particulars of other applicants whom he considers unsuitable for appointment to any post under the State Government and the reasons therefor. (4) The lists prepared under Sub-rules (2) and (3) shall be forwarded to the Collector for approval. (5) The Collector shall have authority to approve the lists with or without amendments : Provided that if he amends any list, he shall state his reasons in writing. (6) The lists as approved by the Collector and as modified in appeal and revision, if, any, under Section 13 shall be published in the Notice Boards of the Collector and Sub-Divisional Officer. (7) If the Collector is not competent to make appointment to the posts for which the Village Officers have been found suitable, he shall forward a list referred to in Sub-rule (2) as finalised under Sub-rule (6) to the appropriate authority.

27. Appointment.

(1) The authority competent to make appointments shall then appoint the Village Officers subject to availability of vacancies to the posts for which they may have been considered suitable by the Collector. (2) Copies of all orders of appointment made under Sub-rule (1) shall be forwarded to the Sub-Divisional Officer.

28. Conditions of service.

- A Village Officer appointed to any post under the State Government in pursuance of these rules, shall be subject to all rules for the time being in force for regulating conditions of service in respect of the posts and not inconsistent with these rules. Chapter-VII Payment of solatium

29. Order about admissibility of solatium.

(1)The Sub-Divisional Officer shall record an order with reasons therefor in respect of every Village Officer about admissibility or otherwise of solatium to him under Section 8.(2)If, in his opinion any Village Officer is not entitled to solatium he shall submit his order to the Collector for confirmation.(3)The Collector shall have authority to confirm the order with or without modification :Provided that he shall record his reasons if he modifies the order.

30. Preparation of draft Assessment Roll, objections to it and preparation of the final Assessment Roll.

(1)In respect of every Village Officer who is entitled to solatium, the Sub-Divisional Officer, shall on the basis of records available at his disposal, prepare a draft Assessment Roll showing the amount of solatium payable to him, the amount to be recovered from such solatium towards the dues of the State Government payable by him in his capacity as a Village Officer, and the balance, if any, payable to him.(2)He shall thereafter forward a copy of the draft Assessment Roll to the Village Officer with a notice that objections, if any, to any entry in or omission from the draft may be made to him within a period of thirty days from the date of service of the notice.(3)He shall also publish a copy of the draft Assessment Roll on his Notice Board.(4)Objections, if any, to any entry in or omission from the draft Assessment Roll filed within a period of thirty days of service of the notice under Sub-rule (2) or publication under Sub-rule (3), as the case may be, shall be received by the Sub-Divisional Officer.(5)He shall hear the objector and other parties, if any, and pass such orders as he may deem proper.(6)He shall thereafter frame the final Assessment Roll on the basis of the draft Assessment Roll as corrected in accordance with orders passed under Sub-rule (5) and in appeal or revision, if any, under Section 13.

31. Payment of solatium and adjustment of dues recoverable from the solatium.

(1)The amount shown in the final Assessment Roll as recoverable from the solatium towards dues payable to State Government by the Village Officer or the amount of solatium payable to him whichever is less, shall be paid by the Sub-Divisional Officer to the appropriate authority by suitable adjustment of accounts.(2)The balance, if any, payable to the Village Officer shall be paid in the manner laid down in Sub-rules (3) to (6).(3)The Sub-Divisional Officer shall intimate the Village Officer the date, time and place of payments and Shall Call upon him to take payment in person or through a duly authorised agent.(4)The Sub-Divisional Officer or any other Gazetted Officer duly authorised by him shall make the payment after taking acknowledgement or receipt of the payment from the payee.(5)If any Village Officer or his authorised agent does not turn up to receive the payment, the Sub-Divisional Officer shall send the amount to him by Postal Money Order in his last known address.Provided that the commission payable on the Money Order shall be paid out of the amount payable to the Village Officer.(6)If the Money order is received back undelivered the Sub-Divisional Officer shall keep the amount in Revenue Deposit until the Village Officer claims it when it shall be paid to him or to his agent duly authorised in that behalf.Chapter-VIII

Miscellaneous

32. Procedure to be followed by the Collector while proceeding under provisions of the Act.

(1) When a claim is preferred before the Collector under Sub-section (1) of Section 4 or Sub-section (2) of Section 10, he shall follow the procedure laid down below : (a) he shall issue a general notice inviting objections to the claim within thirty days; (b) all objections received during this period shall be taken into consideration; (c) as soon after the expiry of this period as may be possible, he shall call upon the claimant and the objectors, if any, to be present for hearing on a date to be fixed for the purpose; (d) on the date so fixed, or any other date to which the proceedings may be adjourned he shall call upon the claimant to prove his claim; (e) the objector, if any, shall thereafter be called upon to prove his objection; (f) the parties shall be entitled to call witnesses and produce documents in support of their contention : Provided that if any party requires the Collector to summon any witness for deposing in his favour or for production of any document the Collector shall employ with such demand unless, for reasons to be recorded in writing he considers it unnecessary to do so; (g) the Collector shall record in his own hand and in a memorandum, the material averments of the parties, the material portions of the evidence, his decision and the reasons therefor. (2) 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.

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

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