

The Ganjam and Boudh (Village Offices Abolition) Rules, 1970

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Rule

THE-GANJAM-AND-BOUDH-VILLAGE-OFFICES-ABOLITION-RULES-1970 of 1970

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1649/12.12.1970Notification No. S.R.O. 963/70, dated the 9th December, 1970. - In exercise of the powers conferred by Section 15 (1) of the Ganjam and Boudh (Village Offices Abolition) Act, 1969 (Orissa Act, I of 1970), the State Government hereby make the following rules after previous publication, namely :

1. Short title.

- These rules may be called the Ganjam and Boudh (Village Offices Abolition) Rules, 1970.

2. Definitions.

- In these rules, unless the context otherwise requires-(1)"Act" means the Ganjam and Boudh (Village Officer Abolition) Act, 1969;(2)"Chapter" means a Chapter in these rules(3)"Jamabandi" means the record of settlement prepared under Chapter III;(4)"Section" means a section of the Act;(5)"Sub-divisional Officer" shall mean the Chief Officer incharge of the revenue administration of a sub-division;(6)"Tahsildar" means the Chief Officer in-charge of the revenue administration of a Tahasil and includes an "Additional Tahsildar"; and(7)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 Chapter III to be summary.

(1)The proceedings conducted by every officer under Chapter III shall be summary.(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. Notices and mode of their serviced.

- All notices required under relevant provisions of the Act or 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, 1903 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 such service of summons 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 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 beat of drum and by posting it, in the presence of not less than two persons 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 Submission of records and delivery of possession of land

6. Notice calling up 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 records 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 every Village Officer shall comply with the provisions of Sub-rule (1) within thirty days from the date of its service in the manner specified in Rule 7.(3)The Collector may allow any Village Officer extension of 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 reasonable for him to comply with the provisions of Sub-rule (1) of Rule 6, within thirty days from the date of service of the notice.

7. Manner of delivering of record and accounts.

(1)The Village Officer shall prepare in duplicate, a chalan 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 chalan duly acknowledging therein receipt of the records.(2)The Village Officer 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 purpose of this Chapter, the expression "authorised officer" shall mean the Tahsildar or any other officer authorised by the Collector. Chapter-III Settlement of lands

8. 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 lands enjoyed by each holder of the village office. (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 a settlement of lands under Section 5; (b) the situation and extent of the land to which he is entitled on such settlement; (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 lands, whether or not such works are situated within the boundaries of such lands; (d) the rent, cess and charges for irrigation that will be payable from the appointed date by each person entitled to settlement; (e) any right of way or other easement attached to the lands recorded in the Jamabandi; and (f) the special condition or incidents, if any, that are proposed to be attached to the tenancy after settlement.

8A. [Determination of fair and equitable rent under Section 5. [Inserted vide Orissa Gazette Extraordinary No. 411/23.3.1976.]

- In determining the fair and equitable rent under Section 5 of the Act, the Tahsildar shall have regard to the average rate of rent payable by occupancy raiyats for lands of a similar description with, similar advantages in the surveyed and settled villages in the vicinity.]

9. 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.

10. Proclamation.

- (1) Not less than one week before the date of commencement of the local enquiry, the Tahsildar shall cause 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 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 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.

11. Publication of draft Jamabandi and inviting objections thereto.

(1)The Tahsildar 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.

12. 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 objections shall be reserved on every person whose interests may, in the opinion of the Tahsildar, be effected 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 retaking 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.

13. Final Jamabandi and sketch map.

- The Tahsildar shall frame the final Jamabandi and correct the sketch map prepared under Sub-rule (2) of Rule 8 in accordance with orders made under Rule 12 and in appeal, in any, under Section 11.

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

(1)The Tahsildar 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 the sketch map prepared under Rule 13 to the authority competent to maintain the record-of-rights under the provisions of the Orissa Survey and Settlement Act, 1968.Chapter-IV Appointment of Village Officers to suitable posts under the State Government

15. 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 a peon A pass in the Lower Primary Examination.
- (b) for the post of a Moharir A pass in the Upper Primary Examination.
- (c) for the post of an Amin A pass in the Upper Primary Examination and knowledge in land records and cadastral survey to the satisfaction of the Sub-divisional Officer.
- (d) for the post of a Revenue A pass in the examination held - Inspector for Class IX of High English School or any examination equivalent thereto.
- (e) for the post of a Revenue A pass in the High School Supervisor, Grade II Certificate Examination 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 (a) of Sub-rule (1) for which it shall be twenty years : Provided that no Village Officer whose record of work before the appointed date was not satisfactory or who is not physically fit or mentally alert shall be appointed to any post under the State Government.

16. Application by Village Officers and selection for appointment.

(1) Any Village Officer who fulfils the requirements laid down in Rule 45 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 15. (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 therefor. (4) The list 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 list as approved by the Collector and as modified in appeal, if any, under Section II shall be published in the Notice Boards of the Collector and of the Sub-divisional Officers concerned. (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 in Sub-rule (2) as finalised under Sub-rule (6) to the appropriate authority.

17. 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.

18. 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 post and not inconsistent with these rules. Chapter-V Payment of solatium

19. 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 6. (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.

20. Preparation of Draft Assessment Roll, objections to it and preparation of the 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 the 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 this 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 passed 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, if any, under Section 11.

21. 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 payment and shall call upon him to take the 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 acknowledgment of receipt of the payment

from the payee.(5)If the 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-VI Miscellaneous

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

(1)When a claim is preferred before the Collector under Section (1) of Section 4 or Sub-section (1) of Section 8 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 the period shall be taken into consideration,(c)as soon after the expiry of the 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 on any other date to which the proceedings may be adjourned he shall call upon the claimant to provide 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 the production of any document the Collector shall comply 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.

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

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