

Ganjam And Boudh (Village Offices Abolition) Act, 1969

1 of 1970

[22 January 1970]

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SCHEDULE 1 :- SCHEDULE I

Ganjam And Boudh (Village Offices Abolition) Act, 1969

1 of 1970

[22 January 1970]

AN ACT TO ABOLISH CERTAIN VILLAGE OFFICES, THE STATE OF ORISSA Whereas it is expedient in the public interest to abolish certain village offices in the districts of Ganjam and Boudh of the State of Orissa and to provide for matters incidental thereto in the manner hereinafter appearing; It is hereby enacted by the Legislature of the State of Orissa in the Twentieth Year of the Republic of India, as follows: STATEMENT OF OBJECTS AND REASONS The Mutha Heads and their subordinate functionaries existing in the districts of Ganjam and Boudh are relics of the old

and archaic system and have outlived their utility in the changed set-up of administration. It is a well-established policy to abolish all such out-moded hereditary village offices and to introduce normal administration in the said areas. The Bill seeks to achieve the above object.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Ganjam and Boudh (Village Offices Abolition) Act, 1969.

(2) It extends to the Ganjam Agency areas and to the Baliguda Sub division in the district of Boudh of the State of Orissa.

(3) It shall Come into force on such date [The Act came into force in the Ganjam Agency and Baliguda Sub-division w.e.f. 1st June 1970 vide SRO No. 389170, published in Orissa Gazette Ext.No. 625/3.6.1970.] as the State Government may, by notification, appoint in that behalf.

2. Definitions :-

In this Act unless the context otherwise requires

(a) "appointed date" in relation to any village office means the date appointed in respect of such office by a notification under Sub-section (1) of Section 3;

(b) "Collector" includes any officer, not being below the rank of an Additional District Magistrate appointed by the State Government to perform all or any of the functions of a Collector under this Act;

(c) "emolument" in relation to any village office means salary, cash payment, commission, sanja or cist mamool, use or enjoyment of lands held and all kinds of privileges and benefits in respect of or annexed to such office in lieu of remuneration for the performance of the duty appertaining thereto and includes right to fees or perquisites in money or in kind, whether at fixed times or otherwise as incidental to such office;

(d) "prescribed" means prescribed by rules made under this Act; and (a) "village office" shall mean the office shown in the Schedule.

3. Abolition Of Village Offices And Consequences Thereof :-

(1) The State Government may, from time to time by notification, declare the village offices specified therein to have been abolished with effect from such date as may be appointed thereunder.

(2) Notwithstanding anything in any law, usage, settlement, grant,

sanad or order or in any judgment, decree or order of a Court, with effect from and on the appointed date

(a) all the incidents of the service tenures relating to such offices shall be deemed to have been extinguished;

(b) all settlements, stands and all grants in pursuance of which such tenures were being held immediately before the appointed date shall be deemed to have been cancelled; (c) the rights of the holders of such offices to receive any emoluments shall be deemed to have been terminated;

(d) all rights to hold office and any liability to render service appertaining to such office shall stand extinguished;

(e) all lands held as emolument in respect of such offices shall stand resumed and vested absolutely in the State Government free from all encumbrances; and

(f) the holders of such offices shall cease to have the right to hold all other lands which they would not have continued to hold except by virtue of or as incidental to his office.

4. Collector To Decide, If A Person Is The Holder Of A Village Office :-

(1) If any question arises as to whether person was immediately before the appointed date the holder of any village office the Collector shall after giving the person affected an opportunity of being heard and after holding an enquiry decide the question.

(2) Any person aggrieved by the decision of the Collector under Sub-section (1) may within thirty days of such decision prefer an appeal to the Board of Revenue.

5. Settlement Of Lands -All Lands Resumed Under The Provisions Of This :-

Act shall be settled with rights of occupancy therein on a fair and equitable rent with the holder of the village office or with him and all those other persons, if any, who may be in the enjoyment of the land or any part thereof as his co-sharers or as tenants under such co-sharer to the extent that each such person was in separate and actual cultivating possession of the same immediately before the appointed date.

6. Employment Of Certain Village Office In State Services, And Payment Of Solatium :-

The Village Officer shall, on abolition of the office, if there are no lands to be settled with him, be paid by way of solatium a lump sum grant equivalent to rupees fifty for every completed year of service:

Provided that no such solatium shall be payable, if such officer on his application has been appointed before the expiry of a period of six months from the appointed date to any suitable post under the State Government in accordance with such rules as may be prescribed.

7. Submission Of Records And Delivery Of Possession Of Land :-

(1) It shall be the duty of every holder of a village office in the prescribed manner

(a) to 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) to render all accounts appertaining to his office in respect of dues payable by and to him.

(2) Whoever without sufficient cause fails to comply with the provisions of any of the clauses of Sub-section (1) within thirty days from the date of service of a notice in that behalf or such further period as the Collector may allow, shall be punishable on conviction with fine which may extend to two hundred rupees and in the case of continuing failure, with an additional fine which may extend to ten rupees for every day during which such failure continues after the conviction for the first such failure. (3) The Collector may for the purpose of recovering the record specified in Clause (a) of Sub-section (1) issue a search warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under Chapter VII of the Code of Criminal Procedure, 1898 (5 of 1898).

8. Determination Of Question If The Abolition Amounts To Acquisition :-

(1) If any person is aggrieved by the provisions of this Act on the ground that it provides for the acquisition of property by the State, such person may apply within a period of three months from the appointed date to the Collector for the determination of the question and the compensation, if any, payable in respect thereof.

(2) The Collector shall after holding an enquiry and giving all

parties interested an opportunity of being heard determine the right to and the amount of such compensation, if any, as may be payable, so far as may be in accordance with the provisions of Subsection (1) of Section 23 and Section 24 of the Land Acquisition Act, 1894 (1 of 1894) : Provided that in determining the compensation the Collector shall take into account the value of the interest acquired by such person as a result of the settlement of land, if any, in accordance with the provisions of Section 5.

(3) Any amount paid as compensation in respect of any land settled under Section 5 with any person other than the holder of the village office shall be realised by the State Government from such person and all such amounts shall be recoverable as arrears of land revenue.

(4) Any person aggrieved by the decision of the Collector under Sub-section (2) may, within thirty days of such decision, prefer an appeal to the Board of Revenue.

9. Settlement To Be Free Of Premium :-

In giving effect to the provisions of Section 5 no premium shall be charged for the settlement of lands and 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.

10. Procedure To Be Followed In Proceedings :-

State Government may, by rules made in that behalf, specify either generally or in relation to any particular area the time within which, the authorities by whom and the manner in which proceedings in respect of matters under Section 5 including matters preliminary, incidental or ancillary thereto shall be commenced, heard and disposed of.

11. Appeal :-

(1) Save as otherwise expressly provided in this Act any person aggrieved by any order passed under this Act or the rules made thereunder, may prefer an appeal within thirty days from the date of the order before the Collector, and if the original order is passed by the Collector, before the Board of Revenue.

(2) Any person aggrieved by an order passed in appeal not being an appeal before the Board of Revenue, may, within thirty days

from the date of the Order, prefer an appeal both on questions of fact and law before the Board of Revenue, who may after calling for the records and giving the parties an opportunity of being heard pass such orders confirming, modifying or reversing the order in question according as the Board deems proper.

(3) Any person aggrieved by an order passed by the Board of Revenue in an appeal under Sub-section (4) of Section 8 may within sixty days from the date of such order, file an appeal before the High Court.

12. Finality Of Orders :-

All orders passed under this Act shall, subject to the decision passed in an appeal, if any, be final.

13. Application Of Limitation Act, 1963 :-

The provisions of Sections 4, 5, 12 and 14 of the Limitation Act, 1963 (36 of 1963) shall be applicable to the filing of appeals under this Act.

14. Authorities To Exercise Certain Powers Of Civil Court :-

(1) The Collector, Board of Revenue and the other authorities specified under Sections 10 and 11 shall, for the purposes of this Act, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of

- (a) summoning and enforcing the attendance of witnesses and examining them on oath;

- (b) requiring the discovery and production of documents;

- (c) receiving evidence on affidavit; and

- (d) such other matters as may be prescribed.

(2) All enquiries and proceedings before the aforesaid authorities under this Act shall be deemed to be judicial proceedings within the meaning of Sections 193, 219 and 228 of the Indian Penal Code (45 of 1860).

15. Power To Make Rules :-

(1) The State Government may, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for-

- (a) the procedure to be followed by the Collector, the Board of

Revenue and other authorities while proceeding under any of the provisions of this Act;

(b) the qualifications and other conditions for the appointment of the holders of village offices in suitable posts under Government; and

(c) all other matters which under the provisions of this Act are, required to be or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature for a total period of fourteen days which may be comprised in one or more sessions and if during the said period the State Legislature makes modification, if any, therein the rules shall thereafter have effect only in such modified form, so however that such modification shall, be without prejudice to the validity of anything previously done under the rules.

SCHEDULE 1

SCHEDULE I

[See Section 2 (a)]

Ganjam Agency Areas

1. Mutha Head
2. Sub-Mutha Head
3. Bisoyee
4. Patro
5. Sub-Patro
6. Hodadar
7. Samesthan Paik
8. Paik
9. Peshinia
10. Behera Dolai
11. Bodo Behera Dolai
12. Sano Behera Dolai
13. Dandasena
14. Bodo Dandasena
15. Sano Dandasena
16. Malo Dandasena
17. Padhani
18. Bodo Padhani
19. Seno Padhani
20. Malo Padhani
21. Bada Kumaro
22. Bodo Bodo Kumaro
23. Sano Bodo Kumaro
24. Bodo Nnik
25. Bodo Bodo Naik
26. Sano Bodo Naik
27. Ghndei
28. Ghodia Patro
29. Khotha Dalai

30. Bodo Dalai
31. Dala Behera
32. Dalapati
33. Dharmo Dalapati
34. Sano Dalapati
35. Malo Dalapati
36. Rauto
37. Majhi
38. Bodo Majhi
39. Sana Majhi
40. Maharathy
41. Pradhan
42. Dora
43. Bodo Bissoyee
44. Sano Bissoyee
45. Dhangada Bissoyee
46. Malo Bissoyee
47. Sirdar
48. Sirdar Pradhan
49. Jagat Singi
50. Uttam Singi
51. Pawl Singi
52. Gajendra
53. Sundarai
54. Ranohati
55. Rariojiti
56. Arisailya
57. Bairisailya
58. Pharsia
59. Karji
60. Karanam
61. Dalai
62. Sano Ghadai
63. Adhikari
64. Head Naik
65. Naik

Boudh District

1. Mutha Head
2. Sub-Mutha Head
3. Patro
4. Sub-Patro
5. Paik
6. Karanam
7. Chatia
8. Karii
9. Mallika
10. Padra
11. Majhi
12. Bebhari
13. Peshinia
14. Desipatra
15. Dalabehera

16. Kotodalai
17. Naik
18. Goditory
19. Dandias
20. Sub-Bissoyee
21. Bissoyee
22. Digal,
23. Dalapati
24. Samasthanpaik
25. Muthamallik
26. Dakua
27. Pradhan
28. Kohar
29. Godatiya
30. Mutha Adhikari
31. Dandasena
32. Badamajhi
33. Cehera Dalai
34. Rauto
35. Dalai
36. Bodo Naik
37. Kabat Majhi
38. Pato Majhi
39. Mutha Majhi
40. Singi
41. Sitha
42. Bindhani
43. Gauntia
44. Badhei
45. Bodo Kumbhar
46. Barik
47. Sani
48. Badhaik
49. Sudhi Mallik
50. Sudhiholder Mallik
51. Assistant Mutha Head