

Orissa Hereditary Village Offices (Abolition) Act, 1962

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SCHEDULE 1 :- SCHEDULE I

Orissa Hereditary Village Offices (Abolition) Act, 1962

An Act to abolish hereditary village offices in the State of Orissa Whereas it is expedient in the public interest to abolish hereditary village offices and the emoluments appertaining hereto in the State of Orissa; It is hereby enacted by the Legislature of the State of Orissa in the Thirteenth Year of the Republic of India as follows:-
Published vide Orissa Gazette Ext./12.5.1962-O.A. No. 12 of 1962.
For Statement of Objects and Reasons, see Orissa Gazette Ext./ 9.4.1962.

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Orissa Hereditary Village Offices (Abolition) Act, 1962.

(2) It extends to the whole of the State of Orissa.

(3) It shall come into force on such date¹ as the State Government may, by notification, appoint in that behalf.

1. The Act came into force with effect from the 1st February, 1963 vide Notfn. No. 6392-LR-210/62-R./29.1.1963, published vide Orissa Gazette Ext. No. 68/ 29.1.1963.

2. Definitions :-

In this Act, unless the context otherwise requires-

- (a) "appointed date" means the date appointed under Sub-section (3) of Section 1;
- (b) "emoluments" means money salaries and all other kinds of payment or allowance by way of remuneration granted or continued in respect of, or annexed to, any hereditary village office;
- (c) "hereditary village office" means any Office in the district of Ganjam known as village accountant, head of village or village watchman under the Madras Proprietary Estates Village Service Act, 1894, (Madras Act 2 of 1894) or any office in the said district known as village munsif, karnam, vetti or talayari under the Madras Hereditary Village Offices Act, 1895 (Madras Act 3 of 1895);
- (d) "holder of a hereditary village office" means a person holding a hereditary village office permanently or officiating in a permanent vacancy after a selection in accordance with the procedure in force immediately before the appointed date;
- (e) "prescribed" means prescribed by rules made under this Act.

3. Abolition Of Hereditary Village Offices Together With Incidents Thereof :-

Notwithstanding anything in any law or in any decree or order of Court, with effect from and on the appointed date-

- (1) all hereditary village offices shall be deemed to have been abolished;
- (2) all incidents (including the right to hold office and to receive emoluments attached thereto, the right, if any, to customary fees or perquisites in money or in kind and the liability to render service) appertaining to the said village offices shall be deemed to have been extinguished.

4. Power Of Collector To Decide Whether A Person Was The Holder Of A Hereditary Village Office And Appeal Therefrom :-

- (1) If any question arises as to whether a person was, immediately before the appointed date, the holder of a hereditary village office, the Collector shall, after giving the parties affected an opportunity to be 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 sixty days of such decision, prefer an

appeal to the Board of Revenue, and the decision of the Board of Revenue on such appeal shall be final.

5. Relief To Holders Of Village Offices Abolished Under The Act :-

The holders of hereditary village offices shall, on the abolition of the offices under Section 3, be either-

- (i) appointed in suitable posts under the State Government in accordance with such rules as may be prescribed ; or
- (ii) paid by way of solatium a gratuity equivalent to three times the monthly emoluments together with three-fourths of such emoluments for each completed year of service.

6. Submission Of Records Etc., And Consequences Of Non-Submission :-

(1) It shall be the duty of every holder of a hereditary village office-

- (a) to deliver all records maintained by him in the capacity of such holder ; and
- (b) to settle accounts appertaining to his office.

(2) Any person who fails to comply with the provisions of any of the clauses of Sub-section (1) within thirty days from the appointed date 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 a continuing failure with an additional fine which may extend to twenty-five rupees for every day during which such failure continues after the conviction for the first such failure.

(3) Without prejudice to the provisions of Sub-section (2) any failure as specified therein shall, on an order specifically made in that behalf by the Collector, debar the holder of such office from claiming any right to any of the benefits under Section 5 :

Provided that no such order shall be made without giving the person affected a reasonable opportunity of being heard.

(4) The Collector may for the purpose of recovering the records 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).

7. Power To Take Evidence On Oath, Etc :-

The Collector and the Board of Revenue 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 the following matters, namely :

- (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.

8. Enquiries And Proceeding To Be Judicial Proceedings :-

All enquiries and proceedings before the Collector or the Board of Revenue 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).

9. Power To Make Rules :-

(1) The State Government may make rules¹ 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 in determining, question as to whether a person was the holder of a hereditary village office or not;
- (b) the procedure relating to appeals before the Board of Revenue;
- (c) the qualifications and other conditions for appointment of holders of hereditary village offices in suitable posts under the State Government;
- (d) the form of application for the grant of gratuity under Section 5, the time within which and the authority to which such applications shall be made and appeal from orders on such applications ;
- (e) any other matter which has to be, or may be prescribed under this Act.

(3) All rules made under this section shall be laid before the Legislative Assembly as soon as possible after they are made for a total period of fourteen days which may be comprised in one or more sessions and shall be subject to such modifications as the Assembly may make during the said period.

1. For rules see Notification No. 6396-Re-139/62-R./29.1.1963-

Published vide Orissa Gazette Ext. No. 69/29.1.1963.

10. Repeal :-

With effect from the appointed date the enactments specified in the Schedule shall, in so far as they relate to any hereditary village office or to the holders thereof, stand repealed.

11. Power To Remove Difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provision or give such directions not inconsistent with the provisions of this Act as may appear to them to be necessary or expedient for the removal of the difficulty, and the order of the State Government, in such cases, shall be final.

SCHEDULE 1

SCHEDULE I

[See Section 10]

	Number and year	Short title
	(1)	(2)
1.	Madras Regulation XI of 1816	The Madras Village-Police Regulation, 1816.
2.	Madras Regulation IV of 1821	The Madras Village-Police Regulation, 1821.
3.	Madras Act 2 of 1894	The Madras Proprietary Estates Village Service Act, 1894.
4.	Madras Act 3 of 1895	The Madras Hereditary Village Offices Act, 1895.