

## **Orissa Offices Of Village Police (Abolition) Act, 1964**

**3 of 1964**

**[28 March 1964]**

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## **Orissa Offices Of Village Police (Abolition) Act, 1964**

**3 of 1964**

**[28 March 1964]**

AN ACT TO ABOLISH THE OFFICES OF VILLAGE POLICE IN THE STATE OF ORISSA Be it enacted by the Legislature of the State of Orissa in the Fifteenth Year of the Republic of India, as follows:

### **1. Short Title, Extent And Commencement :-**

- (1) This Act may be called the Orissa Offices of Village Police (Abolition) Act, 1964.
- (2) It shall extend to the whole of the State Orissa.
- (3) It shall come into force [The Act came into force w.e.f. :
  - (i) The 1st April, 1965 in respect of all village police in the (a) Nayagarh sub division in the district of Puri; (b) Nilgiri subdivision in the district of Balasore; (c) Athgarh sub-division in the district of Cuttack, vide Notfn. No. 2472-P,/ 24-1-1965, published in the Orissa Gazette/12-2-1965. pt. III;

(ii) The 1st May, 1965 in respect of all village police in the district of Kalahandi, vide Notfn. No. 4475-P./17-2-1965, published vide Orissa Gazette 26-2-1965, Pt. III ; 1

(iii) The 1st July, 1965 in respect of all village police in villages, namely: Aranga, Niladriprasad, Nitapail and Taradahi in Banpur Tahsil under Khurda sub-division in the district of Purl, vide Notfn. No. 17265-P./19-6-1965, published vide Orissa Gazette 12-7-1965;

(iv) The 1st December, 1965 in respect of all village police in the area of Kandhmal subdivision in, the district of Phulbani, vide Notification, No. 29554-P.-P2C-19/64/5-11-1965, published vide Orissa Gazette 12-11-1965, Pt. III.] at once.

## **2. Definitions :-**

In this Act unless the context otherwise requires-

- (a) "appointed date" in relation to any village police means such date as the State Government may appoint in that behalf and different dates may be so appointed in respect of different village police in different areas;
- (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:
- (c) "emolument" in relation to any Village Police Officer means salary, payment in cash or in kind or in both, commission, 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;
- (d) "Grama Sasan" means the Grama Sasan constituted under the provisions of the Orissa Grama Panchayats Act, 1948;
- (e) "Jagir lands" in relation to any office of village police means lands by whatever name described or locally known, whether or not recorded as such in the settlement papers held as emolument in respect of such office;
- (f) "prescribed" means prescribed by rules made by the State Government under this Act;
- (g) "village police" means a chaukidar, mahanayak, dafadar, jhankar or kalo under any system of village police administration and includes all Village Police Officers of such designation as the State Government may, from time to time, notify.

## **3. Abolition Of Offices Of Village Police :-**

- (1) Notwithstanding anything in any other law or in any rule, order,

custom, usage or practice having the force of law or in any contract, sanad or grant or in any judgment decree or order of a Court, with effect from and on the appointed date

(a) all offices of village police shall be deemed to have been abolished;

(b) the rights of the holders of the said offices to receive any emolument shall be deemed to have been terminated;

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

(d) all rights, privileges and obligations of any person holding the office of a village police in respect of the exercise, performance or discharge of all powers, functions and duties of any kind whatsoever attached to such office or in relation thereto shall stand extinguished; and

(e) all Jagir lands shall stand resumed and vested absolutely in the State Government free from all encumbrances:

Provided that any person being a Jhankar or Kelo who, in accordance with any local law, custom, usage or practice, was immediately before the appointed date discharging duties of a village priest attached to the office of such Jhankar or Kalo, shall continue to hold fifty per centum of the Jagir lands, if any for so long as he continues to discharge the said duties.

(2) Where Village Police Officers with emoluments consisting of cash remuneration only have been served with notices from the District Magistrate in any area purporting to terminate the services of such officers and providing for conferment of benefits specified in Sub-section (6) of Section 4, the provisions of this Act shall have effect in relation to offices of such village police as fully and effectively as if this Act with modifications specified in Sub-section (3) had been in force at all material times and the said notices had been issued under this Act.

(3) This modifications referred to in Sub-section (2) shall be the following, namely:

(a) "appointed date" shall be read and construed

(i) for purposes of Sub-section (1) and Sections 4, 6 and 11 as the first day of August, 1963: and

(ii) for purposes of Section 5 as the date on which rules are made in relation to matters covered by sub-section (1) of the said section;

(b) benefits conferred under Sub-section (6) of Section 4 shall be read and construed as the benefits specified in the said notices.

REFERRED TO :-Section 3(1) (a) read with Regulation 3 (1) of the

Orissa Scheduled Areas Transfer of Immovable Property (by Scheduled Tribes) Regulation, 1986-Land settled in petitioners name-Duty of the opposite party indicated-Authority under O. O. V. P. (A) Act, 1964 settled land-Same authority functioning under the Regulation settled land-Legality of: 74 (1992) CLT 837.

#### **4. Settlement Of Hinds And Solution :-**

(1) All Jagir lands resumed under the provisions of this Act shall, subject to the provisions of Subsection (2), be settled with rights of occupancy therein on a fair and equitable rent to be determined in the prescribed manner, with the Village Police Officer or with him and all those other persons, if any, who may be holding the land or any part thereof as his co-sharer or as tenants in pursuance of any local custom, usage or practice under him or 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.

(2) The total area of such land in possession of each such person shall be subject to a reservation of a certain fraction thereof in favour of the Grama Sasan within whose limits the land is situate and the extent of such reservation shall be determined in the following manner, namely:

Land in possession Extent of reservation Less than 10 acres Nil

10 acres or above but less than 33 acres 5 per cent

33 acres or above but less than 100 acres 10 per cent

100 acres or above but less than 200 acres 20 per cent

200 acres and above 30 per cent

(3) The rent determined under Sub-section (1) shall be payable with effect from the appointed date and the rent for the period prior to such determination shall be recoverable within three years therefrom.

(4) All persons entitled to the settlement of Jagir lands under Subsection (1) shall, in the prescribed manner and within the prescribed period, file claims before the prescribed authority and on failure of filing such claim the person concerned shall be debarred from claiming any right under this section.

(5) Any person with whom lands are settled under Sub-section (1) shall on payment of such fees as may be prescribed, be entitled to a Patta containing the prescribed particulars.

(6) Where the emoluments in relation to any Village Police Officer consists only of remuneration in cash, such officer shall, as soon as

may be after the appointed date, be entitled to be paid as solatium a sum equivalent to the total emolument for the period of twelve months immediately preceding the said date and to the settlement of one acre of cultivable land with rights of occupancy therein, on a fair and equitable rent to be determined in the prescribed manner: Provided that in cases where any Village Police Officer has already been settled with one acre of cultivable land with rights of occupancy therein prior to the appointed date solely in consideration of the impending abolition of his office, the settlement so made shall, for all purposes, be deemed to be settlement of land made under this subsection.

REFERRED TO :-(i) Section 4-Settlement of land-Rayatiright has been conferred- The land can be taken into consideration while-determining the ceiling surplus under the O.L.R. Act: 34 (1992) OJD 158 (Civil).

(ii) 1993 (II) OLR 106.

(iii) 1995 (II) OLR 453.

(iv) 1993 (I) OLR 399.

(iv) Section 4 (4) read with Rule 6 of the Orissa Offices of Village Police (Abolition) Rules, 1964 -No claim is made by a person before the prescribed authority in the prescribed manner within the stipulated time-The person is debarred from any right under, thereafter-Position explained : 34 (1992) OJD 496 (Civil).

## **5. Submission Of Records :-**

(1) It shall be the duty of every Village Police Officer in the prescribed manner to deliver all records maintained by him in respect of his office.

(2) Whoever fails to comply with the provisions 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 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 records specified in 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).

## **6. Settlement To Be Free Of Premium :-**

No premium shall be charged for the settlement of lands under Section 4 and the rent, if any, assessed 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.

#### **7. Procedure To Be Followed In Proceedings :-**

The 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 4 including matters preliminary: incidental or ancillary thereto shall be commenced, heard and disposed of.

#### **8. Appeal And Revision And Bar Of Jurisdiction Of Civil Courts :-**

(1) Save as otherwise expressly provided in this Act any person aggrieved by any order passed under this Act or the rules made thereunder by any officer below the rank of a Collector, may prefer an appeal within thirty days from the date of the order before the Collector.

(2) Any person aggrieved by any order passed by the Collector under this Act or the rules made thereunder may, within thirty days from the date of the order, file an application for revision 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) Subject to the provisions of the preceding sub-sections all orders passed under this Act shall be final.

(4) No Civil Court shall have jurisdiction to entertain any suit or proceeding so far as it relates to any matter which any officer or other competent authority is empowered by or under this Act to decide.

#### **9. Authorities To Exercise Certain Powers Of Civil Court :-**

(1) The Collector, Board of Revenue and the other authorities prescribed in accordance with Section 7 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 8
- (d) such other matters as may be prescribed. (2) All enquiries and proceedings under this Act shall be deemed to be judicial proceedings within the meaning of Sections 193, 219 and 228 of the Indian Penal Code, 1860 (45 of 1860).

#### **10. Power To Make Rules :-**

- (1) The State Government may 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; and
  - (b) 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 shall be subject to such modifications as the State Legislature may make during the said period.

#### **11. Effect On Corresponding Laws :-**

With effect from the appointed date the provisions of any other law or rule, regulation or order having the force of law shall in so far as they relate to any village police stand repealed and any custom, usage, practice, contracts sanad or grant shall in so far as the same is repugnant to the provisions of this Act, stand annulled.

#### **12. Power To Remove Doubts And Difficulties :-**

If any doubt or difficulty arises in giving effect to the provisions of this Act the State Government may, as occasion may require, by order, do anything not inconsistent with the provisions of this Act or the rules made thereunder, which appears to them necessary for purposes of removing the doubt or difficulty.

#### **13. Repeal And Savings :-**

(1) The Orissa Offices of Village Police (Abolition) Ordinance, 1963 (Orissa Ordinance No. 2 of 1963) is hereby repealed.

(2) Notwithstanding such repeal anything done, any action taken, any rules or orders made or any notice or notification issued in exercise of any power conferred by or under the said Ordinance shall be deemed to have been done, taken, made or issued in exercise of the powers conferred by or under this Act, as if this Act had commenced on the 2nd day of December, 1963.