

ORISSA ORDINANCE, No. 2 OF 1963

**THE ORISSA OFFICES OF VILLAGE POLICE
(ABOLITION) ORDINANCE, 1963**

[Promulgated by the Government on the 23rd November 1963,
published in an extraordinary issue of the Orissa Gazette,
dated the 2nd December 1963]

**AN
ORDINANCE****TO ABOLISH THE OFFICES OF VILLAGE POLICE
IN THE STATE OF ORISSA**

WHEREAS the Legislature of the State of Orissa is
not in session ;

AND WHEREAS the Governor of Orissa is
satisfied that circumstances exist which render it
necessary for him to take immediate action in the
public interest to abolish the different systems of
Village Police administration in the State of Orissa
and to provide for matters incidental thereto ;

NOW, THEREFORE, in exercise of the powers
conferred by clause (i) of Article 213 of the Constitu-
tion, the Governor of Orissa is pleased to make and
promulgate the following Ordinance in the Fourteenth
Year of the Republic of India :—

Short title,
extent and
commence-
ment.

1. (1) This Ordinance may be called the Orissa
Offices of Village Police (Abolition) Ordinance, 1963.

(2) It shall extend to the whole of the State of
Orissa.

(3) It shall come into force at once.

Definitions

2. In this Ordinance 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 Ordinance ;
- (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; Orissa Act
15 of 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 Ordinance;
- (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.

Abolition of
offices of
Village
Police.

3. (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 Kalo 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 notice 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 Ordinance shall have effect in relation to offices of such Village Police as fully and effectively as if this Ordinance with modifications specified in sub-section (3) had been in force at all material times and the said notice had been issued under this Ordinance.

(3) The 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 date of service of notice ; 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 provided for in the said notice.

Settlement of
lands and
solatium.

4. (1) All Jagir lands resumed under the provisions of this Ordinance shall, subject to the provisions of sub-section (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-sharers 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 sub-section (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 emolument 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.

Submission
of records.

5. (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 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 Village Police Officer from claiming any right to the benefits under section 4 :

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 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.

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Settlement
to be free
of premium.

6. No premium shall be charged for the settlement of lands under section 4 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.

Procedure
to be follow-
ed in proceed-
ings.

7. 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.

Appeal and
revision
and bar of
jurisdiction
of Civil
Courts.

8. (1) Save as otherwise expressly provided in this Ordinance any person aggrieved by any order passed under this Ordinance 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 Ordinance 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 Ordinance 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 Ordinance to do.

Authorities
to exercise
certain
powers of
Civil Court.

9. (1) The Collector, Board of Revenue and the other authorities specified in section 7 shall, for the purposes of this Ordinance have the same powers as are vested in a Court under the Code of Civil Procedure, 1908 when trying a suit in respect of — 5 of 1908

- (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 under this Ordinance shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

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Power to
make rules.

10. (1) The State Government may make rules to carry out the purposes of this Ordinance.

(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 Ordinance ; and
- (b) all other matters which under the provisions of this Ordinance are required to be or may be prescribed.

Repeal

11. 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, contract, sanad or grant shall, in so far as the same is repugnant to the provisions of this Ordinance, stand annulled.

Power to re-
move doubts
and difficul-
ties.

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