

The Odisha Gazette

EXTRAORDINARY

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ORISSA ACT 17 OF 1967

An Act to provide for the regulation of Grama Rakshis in the State of Orissa

BE it enacted by the Legislature of the State of Orissa in the Eighteenth Year of the Republic of India, as follows :

Statement of Objects and Reasons :— Following the abolition of the Chowkidary system and the reported defects in the working of the Beat constable system, the need for setting up a suitable village administrative agency to help in maintenance of law and order and certain other administrative functions at the village level was keenly felt and with this object in view it was considered necessary to introduce the Grama Rakshi Scheme.

As the matter became very urgent and as the Assembly was not in session, then, the Orissa Grama Rakshi Ordinance, 1967 had to be promulgated by the Governor of Orissa on the 10th January, 1967 to achieve the above purpose. A bill to replace the Ordinance could not be introduced in the last session of the Assembly due to want of time and therefore it was necessary for the Governor to promulgate a second Ordinance called the Orissa Grama Rakshi (No. 2) Ordinance, 1967 soon after the expiry of the first one. As the (No. 2) Ordinance is to expire on completion of six weeks from the reassembly of the legislature it is necessary to have it replaced by a law passed by the legislature.

The Bill seeks to achieve the above purpose.

1. Short title, extent and commencement :— (1) This Act may be called the Orissa Grama Rakshi Act, 1967.

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

(3) It shall come into force at once.

2. Definitions :— In this Act unless the context otherwise requires

- (a) **“Government”** means the State Government of Orissa;
- (b) **“Grama Panchayat” and “Village”** shall have the same meaning as have been respectively assigned to them in the Orissa Grama Panchayat Act, 1964 (Orissa Act 1 of 1965);
- (c) **“President”** means prescribed by rules made under this Act;
- (d) all other words and expressions used in this Act but not defined

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For statement of Objects and Reasons see O.G.E.No. 948/27.7.1967.

herein shall have the same meanings as have been respectively assigned to them in the Police Act, 1861 (5 of 1861) :

3. Constitution of Grama Rakshi Force :- Notwithstanding anything contained in any other law, for the villages within the state there shall be a Grama Rakshi Force which shall be constituted in such manner as may be prescribed and shall consist of such number of Grama Rakshis as Government shall determine.

4. Administration and control of Grama Rakshis :- The administration of the Grama Rakshis within a district shall, subject to the control and direction of the Revenue Divisional Commissioner, vest in the Magistrate of the district.

5. Appointment of Grama Rakshis :- (1) The Magistrate of the district may appoint within his jurisdiction persons having the prescribed qualifications to be Grama Rakshis.

(2) The manner of appointment, pay, allowances and other conditions of service of the Grama Rakshis shall be such as may be prescribed.

(3) The Magistrate of the district may, with the approval of the Revenue Divisional Commissioner, delegate his powers under Sub-Sec. (1) to the Superintendent of Police of the district or to any Sub-Divisional Officer within the district to be exercised within their respective jurisdictions.

6. Powers and duties of Grama Rakshis :- Notwithstanding anything contained in the Code of Criminal Procedure, 1898, (5 of 1898), every Grama Rakshi shall exercise and discharge the following powers and duties, namely :

- (a) to give immediate information to the Officer-in-charge of the Police-Station within whose local limits, the village of which he is the Grama Rakshi, is situated, of every unnatural, suspicious or sudden death which may occur and of every offence specified in the Schedule which is committed in such village;
- (b) to keep the police informed of all disputes, which are likely to lead to a riot or serious affray;
- (c) to the best of his ability, to prevent and interpose for the purpose of preventing the commission of any offence specified in the Schedule;
- (d) to assist private persons in making such arrests as they may lawfully make and to report such arrests without delay to the Officer-in-charge of the aforesaid Police-Station;
- (e) to observe and from time to time to report to the Officer-in-charge of the aforesaid Police-Station the movements of all bad Characters and also of the arrival of any suspicious Characters within his jurisdiction;
- (f) to report the births and deaths, which have occurred within his jurisdiction to the Officer-in-charge of the aforesaid Police-Station at an interval of fifteen days;

- (g) to supply any local information which the Magistrate of the district, Sub-divisional Officer or any Police-Officer may require;
- (h) to assist the Grama Panchayat and the Revenue Officers within whose local limits he is appointed, in making collection of taxes levied by the Grama Panchayat and of dues payable to Government and to assist the Grama Panchayat in serving the notices issued by it and calling persons to attend at all meetings convened by it;
- (i) to assist the Police-Officers in investigation of offences and in identification of witnesses, persons summoned by a Court, and persons against whom warrants of arrest have been issued by a Court;
- (j) to report immediately to the Officer-in-charge of the aforesaid police station any damage to any protected monument or public property :
- (k) to regulate and control the traffic in the streets, and to prevent obstructions therein;
- (l) to take care of Government land, orchards trees and other Government property entrusted to him; and
- (m) to exercise and perform such other powers and duties as may be prescribed.

7. Punishment of Grama Rakshis for neglect of duties, etc. :- (1) Subject to the rules made in that behalf, the appointing authority shall have the power to suspend, dismiss or fine up to an amount ten rupees, any Grama Rakshi under his control, if the Grama Rakshi without reasonable cause neglects or refuses to exercise the powers or discharges the duties conferred or imposed on him by or under this Act or to obey any lawful order or direction given to him for exercising and performing his powers and duties or is guilty of any breach of discipline or misconduct.

(2) When the appointing authority passes an order suspending, fining or dismissing any Grama Rakshi under Sub-Sec. (1) he shall record such order with the reasons therefor and note of the enquiry in writing and no such order shall be passed unless the Grama Rakshi concerned has been given an opportunity of being heard in his defence.

(3) Any Grama Rakshi aggrieved by an order made under Sub-Sec. (1) may prefer an appeal against such order before the prescribed authority within thirty days of the date of communication of such order and the said authority, after hearing the appellant, may pass such order as he thinks fit.

(4) The Revenue Divisional Commissioner may at any time call for and examine any record for the purpose of satisfying himself as to the legality or propriety of any order passed under Sub-Sec. (1) or under Sub-Sec. (3) and pass such order as he thinks fit.

(5) Every order passed under Sub-Sec. (1) shall, subject to orders, if any, passed under Sub-sec. (3) or under Sub-Sec. (4), be final.

(6) Any fine imposed under this Section may be recovered in the manner provided by the Code of Criminal Procedure, 1898 (5 of 1898) as if such fine were imposed by a Court.

8. Grama Rakshis to be Public Servants :- The Grama Rakshis acting under this Act shall be deemed to be Public Servants within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

9. Power to make Rules :- (1) The Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :

- (a) manner of Constitution of Grama Rakshi force;
- (b) qualifications, manner of appointment, pay, allowances conditions of service, jurisdiction, powers and duties of the Grama Rakshis;
- (c) the authority before whom appeals under Sub-Sec. (3) of Section 7 shall lie; and
- (d) any matter which has to be or may be prescribed under this Act.

(3) All rules made under this Section 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 modifications, if any, there in 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.

10. Repeal and Savings :- (1) The Orissa Grama Rakshi (No. 2) Ordinance, 1967 (Orissa Ordinance No. 9 of 1967) is hereby repealed.

(2) Notwithstanding such repeal anything done, any action taken, any rules or appointments made or any notifications issued in exercise ordinance, 1967 (Orissa Ordinance No. 1 of 1967) or the Orissa Grama Rakshi (No. 2) Orissa Ordinance, 1967 (Orissa Ordinance No. 9 of 1967) 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 was in force on the day on which such thing was done, such action was taken, such rules or appointments were made or such notification was issued.

SCHEDULE

Offences for which a Grama Rakshi may give Information

[See Section 6]

Murder, culpable homicide, rape (when the offender is not the husband of the woman raped), dacoity, robbery, theft, mischief by the fire, house breaking, counterfeiting coins, voluntarily causing grievous hurt, riot, administering stupefying drugs, kidnapping and all attempts and preparations to commit and abetment of the said offences.