

## ORISSA ORDINANCE, No. 9 OF 1967

## THE ORISSA GRAMA RAKSHI (No. 2) ORDINANCE, 1967

[Promulgated by the Governor of Orissa on the 2nd May 1967, published in an extraordinary issue of the Orissa Gazettee, dated the 4th May 1967]

AN  
ORDINANCE

TO PROVIDE FOR THE REGULATION OF GRAMA RAKSHIS 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 to provide for the regulation of Grama Rakshis in the State of Orissa ;

AND WHEREAS, instructions from the President have been received to promulgate such an Ordinance ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution, the Governor of Orissa is pleased to make and promulgate the following Ordinance in the Eighteenth Year of the Republic of India:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Ordinance may be called the Orissa Grama Rakshi (No. 2) Ordinance, 1967.

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

(3) It shall come into force in such areas and on such date as Government may by notification, appoint and different dates may be appointed for different areas.

Definitions

2. In this Ordinance, unless the context otherwise requires—

(a) "Government" means the State Government of Orissa ;

(b) "Grama Panchayat" and "Village" shall have the same meanings as have been respectively assigned to them in the Orissa Grama Panchayat Act, 1964; Orissa Act 1 of 1965.

(c) "prescribed" means prescribed by rules made under this Ordinance ;

(d) all other words and expressions used in this Ordinance but not defined therein shall have the same meanings as have been respectively assigned to them in the Police Act, 1861.

Constitution  
of Grama  
Rakshi  
Force.

3. 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.

Administra-  
tion and con-  
trol of Grama  
Rakshis.  
Appointment  
of Grama  
Rakshis.

4. The administration of the Grama Rakshis within a district shall, subject to the control and direction of the Magistrate of the district vest in the Superintendent of Police of the district.

5. (1) The District Superintendent of Police 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.

Powers and  
duties of  
Grama  
Rakshis.

6. 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 arrest all proclaimed offenders, persons whom he may find in the act of committing any offence specified in the Schedule, and persons against whom a reasonable suspicion is raised of their being concerned in such offence whether it has been, is being or is about to be committed within or outside his jurisdiction ;

(b) 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 ;

- (c) to keep the police informed of all disputes, which are likely to lead to any riot or serious affray ;
- (d) to the best of his ability, to prevent and interpose for the purpose of preventing the commission of any offence specified in the Schedule ;
- (e) 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 ;
- (f) 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 ;
- (g) 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 ;
- (h) to supply any local information which the Magistrate of the district, Subdivisional Officer or any police officer may require;
- (i) to assist the Grama Panchayat and Revenue Officers within whose local limits he is appointed, in making collections of taxes levied by the Grama Panchayat and of land revenue or rent, and to assist the Grama Panchayat in serving the notices issued by it and calling persons to attend at all meetings convened by it;
- (j) to assist the police officers in investigation of offences, in identification of witnesses, persons summoned by a court, and persons against whom warrants of arrest have been issued by a Court;
- (k) to report immediately to the officer-in-charge of the aforesaid police-station any damage to the protected monuments or public property;
- (l) to regulate and control the traffic in the streets, and to prevent obstruction therein;
- (m) to take care of Government land, orchards, trees and other Government property entrusted to him; and
- (n) to exercise and perform such other powers and duties as may be prescribed.

**Punishment  
of Grama  
Rakshis for  
neglect of  
duties, etc.**

7. (1) Subject to the rules made in that behalf, the District Superintendent of Police shall have the power to suspend, reduce in rank, dismiss or fine up to an amount of fifty rupees, any Grama Rakshi under his control, if the Grama Rakshi without reasonable cause neglects or refuses to exercise the powers or discharge the duties conferred or imposed on him by or under this Ordinance 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 District Superintendent of Police passes an order suspending, reducing in rank, fining or dismissing any Grama Rakshi under sub-section (1) he shall record such order with the reasons therefor and a note of the enquiry in writing and no such order shall be passed by the District Superintendent of Police unless the Grama Rakshi concerned has been given an opportunity of being heard in his defence.

(3) Any Grama Rakshi aggrieved by an order of the District Superintendent of Police made under sub-section (1) may prefer an appeal against such order before the Deputy Inspector-General of Police, to whom the aforesaid District Superintendent of Police is subordinate, within thirty days of the date of communication of such order and the Deputy Inspector-General of Police, after hearing the appellant may pass such order as he thinks fit.

(4) The Inspector-General of Police 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 by the District Superintendent of Police under sub-section (1) and pass such order as he thinks fit.

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

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

Grama Rakshis to be public servants.

8. The Grama Rakshis acting under this Ordinance shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

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Power to make rules.

9. (1) The Government may, by notification, make rules for carrying out the purposes of this Ordinance.

(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; and

(c) any matter which has to be or may be prescribed under this Ordinance;

(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, therein the rules shall thereafter have effect only in such modified form, so however that such modifications shall be without prejudice to the validity of anything previously done under the rules.

Savings

10. Anything done, any action taken, any rules made or any notification issued in exercise of any power conferred by or under the Orissa Grama Rakshi Ordinance, 1967, shall be deemed to have been done, taken, made or issued in exercise of the powers conferred by or under this ordinance as if this ordinance was in force on the day on which such thing was done, such action was taken, such rules were made or such notifications were issued.

#### SCHEDULE

Offences for which a Grama Rakshi may arrest or 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 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.

Dated the 2nd May 1967

A. N. KHOSLA  
Governor of Orissa