



The Orissa Grama Rakshi Act, 1967

Act 17 of 1967

Keyword(s):

Grama Panchayat, Government, Prescribed

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¹[THE ORISSA GRAMA RAKSHI ACT, 1967]

[Received the assent of the Governor on the 29th July 1967, first published in an extraordinary issue of the Orissa Gazette, dated the 29th July 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 :—

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

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

(3) It shall come into force at once.

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

(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 ;

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

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

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. Constitution of Grama Rakshi Force.

¹ 1. For Statement of Objects and Reasons see *Orissa Gazette*, Extraordinary, dated the 27th July 1967 (No. 948)

Administra-
tion and
control of
Grama
Rakshis.

4. 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.

Appointment
of Grama
Rakshis.

5. (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-section (1) to the Superintendent of Police of the district or to any Subdivisional Officer within the district to be exercised within their respective jurisdictions.

Powers and
duties of
Grama
Rakshis.

6. Notwithstanding anything contained in the Code of Criminal Procedure, 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 situate, 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 ;

(Sec. 7)

- (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, Subdivisional 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 collections 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. (1) Subject to the rules made in that behalf, ^{Punishment of Grama Rakshis for neglect of duties, etc.} the appointing authority shall have the power to suspend, dismiss or fine up to an amount of ten rupees, any Grama Rakshi under his control,

(Secs. 8—9)

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 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-section (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-section (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 appellent, 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-section (1) or under sub-section (3) and pass such order as he thinks fit.

(5) Every order passed under sub-section (1) shall, subject to orders, if any, passed under sub-section (3) or under 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 ^{s of 1898} by a Court.

Grama
Rakshis to
be public
servants.

8. 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

Power to
make rules.

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

*For the Orissa Grama Rakshi Rules, 1967 see Notification No. 4074-P. dated the 6th February 1967 published in *Orissa Gazette*, Extra ordinary: dated the 7th February, 1967 (No. 125).

(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-section (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 modifications shall be without prejudice to the validity of anything previously done under the rules.

Orissa
Ordinance
No. 9 of

10. (1) The Orissa Grama Rakshi (No. 2) Ordinance, 1967 is hereby repealed. Repeal and savings.

Orissa
Ordinance
No. 1 of
1967.

(2) Notwithstanding such repeal anything done any action taken any rules* or appointments made or any notifications issued in exercise of any power conferred by or under the Orissa Grama Rakshi Ordinance, 1967 or the Orissa Grama Rakshi (No. 2) Ordinance, 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.

Orissa
Ordinance
No. 9 of
1967.

*For rules under section 10 (2) see Notification No. 21587-P., dated the 11th July 1969, published in *Orissa Gazette*, Extraordinary, dated the 12th July 1969 (No. 1223-B).

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 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.