

The Orissa Gazette



EXTRAORDINARY
PUBLISHED BY AUTHORITY
ORISSA ACT No. 4 OF 1955

THE ORISSA ANCHAL SASAN ACT, 1955

[Received the assent of the Governor on the 3rd March 1956, first published in an Extraordinary issue of the Orissa Gazette, dated the 12th March 1956]

AN ACT TO PROVIDE FOR DECENTRALISED ADMINISTRATION OF LOCAL AREAS BY CONSTITUTING ANCHALS AND ANCHAL SASANS THEREFOR IN THE STATE OF ORISSA

WHEREAS it is expedient to provide for decentralised administration of local areas by constituting Anchals and Anchal Sasans therefor in the State of Orissa ;

It is hereby enacted by the Legislature of the State of Orissa in the Sixth Year of the Republic of India as follows :—

CHAPTER I

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Orissa Anchal Sasan Act, 1955. *

(2) It extends to the whole of the State of Orissa.

(3) This section and section 4 shall come into force at once and the remaining sections shall come into force in such area and on such date as the State Government may by notification under section 4 declare to be an Anchal.

Enactments
repealed.

2. On and from the date of the notification, if any, as aforesaid on which the remaining provisions of this Act come into force in any Anchal the enactments specified in Schedule I and Schedule II so far as they are in force in the State of Orissa

*For Statement of Objects and Reasons see Orissa Gazette extraordinary, dated the 4th April 1955, and for S. C. R., see Orissa Gazette, Extraordinary, dated the 6th August, 1955.

shall from the date of the notification stand repealed to the extent mentioned in the third column of Schedule I and amended to the extent mentioned in the third column of Schedule II in their application to the said Anchal :

Provided that such repeal shall not affect the validity of anything done or suffered or any right, privilege, obligation or liability acquired, accrued or incurred, or revive any office, authority or thing abolished or extinguished, under the enactments hereby repealed :

Provided further that until a new assessment is made under this or any other Act, any assessment, rate or tax or any other levy which was in force in an Anchal in pursuance of the provisions of the enactments specified in Schedule I shall continue to remain in force and all sums due or that may fall due on account of such assessment, rate or tax or other levy shall, subject to the provisions of Chapter VIII, be realised in the manner prescribed.

Definitions

3. In this Act unless there is anything repugnant in the subject or context—

(i) 'Additional District Magistrate' means the Additional District Magistrate of the district and where there are more than one Additional District Magistrate in the district, the Additional District Magistrate who is specially empowered by the State Government under this Act ;

(ii) 'Agricultural year' means where the Oriya year prevails, the year commencing on the first day of Baisakh of the Oriya year, where the Fasli year prevails, the year commencing on the first day of July and where any other year prevails, for agricultural purposes, that year ;

Explanation—In the event of any question as to the particular agricultural year in any area the notification by the Board of Revenue on this behalf shall be conclusive ;

(iii) 'Anchal' means the area declared to be an Anchal under section 4 ;

(iv) 'Anchal Executive Officer' means an Officer appointed as such under section 79 ;

(v) 'Anchal Fund' means the fund constituted under section 160 ;

(vi) 'Anchal Sabha' means the Sabha constituted under section 9 ;

(vii) 'Anchal Sasan' means the authority constituted under section 4 ;

(viii) 'Area of Representation' means the area so formed under section 8 ;

(ix) 'Centralised Pension Fund' means the fund specified under section 82 ;

(x) 'Competent Education Authority' means the authority specified by any law for the time being in force controlling education to act in the matter in reference ;

(xi) 'District Board' means the body constituted for the local administration of the district under the Bihar and Orissa Local Self-Government Act, 1885, the Madras Local Boards Act, 1920 and the Sambalpur Local Self-Government Act, 1939 ;

Bengal Act
III of 1885.
Madras Act
XIV of 1920
Orissa Act
VI of 1939.

(xii) 'Executive Committee' means the committee constituted under section 67 ;

(xiii) 'Grama Panchayat', 'Grama Sabha' and 'Grama Fund' shall have the meanings assigned to them under the provisions of the Orissa Grama Panchayats Act, 1948 ;

Orissa Act
XV of 1948.

(xiv) 'Joint Committee' means the committee constituted under section 66 ;

(xv) 'Municipality' means a municipality constituted under the Orissa Municipal Act, 1950 ;

Orissa Act
XXIII of
1950.

(xvi) 'Notified area' means any area notified as such under section 417 of the Orissa Municipal Act, 1950 ;

Orissa Act
XXIII of
1950.

(xvii) 'Prescribed' means prescribed by rules made by the State Government under this Act ;

(xviii) 'President' means any person presiding over a meeting of the Anchal Sabha or any of its Committees ;

(xix) 'Provident Fund' means the fund specified under section 82 ;

(xx) 'Resident' with all its grammatical variations and cognate expressions means, a person who (i) resides permanently in the Anchal ; or (ii) has his dwelling house within its local limits and occasionally visits it ; or (iii) having no dwelling house of his own resides in a building or a part of the building situated within its limits for not less than six months during the calendar year immediately preceding the year in which the election is held ; or (iv) maintains within such limits a dwelling house ready for occupation in charge of servants and occasionally occupies it ;

(xxi) 'Special Committee' means a Committee constituted under section 63 ;

(xxii) 'Technical Advisers' means advisers nominated as such under section 88 ;

(xxiii) 'Village' means any area recorded as a village [in [the] Revenue records of the district in which it is situated ; and

(xxiv) 'Year' means the year commencing on the 1st day of September.

Constitu-
tion of
Anchal
and Anchal
Sasan.

4. The State Government may by notification declare, for the purposes of this Act, any compact local area not overlapping the boundaries of a district to be an Anchal and specify the name of the Anchal and constitute an Anchal Sasan for the same :

Provided that the State Government may after making such enquiry and in such manner as may be prescribed, by notification, (i) exclude from any Anchal any area comprised therein, or (ii) include in any Anchal any area contiguous to the same and within the same district, or (iii) cancel or modify a notification under this section, or (iv) alter the name of any Anchal :

Provided further that the area within the jurisdiction of any of the Municipal Councils specified in Schedule III to this Act shall not be included in any Anchal.

Incorpora-
tion

5. Every Anchal Sasan shall be a body corporate by the name of the Anchal for which it is constituted and shall have perpetual succession and a common seal with power to acquire and hold property both movable and immovable and subject to the provisions of this Act or of any rules made thereunder, to transfer any property held by it, to enter into contracts and to do all other things necessary for the purpose of carrying out the provisions of this Act and may sue and be sued in its corporate name.

Anchal
Sabha, its
powers,
duties and
functions.

6. There shall be for every Anchal Sasan an Anchal Sabha as hereinafter constituted and save as otherwise expressly provided by or under this Act the powers, duties and functions of the Anchal Sasan shall be exercised, performed and discharged by the said Anchal Sabha :

Provided that pending the formation of an Anchal Sabha the State Government may nominate an Officer not below the rank of a Deputy Collector who shall exercise all the powers on behalf of the Anchal Sabha subject to such general orders or special directions as the State Government may from time to time issue in this behalf.

Extent of
authority of
the Anchal
Executive
Officer.

7. Save as otherwise expressly provided by or under this Act, the executive power of the Ancha Sabha for the purpose of carrying out the provisions of this Act shall be exercised by the Anchal Executive Officer appointed under section 79, who shall act under the authority of the said Anchal Sabha.

Areas of
Representa-
tion.

8. On the declaration of an area as an Ancha under section 4 the State Government shall notify the division of the Anchal into areas of representation for the constitution of an Anchal Sabha in the following manner :—

(a) the area within the jurisdiction of a Municipal Council, Grama Panchayat or a Notified Area Council shall each be an area of representation ;

(b) all villages not falling within a Grama Panchayat or any Municipality or Notified Area Council shall be grouped into different compact areas each having a population of not less than two thousand but not exceeding four thousand inhabitants and each such area shall be an area of representation.

Alonstitutoh
of Anchal
Sabha.

9. n Anchal Sabha shall consist of—

(a) Members duly elected under section 10 ;
and

(b) Members duly co-opted in the prescribed manner under section II for special representation of women, Scheduled Castes, or Scheduled Tribes.

Election

10. (1) Within fifteen days of the declaration of the division of an Anchal into areas of representation, the Collector shall call upon each Grama Panchayat and each Municipality or Notified Area Council within the Anchal to duly elect from jamongst the persons esiding within their respective urisdictions, a repre sentative to the Anchal Sabha and such Grama Pan chayay, Municipality or Notified Area Council shall thereupon elect a representative n the prescribed manner :

Provided that nothing herein contained shall debar a emberi or councor, as the case may be, of such Local authority from being so elected to thel Anchal Sabha.

(2) For an area of representation for which there is no Grama Panchayat, Municipality or Notified Area Council, there shall be elected in the prescribed manner a representative from amongst the personal ordinarily residing in the said area, to the Ancha Sabha.

Special
Representa-
tion.

11. If in an Anchal the election does not return a representative of a Scheduled Caste, or a woman and in Anchals specially notified by the State Government in this behalf, a Member belonging to the Scheduled tribe, the Anchal Sabha shall co-opt in the prescribed manner a Member ordinarily residing in the Anchal from each of the class or classes not represented.

Explanation—A person shall be deemed to reside ordinarily in an Anchal if he (i) resides permanently in the Anchal; or (ii) has his dwelling house within its local limits and occasionally visits it; or (iii) having no dwelling house of his own resides in a building or a part of the building situated within its limits for not less than six months during the calendar year immediately preceding the year in which the election is held; or (iv) maintains within such limits a dwelling house ready for occupation in charge of servants and occasionally occupies it.

Tenure of
Membership.

12. (1) A Member elected for an area of representation under sub-section (2) of section 10, or sub-section (3) of section 13, or co-opted under section 11, shall not hold office for more than three years. The Anchal Executive Officer shall at such time and in such manner as may be prescribed, take steps before the expiry of the term of office of such elected or co-opted Member for the election or co-option of a successor, as the case may be.

(2) Notwithstanding anything contained in this Act or any rule made thereunder an outgoing Member of the Anchal Sabha shall continue to hold office until his successor enters upon the office in accordance with the provisions of this Act.

Vacation of
membership
and filling
vacancy.

13. (1) Whenever a Grama Panchayat, Municipality or Notified Area Council has been abolished, superseded or dissolved, as the case may be, or where the membership in such Local authority, of a representative elected under section 10 expires by efflux of time or ceases otherwise, the representative elected by such Local authority under the said section shall cease to hold office in the Anchal Sabha. If such a Grama Panchayat, Municipality or Notified Area Council is not formed or reconstituted, within the prescribed time in the area of representation, the Anchal Sabha may, in the prescribed manner, co-opt a Member from the said area, who shall continue to hold office pending such formation or reconstitution.

(2) If a Grama Panchayat, Municipality or Notified Area Council is formed newly in an Anchal co-terminus with one or more areas of representation, the Members elected under sub-section (2) of section 10 for such area or areas of representation of the Anchal shall vacate the seat from the date on which the notification of election of a representative from the newly formed Local authority to the Anchal Sabha is published.

(3) If a Grama Panchayat, Municipality or Notified Area Council is newly formed in an Anchal and its area instead of being co-terminus with the area or areas of representation overlaps other area or areas so as to include a portion or portions thereof in the newly formed Grama Panchayat, Municipality or Notified Area Council, the Members elected under sub-section (2) of section 10 prior to such overlapping for such area or areas of representation shall cease to hold office from the day of re-election as hereinafter provided.

The State Government shall, consequent to such overlapping redistribute the area or areas of representation as new areas of representation under clause (b) of section 8 and Members shall be re-elected for such areas in the manner provided in sub-section (1) of section 10.

(4) Within fifteen days of the first meeting of the Grama Panchayat, Municipality or Notified Area Council newly formed or reconstituted by a general election the Anchal Executive Officer shall call upon the Grama Panchayat, Municipality or Notified Area Council to elect its representative in the prescribed manner to the Anchal Sabha and the Grama Panchayat, Municipality or Notified Area Council concerned shall elect such representative in the prescribed manner.

(5) If a seat in an Anchal Sabha falls vacant under the provisions of this Act or rules made thereunder, the Anchal Executive Officer shall call upon the area of representation concerned to elect or move the Anchal Sabha to co-opt, as the case may be, a new representative to the Anchal Sabha.

Publication
in the
Gazette.

14. (1) On the first election of Members under section 10 their names shall be published in the Gazette within such period and in such manner as may be prescribed :

Provided that the State Government may, if they are satisfied that certain areas of representation have failed without sufficient cause to elect or send the names of their representatives to the Anchal Sabha for publication within the prescribed period, cause the publication of the names of the representatives already received within such period and in such manner as may be prescribed.

(2) The names of other Members elected, or co-opted from time to time shall be published in the Gazette in the prescribed manner.

Bar against
dual
Membership.

15. (1) If any person is elected to more than one area of representation or is elected to more than one Anchal Sabha, he shall, by notice in writing signed by him and delivered to the Collector within the prescribed time and manner, declare for which of the areas of representation or Anchal Sabhas, he elects to serve and such declaration shall be conclusive.

(2) When any such declaration has been made his seat in other areas of representation or the Anchal Sabha for which such person was elected, shall fall vacant.

(3) If the candidate does not make the declaration referred to in sub-section (1) within the prescribed time the election of such person shall be void in all the areas of representation or the Anchal Sabhas concerned and action shall be taken for election to all the vacancies.

Disqualifica-
tion for
Membership.

16. (1) No person shall be eligible for election or co-option as a Member of the Anchal Sabha, if such person—

(a) is not a citizen of India ; or

(b) is appointed a Member of the Council of Ministers, or elected as Speaker of the Orissa Legislative Assembly ; or

(c) has been adjudged by a competent court to be of unsound mind or is under twenty-one years of age ; or

(d) is an undischarged insolvent or being a discharged insolvent has not obtained from the Court a certificate that insolvency was caused by misfortune without misconduct on his part ; or

(e) is employed as a paid legal practitioner on behalf of the Anchal Sasan or against the Anchal Sasan ; or

(f) is an officer or employee holding office under the Anchal Sasan or has been dismissed from the Anchal Service ; or

(g) is a Government servant either whole-time or part-time ; or

(h) has been dismissed from Government service ; or

(i) being an employee of any Local authority whether whole-time or part-time has been dismissed from service by the said Local authority ; or

(j) is a habitual offender or has been convicted and sentenced to imprisonment for a term exceeding six months for an offence involving moral turpitude or ordered to give security for good behaviour under section 110 of the Code of Criminal Procedure, 1898; or Act V of 1898.

(k) is interested in a subsisting contract made with or by or on behalf of the Anchal Sasan except as a share-holder in a co-operative society or as a Director, Secretary, Manager or any other office-holder of such society or as a share-holder in a company other than a Director :

Provided that a person shall not be deemed to have any interest in such contract by reason only of his having a share or interest in—

(a) any lease, sale or purchase of any property or any agreement for the same ; or

(b) any agreement for the loan of money or any security for the payment of money only.

(2) Notwithstanding anything contained in sub-section (1) the State Government may, by order in writing remove any of the disqualifications provided in clauses (g), (i) and (j) of sub-section (1).

Procedure
for vacation
on disquali-
fication.

17. (1) Any person elected or co-opted as a Member of an Anchal Sabha shall, if he becomes disqualified under the provisions of this Act, cease to be a Member of the Anchal Sabha and the State Government shall by a notice call upon him forthwith to vacate the seat.

(2) If the Member on notice issued under sub-section (1) contests the disqualification in the

prescribed manner, the State Government shall refer the case for decision to an Additional District Magistrate of the district, who after making such enquiry as he may deem necessary shall determine whether or not such person is disqualified and his decision shall be final.

(3) Where a case has been referred to the Additional District Magistrate under sub-section (2) the Member shall not be deemed to have vacated his seat by reason of disqualification until the Additional District Magistrate so decides.

**Election
petition.**

18. (1) The election of any person as a Member of an Anchal Sabha may be questioned by election petition on the ground that—

(a) such person committed during or in respect of the election proceedings any corrupt practice as defined in section 28 ; or

(b) such person was declared to be elected by reason of improper rejection or admission of one or more votes or for any other reason and was not duly elected by a majority of votes ; or

(c) such person was disqualified for election under the provisions of this Act :

Provided that no election petition shall lie on the ground of wrongful admission or rejection of nomination paper for which an appeal shall lie within such period as may be prescribed to an Additional District Magistrate whose decision in this behalf shall be final.

(2) The election of any person as a member of an Anchal Sabha shall not be questioned on the ground that—

(a) there was a casual vacancy in membership or there was a defect in the constitution of the Grama Panchayat, Municipality or Notified Area Council ; or

(b) there was any non-compliance with the provisions of this Act or any rule made thereunder or any mistake in the forms required thereby, or any error, irregularity or informality on the part of the officer or officers charged with carrying out the provisions of this Act, or any rules, unless such non-compliance, mistake, error, irregularity or informality has materially affected the result of the election.

Form of
Petition.

19. (1) The petition shall be presented by any candidate duly nominated in the election or by an elector of the electorate before the Additional District Magistrate together with a deposit of one hundred rupees as security for costs within fifteen days after the day on which the result of the election was notified in the Gazette and shall specify the ground or grounds on which the election of the opposite party is questioned and shall contain a summary of the circumstances alleged to justify the election being questioned on such grounds.

Explanation—In this sub-section 'elector' means a person who was entitled to vote at the election to which the election petition relates whether he has voted at such election or not.

(2) A person whose election is questioned and all other candidates duly nominated at such election shall be impleaded as opposite parties to the petition.

Interplead-
ing.

20. Every opposite party may give evidence to prove that any person in respect of whom a claim is made that such person be declared elected in his place or in priority to him should not be declared so elected, in the same manner as if he had presented a petition against the election of such person.

Forum

21. (1) An election petition shall be heard by an Additional District Magistrate within whose jurisdiction the area of representation concerned may be situated at a place in the Anchal or in a Municipality contiguous to the Anchal.

(2) Such Additional District Magistrate (hereinafter referred to as the Tribunal) shall be deemed to exercise jurisdiction as *persona designata*.

Procedure

22. (1) The Tribunal shall, as soon as may be, cause a copy of the petition together with the particulars referred to in sub-section (1) of section 19 to be served on the opposite parties referred to in sub-section (2) of the said section.

(2) Except as otherwise expressly provided by this Act or the rules made thereunder the procedure provided in the Code of Civil Procedure, 1908, for the trial of suits, shall, so far as may be practicable, be followed in the hearing of election petitions: Act V of 1908.

Provided that—

(a) any two or more election petitions relating to the election of the same person may be heard together ;

(b) the Tribunal shall not be required to record the evidence in full but shall make a memorandum of the evidence sufficient in its opinion for the purpose of deciding the case ;

(c) the Tribunal may, at any stage of the proceedings, require the petitioner to give further security for the payment of all costs incurred or likely to be incurred by any opposite party and if within the time fixed by it or within such further time as it may allow such security is not furnished, may dismiss the petition ;

(d) the Tribunal for the purpose of deciding any issue, may require the production of or may receive so much evidence, oral or documentary, as it considers necessary ;

(e) there shall be no appeal and no application in revision against or in respect of the decision of the Tribunal ;

(f) the Tribunal may review its decision on any point on the application of any person considering himself aggrieved thereby if the application is presented within fifteen days from the date of decision.

Powers of
the Tribunal
and procedure
for
service of
notices and
process.

23. (1) Unless it is otherwise prescribed the Tribunal shall have the same powers and privileges as the Judge of Civil Court and the service of all process and notices issued by the Tribunal shall on requisition by it be effected by a Subdivisional-Magistrate having jurisdiction.

(2) An order for the realisation of security bond for costs passed by the Tribunal may be sent by it for execution to the Collector of a district within which the area of representation concerned is situate and thereupon the Collector shall realise such costs as if they were an arrear of land revenue.

Finding.

24. (1) If after holding an enquiry in accordance with the provisions of this Act, the Tribunal finds, in respect of any person whose election is called in question by a petition, that his election was valid, it shall dismiss the petition as against such person and may award costs at its discretion.

(2) If the Tribunal finds that the election of any person was invalid, it shall either—

(a) declare a vacancy to have been created ; or

(b) declare another candidate to have been duly elected, whichever course appears in the particular circumstances of the case, more appropriate and in either case may award costs at its discretion.

Corrupt
practice an
improper
procedure.

25. Notwithstanding anything contained in the preceding sections, if the Tribunal in the course of hearing of an election petition is of opinion that the evidence discloses—

(i) that corrupt practices have prevailed at the election proceedings in question to such an extent as to render it advisable to set aside the whole proceedings ; or

(ii) that the result of election has been materially affected by any non-compliance with the provisions of this Act or any rules made thereunder, any mistake in the forms required thereby or any error, irregularity or informality on the part of any officer charged with or carrying out any duty under this Act, or rules made thereunder ;

it shall set aside the whole proceedings and direct the Anchal Executive Officer to take measures for holding fresh election proceedings and if the election is set aside for any cause which is the result of acts of a candidate or his agent, may declare that candidate to be disqualified for the purpose of such fresh election.

Explanation—In this section the expressions 'the election proceedings in question' and 'the whole proceedings' shall mean all proceedings commencing from the filing of nomination and terminating with the declaration of election, taken in respect of the single poll in any area of representation.

Declaration
of disquali-
fication.

26. The Tribunal may declare any candidate found to have committed any corrupt practice under the foregoing section to be incapable for any period not exceeding five years, of being elected as a member of the Anchal Sabha or of being appointed or retained in any office or place in the gift, disposal, pay or service of the Anchal Sasan :

Provided that a disqualification under this Act may be removed by an order of the State Government in this behalf.

Savings

27. Where a candidate, who has been elected to be a Member of an Anchal Sabha is declared by the Tribunal not to have been duly elected, acts

that such person is entitled to vote shall on conviction be punishable with imprisonment which may extend to three months or with fine or with both.

done by him by virtue of the office before the time when the decision is intimated in the prescribed manner to the Anchal Executive Officer shall not be invalidated by reason of that declaration.

Corrupt
practice.

28. (1) A person shall be deemed to have committed a corrupt practice who directly or indirectly by himself or by any other person—

(a) induces or attempts to induce by fraud, intentional misrepresentation, coercion or threat of injury, any voter to give or to refrain from giving a vote in favour of any candidate ;

(b) with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, or in consideration of any voter having voted or refrained from voting for any candidate, offers or gives any money or valuable consideration of any place or employment or holds out any promise of individual advantage or profit to any person including a promise of spiritual salvation ;

(c) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or of spiritual censure with a view to influence him in any way in connection with the election ;

(d) systematically appeals to vote or refrain from voting on grounds of caste, race, community or religion or uses or appeals to religious and national symbols, such as, the national flag and the national emblem, for the furtherance of the prospects of a candidate's election ;

(e) employs, instigates or threatens any form of social boycott of any voter or candidate or of any one in which such voter or candidate is interested ;

(f) gives or procures the giving of a vote in the name of a voter who is not the person giving such a vote ;

(g) offers any money or valuable consideration to any person to induce him to withdraw from being a candidate at an election or being a candidate accepts any money or valuable consideration so offered ;

(h) abets (within the meaning of the Indian Penal Code) the doing of any of the acts specified in clauses (a), (b), (c), (d), (e), (f) and (g).

Explanations—(i) A 'promise of individual advantage or profit to a person' includes a promise for the benefit of the person himself or of any one in whom he is interested, but does not include a promise to further propose or to vote for or against any particular Anchal Sasan measure or work.

(ii) No agent, clerk, messenger or other person who may in accordance with prescribed rules be employed for remuneration by a candidate at an election shall, by reason of such employment alone, be deemed to come within the provisions of this section.

(iii) A corrupt practice shall be deemed to have been committed by a candidate if it has been committed with his knowledge or consent or by a person who is acting under the general or special authority of such candidate with reference to the election.

(2) Every person who is guilty of a corrupt practice at or in connection with an election held under the provisions of this Act shall on conviction be punishable with imprisonment which may extend to six months or with fine or with both.

**Falsification
of records.**

29. Every person who falsifies or attempts to falsify the record of an election by removing, destroying, altering or fabricating nomination papers or voting papers or by any other act or by any omission shall on conviction be punishable with imprisonment which may extend to one year or with fine or with both.

**Infringement
of secrecy.**

30. Every polling officer, who except for some purpose authorised by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted and every person who by improper means procures any such information, shall on conviction be punishable with imprisonment of either description for a term which may extend to three months or with fine or with both.

**Offences by
Polling
Officer.**

31. Every polling officer who permits a person to vote knowing that such person is not entitled to vote or who prevents a person from voting knowing that such person is entitled to vote shall on conviction be punishable with imprisonment which may extend to three months or with fine or with both.

Cognizance
of offences.

32. No Magistrate, other than a Magistrate of the first class, shall take cognizance of any offence punishable under sections 28, 29, 30 and 31 nor shall any Magistrate take cognizance of such offence—

(a) except on the complaint of a person whose name is on the electoral roll ;

(b) unless such a complaint in respect of an offence either under section 28 or 31 or section 29 or 30 has been made within 14 days or 45 days respectively from the date of the declaration of the result of any election to which the offence relates ; and

(c) except in the case of an offence punishable under sections 29, 30 and 31 unless the persons complaining shall have deposited fifty rupees.

The deposit mentioned in clause (c) shall be refunded to the complainant if the complaint is found to be true or if for any other reason, the Magistrate so directs.

Bar to inter-
ference by
Courts.

33. No election of a Member of an Anchal Sabha shall be called in question in any Court except under the procedure provided by this Act and the rules, if any, made thereunder and no order passed by the Tribunal in any proceeding under this Chapter for hearing of an election petition shall be called in question in any Court and no court shall grant an injunction—

(i) to postpone an election of a Member of an Anchal Sabha ; or

(ii) to prohibit a person, declared to have been duly elected under this Act from taking part in the proceedings of the Anchal Sabha of which he has been elected a Member ; or

(iii) to prohibit a Member formally elected or appointed to an Anchal Sabha from entering upon his duties.

Resignation

34. A member of an Anchal Sabha other than the Chairman or Vice-Chairman may resign his office by writing under his hand addressed to the Chairman of the Anchal Sabha and thereupon the office shall fall vacant.

Absence
from
meetings
of the
Sabha.

35. A member of an Anchal Sabha shall in the event of his failure to attend six consecutive meetings of the Sabha cease to hold office and thereupon the office shall fall vacant.

CHAPTER II

CHAIRMAN, VICE-CHAIRMAN AND MEMBERS

First Meeting of the Anchal Sabha, Election of the Chairman and the Vice-Chairman.

36. (1) Within fifteen days of the publication of the names of Members elected to a new Anchal Sabha under section 14, the Collector of the district shall call the first meeting of the said Sabha consisting of the said elected Members for the co-option of Members as provided under this Act and a Member elected by the Members present shall preside over such a meeting. The President of the meeting shall fix a date not later than fifteen days from the date of the first meeting for the purpose of election of the Chairman and the Vice-Chairman from amongst its Members.

(2) On the date so fixed under sub-section (1) the Collector shall call the next meeting of the Anchal Sabha and at such meeting the said Sabha shall elect from amongst its own Members its Chairman and the Vice-Chairman. The Collector of the district or an officer, not being below the rank of a Subdivisional Magistrate, nominated by him shall preside over the meeting.

(3) Within fifteen days of occurrence of any vacancy in the office of the Chairman or Vice-Chairman the Collector of the district shall call upon the Anchal Sabha to elect the Chairman or Vice-Chairman, as the case may be, at a meeting specially convened for the purpose.

(4) If the Members of the Anchal Sabha fail to elect a Chairman or Vice-Chairman under sub-section (2) or sub-section (3) the State Government may fill up these offices by appointment from amongst the members of the Anchal Sabha until such time as the Anchal Sabha may elect such Chairman or Vice-Chairman in the prescribed manner.

(5) The names of the Chairman and the Vice-Chairman shall be published in the Gazette.

Leave of absence.

37. An Anchal Sabha may grant leave of absence to its Chairman or Vice-Chairman for any period not exceeding three months in any one year and simultaneously elect a person who shall act in the vacancy during the period of leave.

CHAPTER III

PROCEEDINGS OF AN ANCHAL SABHA

Meetings

43. An Anchal Sabha shall meet not less than six times during any year for the transaction of business and a period exceeding two months shall not be allowed to elapse between two successive meetings.

Convening of meetings.

44. (1) As soon as may be after his election, the Chairman shall call a meeting of the Members. Notice of such meeting specifying the time and place thereof and the business to be transacted thereat shall be despatched to every Member and exhibited at the Anchal Office fifteen clear days before the meeting.

(2) The date of the next meeting shall be declared by the Chairman or the President at the meeting held under sub-section (1) and notice of every such subsequent meeting specifying the time and place shall be exhibited in the Anchal Office and be deemed to be sufficient notice of such subsequent meeting.

(3) The notice shall contain a list of business to be transacted in a subsequent meeting together with the time and place for such meeting and with such details and in such form as may be prescribed and be despatched to every Member and exhibited at the Anchal Office fifteen clear days before the date of meeting.

(4) All matters specified in a notice under sub-sections (1) and (3) shall, subject to the approval of the Chairman or the President, as the case may be, be included in the agenda of a meeting and no

Resignation
of Chairman
or Vice-
Chairman.

38. (1) An appointed Chairman or Vice-Chairman may resign by writing under his hand addressed to the State Government and on such resignation being accepted he shall be deemed to have vacated his office.

(2) An elected Chairman or Vice-Chairman of an Anchal Sabha may resign his office by writing under his hand addressed to the Vice-Chairman if he is the Chairman and to the Chairman if he is the Vice-Chairman.

(3) The Anchal Executive Officer shall place the resignation under sub-section (2) before the next meeting of the Anchal Sabha and thereupon the Chairman or the Vice-Chairman, as the case may be, shall be deemed to have vacated the office.

Chairman or
Vice-Chair-
man to hold
office pend-
ing election
or appoint-
ment.

39. Notwithstanding anything contained in section 38 the Chairman and the Vice-Chairman of an Anchal Sabha shall continue to hold office until election or appointment of his successor is made.

Removal of
Chairman
or Vice-
Chairman.

40. (1) The Chairman or Vice-Chairman of an Anchal Sabha may at any time be removed from office by a resolution of the Anchal Sabha in favour of which not less than two-thirds of the total number of Members of such Sabha have given their votes at a meeting convened on the written requisition of not less than one-third of the total number of Members :

Provided that at such a meeting the Collector of the district shall preside.

(2) The resolution under sub-section (1) shall be forwarded to the State Government whereupon the State Government shall notify the

business other than those specified in the said notice shall be transacted at the said meeting except with the consent of all the members present :

Provided that any matter notice whereof has been given in the prescribed form and manner by a Member, to be discussed at the meeting shall, if the Chairman or the President considers it relevant, be so discussed and the decision in that behalf of the Chairman or the President, as the case may be, shall be final.

Power of the
Chairman,
Vice-
Chairman
and the
Anchal
Executive
Officer to
call a
meeting.

45. The Chairman or in his absence the Vice-Chairman or in the event of either being absent or incapable of acting due to unavoidable reasons, the Anchal Executive Officer may, whenever it is required under the Act, call a meeting of the Anchal Sabha.

Adjournment

46. (1) Any meeting of the Anchal Sabha may with the consent of the majority of Members present, be adjourned to any other date, but no business other than that left over at the adjourned meeting shall be transacted at such subsequent meeting.

(2) A notice of such adjournment posted at the Anchal Office on the date on which the meeting is adjourned shall be deemed to be sufficient notice of that meeting.

Public not
to be
admitted.

47. Members of the public shall not be admitted to the meeting of the Anchal Sabha, but the President of the meeting may allow the Technical Advisers of the Anchal Sasan or any officer of the State Government to take part in the discussions but such persons shall have no right to vote :

Provided that the President may in his discretion permit any Sarpanch, Naib-Sarpanch or the President of an Adalti Panchayat within the local limits of the Anchal, to attend any meeting of the Anchal Sabha or any of the Committees constituted under this Act as a visitor and such permission shall not be called into question by any Member of the Anchal Sabha or the said Committee :

Provided further that the President may in his discretion request a Member of the Orissa Legislative Assembly or a Member of the Parliament representing any area in the Anchal to address a meeting in any matter concerning the affairs of the Anchal or any of the committees constituted under this Act.

President of
the meeting.

48. At the meeting of the Anchal Sabha the Chairman shall preside and in his absence the Vice-Chairman and if both are absent, then the Members present shall choose one from amongst themselves to preside at the meeting.

Quorum

49. (1) No business shall be transacted at a meeting unless a quorum of one-third of the Members of the Anchal Sabha is present at the commencement of the meeting.

(2) If at a meeting there are not sufficient Members present at the commencement of the meeting to form a quorum, the President shall adjourn it to such time or date as he thinks fit and notify the same to the Members and the business set down for the meeting shall be taken up at the subsequent meeting whether at such subsequent meeting there is quorum or not.

(3) No business other than the business fixed for the original meeting shall be transacted at any such subsequent meeting.

(4) A notice of adjournment exhibited at the Anchal Office on the date on which the meeting is adjourned shall be deemed to be sufficient notice of the subsequent meeting.

Power to
call for
proceedings.

50. The Anchal Sabha may at any time call for any return, statement, account or report concerning or connected with any matter with which any Committee constituted under this Act is empowered by or under this Act to deal, and every such requisition shall be complied with by the said Committee.

Production
of records.

51. The Anchal Sabha may at any time require the Anchal Executive Officer—

(a) to produce any record, correspondence or other document which is in his possession or control as Anchal Executive Officer ;

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act ; and

(c) to furnish a report by himself or to obtain from any of the officers subordinate to him, and furnish with his remarks thereon a report upon any subject concerning or connected with the administration of this Act :

Provided that the Anchal Executive Officer may defer such production till the next meeting and

if he is of opinion that the production of any such record, correspondence or document or furnishing of any such returns, plans, estimates, statements, accounts, statistics or report will be detrimental to the public interest or the interest of the Anchal Sasan he shall refer the matter to the Chairman whose decision shall be final.

Questions

52. Subject to any rules that may be made in this behalf a Member may at any meeting put questions concerning or connected with the administration of the Anchal and the answers to the same shall be furnished in the prescribed manner.

Member when to absent from taking part in discussion and voting.

53. (1) No Member of an Anchal Sabha or any of its Committee shall vote on or take part in the discussions of any question coming up for consideration at a meeting of the said Anchal Sabha or the Committee if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest.

(2) The President of the Anchal Sabha or of any of the Committees constituted under this Act, may, either on his own motion or on the motion of any Member present, prohibit any Member from voting or taking part in the discussion of any matter in which he believes such Member to have interest or he may require such Member to absent himself during the discussion.

(3) Such Member may challenge the decision of the President who shall thereupon put the matter to the meeting. The decision of the meeting shall be final.

(4) If the President of an Anchal Sabha or any of the Committees on information received is satisfied that a Member has voted or taken part in the discussions in any meeting in contravention of the provisions of sub-section (1) or sub-section (2), he may, in a meeting held within a period of two months from the date of information, call upon the Anchal Sabha or the Committee, as the case may be, to reopen and revise its decision and such decision shall be final.

Preservation of order.

54. (1) It shall be the duty of the President to preserve order in a meeting and in the event of any grave disorder arising therein he shall have power to adjourn or suspend the meeting as he deems fit.

(2) A member who in the opinion of the President is guilty of disorderly conduct in any meeting may be ordered by the President to leave the meeting forthwith and such order of the President shall be final and binding and shall not be questioned in any court of law.

(3) If in spite of the orders of the President to withdraw a member persists in remaining at the meeting the President may take such steps as he may deem fit to cause such member to be removed and such member shall on a complaint by the President in that behalf be also liable on conviction to be punished with a fine which may extend to one hundred rupees.

Decision by
majority.

55. (1) Except as otherwise provided by or under this Act, all questions brought before any meeting held under this Act, shall be decided by a majority of votes of the Members present and in the case of equality of votes the President shall have a second or a casting vote :

Provided that in the case of equality of votes at the election of Chairman or Vice-Chairman of the Anchal Sabha the President shall not exercise casting vote and the result shall be decided by lot.

(2) Except as otherwise provided by or under this Act no subject finally disposed of by an Anchal Sabha shall be considered by it within six months unless the recorded consent of not less than three-fourths of its Members has been obtained thereto, or unless the State Government has directed its reconsideration.

Savings

56. No act or proceeding of the Anchal Sabha or any of its Committees shall be questioned on account of any vacancy in the membership or any defect in the election or qualification of the Chairman, Vice-Chairman, President or Member thereof or any defect or irregularity in any such act or proceedings not affecting the merits of the case.

Minute
Book.

57. (1) Minutes recording the proceedings at every meeting of the Anchal Sabha or any of its Committee and the names of Members present shall be entered in the minute book and confirmed at the same or the next meeting by the President after being read out in the meeting.

(2) A copy of the minutes of the proceedings of each meeting of the Anchal Sabha shall be forwarded to the Members and the Collector of the district or such other authority as the State Government may appoint in this behalf within seven days of the meeting.

CHAPTER IV

COMMITTEES

Appoint-
ment of
Committees.

58. (1) In each Anchal Sasan there shall be Committees for (1) Education, (2) Public Health and (3) Agriculture and Development for the purpose of exercising such of its powers or performing such of its functions as may be specified in this Act or in the rules made thereunder.

(2) Subject to the other provisions of this Act the conduct of the business of the committees constituted under this chapter and the membership thereof shall be regulated in the prescribed manner.

Committee
for Educa-
tion.

59. (1) The Committee for education shall consist of—

(a) the Chairman or the Vice-Chairman of the Anchal Sabha according as may be decided by the Sabha, who shall be the Chairman of the Committee ;

(b) the Anchal Education Officer, Member *ex-officio* ;

(c) the Anchal Executive Officer who shall be Member-Secretary, *ex-officio* of the Committee ;

(d) not more than three Members of the Anchal Sabha, not being its Chairman or Vice-Chairman ;

(e) not more than three outsiders elected by the Anchal Sabha from out of persons qualified to be Members of the Anchal Sabha.

(2) The Committee for Education shall, subject to the provisions of this Act and the rules made thereunder—

(a) control the Education Fund ;

(b) superintend all matters connected with the finance, accounts, control, maintenance and management of all schools maintained or aided by the Anchal Sasan and superintend such schools of the

Grama Panchayats, Municipalities and Notified Area Councils aided from the Education Fund in the matters relating to education ;

(c) examine the existing provisions for education and make suggestions for ways and means for further provision necessary to place education within the reach of all children of school going age ;

(d) suggest schemes for diffusion of education in the Anchal ; and

(e) advise on all matters relating to education referred to the Anchal Sasan by the Director of Public Instructions.

Committee
for Public
Health.

60. (1) The Committee for Public Health shall consist of—

(a) the Chairman or the Vice-Chairman of the Anchal Sabha according as may be decided by the Sabha, who shall be the Chairman of the Committee ;

(b) a Medical Officer nominated by the Civil Surgeon of the district ;

(c) the Anchal Health Officer ;

(d) the Anchal Executive Officer who shall be the Member-Secretary, *ex-officio* of the Committee ;

(e) not more than three Members of the Anchal Sabha, not being its Chairman or Vice-Chairman ; and

(f) not more than two outsiders elected by the Anchal Sabha from out of the persons qualified to be Members of the Anchal Sabha.

(2) The Committee for Public Health shall—

(a) suggest schemes for all proposals for grants-in-aid in the Anchal for public health and medical relief ;

(b) suggest schemes for all proposals for increased medical relief and increased provisions for public health in the Anchal ;

(c) supervise all works connected with the public health and medical relief of the Anchal ;

(d) exercise such powers as may be delegated by the Anchal Sabha in accordance with the rules that may be prescribed.

(3) The Committee for Public Health may in an emergency authorise expenditure on public health arrangements or medical relief up to such limits as may be provided by the Anchal Sabha and subject to such general or specific rules the State Government may make in this behalf and all such expenditure shall be charged to the Anchal Fund :

Provided that these special powers may not be used when the situation admits of delay for calling meeting of the Anchal Sabha to decide the matter.

Committee
for Agri-
culture and
Develop-
ment.

61. (1) The Committee for Agriculture and Development shall consist of—

- (a) the Chairman or the Vice-Chairman of the Anchal Sabha according as may be decided by the Sabha, who shall be the Chairman of the Committee ;
- (b) the Anchal Executive Officer who shall be the Member-Secretary, *ex-officio* of the Committee ;
- (c) the Anchal Agricultural Officer ;
- (d) the Anchal Veterinary Officer ;
- (e) not more than three Members of the Anchal Sabha not being its Chairman or Vice-Chairman ; and
- (f) four outsiders to be elected by the Anchal Sabha from out of the persons qualified to be Members of the Anchal Sabha out of whom two shall be agriculturists of the Anchal and one shall be an agricultural worker of the Anchal.

(2) The Committee for Agriculture and Development shall—

(a) initiate and advise the Anchal Sabha on all matters concerning developmental activities such as, agriculture, co-operation, fishery and cottage industry ;

(b) initiate and advise on proposals for organising and controlling fire-fighting ;

(c) initiate and advise on matters concerning village forests ;

(d) initiate and advise on matters concerning irrigation sources and assessment of water rates ; and

(e) initiate and advise on matters concerning improvement of live-stock and prevention and control of animal disease.

(3) The Committee for Agriculture and Development shall co-ordinate the work done by itself as the Committee under the Anchal Sabha and the District Agricultural Executive Committee under the Orissa Agriculture Act, 1951 for better development in the Anchal.

Act
XVI of 1951.

Election to
Committees.

62. (1) The Members of the Committees constituted under this Act shall be elected by the Members of the Anchal Sabha from among themselves or from among other persons in the Anchal who are not disqualified under any of the conditions laid down in section 16 where outsiders are to be elected.

(2) The Anchal Sabha may delegate to any of the Committees under section 59, 60 or 61 any of its powers or duties within the scope of the respective committees or withdraw all or any of the powers or duties so delegated.

(3) Each Member of the Committees referred to in sub-section (2) shall, in the performance of the duties and in the exercise of the powers delegated to the said Committee, be subject to all the obligations imposed by this Act on Members of an Anchal Sabha in respect of such duties and powers.

(4) All decisions taken in a meeting of any Committee constituted under section 59, 60, 61 or 63 shall be in the form of resolutions and all such resolutions shall be submitted to the Anchal Sabha for consideration at its next meeting. Where any such resolution is merely advisory in character the said Sabha shall give it due consideration and in the case of any other resolution the Anchal Sabha may confirm, modify, alter or cancel the same :

Provided that pending such confirmation, modification, alteration or cancellation such resolutions of the Committee shall be final.

(5) Any Committee constituted under section 59, 60 or 61 may determine if any expert advice is necessary in respect of any matter pending before it and may invite such persons well qualified to give such advice either generally or for any specific meeting, but such person shall not be entitled to vote.

Special
Committees.

63. An Anchal Sabha may whenever necessary constitute in the prescribed manner a Special Committee consisting of not more than five Members

whether elected from amongst its Members or from outside from amongst persons qualified to be Members of the Anchal Sabha—

(a) for the purpose of exercising such powers and discharging such duties or performing such functions of the Anchal Sabha as it may by an order in writing specify in this behalf ;

(b) for enquiring into and for report or advice on any matter within the purview of the Anchal Sabha which it may refer to them :

Provided that where the powers, duties and functions or the matter concerned are analogous to the powers, duties and functions or matters within the purview of a Committee constituted under section 59, 60 or 61 the Anchal Sabha shall not form a special Committee separately for delegating such powers, duties or functions or seeking advice.

Duties and liabilities of Members.

64. All provisions of this Act relating to the duties, powers, liabilities, disqualifications and disabilities of the Members of the Anchal Sabha shall be applicable, so far as may be, to the Members of any Committee constituted under this Act, who are not Members of the Anchal Sabha.

Membership of Committees.

65. (1) The Chairman or President of any of the Committees or any member thereof elected from among the members of the Anchal Sabha shall continue to hold office so long as he is the Chairman or Vice-Chairman of the Sabha or a member thereof, as the case may be.

(2) An outsider elected to any such Committee other than a Special Committee shall hold office for a period of three years from date of election :

Provided that an outsider elected to any Committee constituted under this Act, if he incurs any disqualifications mentioned in section 16, shall forthwith cease to be a Member of such Committee and the procedure in section 17 shall be followed to declare the seat vacant.

(3) When a vacancy occurs in any Committee constituted under this Act the Anchal Sabha shall as soon as may be hereafter elect a Member to the vacancy.

Joint Committees.

66. (1) The State Government may, on application of one or more Anchal Sabhas or on their own motion, constitute a Joint Committee out of their respective

bodies and other Local authorities, if any, within their respective jurisdictions for any purpose in which they are jointly interested or for any matter for which they are jointly responsible and delegate to such Joint Committee any power which might be exercised by any of the said Anchal or Local authorities concerned. Such Anchal Sabhas and Local authorities, if any, may from time to time frame regulations subject to the control of the State Government determining—

(a) the total number of Members of the Joint Committee ;

(b) the number who shall be Member of the Local authorities concerned and the number who may be outsiders ;

(c) the persons who shall be Members of Joint Committee and the manner in which they shall be elected or appointed ;

(d) the person who shall be President of the Joint Committee and the manner in which he shall be elected or appointed ;

(e) the term of office of Members and President;

(f) the powers being powers exercisable by one or more of the Local authorities concerned which may be exercised by the Joint Committee ; and

(g) the proceedings of any such Joint Committee, and the conduct of correspondence relating to the purpose for which the Joint Committee is constituted.

(2) A joint Committee may include persons who are not Members of the Local authorities concerned but who may, in their opinion, possess special qualifications or special interest for serving on such Committee :

Provided that the number of such persons shall not exceed one-third of the total number of Members of the Joint Committee.

(3) Subject to the provisions of sub-section (5) the regulations framed under sub-section (1) shall not have effect unless assented to by each of the Local authorities concerned.

(4) If the State Government take action under sub-section (1), they may issue such directions as they think necessary or desirable in respect of all or any of the matters referred to in sub-sections (1), (2) and (3).

(5) If any difference of opinion arises between Local authorities under any of the foregoing provisions of this section, it shall be referred to the State Government whose decision shall be final.

Executive
Committee.

67. (1) There shall be an Executive Committee for each Anchal Sabha to facilitate effective administration of the Anchal and it shall consist of the Chairman, Vice-Chairman and the Anchal Executive Officer. The Executive Committee may co-opt any officer of the Anchal cadre and invite any Member of the Anchal Sabha or officer of the Anchal Sasan to take part in the deliberations.

(2) The Executive Committee shall subject to the provisions of this Act and the rules made thereunder--

(a) consider the budgets and the statements, estimates and accounts necessary to appreciate the budget for submission to the Anchal Sabha ;

(b) superintend all matters connected with the finance and accounts of the Anchal Sabha and in matters within the competence of the Anchal Sabha submit their recommendations to the said Sabha for consideration and in matters within the competence of the Anchal Executive Officer advise him ;

(c) scrutinise and advise the Anchal Sabha on fixation of priorities for public works in the Anchal Sasan ;

(d) scrutinise and sanction all plans and estimates for works sanctioned in the budget ;

(e) co-ordinate planning and execution of the work of the Anchal Sabha including those of the Committees constituted under this Act ;

(f) prepare the agenda of the meetings of the Anchal Sabha ;

(g) suggest lines of action on financial and other important matters of policy ; and

(h) deal with all other matters specially referred to it by the Anchal Sabha.

CHAPTER V

DISCHARGE OF FUNCTIONS BY THE ANCHAL SABHA
AND THE ANCHAL AUTHORITIES

Manner of
discharging
functions
by the
Anchal
Sabha.

68. Except as otherwise provided in section 71, the Anchal Sabha and the Committees constituted under this Act shall discharge their functions in accordance with the resolutions duly recorded at a meeting of the Anchal Sabha or the respective Committees, as the case may be.

Powers and
duties of the
Anchal
Executive
Officer.

69. (1) Subject to the provisions of this Act and the rules made thereunder and subject to such control as may be exercised by the Executive Committee constituted under section 67 in this behalf, the Anchal Executive Officer shall carry out the directions of the Anchal Sabha and any of the Committees constituted under this Act other than a Special Committee issued to him from time to time :

Provided that the Chairman may subject to confirmation by the Anchal Sabha give directions about the implementation of resolutions of the Anchal Sabha to the Anchal Executive Officer who shall carry out the same until and unless the Anchal Sabha otherwise directs.

(2) Without prejudice to the generality of the foregoing provision the Anchal Executive Officer shall subject to the control of the Anchal Sabha—

(a) perform all the duties and exercise all the powers and functions imposed or conferred upon him by or under this Act ;

(b) receive, recover and credit to the Anchal Fund any sum due or tendered to the Anchal Sasan ;

(c) supervise and control the acts and proceedings of all officers and employees of the Anchal Sasan and persons working under the said Sasan ;

(d) have power to grant, refuse, suspend or withdraw all licenses in pursuance of any rules or bye-laws made under this Act.

Authorisa-
tion by the
Anchal
Executive
Officer.

70. (1) The Anchal Executive Officer may, with the prior approval of the Anchal Sabha and subject to such general or special orders as the State Government may make in this behalf, by order in writing authorise any other officer or employee

of the Anchal Sasan to exercise under his supervisory control any of the functions of the Anchal Executive Officer under this Act or rules made thereunder as specified in the order.

(2) An order by the Anchal Executive Officer under sub-section (1) may specify any condition and impose any restriction in respect of the exercise of any such function.

Emergency
powers of
the Anchal
Executive
Officer.

71. (1) On the occurrence or apprehension of any accident or disaster involving or likely to involve extensive damage to the property of the Anchal Sasan or danger to human life, the Anchal Executive Officer shall take such immediate action as the emergency appears to him to justify or require.

(2) The Anchal Executive Officer shall forthwith report to the Chairman of the Anchal Sabha the action he has taken under sub-section (1) and his reasons for taking the same and the amount of cost, if any, incurred or likely to be incurred, in consequence of such action.

Power of
entry and
inspection.

72. The Anchal Executive Officer or any person authorised by him in this behalf, may enter into or upon any building or land with or without assistants or workmen, in order to make any enquiry, inspection, test, examination, survey, measurement or valuation or to execute any other work which is authorised by the provisions of this Act or of any rule, regulation, bye-law or order made thereunder or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions to make or execute :

Provided that—

(a) except when it is otherwise expressly provided in this Act no such entry shall be made between sunset and sunrise ;

(b) except when it is otherwise expressly provided in this Act no dwelling house, and no part of a public building used as a dwelling place shall be so entered without the consent of the occupier thereof unless the said occupier has been served with at least three hours' previous notice of the intention to make such entry ;

(c) sufficient notice shall be given in every case, even when any premises may otherwise be entered without notice, to enable the inmates of any

apartment appropriated to women to remove to some part of the premises where their privacy may be preserved ;

(d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

73. Every member of the Anchal Sabha shall be entitled to visit any institution maintained or managed by the Anchal Sasan and every Member of a Committee constituted under this Act shall be entitled to visit and supervise the working of any such institution, the affairs of which are under their control in pursuance of the provisions of this Act or the rules made thereunder.

74. (1) Any Member acting in an executive capacity or an employee or an agent of an Anchal Sasan shall be liable for the loss, waste or misapplication of any money or other property owned by, or vested in the Anchal Sasan, if such loss, waste or misapplication is a direct consequence of his negligence or misconduct, and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the Anchal Sasan with the previous sanction of the State Government or by the State Government.

(2) Every such suit shall be instituted within three years from the date on which the cause of action arose.

75. When any Member of an Anchal Sabha or any of the Committees constituted under this Act, or any employee of the Anchal Sasan or any person discharging any duties or performing any functions in pursuance of this Act or the rules made thereunder, is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duties, no Court shall take cognizance of such offence except with the previous sanction of the State Government,

76. No person shall obstruct or molest, any Member of the Anchal Sabha or any of the Committees constituted under this Act, the Anchal Executive Officer, any person employed by the Anchal Sasan or authorised by it, or any person with whom the Anchal Sasan has entered into a

Power to
visit and
supervise.

Liability for
waste.

Cognizance
of offences—
limitation.

Obstruction
lawful
authority.

contract, for the performance of any duty or the execution of any work while acting in accordance with the provisions of this Act or under the authority of the Anchal Sasan.

Contracts

77. (1) Subject to such general or special restrictions that may be imposed by the Anchal Sabha in this behalf, the Anchal Executive Officer may with the previous sanction of the Executive Committee enter into and execute contracts necessary for the purposes of this Act on behalf of the Anchal Sasan.

(2) The Contract shall be sealed with the common seal of the Anchal Sasan.

(3) The State Government may make rules as to the manner of submission and opening of tenders and their acceptance and such rules shall be binding on the Anchal Sasan and its officers and employees.

(4) A contract executed contrary to sub-section (1), (2) or (3) shall not be binding on the Anchal Sasan.

**Summons to
give evidence**

78. The Anchal Executive Officer may summon any person to attend before him and to give evidence or produce documents, as the case may be, in respect of any question relating to land revenue, cess, taxation or other assessment or to the grant of any licence or permission under the provisions of this Act.

CHAPTER VI

ESTABLISHMENT

**Anchal
Executive
Officer.**

79. The Anchal Executive Officer shall be an officer of an Administrative Service under the employ of the State Government and appointed to the Anchal Sasan, and the Anchal Sabha shall not have power to dispense with the services of the Anchal Executive Officer.

**Classes
of Anchals.**

80. The State Government may, from time to time, by notification—

(a) divide Anchal Sasans in the State of Orissa into different classes according to their income and other circumstances ; and

(b) transfer any Anchal Sasan from one class to another.

Anchal
cadre.

81. (1) Every Anchal Sasan shall have—

- (a) an Anchal Engineer,
- (b) an Anchal Health Officer,
- (c) an Anchal Agricultural Officer,
- (d) an Anchal Veterinary Officer, and
- (e) an Anchal Education Officer.

(2) The officers specified in sub-section (1) shall, subject to the provisions of this act, be under the administrative and disciplinary control of the Anchal Service Board.

Rules for
Anchal
cadre.

82. (1) The State Government may, by rules, provide for qualifications and conditions of services for each of the services mentioned in sub-section (1) of section 81.

(2) In particular and without prejudice to the generality of the foregoing power the rules may provide for—

(a) the qualifications for employment in the cadre ;

(b) the classes and grades of officers, under each of the services and their pay and allowances;

(c) conditions of leave, pension and provident fund ;

(d) a Centralized Pension Fund or Contributory Provident Fund to which each Anchal Sasan under which the officer works, shall compulsorily contribute at the prescribed rate ; and

(e) eligibility of the officers in the Anchal cadre to higher classes and grades in the said cadre and also to higher classes and grades in a corresponding State service.

Appoint-
ment of
Officers of
the District
Board,
Local Board,
etc., to the
Anchal
cadre.

83. (1) Notwithstanding anything contained in any law, rule, order or contract for the time being in force on the date of constitution of an Anchal Sasan or Anchal Sasans, the State Government may direct that the duly qualified and suitable officers of a similar grade or class of any District Board, Local Board or Anchal constituted under the Orissa Estates Abolition Act, 1951 and such of the officers of the State Government as they decide fit and desirable, shall be appointed to the Anchal cadre posts in the said Anchal Sasan or Anchal Sasans and thereupon such officer shall cease to be officers

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of the said District Board, Local Board or the Anchal or the State Government, and they shall become officers of the corresponding Anchal cadre for such services and their conditions of service shall be regulated by rules made under this Act.

(2) The State Government shall have the power to prescribe for the officers absorbed in the Anchal cadre posts under sub-section (1) conditions similar to clauses (a) to (d) of sub-section (1) of section 103.

Direct
recruit

84 Except as otherwise provided in section 83 recruitment to the Anchal cadre shall be by direct recruitment after consultation with the State Public Service Commission in the prescribed manner.

Constitu-
tion of the
Anchal
Service
Board.

85. (1) The State Government shall constitute an Anchal Service Board and it shall consist of—

(a) the Secretary to Government in charge of the Anchal Sasan Department and shall be the Chairman, *ex-officio* of the Board ;

(b) a Chairman of an Anchal Sabha elected in the prescribed manner, Member ; and

(c) a non-official Member to be nominated by the State Government.

(2) The term of office of a Member under clauses (b) and (c) of sub-section (1) shall be as prescribed.

(3) The proceedings of the Anchal Service Board shall not be questioned by reason of any casual vacancy in the membership.

(4) Until the Anchal Service Board is constituted the State Government shall function as the Board.

Incorporation

86. The Anchal Service Board shall be a body corporate by the name of the Board and shall have perpetual succession and a common seal with power to acquire and hold properties both movable and immovable and subject to the control of the State Government, may transfer any property held by it and contract and do all other things necessary for the purpose of carrying out the provisions of this Act and may sue and be sued in its corporate name.

Powers and
functions
of the
Anchal
Service
Board.

87 (1) The Anchal Service Board shall—

(a) subject to the provisions of sections 83 and 84 make appointments and promotions to any posts in the Anchal cadre in any Anchal and make transfers from one such post to another ; and

(b) control and manage the Centralized Pension Fund or the Contributory Provident Fund.

(2) The Anchal Service Board may, with the previous sanction of the State Government, make regulations consistent with the provisions of this Act and rules made thereunder for regulating its procedure and the disposal of its business and such regulation shall be published in the Gazette.

Technical
Advisers.

88. The State Government may nominate one or more officers of the different departments of Government as technical advisers to an Anchal Sasan whose duty it shall be to inspect from time to time the concerned offices of the Anchal and advise the Anchal Sasan about the better management of its affairs and for this purpose such technical advisers shall have access to all relevant records in the offices of the Anchal.

Fixation of
strength and
conditions
of pay, etc.

89. The State Government may prescribe the various classes and grades of posts other than the posts mentioned in section 81 that may be created, the scales of pay and allowances relating to such posts and the number of persons that may be appointed to the various classes and grades in each Anchal Sasan and no Anchal Sasan shall without the previous sanction of the State Government alter the classes and grades fixed or exceed the pay scales and allowances laid down for the various posts or the number of persons to be appointed under each class and grade of such posts.

Qualification

90. The State Government may prescribe the qualifications for the various classes of posts and grades of posts in the Anchal Sasan of each particular class and except as otherwise provided in section 83 and section 103 no appointment shall be made to a post of a person with qualifications less than those prescribed.

Temporary
appointment

91. Notwithstanding anything contained in sections 82, 87 and 89, the Anchal Sabha may in the case of an emergency make provision for temporary employment under the Anchal Sasan of an officer or servant for a period not exceeding six months.

District
Selection
Board.

92. There shall be a District Selection Board for each district in the State of Orissa constituted in the prescribed manner and it shall be the duty of each such Board to prepare in the prescribed manner a list of candidates in order of preference every year for recruitment to the Anchal service other than Anchal

cadre service. Vacancies to such posts in any one year in the said Anchal service in the Anchal or Anchals comprised in the district shall be filled up only according to the list so prepared, in the same order of preference as specified in such list :

Provided that the State Government may direct that appointments to certain classes and grades of such services shall be made by the Executive Committee of any Anchal directly.

Powers of
revision

93. The Anchal Service Board may, on the requisition of an Anchal Sabha revise or set aside a selection made by the District Selection Board for any breach of rules or mistake of fact.

Punishment

94. (1) Subject to the provisions of this Act and the rules made thereunder, the Anchal Executive Officer in the case of employees appointed to posts created under section 89, and the Anchal Service Board in the case of officers appointed to the posts created under section 81, may, for any breach of departmental rules or discipline or for carelessness, incompetence, neglect of duties, continued bad records or misconduct, censure, fine, withhold promotion, reduce, remove or dismiss such employees or officer and the Anchal Executive Officer or the Anchal Service Board, as the case may be, shall have power to initiate disciplinary proceedings in this behalf against such employees or officers and suspend them pending enquiry :

Provided that such order of suspension shall not be declared or construed as a punishment :

Provided further that when a resolution has been passed by the Anchal Sabha against any such Officer or employee it shall be the duty of the Anchal Service Board in the case of the Officer and of the Anchal Executive Officer in the case of the employee to start disciplinary proceedings against such officer or employee, as the case may be.

(2) An appeal from the order of the Anchal Executive Officer or of the Anchal Service Board, as the case may be, shall lie to the Executive Committee and the State Government respectively.

(3) (a) If the Chairman is of opinion that any disciplinary proceedings to be carried out by the Anchal Executive Officer is not being carried out expeditiously or that the enquiry is sufficiently important, he may direct such enquiry to be conducted by the Executive Committee and the Anchal

Executive Officer shall thereupon transfer the enquiry to the Executive Committee which shall exercise all the powers of the Anchal Executive Officer in the matter of disciplinary proceedings in the particular case.

(b) An appeal shall lie from the decision of the Executive Committee under this section to such authority and shall be disposed of in such manner as may be prescribed.

Resolution
disapproving
works done
by Anchal
Executive
Officer.

95. (1) The Anchal Sabha may by a resolution at a meeting specially convened for the purpose express the displeasure of the Anchal Sabha with regard to the manner of execution of any resolution by the Anchal Executive Officer or to the manner of execution of any work of Anchal Sasan by the said Anchal Executive Officer.

(2) The Anchal Executive Officer shall forthwith forward a copy of the resolution to the Collector who shall forward the same with his comments to the State Government who shall take such action as they deem fit and inform the Anchal Sabha of their decision in the matter :

Provided that where such resolution alleges misconduct in the nature of—

(a) indiscipline and insubordination in the nature of wilful disobedience or defiance of orders,

(b) persistent negligence in the discharge of duties,

(c) bribery and corruption or misappropriation of Anchal funds,

(d) misuse or abuse of powers for personal ends, or

(e) participation in local politics and party-factions,

the State Government shall, without prejudice to any other action that may be taken and pending enquiry into such allegations, forthwith appoint a Deputy Collector to discharge the duties of the Anchal Executive Officer and the Anchal Executive Officer shall thereupon pending further orders of the State Government cease to discharge the duties of his office.

Collector's
power of
supervision.

96. The Chairman of the Anchal Sabha may complain to the Collector in respect of any matter concerning the administration of the Anchal Sasan

and the Collector may, if he considers the complaint sufficiently serious, report after enquiry to the State Government and may use his powers of supervision to ensure that legitimate grievances do not exist.

Rules for
conduct of
enquiry.

97. The State Government may prescribe the manner in which the enquiry shall be made by different authorities under sections 94, 95 and 96 and may notwithstanding anything contained in the said sections by rules specify the cases in which there shall be no appeal.

The rules of
service.

98. The rules of service for persons appointed to posts created by an Anchal Sasan under section 89 shall provide—

(a) that a certain class of officers and employees shall be transferable by the Collector from one Anchal to another in the district :

Provided that the number of posts of that class or grade prescribed for the Anchal is not thereby exceeded ;

(b) that a person transferred to a post shall be subject to the same administrative and disciplinary control and to the same privileges as to allowances, conditions, etc., as a person appointed directly to the posts ;

(c) that the Anchal Sasan shall contribute at a prescribed rate towards the pension or gratuity of such service to the Centralized Pension or Provident Fund to be controlled by the Anchal Service Board.

Regulations
by State
Government.

99. (1) The State Government may make regulations in respect of persons appointed to posts created by Anchal Sasan under section 89 for—

(a) fixing of amount and nature of security to be furnished ;

(b) regulating the grant of acting allowances, travelling allowances, subsistence allowance and other allowances ;

(c) regulating the contributions that shall be compulsorily payable to the Provident Fund ;

(d) regulating the grant of extraordinary gratuity to any member of their family and distributing the charge against the several Anchals in which such officer or employee may have worked during the period of his service in Anchals ;

(e) regulating conduct ;

(f) generally laying down conditions of service.

(2) Pending the framing of regulations under sub-section (1) the rules and regulations obtaining in respect of similar service under the State Government shall apply in respect of matters enumerated in clauses (a) to (f) of sub-section (1).

Disqualifica-
tions for
employment.

100. (1) No person shall be eligible for employment in any Anchal Sasan if he has directly or indirectly any share or interest in any work done by order of an Anchal Sasan or in any contract with or under an Anchal Sasan, either anywhere within the State in the case of appointments to the Anchal Cadre or within the district in the case of any other appointment or was discharged for misconduct or was dismissed from Government service or from the service of a Local authority or an Anchal Sasan.

(2) If any employee of an Anchal Sasan acquires directly or indirectly any such share or interest as aforesaid he shall thereupon become disqualified to continue in office.

Declaration
as public
servant.

101. Every Member of an Anchal Sabha, the Chairman or Vice-Chairman of such Anchal Sabha, every employee of an Anchal Sasan, every contractor or agent appointed by the Anchal Sasan for the collection of tax and every person employed by any such contractor or agent for the collection of such tax shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

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1860.

Training
Institute.

102. (1) The State Government may, subject to the prior consultation with the Anchal Sasans, establish institutions or grant recognition to institutions established in any Anchal for training of different classes of employees that are or may be appointed in the said Anchal Sasans and may by notification fix the course of training for such employees.

(2) Where a majority of Anchal Sasans agree to the establishment of an Institution for training of employees of Anchal Sasans the State Government may prescribe the rate of contribution payable by them and such contribution shall be paid by all the Anchal Sasans.

(3) Any Anchal Sasan may enter into an arrangement with the State Government for reservation of seats in any Government institution for

the training of its technical staff on such terms and conditions regarding the maintenance of the institution as may be agreed upon and the State Government may thereupon fix such number of seats for the nominees of the said Anchal Sasan as they may deem expedient for any one year.

(4) The State Government may by notification require that every Anchal Sasan shall within a reasonable time depute such of its employees as have not undergone the prescribed course of training to undergo such training.

(5) An Anchal Sasan may grant stipends as may be approved by the State Government to persons resident in the concerned Anchal for training in any institution established or recognised under the provisions of sub-section (1).

Absorption
of staff of
local
authority,
etc.

103. (1) Notwithstanding anything contained in the foregoing provisions of this Chapter but subject to the provisions of section 83, where by constitution of an Anchal Sasan or Anchal Sasans, any District Board, Local Board or an Anchal constituted under the Orissa Estates Abolition Act, 1951, is abolished whether in whole or in part, the State Government may direct that duly qualified and suitable staff of such District Board, Local Board or Anchal shall be absorbed in Anchal service other than Anchal Cadre Service in the Anchal Sasan or Sasans so constituted subject to such conditions as the State Government may prescribe in respect of the following matters :—

(a) the posts or classes and grades of posts of the Anchal Sasan against which the individual officer or employee or classes and grades of employees shall be absorbed ;

(b) credit for previous service under the defunct District Board, Local Board or Anchal in the matter of pension and gratuity and the contribution that shall be made from the District Board Fund or the Anchal Fund constituted under the Orissa Estates Abolition Act, 1951 to the Centralised Pension or Provident Fund applicable to the employees under the Anchal towards the pension or Provident Fund of the absorbed employee :

Provided that if the employee was not entitled to any pension or gratuity under the District Board Fund or the Anchal Fund and no contribution has been assessed on the District Board Fund or the said

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Anchal Fund the State Government may not give any credit for the previous service in the matter of pension or gratuity in the Anchal Sasan.

(c) fixing of seniority as between the absorbed employees and the other employees of the Anchal Sasan at the time of absorption ; and

(d) credit if any, for leave earned during the service in the defunct District Board or Anchal and the contribution to be made from the District Board Fund or the said Anchal Fund to the Anchal Fund towards the leave salary for such leave credited.

(2) Notwithstanding anything in sub-section (1) in the case of permanent employees of such District Boards or Local Boards, it shall be the duty of the State Government to direct their absorption in suitable posts and the conditions of service of such employees shall not be less advantageous than what they were prior to such absorption.

(3) Any employee of the State Government, who may be decided by them to be fit and desirable, may be absorbed in the Anchal Service other than the Anchal Cadre Service and in such cases the foregoing provisions of this section and the rules made thereunder, with such modifications and adaptations as the State Government may deem necessary or consequential shall, so far as may be, apply and the employee so absorbed shall cease to be an employee of the State Government.

CHAPTER VII

BUDGET

Annual
estimates
of income
and ex-
penditure.

104 (1) Subject to the provisions of this Chapter the Anchal Sabha shall in respect of every year submit the Budget Estimates for that year duly passed at a meeting to the Collector on or before the 15th day of July of the last preceding year.

(2) If the Anchal Sabha fails to submit a duly passed Budget by the date specified in sub-section (1), the Collector shall, subject to the control of the State Government, prepare and sanction the Budget Estimates himself and certify the same to the Anchal Sabha before the first day of September next and the Estimates so certified shall be the Budget Estimates of the Anchal Sabha for all purposes for the year.

Alteration
of the
Budget by
the Collector.

105. (1) If in the opinion of the Collector, the Estimates for the year submitted under sub-section (1) of section 104 are not in accordance with the provisions of section 108, the Collector shall, on or before the 31st day of August of the year last preceding the year to which the Budget relates, return the same to the Anchal Sabha and the Sabha shall resubmit the same to the Collector within 30 days from the said date with such alterations as may have been ordered by him.

(2) If the Collector does not return the Estimates to the Sabha for making alterations if any by the aforesaid date, the Estimates submitted under sub-section (1) of section 104 shall be deemed to all intents and purposes to be the Budget Estimates for the year.

(3) If the Anchal Sabha fails to resubmit the estimates in pursuance of sub-section (1), the estimates submitted under sub-section (1) of section 104 shall, subject to the alterations, if any, ordered by the Collector, be deemed to all intents and purposes to be the Budget Estimates for the year.

Appeal
against the
order of the
Collector

106. The Anchal Sasan may prefer an appeal to the State Government against the order of the Collector under section 105 within such time and in such form and manner as may be prescribed and the State Government may thereupon consider the same and pass such orders as they may deem fit and subject to the orders that may be passed by the State Government, the decision of the Collector under the said section shall continue to have full force and effect.

Revised
Budget
Estimates.

107. (1) The revised budget estimates of the Anchal Sasan shall be prepared by the Anchal Sabha and submitted to the Collector as often during the course of the year to which the budget relates, and in such form and manner as may be specified in the rules made by the State Government in that behalf and subject to the rules so made the foregoing provisions of this Chapter shall, so far as may be, apply.

(2) Save as otherwise expressly provided in this Act or the rules made thereunder, no expenditure in excess of the annual budget estimate shall be incurred by the Anchal Sasan unless such excess has been adequately provided for in a revised estimate in accordance with the provisions of sub-section (1).

Particulars
to be
included in
the budget.

108. (1) The budget estimates shall contain such particulars as may be prescribed.

(2) In such estimates the Anchal Sabha shall among other things—

(a) provide for the payments as they fall due of all instalments of principal and interest for which the Anchal Sasan may be liable in respect of loans contracted by it ;

(b) make adequate and suitable provisions for such services as may be required for the discharge of the several duties imposed by or under this Act ;

(c) provide for the minimum closing balance as provided in clause (a) of section 109 ;

(d) make adequate provision for meeting expenses charged to the Anchal Fund or compulsorily payable out of such Fund under the provisions of this Act and the rules made thereunder ;

(e) provide for the payment of suitable contribution to the Education Fund ;

(f) provide for the minimum expenditure on the items specified in clause (b) of section 109 ; and

(g) make adequate provision for the expenditure of any grant given by the State Government for any specific purposes, in this behalf.

Minimum
balance, etc.

109. The State Government may with reference to any Anchal Sasan prescribe—

(a) the minimum closing balance to be maintained by the Anchal Sasan ;

(b) the minimum expenditure to be incurred by the Anchal Sasan on public works, medical, veterinary and public health ; and

(c) the statements, accounts and returns to be submitted by it to the State Government.

Expenditure
to be
charged.

110. Any expenditure incurred by the Anchal Executive Officer in accordance with the provisions of this Act and the rules made thereunder shall be charged on the Anchal Fund.

Raising of
Loans.

111. It shall be lawful for an Anchal Sasan, subject to the provisions of any law relating to raising of loan by Local authorities for the time being in force and with the prior approval of the State Government, to raise loans for the purpose of carrying

out any of the provisions of this Act and to guarantee repayment of principal and payment of interest on such loans and to form a sinking Fund.

Audit of
Accounts.

112. (1) Accounts of the receipt and the expenditure of every Anchal Sasan shall be made up to the last date of every financial year and shall be examined and audited as soon as may be after the end of each financial year.

(2) The provisions of the Orissa Local Fund Audit Act, 1948 shall apply in regard to the audit of the Funds under the control and management of the Anchal Sasan or any of the Committees constituted under this Act : Orissa Act
V of 1948.

Provided that the State Government may for sufficient reason condone any surcharge made under the Orissa Local Fund Audit Act, 1948. Orissa Act
V of 1948.

Publication
of abstract
of accounts.

113. An abstract of every annual account of an Anchal Sasan showing the income of the Anchal Fund under each head of receipts, the charges for establishment, works undertaken, sums expended on each work and the balance, if any, of the Fund remaining unspent shall be prepared by the Anchal Sasan and published annually in the prescribed manner.

CHAPTER VIII

LAND REVENUE, RENTS, CESSSES AND FEES

Formation
of Administra-
tive
Units
Comprising
Estates
abolished.

114. (1) Notwithstanding anything contained in any law relating to land tenure for the time being in force all estates vested in the State Government under section 3 of the Orissa Estates Abolition Act, 1951, may, from time to time in accordance with directions issued by the State Government, be subdivided or amalgamated with one another or with other areas for the purpose of constituting suitable Anchals under the provisions of section 4. Orissa Act
I of 1952.

(2) Save as otherwise expressly provided in this Chapter nothing in this section shall in any manner alter, prejudice or affect the rights, privileges and remedies acquired or accrued prior to the date of such subdivision or amalgamation.

Right of
Anchal
Sasan to
collect rent
and cesses.

115. On the issue of a notification under section 4 declaring an area to be an Anchal, the right to collect and appropriate all land revenue, rents and cesses payable in relation to the lands within

the Anchal to the State Government or to the Anchal Fund under the Orissa Estates Abolition Act, 1951, or to any Local authority shall vest in the Anchal Sasan.

Orissa Act
I of 1952.

Explanation—Cess includes education cess, but does not include cess under the Orissa Mining Areas Development Fund Act, 1952.

Orissa Act
XXVII
of 1952.

Collections
to be
credited to
Consolidated
Fund of the
State.

116. (1) The State Government may, from time to time, by order direct that certain proportions of land revenue, rents and cesses collected or certain fixed contributions shall be credited to the Consolidated Fund of the State and the Grama Funds within the Anchal and the Anchal Sasan shall duly credit such proportions of the collections or such fixed contributions as so directed :

Provided that the proportion of such collections and the amount of such contributions and the date with effect from which the amount shall be so credited shall be determined in the prescribed manner.

(2) Any amount not duly credited in accordance with the aforesaid directions of the State Government shall be a first charge on the Anchal Fund and without prejudice to any other mode of recovery shall be realisable from the Anchal Sasan as arrears of land revenue.

Repeal of
Chapter III
of O. E. A.
Act 1951.

117. On and after the date of notification under section 4 declaring an area to be an Anchal the provisions contained in Chapter III of the Orissa Estates Abolition Act, 1951 shall stand repealed in their application to any estate or part thereof as may be included in the Anchal :

Orissa Act
I of 1952

Provided that all actions taken, things done, notifications issued, orders passed, rights accrued and liabilities incurred shall be deemed to have been validly taken, done, issued, accrued and incurred in exercise of the powers conferred and in discharge of duties imposed by or under the provisions of this Act :

Provided further that on and after the said date the State Government shall have power by notification to direct that the whole or any part of the Anchal Fund of the Anchal Sasan constituted under sub-section (1) of section 14 of the Orissa Estates Abolition Act, 1951, the area comprised within which is affected by the formation of the Anchal

Orissa Act
I of 1952.

under section 4 shall stand transferred to the Consolidated Fund of the State anything in any other law to the contrary notwithstanding.

Power of
Grama
Sabha to
collect
rents and
cesses.

118. (1) Notwithstanding anything in section 115, if at any time any Grama Sabha within an Anchal decides to collect land revenue, rents and cesses in relation to any Grama Panchayat area, such decision shall be communicated to the State Government within the prescribed date and in the prescribed manner and thereupon the State Government shall, as soon as may be, by notification published in the Gazette and in such other manner as may be prescribed, declare that from and after the first day of the agricultural year next following it shall be the duty of the said Grama Sabha to collect such dues on behalf of the Anchal Sasan constituted for the said Anchal.

(2) Such Grama Sabha shall collect such dues in accordance with the provisions of this section and shall deposit the collections, as often during any agricultural year, and in such manner, as may be prescribed, in the Anchal Fund to the extent of the total demand for the agricultural year less such remuneration for the Grama Sabha as may be prescribed subject to the minimum of 15 per cent of the total demand for the year and the balance of such demand shall be collected by the Grama Sabha and appropriated by it to the Grama Fund :

Provided that if the total deposit in the Anchal Fund during the agricultural year falls short of the amount as aforesaid, such shortage shall be paid from out of the Grama Fund to the Anchal Fund by the last day of the said agricultural year.

(3) Without prejudice to the provisions of sub-section (2) in case of any gross or persistent default on the part of the Grama Sabha in the discharge of its duties imposed under sub-section (1), the Collector, on his own motion or on the report of the Anchal Sasan in that behalf, may, after giving the Grama Sabha an opportunity to show cause, relieve the Grama Sabha of the said duties and issue such other order or orders as he may deem necessary and consequential thereto and such order or orders of the Collector shall be published in the Gazette and from and after the first day of the agricultural year next following the date of such publication, the notification issued in pursuance of sub-section (1) shall stand cancelled.

(4) The arrears of land revenue, rents and cesses, if any, that may be due for collection by the date of the notification issued by the Collector under sub-section (3) shall be collected in accordance with the orders in that behalf issued by the Collector under the said sub-section and credited as soon as may be to the Grama Fund.

(5) The Grama Sabha which has been relieved of its duties of collection in pursuance of sub-section (3) may apply to the State Government in the prescribed manner to resume collection of the land revenue, rents and cesses and the State Government may, by notification, published in the Gazette and subject to the provisions of sub-section (2) and to such conditions and restrictions, if any, as may be specified in the said notification, allow the Grama Sabha to resume collection of such dues.

(6) Any Grama Sabha duly authorised to collect land revenue, rents and cesses in pursuance of sub-section (1) or sub-section (5) may, on application to the State Government in the prescribed form and manner, be relieved of its duties of such collection by the State Government as soon as may be by a notification published in the Gazette and in such other manner as may be prescribed, and from and after the first day of the agricultural year next following the date of the notification it shall cease to be the duty of the said Grama Sabha to collect such dues on behalf of the Anchal Sasan.

Cessation of
certain
Services.

119. From and after the first day of the Agricultural year next following the notification under section 118 all Sarbarakars, Gountias, Thikadars, Pradhans, Village Munsifs and Karanams and all other village officers, servants or headmen by whatever name designated or locally known, engaged within the Grama Panchayat areas as revenue agents or as agents or servants for the collection of land revenue, rents and cesses by or on behalf of the State Government under the provisions of the Madras Hereditary Village Offices Act, 1895 or any other law, or contract, grant, custom or usage, shall, in relation to such area, cease to exercise any of the powers, discharge any of the duties and perform any of the functions in respect of such office and shall not to that extent be entitled to earn any remuneration, with respect to such office after the said date, anything in any such law, contract, grant, custom or usage to the contrary notwithstanding.

Madras Act
III of 1895.

Gratuity on
cessation
of services.

120. (1) Persons holding office as aforesaid and specified in section 3 of the Madras Hereditary Village Offices Act, 1895 shall on termination of their services under section 119 be entitled to a lump sum gratuity to be determined in the prescribed manner subject to a maximum of thirty times their monthly remunerations and the gratuity so determined shall be a charge on the Consolidated Fund of the State.

Madras Act
III of 1895.

(2) In the case of persons other than those covered by sub-section (1) the lands held or enjoyed by any such person in pursuance of or incidental to the terms and conditions of service so terminated shall be settled with rights of occupancy therein on a fair and equitable rent with such person or, as the case may be, with him and all those other persons who may be holding the land or any part thereof as his co-sharers or as tenants under him to the extent that each such person was in separate and actual cultivating possession of the same immediately before the first day of July 1955.

(3) The total area of land in possession of any one of such persons before it is settled with him in the manner aforesaid shall be subject to a reservation of a certain fraction thereof in favour of the Grama Sabha 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 or above	.. 30 per cent

(4) The State Government may by rules made in that behalf specify either generally or in relation to any local area the authorities by whom and the manner in which the proceedings under this section shall be conducted.

Power of
Grama
Sabha to
realise arrears
of land
revenue.

121. Notwithstanding anything in any other law for the time being in force an Anchal Sasan and a Grama Sabha in whom has vested the right to collect land revenue, rents and cesses under section 115 or

section 118, as the case may be, shall without prejudice to any other mode of recovery have the power to realise the arrears of such land revenue, rents and cesses through the Collector in the same manner and subject to the same law of limitation as arrears of land revenue due to the State Government.

Power to realise land revenue by distraint.

122. Without prejudice to the generality of the foregoing power for realisation of land revenue, rents and cesses as arrears of land revenue, the Anchal Sasan or a Grama Sabha, as the case may be, shall be entitled to recover such land revenue, rents or cesses, as the case may be, by distraint and sale of movable property or by sale of a holding.

Explanation—Movable property for the purpose of this section shall include growing crops and the produce of land or of trees in the defaulter's holding.

Limitations of distraint.

123. The Anchal Sasan or the Grama Sabha shall have no power to proceed against the defaulter for recovery of arrears by distraint and sale of movable property or by sale of holding unless it is in accordance with the entries recorded in the Rent Roll maintained in pursuance of section 149.

Limitations of distraint.

124. An Anchal Sasan or a Grama Sabha, as the case may be, shall not be entitled to distrain except for an arrear which has accrued due within twelve months preceding the demand under section 127.

Limitations of distraint.

125. When an Anchal Sasan or a Grama Sabha has sued for an arrear of revenue, rent and cesses and obtained a decree it shall have no right to distrain movable property for such arrear.

Articles exempted from distraint.

126. The following articles shall not be distrained for the arrears hereinbefore specified—

(1) the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, and such personal ornaments of a woman as in accordance with religious usage cannot be parted with by her;

(2) tools and artisans, ploughs and implements of husbandry, ploughing cattle and manure stocked and such seed grain as may be necessary for the due cultivation of the holding in the ensuing year.

Copy of demand to be served on defaulter.

127. (1) Before or at the time when a distraint is made the distrainer shall serve on the defaulter a written demand specifying the amount of the arrear together with an account exhibiting the grounds on which the demand is made.

(2) The demand and account shall be dated and signed by the distrainer and shall, within one year from the date on which the arrear became due, be served on the defaulter by delivering a copy to him or to some adult male member of his family at his usual place of abode provided that it is in the neighbourhood of the land to which the distress refers or to his authorised agents or when such service cannot be effected by affixing a copy of the notice on some conspicuous part of the land to which it refers. The demand shall set forth—

- (a) the amount of the arrear due with interest, if any ;
- (b) the holding in respect of which it is due ;
- (c) the period in respect of which it is due.

Procedure in
case of non-
payment
after notice.

128. (1) Unless the demand is immediately satisfied, the distrainer may distrain property to the amount of the arrear with interest and the costs of the distress and shall forthwith prepare a list or description of the said property, date and sign the same and without delay serve it on the defaulter in the manner provided in the preceding section for the service of a written demand, and a copy of such list or description together with a copy of the written demand and account shall be sent by the distrainer within ten days of the service of the demand on the defaulter to the officer empowered to hold the sale under the laws for the time being in force relating to recovery of arrears of land revenue.

(2) If any person other than the defaulter notifies the distrainer that he is a cultivator or the owner of the property a copy of the demand and of the list or description of the property shall in like manner be served on or delivered to such person in all cases in which the property distrained consists of—

(a) any crops or other products of the earth standing or ungathered on the holding ; and

(b) any crops or other products of the earth which have grown on the holding and have been reaped or gathered and are deposited on the holding or on a threshing floor or place for treading out grain or the like, whether in the fields or in a homestead.

Distrainer
to seek as-
sistance from
police.

129. A person authorised to distrain may apply to the nearest police-station for such assistance as may be necessary to prevent any breach of peace and the authority to whom such application is made shall depute one or more police officers to be present at the time of such distress for such purpose.

Distress to
be equal to
the amount
of arrears.

130. The distress shall not be excessive; the value of the property distrained shall be so far as may be equal to the amount of the arrears due with interest and costs of distress.

Time of
distress.

131. Distress shall be made after sunrise and before sunset and not otherwise.

Distrained
standing
crops how
dealt with.

132. (1) Standing crops and other ungathered produce may, notwithstanding the distraint, be tended, and after notice to the distrainer be reaped, and gathered by the owner of the crop.

(2) If the owner of the crop neglects to tend, reap or gather the said crop or produce, the distrainer may do so at the expense of the owner.

(3) The distrained property shall be placed in the charge of some person appointed by the distrainer for the purpose; the person so appointed shall store the same in some convenient place in the neighbourhood at the expense of the owner.

What places
distrainer
may force
open.

133. It shall be lawful for the distrainer to force open any stable, cow-house, granary, godown, out house or other building, and such distrainer may also enter any dwelling-house, the outer door of which may be open and may break open the door of any room in such dwelling house for the purpose of distraining property belonging to a defaulter and kept therein; provided always that it shall not be lawful for such distrainer to break open or enter any apartment in such dwelling-house appropriated for the zenana or residence of women, except as hereinafter provided.

Power of
distrainer
to force
open doors
in presence
of a police
officer.

134. When a distrainer may have reason to suppose that the property of a defaulter is lodged within a dwelling-house, the outer door of which may be shut, or within any apartments appropriated to women, which, by the usage of the country are considered private, such distrainer shall report the fact to the officer in charge of the nearest police-station. Thereupon the officer in charge of the station shall send a police officer to the spot, in the presence of whom the distrainer may break open the outer door of such dwelling-house, and also the door of any room within the house except the zenana. The distrainer may also, in the presence of the police officer, after due notice given for the removal of women within the zenana and after furnishing means for their removal in a suitable manner (if they be women of rank, who, according to the customs of the

country, cannot appear in public), enter the zenana apartment for the purpose of distraining the defaulter's property, if any, kept therein. If any such property be found, it shall immediately be removed from such apartments in order that they may be left free for the return of the former occupants.

Distrained
Cattle or
goods not
to be used.

135. The distrainer shall not work the bullocks or cattle or make use of the property distrained. He shall provide necessary food for cattle or other live-stock, and the cost thereof shall be a charge against the defaulter and shall be recoverable as a cost of the distress.

Withdrawal
of distress
on payment
of arrears.

136. (1) After a distress has been made under the foregoing provisions and at any time before the date appointed for sale, the defaulter, the cultivator or the owner of the property may tender or pay the amount specified in the written document under section 127 with subsequent interest and costs to the distrainer, or may furnish security to the satisfaction of the distrainer, whereupon the distrainer shall give a written acknowledgement of the tender, payment or security and shall withdraw the distress forthwith.

(2) At any time before the sale of the distrained property, the defaulter or cultivator or owner of the property distrained pays to the officer specified in section 128 the amount mentioned in the written document under section 127 with subsequent interest and costs, such officer shall grant a receipt for the same and shall withdraw the distress forthwith.

Distrainer
to be sued
for loss from
neglect of
property.

137. When the property distrained may be stolen, lost, damaged or destroyed while in keeping with the distrainer, by reason of not having taken reasonable precautions for its preservation, the owner may sue the distrainer for damages before the Collector.

Claims to
property
distrained.

138. A third person claiming a right or interest in any of the moveable property under distraint, may, before the date of sale, make an application to the Collector or the Officer empowered to hold the sale and the Collector shall thereupon hold or cause to be held an immediate enquiry and if he sees sufficient cause for doing so, may postpone the sale of such property. The Collector shall pass such order upon the claim as he shall deem fit.

Procedure
where
distrained
property
is taken
away
fraudulently
or
clandestinely

139. When after an application made by the distrainer it is proved to the satisfaction of the Collector that—

- (a) a defaulter has made a fraudulent conveyance of moveable property to prevent distress for arrears ;
- (b) any person has forcibly or clandestinely taken away moveable property once distrained ;

the Collector shall pass an order directing that the property be restored or its value be paid to the distrainer.

Appeal to
Civil Court

140. Any person aggrieved by an order under section 138 or section 139 may institute a suit before the Civil Court within one year from the date of the order to establish the right which he claims to the property in dispute and for compensation.

Application
to Collector
for sale of
distrained
property.

141. The distrainer shall within fifteen days from the date of the distraint apply to the officer empowered to hold sale under the laws relating to the recovery of arrears of land revenue for the time being in force, for sale of the property specified in the list or description mentioned in section 128.

Form of
application.

142. The application shall be in written and shall specify the following particulars, viz :—

- (a) the name and residence of the defaulter and in case provided for in sub-section (2) of section 128 also of the person who notifies that he is the cultivator or the owner ;
- (b) the amount due ;
- (c) the date of the distraint ; and
- (d) the place in which the distrained property is.

Sale of
distrained
property.

143. On receipt of the application under section 141 the Officer specified therein shall proceed to hold the sale of moveable properties in such manner and within such time as may be prescribed :

Provided that rules made under this section shall not be inconsistent with or repugnant to the provisions of the laws for the time being in force relating to the recovery of arrears of land revenue,

Limitations
to the power
of Anchal
Sasan to
grant rebate
or remission
of land
revenue.

144. Where the right to appropriate land revenue, rents and cesses has vested in an Anchal Sasan under section 115 it shall not be competent for the said Anchal Sasan to assign in favour of any other authority or grant rebate or remission of any part of such revenue, rents or cesses in favour of any other Local authority except in accordance with the provisions of this Act or the rules made thereunder.

Vesting
lands in
Anchal.

145. (1) Subject to the following sub-sections and any general or special directions as may be issued from time to time by the State Government on the issue of a notification under section 4, all communal lands, waste lands, pasture lands, village forests, water sources other than water reservoirs or works maintained for irrigation or other purposes situated in any Grama Panchayat area within the Anchal and vested in or belonging to the State Government shall belong to and vest in the corresponding Grama Sabha :

Provided that the State Government shall always have the power by notification from time to time to direct that any such communal land, waste land, pasture land, village forest or water source as aforesaid, instead of continuing to belong to and vest in the said Grama Sabha shall from the date of such notification belong to and vest in any other Local authority or Anchal Sasan as may be specified therein.

(2) Nothing in this section shall alter, prejudice or affect any existing right or interest of any kind whatsoever of any person or body of persons whether corporate or not, under any other law, contract, custom or usage :

Provided that the State Government shall have power from time to time by order to direct that the free right, if any, of user or appropriation of the income or usufruct by the village community under any law, custom or usage shall so far as may be exercised by the Grama Sabha subject to the application by such Sabha of such proportion of the income or usufruct or of the value thereof as may be determined in the prescribed manner on welfare activities for the benefit of such community.

(3) The right to all the minor forest produce as specified in Schedule IV to this Act shall remain with the State Government.

(4) The right to underground and surface minerals and right of user of the surface lands of mines shall remain vested fully in the State Government.

(5) Such of the aforesaid lands, forests and water sources, as may have been in pursuance of any law or authority specifically placed under the management and control of any Anchal Sasan or other Local authority, shall continue to remain under such control until specifically transferred to the Grama Panchayat.

(6) Nothing in this section shall affect the powers of the State Government under any other law for the time being in force to declare any area within the jurisdiction of the Grama Panchayat as a reserved forest and to exclude it from the management and control of the Grama Panchayat.

Gramas
Panchayats
and Anchal
Sasan to
control
irrigation,
etc.

146. Where under any law or custom, the management and control over any irrigation rights, drainage and distribution of water is exercised by the State Government or authorities subordinate to the State Government, the State Government may, by notification, direct that in any Anchal such management and control shall be exercised by the Grama Panchayats and the Anchal Sasan in the following manner :—

(a) Where the irrigation right, drainage or distribution of water extends over an area beyond the jurisdiction of a Grama Panchayat or lies in an area where there are no Grama Panchayats, the Anchal Sasan shall be given the control.

(b) Where the irrigation rights, drainage or distribution of water extends over an area not beyond the jurisdiction of a Grama Panchayat, the control shall be given to the Grama Panchayat.

(c) All powers exercised by any revenue authorities lower in rank than that of a Collector shall be exercisable by the Grama Panchayat or the Anchal Sasan, as the case may be.

(d) The powers of the Grama Panchayat in pursuance of this section shall be exercised by its Sarpanch subject to confirmation by the Grama Panchayat provided that till the Grama Panchayat confirms, modifies or alters the decision of the Sarpanch such decision shall be final.

(e) The powers of the Anchal Sasan shall be exercisable by the Anchal Executive Officer subject to the ratification, modification or cancellation by the Anchal Executive Committee. Until such alteration or cancellation the Anchal Executive Officer's order shall prevail.

(f) The State Government may by rules provide for an appeal against an order of the Grama Panchayat or the Anchal Sasan to an authority not below the rank of a Deputy Collector.

Power of
Grama
Panchayats
in respect of
waste
lands, etc.

147. The Grama Panchayat may, in such manner and to such extent, as may be prescribed, lease out for cultivation waste lands, pasture lands and other communal lands and may itself cultivate such lands on such terms and subject to such conditions as may be prescribed.

Power of
Government
to acquire
land vested
in Anchal
Sasan or
Grama
Sabha.

148. Where under the provisions of this Act any land has vested in an Anchal Sasan or a Grama Sabha it shall always be subject to the condition that where the State Government requires any such land for a public purpose such land can be taken back in the prescribed manner without compensation but subject to payment of the price of permanent structures, if any, standing thereon and the cost of permanent improvements, if any, including the excavation of tanks made therein.

Mainten-
ance of
rent-roll.

149. (1) Where in pursuance of section 115 or 118 an Anchal Sasan or a Grama Sabha has become vested with the right to collect land revenue, rents and cesses in the Anchal or Grama Panchayat area, the Anchal Sasan or Grama Panchayat, as the case may be, shall maintain a Rent-roll in the prescribed manner.

(2) Uncontested mutation of entries in the Rent Roll shall be done by the Anchal Sasan or the Sarpanch of the Grama Panchayat, as the case may be, and contested mutations shall be referred for decision to such competent authorities as may be prescribed.

(3) The Grama Panchayat shall also maintain records of all communal lands, waste lands, pasture lands, village forests, and all water sources referred to in section 145 in such form and in such manner as may be prescribed.

Power to
levy fees.

150. With the previous sanction of the State Government the Anchal Sasan may levy fees in the prescribed manner and subject to the prescribed maximum in any local area of the Anchal for all acts and things done or services rendered for the promotion of the safety, health, welfare or convenience of the inhabitants of such area and the administration of such fees shall, subject to the provision of the Chapter X, be made in the manner prescribed.

CHAPTER IX

PROPERTY

Transfer of
Government
property.

151. The State Government may by notification declare that any property vested in the State Government and situated in an Anchal shall vest in the corresponding Anchal Sasan and thereupon such property shall, subject to such conditions, limitations and restrictions, if any, as may be specified in the said notification, vest in the Anchal Sasan for the purposes of this Act.

Transfer of
property of
any Local
authority.

152. If consequent on the constitution of an Anchal Sasan under section 4 of this Act any Local authority in the Anchal or its jurisdiction therein ceases, the movable or immovable property or a portion thereof, as was held by or in trust for or was vested by the State Government in the said Local authority and situated in the Anchal, shall vest in the Anchal Sasan for the purposes of this Act subject to all charges and liabilities affecting the same :

Provided that the State Government may by notification declare that any part of the property of the said Local authority within the jurisdiction of the Anchal Sasan shall, subject to all charges and liabilities affecting the same, vest in any Grama Sabha in the said Anchal :

Provided further that the State Government may restrict the liability of the said Grama Sabha in respect of debts, liabilities and obligations affecting the property so vested in it.

Redistribu-
tion of local
limits.

153. Where in pursuance of a notification under section 4 the local limits of an Anchal are altered, the State Government, may by notification redistribute amongst the concerned Anchal Sasans and Local authorities, if any, all the properties movable and immovable in the Anchal prior to the date of such alteration.

Acquisition
of immova-
ble property.

154. Whenever it is necessary or expedient for any purpose of this Act that the Anchal Sasan shall acquire any immovable property such property may be acquired by the Anchal Executive Officer on behalf of the Anchal Sasan by agreement on such terms and at such rates or prices as shall be approved by the Anchal Sabha either generally or specially in any particular case.

Acquisition
land under
the land
Acquisition
Act.

155. (1) Without prejudice to the generality of the powers conferred under section 154, the State Government may, at the request of the Anchal Sasan, proceed to acquire any property under the provision of the Land Acquisition Act, 1894 or any other law for the time being in force relating to land acquisition.

Act I of
1894.

(2) The amount of compensation awarded and all charges incurred in the acquisition of such property under the foregoing provision shall be forthwith paid by the Anchal Executive Officer and thereupon the said property shall vest in the Anchal Sasan.

Resumption
of immova-
ble property.

156. The State Government may resume any immovable property transferred to the Anchal Sasan by themselves or by any Local authority where such property is required for a public purpose without payment of any compensation other than the amount paid by the Anchal Sasan for such transfer and the market value at the date of resumption of any building or works subsequently erected or executed thereon by the Anchal Sasan in accordance with the terms of transfer :

Provided that the Anchal Sasan may remove within such time as may be specified by the State Government the materials of any buildings or work constructed or erected on the land in contravention of the terms of the transfer.

Restriction
against
transfer.

157. No immovable property belonging to, vested in, or under the management of, an Anchal Sasan, shall be sold, leased or otherwise alienated except in accordance with the provisions of this Act and rules made thereunder.

Vesting of
Trust
Property.

158. When any public institution has been placed under the management and control of any Anchal Sasan, all property, endowments, and funds belonging thereto shall, subject to the provisions of any other law for the time being in force, be held by the Anchal Sasan in trust for the purposes to which the said

property, endowments, and funds were lawfully applicable at the time when the institution was so placed.

Grants-in-aid to Anchal Sasan.

159. (1) The State Government may subject to other provisions of this Act from time to time make contributions or grants-in-aid to each Anchal Sasan for carrying out the purposes of the Act particularly for the purposes of education, public health, public works, agriculture and development and the same shall be credited to the Anchal Fund or the Education Fund, as the case may be.

(2) If in the opinion of the State Government the whole or part of any grant-in-aid made as afore-said has not been applied for the purpose for which it was made or has been misapplied in any manner, the State Government shall have the right, to the extent of such non-application or mis-application, to obtain a refund of the said grant from the Anchal Sasan and also to discontinue such grants-in-aid in future.

CHAPTER X

THE ANCHAL FUND

Anchal Fund.

160. (1) There shall be constituted for each Anchal Sasan an Anchal Fund and there shall be placed to the credit thereof—

(a) the proceeds of all taxes, revenue, fees, tolls, cesses and rates imposed under this Act or permitted thereunder to be collected and appropriated by the Anchal Sasan ;

(b) all grants-in-aid and contributions made to the Anchal Sasan by the Central Government, the State Government, Local authority or persons whether corporate or otherwise ;

(c) all sums paid by the State Government to the Anchal Sasan to meet expenses for the performance of agency functions ;

(d) all sums recovered on account of composition under section 258 ;

(e) all sums received by the Anchal Sasan in giving effect to the provisions of this Act or the rules and bye-laws made thereunder ;

(f) all sums received under any loan raised under section 111 ; and

(g) all interest on loans and securities and on arrears of rent and revenue :

Provided that the funds to be credited to the Education Fund of the Anchal may not be credited to the Anchal Fund.

(2) Where by virtue of a notification under section 4 any Anchal Sasan has been constituted in any compact local area and the jurisdiction of any Local authority has ceased in the said area due to repeal of enactments specified in the Schedule, or when any liabilities of the said Local authority have been transferred to the Anchal Sasan, as so constituted, the State Government may by order in writing direct that all or any portion of the Fund vested in the said Local authority shall be transferred to the said Anchal Sasan.

Custody of
Anchal
Fund.

161. (1) The Anchal Fund shall vest in the Anchal Sasan and the balance standing to the credit of the Fund shall be kept in such Government treasury, sub-treasury or Bank to which Government treasury business has been made over, as the State Government may from time to time direct.

(2) The Anchal Sasan may from time to time invest any portion of the Anchal Fund in securities of the Government of India or with the previous sanction of the State Government in such other securities including fixed deposits in Banks recognised by the State Government for this purpose and may sell such securities or exchange them for others of the like nature and the income realised from the securities and proceeds of the sale of the same shall be credited to the Anchal Fund.

Expenditure
from Anchal
Fund.

162. The Anchal Fund shall be applicable to the payment in full or in part of the charges and expenses incidental to the exercise of its functions by the Anchal Sasan and the administration of the Anchal Sasan and also to the following purposes, namely :—

(a) expense required for the audit of the accounts of the Anchal Sasan ;

(b) cost of the acquisition of land ;

(c) expenses in respect of the payment in accordance with rules of remuneration and allowances, if any, to office bearers and Members of the Anchal Sabha and Committees constituted under this Act in connection with their duties under the Act ;

(d) grant of loan to its employees on such conditions and for such purposes as may be prescribed;

(e) performance of agency functions entrusted to the Anchal Sasan ;

(f) any other expenses required to be made under the provision of this Act and the rules made thereunder ; and

(g) any other expenditure which the State Government may, on the application of the Anchal Sabha, specially declare to be in the public interest.

(2) Notwithstanding anything in sub-section (1) all fees collected in pursuance of section 150 shall be used only for the purposes for which such fees are levied and accounts thereof shall be separately maintained.

Verification
of cheques
and orders.

163. (1) All orders or cheques drawn upon the Fund shall be signed by the Anchal Executive Officer and countersigned by the Chairman or in his absence, the Vice-Chairman.

(2) So far as the credit in the Anchal Fund permits, the treasury or Bank shall pay in respect of orders or cheques signed in accordance with sub-section (1).

Minor deviations.

164. If any deviation from the provisions of this Act or of any rule made thereunder relating to the crediting of any amount to the Anchal Fund or the application thereof as part of such Fund is shown to the satisfaction of the State Government to have been of temporary duration or of an accidental character they may cause, a declaration to be made to that effect and such deviation shall thereupon be deemed to be valid.

CHAPTER XI

EDUCATION

Transfer of
State-
managed
schools.

165. (1) The Anchal Sasan shall be charged with and be responsible for the maintenance and management of all primary schools, Sanskrit tolls, Maktabas, Basic schools other than Post-basic, Middle schools and schools of similar description under public management within the Anchal and from the financial year next following the constitution of an Anchal Sasan

the State Government shall notwithstanding anything contained in Orissa Secondary Education Act, 1952 transfer to the Anchal Sasan the management of all such schools in the Anchal that are recognised by the State Government and maintained and managed by them :

Orissa Act
X of 1953.

Provided that nothing contained in this section shall be held to apply to the practising Primary schools attached to the training schools and such other schools as may be notified from time to time by the State Government :

Provided further that the State Government may on their own motion or on the application of the Anchal Sasan exempt any Anchal Sasan from one or more of the obligations imposed under this section subject to such conditions as they may deem proper and may direct that the Anchal Sasan concerned shall pay such annual contribution in lieu of such exemption to such authority or authorities as the State Government may determine. The authority or authorities so appointed shall exercise all the functions of the Anchal Sasan as provided in this Chapter and control and operate the Education Fund constituted under section 170 to the extent that may be declared by the State Government in this behalf.

(2) Except as provided under this Act or rules made thereunder no such schools as enumerated in sub-section (1) to be under public management shall be located, recognised or managed except by the Anchal Sasan.

Transfer of
Middle
Schools from
the District
Board and
other Local
authorities.

166. (1) On the formation of an Anchal Sasan all primary schools, Sanskrit tolls, Maktabas, Basic schools other than Post-basic and Middle schools in the Anchal maintained and managed by the District Board or Local Board or Grama Panchayat or Notified Area Councils shall be transferred to the Anchal Sasan forthwith and the Anchal Sasan shall be charged with and be responsible for the maintenance and management of all such schools.

(2) On the constitution of an Anchal Sasan, the Anchal Sasan may establish new primary schools, Sanskrit tolls, Maktabas, Basic schools other than Post-basic and Middle schools in the said area.

Continuance
of grants-in-
aid.

167. The Anchal Sasan shall, from the date of its constitution subject to the rules about the eligibility for continuance of grants-in-aid and stipends, continue such aid to the persons or

authorities, concerned for all such schools in the Anchal that were admitted to grant-in-aid or stipends by the District Board or the State Government in the Anchal during the financial year preceding the formation of the Anchal Sasan.

New grants-
in-aid.

168. (1) The Anchal Sasan may, subject to the prescribed rules—

(a) make new grants-in-aid or give new stipends to primary schools, Sanskrit tolls, Maktabas, Basic schools other than Post-basic, Middle schools or schools of similar description recognised by a competent Education Authority and run by any person or body of persons or authorities within the Anchal.

(b) make additional grants-in-aid and stipends to any institutions referred to in section 167 constituted within the Anchal ;

(c) provide or maintain buildings to be used as students' hostels in connection with schools for the maintenance and management of which the Anchal Sasan is responsible under sections 165 and 166 and manage such hostels.

(d) make grants-in-aid or give stipends to any school or institution referred to in section 167 and this section for the purpose of construction or maintenance of buildings to be used as student hostels in connection with such school or institution and for the purpose of managing such hostels.

(2) No grants-in-aid other than those under sub-section (1) shall be made to any institution except with the prior approval of the Anchal Sasan, if any, responsible for the maintenance and management of such institution or such classes of institutions under the provisions of this Chapter.

Grant of
scholarship.

169. The Anchal Sasan shall be competent to establish scholarships for the furtherance of technical or any other special form of education within the Anchal and with the special permission of the State Government also outside the Anchal.

Education
Fund.

170. There shall be constituted for each Anchal Sasan an Education Fund to which shall be credited—

(a) the proceeds of the education cess levied within the jurisdiction of such Anchal Sasan ;

(b) an annual contribution from the Anchal Fund not being less than a minimum fixed by the State Government on that behalf ;

(c) all income derived from endowments or other property owned or managed by the Anchal Sasan for the benefit of education ;

(d) all sums granted to the Anchal Sasan by the State Government for the benefit of education ; and

(e) all other sums of money which may be contributed or received by such authorities for the benefit of education.

**Custody of
Education
Fund.**

171. (1) The Education Fund shall vest in the Anchal Sasan and the balance standing to the credit of the Fund shall be kept in such Government Treasury, Sub-treasury or Bank to which Government treasury business has been made over, as the State Government may from time to time direct.

(2) All expenses incurred on education by the Anchal Sasan concerned shall be paid out of the said Fund.

(3) All orders or cheques upon the Fund shall be signed by the Anchal Executive Officer and countersigned by the Chairman or Vice-Chairman.

(4) So far as the Education Fund permits the treasury or Bank shall pay—

(a) all orders or cheques signed in accordance with sub-section (3) ;

(b) all expenses incurred by the State Government on behalf of the Anchal Sasan : Provided that the Anchal Sabha has given previous authority in writing to the Treasury or Bank to debit such expenses to the Anchal Fund without the issue of any order or cheque.

**Contribution
by State
Govern-
ment.**

172. The State Government shall contribute to the Education Fund every year—

(a) a sum not less than the recurring expenditure incurred from the Consolidated Fund of the State during the financial year preceding the transfer of schools under section 165 on all such schools maintained and managed by the State Government and transferred to the Anchal Sasan ;

(b) a sum not exceeding the grant made by the State Government in the financial year preceding the transfer to a District Board, Local Board, Grama Panchayat or Notified Area Councils for maintenance and management of schools transferred to the Anchal Sasan under section 166 ; and

(c) a sum not less than the grants-in-aid made and stipends given by the State Government directly or through the District Board to all schools not directly managed by the State Government in the Anchal Area in the financial year preceding the transfer of responsibility to the Anchal Sasan for such schools.

Budget

173. (1) On or before the 15th day of June each year the Education Committee shall submit to the Anchal Sabha the Education Budget for the ensuing year.

(2) The Anchal Sabha shall submit the budget estimate duly passed at a meeting to the Collector on or before the 15th day of July each year.

(3) If the Anchal Sabha fails to submit a duly passed budget by the date specified in sub-section (2), the Collector shall subject to the control of the State Government, sanction the budget estimates himself and certify them to the Anchal Sabha before the 1st September next and the budget so certified shall be the budget estimates of the Education Fund of the Anchal Sabha for the ensuing year.

**Supervision
and
inspection of
schools.**

174. (1) The Anchal Sasan shall make due provision for the inspection and proper supervision of all schools in the Anchal :

Provided that the competent Education Authority may order that for any class of schools or any particular school the inspection may be made by Officers of the Education Department of the State Government authorised in that behalf.

(2) The Anchal Sasan may make regulations for the discharge of functions by the officers of the Anchal Education Department and such officers shall carry out inspections and submit reports in pursuance of such regulations subject further to any general or specific instructions that may be issued from time to time by the competent Education Authority.

Previous approval of Anchal Sabha before grant of recognition to educational institutions.

175. Notwithstanding the provisions of any other law for the time being in force no competent Education Authority shall grant recognition to any new Primary school, Sanskrit tolls, Maktab, Basic schools other than Post-basic. Middle school or schools of similar description in the Anchal unless the Anchal Sabha has previously approved the location of the school.

CHAPTER XII

MEDICAL, VETERINARY AND PUBLIC HEALTH

Dispensaries Hospitals and Health Centres.

176. An Anchal Sasan may provide dispensaries, hospitals, health centres or child and maternity welfare centres for the public and dispensaries or hospitals for animals or birds and for that purpose may—

(a) establish such dispensaries, hospitals, health centres or child and maternity welfare centres ; or

(b) enter into any agreement with any person having the management of any such institution on such terms as may be agreed upon and approved by the State Government.

Transfer of dispensaries, hospitals and Health centres.

177. The State Government may, by notification direct that any public institutions as aforesaid shall be under the control and administration of the Anchal Sasan and thereupon the Anchal Sasan shall be charged with such control and administration together with the maintenance and repair of all buildings connected therewith :

Provided that the State Government shall contribute to the said Anchal Sasan every year at least the amount equal to the amount expended by the State Government on such institutions during the year immediately preceding the years of such transfer.

Grants-in-aid for medical relief.

178. The Anchal Sasan may on application in the prescribed form and subject to the prescribed rules—

(a) make annual grants-in-aid to any Grama Panchayat, Municipality or Notified Area Council in the Anchal for the purpose of maintenance and management of any such dispensary, hospital for the public or for animals and birds or health centres or child and maternity welfare centres, as the case may be, as are maintained by them ;

(b) make grants in-aid for the purpose of providing buildings or extending the buildings of such institutions.

Contributions to institutions outside the jurisdiction of the Anchal Sasan.

179. An Anchal Sasan may contribute such annual or other sum as may be agreed on and approved by the State Government towards the cost and maintenance of any dispensary, hospital, health centres or child and maternity welfare centres situated outside the Anchal.

Travelling Dispensaries.

180. An Anchal Sasan may provide travelling dispensaries for the treatment of the public or animals and birds or locate first-aid centres for the same and provide attendance and supply of medicines thereto.

Control over Local authorities in respect of management and maintenance of hospitals and dispensaries.

181. Notwithstanding anything contained in the Orissa Municipal Act, 1950 or the Orissa Grama Panchayats Act, 1948 the Anchal Sasan may control the management and maintenance of hospitals, dispensaries, public health institutions and arrangements for public health, sanitation and control of epidemics by the Grama Panchayats, Municipalities and Notified Area Councils or other authorities in the Anchal and may also control the establishment of new hospitals, dispensaries and public health units.

Orissa Act XXIII of 1950 and Orissa Act XV of 1948.

Water-works.

182. An Anchal Sasan may—

(a) construct, repair and maintain any water-works benefiting more than one Grama Panchayat, Municipality or Notified Area Council in the Anchal or an area outside any such Grama Panchayat, Municipality or Notified Area Council ;

(b) make grants-in-aid to a Grama Panchayat, Municipality or Notified Area Council in the Anchal to construct, maintain or repair any water-works, wells or tanks of the Grama Panchayat, Municipality or Notified Area Council respectively for providing drinking water, bathing water or water for washing clothes and animals or such public purposes ;

(c) make grants-in-aid to any person owning or possessing any well or tank for repairing the same provided that the person agrees to allow full control of the water source by the Anchal Sasan or Grama Panchayat of the area to which the Anchal Sasan may delegate its powers of control.

Prohibition of use of well, etc.

183. The Anchal Executive Officer, on his own motion or on the report of any medical or health officer in the employ of Government or the Anchal or on information that the water in any well,

tank or other sources of water-supply to which the public have access, is likely to endanger the health of the public or cause the spread of any dangerous disease, may by public notice prohibit the use of such water. Such notice shall be served by affixing the same in a conspicuous place over the source of water-supply or by beat of drum stating the number of days the prohibition shall last.

Jurisdiction
of Anchal
Sasan in
certain
matters
relating to
Grama
Panchayats

184. If any Anchal Sasan is satisfied that any Grama Panchayat within its jurisdiction has failed to discharge their functions under the Orissa Grama Panchayats Act, 1948 in respect of—

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(a) setting apart tanks for drinking, bathing, washing of clothes or animals ; or

(b) prohibiting the misuse of water reserved for drinking, bathing, washing of clothes or animals and defiling of such water ;

it shall notwithstanding anything contained in the aforesaid Act make an order for discharge of such functions by the Grama Panchayat within such date as may be specified, in that order and if the Grama Panchayat fails to carry out the order so made within the date specified, the Anchal Sasan shall discharge them and any order made or action taken by the Anchal Sasan shall be deemed to be made under the provisions of the aforesaid Act.

Remove
nuisance.

185. (1) The Anchal Executive Officer may by notice require the owner or occupier of any building or land situated in the Anchal, which appears to him to be in a filthy or unwholesome state or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to the health or dangerous to the public or offensive to the neighbourhood or otherwise a source of nuisance, to clear, cleanse or otherwise put the building or land in proper state or to clear away and remove such vegetation, trees or undergrowth or to take such other action as may be deemed necessary by the Anchal Executive Officer, to remove such nuisance within such period and in such manner as may be specified in the notice.

(2) If it appears to the Anchal Executive Officer necessary for sanitary purposes so to do, he may by notice require the owner or occupier of any building or land to cleanse or disinfect the same in the manner and within such period as may be specified in the notice.

(3) If within the period specified in the notice the owner or occupier does not carry out the directions the Anchal Executive Officer may execute the work and the cost of doing so shall be recoverable from the owner or occupier.

(4) Any person aggrieved by the order of the Anchal Executive Officer under this section may appeal to the Anchal Sabha within one month from the date of the order and the decision of the Anchal Sabha shall be final.

Appropriation of things taken down.

186. (1) When the Anchal Executive Officer removes any materials or cuts down any tree, or hedge or shrub or part thereof in exercise of his powers under this Chapter, he may sell the materials removed or things cut down and apply the proceeds towards the payment of expenses incurred.

(2) If after a reasonable enquiry it appears to the Anchal Executive Officer that there is no owner or occupier to whom notice can be given under the provisions of this Chapter he may get any work executed under the said provisions as may appear to him necessary and may recover the expenses incurred in such manner as he deems fit.

Sanitary arrangements for fairs, and festivals.

187. (1) When a mosque, temple, math, or any place of religious worship or instruction or any place which is used for holding fairs or festivals or for other like purposes is situated in whole or in part within the limits of an Anchal and attracts either throughout the year or on particular occasions a large number of persons and when any special arrangement necessary for health, safety or convenience of the public whether permanent or temporary has not been provided therein the Anchal Sasan shall make such arrangement for the same provided the trustee or any other person having control over such place has failed after due notice to make such arrangements. Thereupon such trustee or other person shall make such contribution to the Anchal Fund as the State Government may fix in this behalf :

Provided that where a place as specified in this sub-section is situated in more than one Anchal such control shall be exercised by the Anchal Sasan authorised by the State Government in this behalf subject to the sharing of expenditure incurred for the said purpose by the Anchal Sasan concerned in the manner directed by the State Government.

(2) Where in an Anchal or a part thereof a large congregation of people or an intensive gathering is likely to take place or has taken place in connection with the distribution of any miracle-drugs, faithcure, talisman or such other remedy and the Anchal Executive Officer after reasonable enquiry is satisfied that a particular person or a group of persons are interested in and are responsible for the congregation, he may by order in writing require such person or persons to make all special arrangements necessary for the health, safety, convenience and specially for supplying sufficient quantities of protected water for the drinking and cooking purposes for the use of persons resorting to the place of the congregation or gathering within the time specified in this behalf and if such person or persons fail to carry out the directions given in this behalf they shall, in addition to such other penalties provided under this Act, on conviction by any court be punishable with simple imprisonment which may extend to three months and with a fine which may extend to five hundred rupees and with a daily fine not exceeding one hundred rupees during the period of the continuance of the offence. The cost of special arrangement, if any, incurred by the Anchal Sasan shall be recoverable from such person or persons as arrears of land revenue.

Special measures in connection with dangerous epidemic diseases.

188. (1) In the event of any part of the Anchal being visited by or threatened with an outbreak of cholera or any such epidemic disease, the Anchal Executive Officer or any person authorised by him in this behalf may, during the continuance of such disease, inspect and disinfect any well, tank or other reservoir from which water is or is likely to be used and may take such further steps to prevent use of water not so disinfected :

Provided that the Anchal Executive Officer shall notify the owner of such well, tank or place if inspection is made between sunset and sunrise.

(2) The Anchal Sasan may and if there has been an outbreak of any such dangerous epidemic disease, shall—

(a) provide proper places in the Anchal with all necessary attendants and apparatus for the disinfection of clothing, bedding and other articles which have been exposed to infection and cause the necessary disinfection ;

(b) provide necessary attendants, apparatus and disinfectants for disinfecting such premises as may be required to be so disinfected by the Anchal Health Officer.

(3) The Anchal Executive Officer may authorise any other officer or person to enter into at any time between sunrise and sunset after giving three hours' notice, any building or premises in which any dangerous epidemic disease is suspected to exist for the purpose of inspecting such buildings or premises or ascertaining whether any of the inmates are suffering from any dangerous epidemic disease and the Anchal Executive Officer or any other officer or person so authorised by him may direct that any clothing, bedding or other articles likely to retain infection shall be forthwith disinfected whereupon the head of the family shall get the same so disinfected :

Provided that the provisions of this section shall be in addition to and not in derogation of the provisions of the Epidemic Diseases Act, 1897.

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Closure of public places during the prevalence of any dangerous epidemic disease.

189. In the event of prevalence of any dangerous epidemic disease within any area in the Anchal, the Anchal Executive Officer may by notice require the owner or occupier of any building, booth or tent used for the purpose of public entertainment to close down the same for such period as he may fix in this behalf.

Registration of places for disposal of dead.

190. (1) Every owner or person having the control of any place used at the date of the coming into operation of this Act as a place for burying, burning or otherwise disposing of the dead shall, if such place is not already registered apply to the concerned Grama Panchayat to have such place registered.

(2) If it appears to such Grama Panchayat that there is no owner or person having the control of such place the Grama Panchayat shall assume such control and register such place or may close it.

(3) No dead bodies shall be thrown or buried or burnt or otherwise disposed of at any place other than a registered burial ground.

Licensing of places for disposal of dead.

191. (1) No new place for the disposal of the dead, whether private or public, shall be opened, formed, constructed or used in a Grama Panchayat unless a license has been obtained from the Grama Panchayat on application.

(2) Such application for a license shall be accompanied by a plan of the place, boundary and extent thereof the name of the owner or person or community and such further particulars as the Grama Panchayat may require.

(3) The Grama Panchayat to whom application is made may—

(a) grant or refuse a license ; or

(b) postpone the grant of a license until objections to the site have been removed or any particulars called for by it have been furnished.

(4) The Anchal Executive Officer may cancel or modify any order passed by a Grama Panchayat under sub-section (3).

Control of
Grama Pan-
chayat—
Provision for
disposal of
dead.

192. If no other provision exists in any part of a Grama Panchayat under the Anchal, the Anchal Sasan shall require the Grama Panchayat to provide at its cost places to be used as burial or burning grounds or crematoria, and the Grama Panchayat shall within the time provided make sufficient provision as directed. If the Grama Panchayat fails to carry out the order, the Anchal Executive Officer may carry out the order and charge the expenditure to the Grama Fund. The Grama Panchayat may appeal from an order of the Anchal Sasan under this section to the Collector of the district within one month of receipt of the order. The Collector's order on the appeal shall be final.

Closure of
burial
grounds

193. (1) If a Grama Panchayat is satisfied that any burial ground is overcrowded with graves or if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorised for the disposal of the dead exists or has been provided for the persons, who would ordinarily make use of such place, it may give notice that it shall not be lawful, after a period of not less than two months to be named in such notice, to bury, burn or otherwise dispose of any corpse at such place. Every notice given under this sub-section shall be published in the manner prescribed.

The Grama Panchayat shall not issue any order for closure of any burial ground which is overcrowded with graves unless other facilities for burial for the persons who would ordinarily make use of such places has been duly provided by the Grama Panchayat.

(2) No person shall, in contravention of any notice under this section and after the expiration of the period named in such notice, bury, burn or otherwise dispose of, or cause or permit to be buried, burnt or otherwise disposed of, any corpse at such place.

(3) The Anchal Executive Officer may cancel or modify any notice issued by the Grama Panchayat under sub-section (1).

Organisation
of fire-
fighting
units.

194. (1) Every Grama Panchayat shall organise fire-fighting squads and for this purpose may compel any able-bodied adult in the Grama Panchayat area to join the fire-fighting squad.

(2) The State Government may make suitable rules for the formation of fire-fighting squads and the powers to be exercised by the various persons comprising the squad for effective control of fires.

(3) The Anchal Sasan may provide suitable training facilities for training fire-fighting squads in the Anchal.

Savings.

195. No person shall be entitled to compensation for any damages sustained by reason of any action taken by the authorities of an Anchal or a Grama Panchayat in pursuance of their powers under this Chapter.

Provisions
for inspec-
tion, and
supervision
of hospitals,
dispensaries,
public health
institutions,
etc.

196. (1) The Anchal Sasan shall make due provision for the inspection and the proper supervision of all hospitals, dispensaries and public health institutions under its control :

Provided that the State Government may by order direct that technical supervision in any of these matters generally or in particular may be made by officers of the State Government authorised for this purpose.

(2) The Anchal Sasan shall, subject to such general or specific instructions as may be issued from time to time by the State Government in that behalf, arrange for the inspection of such institutions by the Anchal Health Officer and regular submission of reports by him.

CHAPTER XIII

PUBLIC WORKS

Construction
of commu-
nications.

197. Notwithstanding anything contained in the Orissa Grama Panchayats Act, 1948 or the Orissa Municipal Act, 1950, the Anchal Sasan, subject to the prescribed rules, may—

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Orissa Act
XXIII of
1950.

(a) construct roads, bridges and causeways as inter-Panchayat means of communication and repair and maintain such roads, bridges and causeways;

(b) control the construction of bridges, roads and causeways by Grama Panchayats, Municipalities and Notified Area Councils in the Anchal so as to rationalise the communication in the Anchal.

Repair and
maintenance

198. The Anchal Sasan shall—

(a) repair and maintain all roads, bridges and causeways that may be transferred to it by the State Government on its constitution or in the event of any Local authority becoming defunct in the Anchal;

(b) construct, repair and maintain all roads, bridges and causeways for which the Anchal Sasan may be made responsible by an order of the State Government;

(c) control and maintain such ferry-ghats and ferries on the routes in the charge of the Anchal Sasan or as may be transferred to it by the State Government for such purpose.

Closure of
roads.

199. The Anchal Sasan may by prior notice served in the prescribed manner divert, abandon or permanently close any road which is under the control and administration of or is vested in the Anchal Sasan:

Provided that the State Government may on their own motion or on the application of any person aggrieved by the order of the Anchal Sasan under this section cancel or modify any such order.

Agency
function.

200. It shall be lawful for the Anchal Sasan to undertake from time to time on behalf of the State Government and on such conditions, as may be mutually agreed upon, the construction, repair and maintenance of any public building or other construction which is the property of the State Government:

Provided that the cost of such construction, repair or maintenance shall be borne by the State Government.

Preparation
of plans and
estimates.

201. (1) The Anchal Engineer shall prepare all plans, designs, specifications and estimates for all works of construction, maintenance and repairs undertaken by the Anchal Sasan.

(2) The State Government may prescribe the standard specification and the schedule of rates and the limit up to which and the types of buildings for which the plans and estimates of the Anchal Engineer may be accepted without check and the check and control to be exercised for the estimates and plans beyond such specification, schedule of rate and limits before acceptance.

(3) All plans of buildings and water-supplies shall be scrutinised by the Anchal Health Officer who will be responsible for the compliance of the sanitary requirements of such buildings or works.

Obstruction,
etc., on
public roads.

202. Except as otherwise hereinafter provided no person shall build any wall or erect any fence or other obstruction or projection or make any encroachment in or over any public road in the Anchal.

Adjoining
dangerous
structures.

203. (1) If any structure adjoining a public road appears to the Anchal Executive Officer to be in such ruinous state as to endanger the lives of the passers-by, he may by notice duly served, require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any such danger therefrom.

(2) If immediate action is deemed necessary the Anchal Executive Officer shall himself, before giving such notice or before the period of such notice expires, cause the fencing off, taking down, securing or repairing such structure or cause fencing off a part of any road or take such temporary measures as he may think fit to prevent danger and the cost of so doing shall be recoverable from the owner or occupier, as the case may be, in the prescribed manner.

Doors
opening
outward.

204. (1) No door, gate, bar or ground floor window shall, without a licence from the Anchal Executive Officer of the Anchal Sasan in which such road is vested, be hung or placed so as to open outwards upon any public road.

(2) The Anchal Executive Officer may by notice, require the owner of such door, gate, bar or window to alter it in such a manner that no part thereof when open shall project over the public road.

Removal of
trees endan-
gering
human lives.

205. (1) If any tree or any branch of a tree standing on land adjoining a public road appears to the Anchal Executive Officer to be likely to fall and thereby endanger any person using or any structure on such road, the Anchal Executive Officer may by notice require the owner of the said tree to secure, lop or cut down the said tree or the branch thereof, as the case may be, so as to prevent any danger therefrom.

(2) If immediate action is deemed necessary, the Anchal Executive Officer shall himself before giving such notice or before the period of such notice expires, cause to secure, lop or cut down the said tree or branch, as the case may be, or fence off a part of the public road and take such other temporary measures as he thinks fit to prevent danger and the cost of so doing shall be recoverable from the owner of the tree in the prescribed manner.

Removal of
obstruction
to view of
traffic.

206. (1) The Anchal Executive Officer may by notice require the owner or occupier of any premises, whoever be responsible, to remove or alter any projection, encroachment, or obstruction situated against or in front of such premises and in or over any public road.

(2) If the owner or occupier of the premises proves to the satisfaction of the Anchal Executive Officer that such projection, encroachment or obstruction has existed for a period sufficient under the Law of Limitation to give any person a prescriptive right thereto, or that it was erected or made with the permission or licence of any Local authority duly empowered in that behalf and that the period, if any, for which the permission or licence is valid has not expired, the Anchal Executive Officer shall refer the case to the Anchal Sabha which may require that the order of the Anchal Executive Officer shall be carried out subject to such reasonable compensation as may be given to all persons who suffer damage by such removal or alteration of the same.

Licence for
projections
and tempo-
rary struc-
tures.

207. (1) Subject to such general or special restrictions as the Anchal Sabha may impose, the Anchal Executive Officer may—

(a) grant licence, subject to such conditions and restrictions as he thinks fit, to the owner or occupier of any premises to put up verandahs, balconies, sunshades, weather frames and the like

to project over a public road vested in or belonging to an Anchal Sasan or to construct any drain-covering necessary for access to the premises ;

(b) grant licence, subject to conditions and restrictions as he may think fit, for temporary erection of pandals and such other structures in a public road vested in or belonging to such Anchal Sasan or any public place, the control of which is vested in such Anchal Sasan ;

(c) lease in the prescribed manner road side lands vested in or belonging to such Anchal Sasan for any temporary occupation not exceeding one year at a time for putting up a temporary structure removable on the expiry of the period of lease:

Provided that if in the opinion of the State Government licence or lease granted under the foregoing provisions is likely to be injurious to the public health or cause public inconvenience or will otherwise materially interfere with the use of the road the State Government may cancel such licence or lease.

(2) On the expiry of any period for which licence has been granted under sub-section (1), the Anchal Executive Officer may without giving notice cause any projection or construction put up under clause (a), (b) or (c) to be removed and the cost of so doing shall be recoverable from the person to whom the licence of the lease was granted.

Prohibition
of quarrying

208. If in the opinion of the Anchal Executive Officer the working of any quarry or the removal of stone, earth or other materials from any place is dangerous to the persons residing therein or resorting to the neighbourhood thereof, or creates or is likely to create a nuisance or is likely to damage any public road or other immovable property, the Anchal Executive Officer may require the owner or person having control of the said quarry or place to discontinue the working of the same or discontinue removing stone, earth or other materials from such place or to take such order with such quarry or place as is necessary for the purpose of preventing danger or avoiding the nuisance arising or likely to arise therefrom.

Planting of
trees.

209. No person shall fell, remove, destroy, lop or strip bark or leaves or otherwise damage any tree growing on any road or land vested in or belonging

to the Anchal Sasan except with the permission of the Anchal Executive Officer and on such conditions as he may impose.

Penalty for encroachment.

210. (1) If any person without previous sanction of the Anchal Sabha, occupies any land vested in or belonging to an Anchal Sasan he shall be bound to pay in respect of such unauthorised occupation such sum as may be demanded by the Anchal Sasan by way of penalty and the said sum may be recovered in the prescribed manner.

(2) The Anchal Executive Officer may by notice require any person on whom a penalty has been or may be imposed under sub-section (1) to vacate such land to remove any building or other construction or anything deposited on it.

(3) If any damage to property of the Anchal Sasan has been caused by any person occupying any land for which he is liable to pay penalty under sub-section (1), he shall be liable to pay compensation to the Anchal Sasan for such damage in addition to and irrespective of any penalty that may be imposed on or recovered from him and the amount of such compensation shall in case of dispute be determined and recovered in the prescribed manner.

(4) Any action taken under this section shall be in addition to and not in lieu of action and penalties provided in any other law for the time being in force.

Special charges for excessive traffic.

211. Where by reason of extraordinary traffic or excessive weight of traffic on any road belonging to or vesting in the Anchal Sasan, the Anchal Sasan has to incur extraordinary expenses more than the average expenses of repairing roads in the neighbourhood, the Anchal Sasan may, with the sanction of the State Government and subject to such limits as may be imposed, recover from any person by or in consequences of whose requirements or orders such extraordinary traffic or such weight of traffic has been conducted the amount to cover such expenses and no suit or proceeding shall lie to any Civil Court against the order of the Anchal Sasan in this behalf :

Provided that any person from whom expenses are or may be recoverable under this section may enter into an agreement with the Anchal Sasan for the payment to it of an amount by way of compensation in respect of such weight of traffic and thereupon the person so paying shall not be subject to any proceedings under this section.

Toll-bar

212. (1) The Anchal Sasan, with the sanction of the State Government, may establish a toll-bar—

(i) on any bridge in the district which has, after the date of the enforcement of this Act, been constructed or purchased out of the Anchal Fund or to the cost of the construction or purchase of which a part contribution has, after the said date, been made out of the Anchal Fund ; or

(ii) on any road-way or foot-way of a railway bridge which has, after the said date at the instance of the Anchal Sasan and by a part contribution from the Anchal Fund, been so constructed or widened as to allow the passage of persons, vehicles or animals ; or

(iii) at any place in the district adjacent to any bridge referred to in clause (i) or clause (ii) at which tolls may conveniently be levied ; and may, with the like sanction, levy at such toll-bar a toll on vehicles passing over such bridge, road, road-way or foot-way, for the purpose of recovering, during a period which may extend to twenty years :—

(a) the amount spent, or contributed by the Anchal Sasan for the purpose of constructing, purchasing or widening such bridge, road, road-way or foot-way ;

(b) the amount of the loss of proceeds, fines, compensations in respect of any public ferry when such loss results from the construction or widening of such bridge, road, road-way or foot-way ;

(c) interest on such amounts at the rate of five per centum per annum ; and

(d) the capitalized value of the estimated cost to the Anchal Sasan of maintaining such bridge, road, road-way or foot-way and of renewing it, if it requires periodical renewal :

Provided that except in the case of bridges of boats, pontoons, rafts, swing bridges or flying bridges, no toll-bar shall be established nor tolls levied on, in respect of any bridge, road, road-way or foot-way, the cost or estimated cost of which, as indicated in clauses (a), (b) and (d), is less than five thousand rupees :

Provided further that if on the expiry of the said period of twenty years, the said amounts, interest and capitalized value have not been fully

recovered, the State Government may empower the Anchal Sasan to levy tolls for such further period as the State Government may determine.

(2) Nothing in sub-section (1) should prevent the Anchal Sasan from levying tolls on temporary bridges, or fair-weather roads constructed by them for aiding traffic even if the cost of the construction is less than five thousand rupees.

Lease of
toll-bars.

213. The Anchal Sasan may grant annual leases of any toll-bar established under section 212.

Adjustment
of toll
credit.

214. When two Local authorities having jointly constructed, purchased or contributed towards the cost of the construction or widening of a bridge, road, road-way or foot-way have received sanction under section 212 to the establishment of a toll-bar, the tolls shall be levied or granted in lease by such Local authority as the State Government may, in their order according sanction, direct and the proceeds of such tolls or of the lease thereof shall be adjusted between the two Local authorities concerned according to prescribed rules.

Exemption
from tolls.

215. The following vehicles shall be exempted from payment of tolls at any toll-bar established under section 212, namely:—

(a) vehicles used for the conveyance of police and other public servants and Anchal Sasan servants or for the transport of property belonging to, or in the custody of, such servants, when such servants are travelling on duty ;

(b) conservancy carts and other vehicles belonging to the Anchal Sasan ; and

(c) any other class of vehicle that may be exempted by order of the Anchal Sabha.

Rates of
toll.

216. (1) When it has been determined that tolls shall be levied at any toll-bar established under section 212, the Anchal Sasan shall make and publish an order specifying the rates at which the tolls shall be levied.

(2) Such rates shall be subject to the sanction of the State Government and may, from time to time, be varied with like sanction.

Publication
of rates.

217. (1) A table of such tolls, legibly printed or written in the Oriya language shall be hung up in

some conspicuous position near every such toll-bar, so as to be easily readable by all persons required to pay the tolls.

(2) In default of compliance with sub-section (1) of this section, the toll collector or the lessee of the toll-bar, as the case may be, shall on conviction be liable to a fine which may extend to twenty rupees, and to a further fine which may extend to five rupees for each day after the first during which the default continues.

Compounding of toll.

218. The Anchal Executive Officer or if the toll-bar is leased out, the lessee, may compound with any person for a certain sum to be paid by such person for any vehicles kept by him in lieu of the rate specified under section 216.

Closure of road for non-payment of toll.

219. Any toll collector or lessee of a toll-bar established under section 212 may refuse to allow any vehicle to pass through the toll-bar until the proper toll has been paid.

Penalty

220. Whoever, having rendered himself liable to the payment of toll, refuses to pay the toll, shall be liable to fine which may extend to fifty rupees.

Aid of police.

221. If resistance is offered to any person authorised under the foregoing provisions to collect tolls any police officer having jurisdiction shall be bound to assist him ; and such police officer shall, for that purpose, have the same powers as he has in the exercise of his ordinary police duties.

Illegal demand.

222. If any person authorised under the foregoing provisions to collect tolls, demands or takes any tolls higher than those authorised under this Chapter, he shall be punishable with fine which may extend to fifty rupees.

Publication of Accounts.

223. When a toll-bar has been established and tolls have been levied under section 212 in respect of any bridge, road, road-way or foot-way, the Anchal Sasan shall at the end of each financial year, publish, by causing to be posted up at their office, an abstract account showing—

(a) the amount spent or contributed by the Anchal Sasan for the purpose of constructing, purchasing or widening such bridge, road-way or foot-way ;

(b) the amount of the loss of proceeds, fines and compensation in respect of any public ferry when such loss results from the construction or widening of such bridge, road-way or foot-way ;

(c) the amount of interest which has accrued due on such expenses ;

(d) the capitalized value of the estimated cost to the Anchal Sasan of maintaining the bridge, road, road-way or foot-way, and of renewing it, if it requires periodical renewal ; and

(e) the amount which has been received from the profits of the said toll-bar since its establishment.

CHAPTER XIV

AGRICULTURE AND DEVELOPMENT

Improve-
ment of
agriculture
and agricul-
tural prac-
tices.

224. Subject to the provisions of the Orissa Agriculture Act, 1951, the Anchal Sasan may provide for the improvement of agriculture and agricultural practices in the Anchal and in particular shall—

Orissa Act
XVI of 1952.

(a) establish and maintain experimental seed farms and nursery farms ;

(b) deal in and organise deals in and distribute seeds, implements and manures ;

(c) deal in and organise deals in and distribute insecticides and equipment for use of insecticides and organise pest control ; and

(d) provide for soil conservation measures and prevention of soil erosion.

Provision of
tanks for
retting of
jute and
other fibrous
materials.

225. The Anchal Sasan may provide suitable tanks for retting of jute and other fibrous materials if the existing provisions for such retting in any Anchal is considered insufficient or unsuitable for obtaining the best standards of jute and other fibrous materials :

Provided that when the Anchal Sasan provides such tanks reasonable charges may be levied on all persons using such tanks.

Powers of
the Anchal
Sasan to
provide
incidental
facilities.

226. For the purpose of facilitating the improvement of agriculture and horticulture and providing measures therefor the Anchal Sasan may—

(a) establish schools for giving practical training in agriculture or may join with other Local authorities in establishing and maintaining such schools ;

(b) provide for collection of agricultural statistics, Co-operative marketing and other marketing facilities for agricultural and horticultural produce ;

(c) co-operate with other statutory authorities in the matter of agricultural improvement schemes including land reclamation, consolidation of holdings and co-operative farming.

Rural housing.

227. The Anchal Sasan may organise and aid rural housing schemes.

Provision for animal husbandry and fodder.

228. The Anchal Sasan may make provision for animal husbandry and fodder and in particular may—

(a) make suitable arrangements for improvement of live-stock ;

(b) assist the Grama Panchayats in the matter of maintenance of suitable pasture grounds ; and

(c) assist the Grama Panchayats in schemes of fodder cultivation.

Organising rural and other banking facilities.

229. The Anchal Sasan may take part in and organise rural credit facilities and in particular take shares in such Rural Credit Banks, Co-operative Banks, Land Mortgage Banks and Banks for Co-operative Credit to Cottage Industries as may be approved by the State Government.

Control of village forests.

230. The Anchal Sabha may, with a view to rationalise the provisions of village forests and to regulate the exploitation of village forests for the purpose of maintenance and preservation of such forests in the interest of the community, control the Grama Panchayats in all matters connected with village forests and it may—

(a) reallocate the rights of user of the village forests in the Anchal against particular blocks of such forests or other forests or allocate new rights ;

(b) prescribe royalties on payment of which, and limitation and conditions subject to which, the rights of user may be exercised by the villagers ;

(c) where sufficient forest is not available suspend for such period, as the Anchal Sasan may consider necessary, the right of user of any villager along with the suspension of Nistar or any other similar cess, if any, in the village ;

(d) arrange a system of rotation cutting by coupes in exercise of rights of user against allocated blocks ; and

(e) lay down rules for Grama Panchayats and other authorities in these matters.

Grama
Panchayats
to control
subject to
the direc-
tions of the
Anchal
Sasan.

231. (1) Every Grama Panchayat shall control the exercise of rights of user and exploitation of forest produce from the village forests in areas within its jurisdiction in accordance with the directions issued by the Anchal Sasan under the foregoing section and take all action necessary to enforce the control.

(2) Any member of the Grama Panchayat may arrest any person found cutting, destroying or damaging any forest contrary to the directions issued by the Anchal Sasan in this behalf, or the Grama Panchayats, as the case may be, and without unnecessary delay produce him or cause him to be produced before the nearest Magistrate who is authorised to take cognizance of the offence.

(3) For the purpose of arresting an offender under sub-section (2) such member of the Grama Panchayat may take the help of any other person and the person arrested may be sent to the Magistrate with an authority or through an escort authorised in this behalf by such member in writing.

Afforesta-
tion.

232. Where village forest or forests other than a reserve, protected or private forest in a village have been so denuded that they are no longer fulfilling the purpose of a village forest, the Grama Panchayats concerned may, and if ordered by the Anchal Sasan, shall, arrange afforestation of such forests with suitable trees and the cost of such afforestation may be recovered by the Grama Panchayat by levy of appropriate fees on each member of the Grama Sabha.

Transfer of
Irrigation
works.

233. (1) The State Government may by notification transfer any irrigation or drainage work in the Anchal constructed or maintained by the State Government to the Anchal Sasan and it shall be the duty of the Anchal Sasan to maintain in good repair all such irrigation or drainage works and it shall be competent to improve or add to such work.

(2) The State Government may by a further notification resume any such irrigation or drainage work transferred to the Anchal Sasan under sub-section (1) but where an Anchal Sasan has improved or added to such works the State Government may pay reasonable compensation to the Anchal Sasan for the improvement or addition estimated in the prescribed manner.

(3) The Anchal Sasan shall be entitled to exploit fisheries and marginal lands of the irrigation or drainage works so transferred to it and may appropriate any such usufruct but they shall not alienate any such lands permanently or alienate such rights beyond the term of their management.

Levy of
water rate
or drainage
charge.

234. (1) Where the State Government were charging any water rate for irrigation from any irrigation work or levying a benefit charge for protection by a drainage work, transferred to the Anchal Sasan under the foregoing provisions, the Anchal Sasan may continue to levy such charges or may increase or reduce the same.

(2) Where the water-rate or benefit charge is not already being charged for such irrigation or drainage work, the Anchal Sasan may levy a water-rate or a benefit charge which may be a differential rate for supply of water from the irrigation work or protection by the drainage work. The water-rate or the benefit charge referred to in sub-section (1) may be leviable—

(a) on land commanded by the irrigation works or land benefited by the drainage work when the owner or occupier of such land applies for irrigation or protection ;

(b) compulsorily on all lands commanded by the irrigation works or benefited by the drainage works ; or

(c) by the combination of the methods prescribed.

(3) Where prior to the transfer of any irrigation or drainage work to the Anchal Sasan, any water-rate or benefit charge was included in the rent of the land or lands covered by such irrigation or drainage work, the Anchal Sasan shall, in assessing the water-rate leviable under this section, provide for suitable rebate for such inclusion.

(4) Where a compulsory water-rate on the area commanded is levied and if in an area for failure of rains or for any other cause in one season sufficient water is not available for all the lands under the command, the Executive Committee may by an order in writing restrict the area of command for that season and the water shall be made available only in the restricted area and for the rest of the command the water-rate on the land shall be remitted :

Provided that where there is insufficiency of water no land outside the area of command may be given special permission for irrigation during that season :

Provided further that if any part of the command excluded by the Executive Committee obtain water that is in excess no penalty may be levied but the remission of water-rate may if necessary be discontinued :

Provided also that the Anchal Sasan shall not be liable for any other damages for failure to supply water to lands excluded from the command by an order of the Executive Committee.

(5) Where for any reason whatsoever full and sufficient water for the command is not feasible from the irrigation source for any land during a season, the Executive Committee may on application by the party owning the land allow suitable remission of water-rate for the year.

(6) Whenever any owner uses water from any irrigation source or work without the previous permission of the Anchal Sasan or in contravention of the foregoing provisions the Anchal Sasan may levy such penalty as they may deem appropriate.

State
Government
to make
rules.

235. The State Government may by rules provide for—

(a) levy of water-rate for the use of water for purpose of irrigation from any source or work of irrigation belonging to or transferred to the Anchal Sasan and the rate or rates at which it shall be charged ;

(b) levy of benefit charges for protection by drainage schemes ;

(c) the authorities to whom appeals or revisions may be preferred against the order of the Anchal Sasan assessing or altering the water-rate ;

(d) the procedure to be followed for assessing penalty for taking water without application and the procedure for applying for and getting remission of water-rate for failure of water-supply ;

(e) the appeal or revision from the order of the Anchal Sasan authorities imposing penalty or giving remission of water-rate or restricting the command in the area having compulsory water-rate.

Requisition
of labour to
protect
irrigation
source and
embank-
ment.

236. (1) Whenever—

(a) there is apprehension of danger or damage to any irrigation source or work or any protective embankment in the Anchal by flood or inundation and such danger and damage can be prevented ; or

(b) a breach has occurred and that such breach can in the opinion of the Anchal Sasan be repaired and inundation caused by it can be stopped by immediate employment of a large number of persons ;

it shall be lawful for the Anchal Executive Officer, or any other officer of the Anchal Sasan duly empowered by the Anchal Executive Officer in this behalf, and any member of the Anchal Sabha, to require the service of all able-bodied adult male persons who reside in the village where the irrigation source or protection work is situated or who are benefited by such irrigation source or work or embankment, to cooperate in the work necessary for preventing the danger or damage or repairing the breach as the case may be.

(2) Every able-bodied adult person whose labour or services are requisitioned under subsection (1) shall be required to perform such unskilled labour in connection with the prevention of danger or breach or repair as shall be required of him. Any person who fails to render labour as herein provided shall be liable to a penalty which may extend to ten rupees.

(3) The Anchal Executive Officer or any other officer of the Anchal Sasan or any member thereof may either personally or through persons duly authorised in this behalf supervise the work and adopt such safety measures as they may deem fit.

(4) Every person whose labour or services are requisitioned under this section shall be paid for the labour or services rendered by him at such rate or rates as may be deemed reasonable by the Anchal Sasan and the amounts so spent shall be a charge on the Anchal Fund.

Matters to
be admini-
stered by
Anchal
Sasan.

237. Subject to such exceptions as the State Government may by general or special order direct, and in addition to the powers conferred and duties specifically imposed upon it by this Act or any other law for the time being in force within the Anchal,

the Anchal Sasan shall have the powers to control and administer and be responsible for the following matters :—

(1) Public health, sanitation, purity of food and enforcement and administration of sanitary laws and regulations and acts for prevention of adulteration of food ;

(2) Promotion of vaccination and the appointment and control of vaccinators ;

(3) Prevention and control of epidemics ;

(4) Control of Grama Panchayats in registration of births and deaths, welfare work, social hygiene ;

(5) Red Cross and St. John Ambulance Association work ;

(6) Improvement of livestock and prevention and control of animal disease and control over Grama Panchayats in these matters ;

(7) Regulations of vehicular traffic on roads under the control of the Anchal Sasan ;

(8) Control over establishment and management of markets, rest-houses, serais and other public institutions by the Grama Panchayats ;

(9) Relief on account of floods, earthquakes and purposes of like nature and establishment and maintenance of works for the provision of employments in times of scarcity and control over Grama Panchayats in such matters ;

(10) Rewards for destruction of wild animals ;

(11) Disposal of stray dogs and regulation regarding keeping of pigs and control over Grama Panchayats in these matters.

Matters to be provided at the discretion of Anchal Sasan.

238. (1) Notwithstanding anything contained in any other law for the time being in force an Anchal Sasan shall, if the State Government so direct, or the Anchal Sabha so decides, be responsible for all or any of the following matters, namely :—

(1) Conservancy and sanitary conveniences and control over the Grama Panchayats in these matters ;

(2) Development of cottage or village industries ;

(3) The holding and management of fairs, agricultural shows and industrial exhibitions and control over the Grama Panchayats in these matters ;

(4) Arrangements in connection with local pilgrimages and festivals ;

(5) Discharged Prisoners Aid Society ;

(6) Planting and preservation of trees along side the roads and communications vesting in the Anchal Sasan ;

(7) Administration of Prevention of Cruelty to Animals Act, 1890 ; Act XI of 1890.

(8) Local vagrancy and relief of the poor, local unemployment other than industrial unemployment, establishing and maintaining poor houses ;

(9) With the previous sanction of the State Government on such terms as may be agreed upon, supervision of prohibition arrangements and any other local works or measures not hereinbefore specially named, likely to promote the health, comfort, uplift, public safety or convenience of the public ;

(10) Control over the Grama Panchayats in any other matters not specially named hereinbefore, provided that the State Government's previous sanction is taken.

(2) Notwithstanding anything in any of the other provisions of this Act the State Government may, subject to such conditions as they may fix in consultation with an Anchal Sasan, direct the said Anchal Sasan to take over the National Extension Service Organisation and implement its programme according to such instructions and directions as the State Government may from time to time issue in that behalf.

Explanation—National Extension Service Organisation is the agency for rural extension work formed by Government under this name.

Entrustment
of functions
to Anchal
Sasan.

239. The State Government may, with the consent of the Anchal Sabha, make over to an Anchal Sasan, subject to such conditions as may be agreed upon, the management of any institution or the execution or maintenance of any work or the performances of any duty not provided for in the Act along with such powers as may be necessary for the due discharge of the duty.

CHAPTER XV

CONTROL

Annual
Adminis-
tration
report.

240. Every Anchal Sasan shall submit to the State Government an annual consolidated report on the administration of the Anchal Sasan in the prescribed manner.

Powers of
supervision
by the
Collector or
any person
authorised
by the
State
Government

241. (1) Every Anchal Sasan and every Committee constituted under this Act shall at all times permit the Collector or such other person as the State Government may authorise in this behalf to have access to all its books, proceedings and records.

(2) The Collector or the person authorised under sub-section (1) shall have power at all times to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by or any work in progress under the orders of, or any institution controlled by, the Anchal Sasan.

(3) When a Joint Committee of more than one Anchal Sasan comprised in different districts, is appointed, the Collector of each of the concerned districts or such other persons as the State Government may authorise in this behalf, may exercise a like power in respect of the proceedings of such Joint Committee.

Control by
Collector.

242. (1) The Collector may by an order in writing suspend the execution of any resolution passed, order issued, or licence or permission granted, or prohibit the performance of any act which is about to be done or is being done in pursuance of or under the cover of this Act or any rule or bye-law made thereunder, if in his opinion—

(a) such resolution, order, licence, permission or act has not been legally passed, issued, granted or authorised ; or

(b) such resolution, order, licence, permission or act is in excess of the powers conferred by this Act or is inconsistent with any law for the time being in force.

(2) Whenever an order is made by the Collector under sub-section (1) he shall forthwith report to the State Government in the prescribed manner and thereupon the State Government after giving the Anchal Sabha an opportunity of stating its case may confirm, set aside or modify such order in such manner as they may deem fit.

Powers of
the State
Government
for default
by Anchal
Sasan.

243. (1) If the Collector is satisfied that an Anchal Sasan has made default in performing any duty imposed on it under this Act or any other law for the time being in force, he shall forthwith submit a report to the State Government.

(2) On the receipt of a report under sub-section (1) or otherwise after making such enquiry as they may deem necessary, if the State Government are satisfied that the Anchal Sasan has defaulted in performance of any duty imposed on it by or under this Act or any other law for the time being in force they may by an order in writing fix a period for the due performance of the same.

(3) If such duty is not performed within the period fixed by the State Government under sub-section (2), the State Government may appoint some person to perform the same and may direct that the expenses of performing it, including a reasonable remuneration to the person so appointed, shall forthwith be paid out of the Anchal Fund.

(4) If such expense and remuneration are not so paid within a reasonable time the State Government may make an order directing the person having the custody of the balance of the Anchal Fund to make payment therefrom either in whole or in part as the State Government may direct.

Compulsory
payment
from Anchal
Fund.

244. If an Anchal Sasan makes default in the payment of any sum, the amount whereof is fixed or has become payable by virtue of any order made by the State Government or by any authority other than the Anchal Sasan in exercise of any of the powers conferred by this Act or any rule made thereunder, the State Government may make an order directing the person having the custody of the balance of the Anchal Fund to make such payment either in whole or in such part as is possible from such balance :

Provided that no order shall be made by the State Government directing payment of any amount until an opportunity has been given to the Anchal Sasan concerned to show cause why such order shall not be made, unless the State Government considers that the Anchal Sasan has already stated, or had already ample opportunity of stating its case.

Supersession
of Anchal
Sabha.

245. (1) If in the opinion of the State Government any Anchal Sabha persistently makes default in the performance of the duties imposed on it by or

under this Act or any other law for the time being in force or exceeds or abuses its powers, they may state the grounds for such opinion and call upon the Anchal Sabha within such time as may be specified to show cause why it should not be superseded. On consideration of such explanation as may be submitted by the Anchal Sabha within the time specified, the State Government, in case they decide to supersede the Anchal Sabha, shall notify their final orders in the Gazette.

(2) When an Anchal Sabha is superseded under sub-section (1) the following consequences shall ensue—

(a) all Members of the Anchal Sabha and Members of all Committees constituted under this Act shall from the date of the said notification be deemed to have vacated their seats or offices ;

(b) pending the formation of another Anchal Sabha the State Government may nominate an officer not below the rank of a Deputy Collector to exercise all the powers on behalf of the Anchal Sabha subject to such general orders or special directions as the State Government may from time to time issue in this behalf.

Re-election

246. (1) Immediately after issue of a notification under sub-section (1) of section 245 the State Government shall direct that the election shall be held forthwith and the Anchal Executive Officer shall thereupon be competent to hold the election for filling of the vacancies in the prescribed manner.

(2) If after fresh election held under sub-section (1) the Anchal Sabha so elected makes default in the performance of duties imposed on it by or under this Act or any other law for the time being in force or exceeds or abuses its powers, the State Government may follow the procedure laid down in the foregoing section and supersede the Anchal Sabha for a specified period not exceeding three years.

Enquiry into
the affairs
of Anchal
Sasan.

247. (1) When the State Government directs an enquiry to be made by any of their officers in the affairs of the Anchal Sasan under the provisions of this Act, the officer holding such enquiry shall have the powers of a Civil Court under the Code of Civil Procedure, 1908 to take evidence and to compel of 1908 the attendance of witnesses and the production of documents for the purposes of the enquiry.

(2) The State Government may make orders as to the costs of the inquiries made under sub-section (1) and as to the parties by whom and the funds out of which they shall be paid, and such due may, on the application of the State Government or of any person named therein, be realised as an arrear of land revenue.

Right of
officers to
attend
meetings.

248. Any officer authorised by the State Government in this behalf shall be entitled to attend any meeting of an Anchal Sabha or any Committee constituted under this Act and address it on any matter affecting the work of any department in which he is concerned.

Protection
from legal
action.

249. When the Collector or any person appointed by the State Government lawfully takes action for an Anchal Sasan under the provisions of this Act or the rules made thereunder, he shall have all such powers as are necessary for the purpose and shall be entitled to the same protection under this Act, as the Anchal Sasan or its officers or employees, whose powers he is exercising have and the compensation shall be recoverable from the Anchal Fund by any person suffering damage from the exercise of such powers to the extent, as if the action had been taken by the Anchal Sasan or its officers or employees.

Delegation
of powers of
State
Government.

250. The State Government may by notification authorise any person or authority to exercise in regard to any Anchal Sasan any one or more of the powers vested in them by this Act except the power to make rules, the power to determine contributions payable and the power to sanction prosecution under section 75 and may in the like manner withdraw such authority.

CHAPTER XVI

PROCEDURE AND PENALTIES

Procedure
for recovery
of dues.

251. Except as otherwise expressly provided under this Act and without prejudice to the provisions of any law for the time being in force for the realisation of dues, all dues, costs, damages, compensation, penalties, charges, fees (other than school fees), expenses, rents (not being rents for land and buildings demised by the Anchal Sasan), contributions and other sums which under this Act or any other law or rules or bye-laws made thereunder are due from any person to the Anchal Sasan may be recovered in the prescribed manner.

Limitation

252. No distraint shall be made, and no suit shall be instituted, and no prosecution shall be commenced, in respect of any sum due to the Anchal Sasan under this Act except dues in connection with land revenues, rents and cesses under this Act, after the expiration of a period of three years from the date on which distraint might have been made, a suit might have been instituted or prosecution might have been commenced, as the case may be, in respect of such sum.

Procedure for taking cognizance.

253. Except as otherwise expressly provided in this Act, no court shall take cognizance of any offence punishable under this Act or any rule or bye-law made thereunder, except on the complaint of the Anchal Executive Officer or some person authorised either generally or specially by the Anchal Executive Officer in this behalf.

Service of notice.

254. The service of every notice under this Act on any person shall, in all cases not otherwise specially provided for in this Act, be effected in the prescribed manner by an Anchal Officer or employee authorised by the Anchal Sabha in this behalf, or on such terms as may be agreed by the Anchal Sabha in this behalf, by any officer or employee of the State Government.

Prohibition against removal or obliteration of notice.

255. No person shall without authority in that behalf remove, destroy, deface or otherwise obliterate any notice exhibited or any sign or mark erected, by or under the orders of the Anchal Sabha, its Chairman, or the Anchal Executive Officer.

Prohibition against suit.

256. No suit or prosecution shall be maintainable against any Anchal Sasan established under this Act, or any person acting under the direction of any such Anchal Sasan, or any employee of the Anchal Sasan in respect of anything lawfully and in good faith done under this Act or any rule or bye-law made under it.

Notice of suit.

257. (1) No suit shall be instituted against any Anchal Sasan established under this Act or against any Member, officer or employee thereof, or any person acting under the direction of any such Anchal Sasan, officer or employee, for anything done or purporting to be done under this Act, or any rule or bye-law made under it, until the expiration of two months after notice in writing, stating the cause of action, the name and the place of residence of the intending plaintiff and the relief which he claims, has been, in the case of an Anchal Sasan delivered or

left at its office, and in the case of any Member, officer, employee or person as aforesaid, delivered to him or left at his office or usual place of residence.

(2) Every such suit, unless it is a suit for the recovery of immovable property or for the declaration of title thereto, shall be dismissed unless it is instituted within one year from the date of cause of action and unless service of notice as aforesaid is admitted or proved.

(3) Nothing in this section shall be deemed to apply to suits instituted under section 54 of the Specific Relief Act, 1877.

Act I of 1877

Compound-
ing of off-
ences.

258. (1) The State Government may by rules empower the Executive Committee to accept from any person against whom a *bona fide* suspicion exists that he has committed an offence against any provision of this Act or any rule or bye-law made thereunder, a sum of money by way of composition for such offence.

(2) On payment of such sum of money the suspected person shall be discharged and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded.

(3) The State Government may by rule specify the offences which shall be compoundable and the power under sub-section (1) to accept composition for alleged offences may be given either generally in regard to all such offences or particularly in regard only to specified offence or offences of a specified class.

Disability of
Chairman,
Vice-Chair-
man, etc.,
being legal
practitioner
to appear in
certain legal
proceedings.

259. The Chairman, Vice-Chairman, or any member of the Anchal Sabha, or of any of the committees constituted under this Act, may, with the previous sanction of the said Sabha, appear as a legal practitioner on behalf of the Anchal Sasan in any suit or legal proceedings to which the Anchal Sasan is a party, but shall not in any such suit or proceedings appear against the Anchal Sasan.

Power to
provide for
performance
of duties
in default of
Grama Pan-
chayats, etc.

260. (1) If any Grama Panchayat, Municipality or Notified Area Council in the Anchal defaults in performing any duty imposed on it by or under this Act or does not comply with any orders passed under the provisions of this Act or the rules or bye-laws made thereunder, the Anchal Sabha may after giving reasonable opportunity to such Grama

Panchayat, Municipality or Notified Area Council to represent its case within a specified time and after due consideration thereof by resolution fix a period for the performance of that duty or compliance with the said order.

(2) If such duty is not performed or the order is not complied with within the time so fixed, the Anchal Executive Officer may, by himself or by any person authorised by him in this behalf, carry out the same and may direct that the expenses incurred in that behalf including a reasonable remuneration to the person appointed to perform the same shall be a charge on the Funds of the Grama Panchayat, Municipality or Notified Area Council, as the case may be.

(3) If such expense and remuneration are not paid as directed the Anchal Executive Officer may make an order directing the person having the custody of the Fund of the Grama Panchayat, Municipality or Notified Area Council, to make payment therefrom and such person shall make payment forthwith as directed.

(4) The Anchal Executive Officer or any person carrying out the directions under this section shall have the same protection under this Act as the officers or employees of the Anchal Sasan carrying out the duties of the Anchal Sasan.

Certified
copies.

261. A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of an Anchal Sasan shall, if duly certified by the legal keeper thereof or other person authorised by any rule or bye-law in this behalf, be received as *prima facie* evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case, in which, and to the same extent, as the original entry or document would, if produced, have been admissible to prove such matters.

Permission
to use certi-
fied copies
as evidence.

262. No officer or employee of an Anchal Sasan shall in any legal proceeding, to which an Anchal Sasan is not a party, be required to produce any register or document, the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein unless by order of the Court made for special cause.

Punishment

263. (1) Whoever—

(a) contravenes any provision of any of the sections specified in the first column of the Schedule V; or

(b) contravenes any rule or order made under any of the said specified section; or

(c) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of the said sections;

shall be punishable with a fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of—

(a) contravening any provision of the sections specified in the first column of Schedule VI; or

(b) contravening any rule or order made under any of the said specified sections; or

(c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections;

continues to contravene the said provision, or to neglect to comply with the said directions, or requisition, as the case may be, shall be punishable for each day after the previous date of conviction during which he continues so to offend, with a fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(3) Whoever is convicted of an offence for which punishment has not been provided for under sub-section (1) shall be punishable with a fine which may extend to one hundred rupees.

(4) If the offence is a continuing one and no provision has been made under sub-section (2) above for penalties for the continuing offence, a person guilty of the continuing offence shall be liable to a further fine not exceeding five rupees for every day during which the said offence is continued after conviction.

Penalty for
disobeying
notice.

264. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by the Anchal Executive Officer under any power conferred by this Act, or the rules made thereunder, or fails to comply with the conditions subject to which any permission was given to him by the Anchal Executive Officer under any power so conferred, shall, on conviction before a Magistrate if the disobedience or failure is not an offence punishable under any other section, be liable to a fine not exceeding one hundred rupees and to a further fine not exceeding five rupees for every day during which the said disobedience or failure continues after conviction.

CHAPTER XVII

APPEAL AND REVISION

Provision
or appeal.

265. (1) Unless specifically provided for by or under this Act, any person aggrieved by any order passed or direction made under this Act or under any rule or bye-law made thereunder, may prefer an appeal within thirty days after the communication of such order before an officer not being below the rank of a Deputy Collector specially authorised in this behalf by the Collector :

Provided that if the original order is passed by the Anchal Sabha or the Executive Committee, an appeal shall lie to the Collector.

(2) The appellate authority provided in sub-section (1) shall have the same powers as are vested in a court under the Code of Civil Procedure, 1908. V of 1908

(3) The appellate authority may, after hearing the person aggrieved and the Anchal Sasan, pass such order as it may deem fit.

(4) The appellate authority may stay execution of the order or direction pending the decision of the appeal.

(5) The appellate authority may for sufficient reason extend the period of limitation specified in sub-section (1).

Provision
for revision.

266. (1) The Collector may, either on his own motion or on the application of the party aggrieved by an order of the appellate authorities in the foregoing section call for the record of such order for the purpose of revision :

Provided that no such application shall be rejected summarily unless the applicant has had a reasonable opportunity of being heard in support of the same.

(2) On receipt of the record the Collector may make such enquiry or cause such enquiry to be made, and subject to the provisions of this Act, may pass such orders thereon as he thinks fit.

(3) The Collector may stay execution of the order or direction pending the decision of the revision.

(4) An application by an aggrieved party under this section shall be filed within thirty days of the receipt of the order in appeal.

Costs

267. (1) The authority deciding the appeal or revision under the preceding sections shall have power to award costs at its discretion.

(2) Costs awarded under this section to the Anchal Sasan shall be recoverable by it as if they were arrears of land revenue due from the appellant or the petitioner.

(3) If the Anchal Sasan fails to pay any costs awarded to an appellant or petitioner under this section within thirty days after the date of the communication of the orders for payment thereof, the authority awarding the costs may order the person having the custody of the Anchal Fund to pay the amount.

Bar to
action by
other Courts

268. No order or direction under this Act, rules or bye-laws thereunder, shall be questioned in any other manner or by any other authority than what is provided in the Act, rules, or bye-laws and in this Chapter.

CHAPTER XVIII

RULES AND BYE-LAWS

Power of
State
Government
to frame
rules.

269. (1) The State Government may make rules to carry out all or any of the purposes of this Act not inconsistent therewith and prescribe forms for any proceedings for which they consider that a form should be provided.

(2) In particular and without prejudice to the generality of the foregoing power, they shall have power to make rules with reference, if necessary to the varying circumstances of different local areas—

(i) as to the sale, lease or alienation of public places, land or other immovable property belonging to, vested in or under the management of, an Anchal Sasan ;

(ii) as to the payment of remuneration and allowances to office-bearers and members in connection with their duties under this Act ;

(iii) as to the conditions on which loans may be granted by an Anchal Sasan to its employees ;

(iv) as to the appointment and payment of auditors and as to the adoption of preaudit system and as to the disposal of audit notes and the removal of audit objections ;

(v) as to the fees which may be charged for licenses and the procedure for the grant and revocation of licenses and all necessary matters in this regard ;

(vi) as to the procedure for introducing compulsory vaccination ;

(vii) as to the composition of offences ;

(viii) as to the mode of entry into and executing contracts on behalf of the Anchal Sasan and the authority on which money may be paid from the Anchal Fund ;

(ix) as to the procedure to be followed in correspondence between the State Government and Anchal Sasans generally for the guidance of Anchal Sasan and Government officials in all matters connected with the administration of this Act ;

(x) as to matters in which under this Act the State Government have power to make rules.

(3) All rules made under sub-section (2) shall be subject to the condition of previous publication.

(4) In making any rule under sub-section (2) the State Government may direct that a breach thereof

shall be punishable with fine which may extend to fifty rupees and if it is a continuing offence, for every day it continues beyond the date of conviction, a fine which may extend to five rupees per day for the period the offence continues.

Power of
Anchal
Sabha to
frame bye-
laws.

270. (1) An Anchal Sabha may, and if required by the State Government shall, make bye-laws and regulations from time to time for carrying out the provisions and intentions of this Act and without prejudice to the generality of the foregoing power, may make provision for the following matters, namely :—

(i) the exercise by the Anchal Executive Officer or any other officer or any of the employees of the Anchal Sasan of the powers conferred upon the Anchal Sabha by this or any other Act for the time being in force and the conditions and limitations subject to which such powers may be exercised ;

(ii) the maintenance, management and control of all compulsory and discretionary matters administered by an Anchal Sasan under this Act ;

(iii) protection from injury or interference with the property of the Anchal Sasan or the State Government.

(2) In making any bye-law under sub-section (1), the Anchal Sabha may direct that a breach of it shall be punishable with fine which may extend to fifty rupees and if the breach is a continuing one, with a further fine which may extend to five rupees, per day for the continuance of the breach after the first conviction.

Draft publica-
tion of
bye-laws
and regula-
tions.

271. The power to make bye-laws under this Act is subject to the condition of the bye-laws being made after previous publications, and to the following further conditions, namely :—

(a) a draft of the bye-laws shall be published for such time and in such manner as the State Government may specify in this behalf ;

(b) for not less than one month during such period a copy of such draft shall be kept in Anchal Office for public inspection, and every person shall be permitted at any reasonable time to peruse the same free of charge.

Confirmation
of bye-laws
and publi-
cation.

272. (1) No bye-law made by the Anchal Sabha under this Act shall have any validity unless and until it is confirmed by the State Government.

(2) Before confirming any such bye-law the State Government may modify it.

(3) The State Government may cancel the confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

(4) All bye-laws made and sanctioned under this Act shall be published in the Gazette.

SCHEDULE I

ENACTMENTS REPEALED

(See section 2)

Number and years	Short title	Extent of repeal
1	2	3
Bengal Act III of 1885 ..	Bihar and Orissa Local Self-Government Act, 1885.	The whole
Bengal Act V of 1908 ..	Bengal Local Self-Government (Amendment) Act, 1908.	The whole
Bihar and Orissa Act V of 1920	Bihar and Orissa Local Self-Government (Amendment) Act, 1920.	The whole
Bihar and Orissa Act I of 1923	Bihar and Orissa Local Self-Government (Amendment) Act, 1923.	The whole
Bihar and Orissa Act III of 1932.	Bihar and Orissa Local Self-Government (Amendment) Act, 1932.	The whole
Bihar and Orissa Act V of 1935.	Bihar and Orissa Local Self-Government (Amendment) Act, 1935.	The whole
Madras Act XIV of 1920 ..	The Madras Local Boards Act, 1920.	The whole
Orissa Act VI of 1939 ..	The Sambalpur Local Self-Government Act, 1939.	The whole

SCHEDULE II
ENACTMENTS AMENDED
(See section 2)

Number and years	Short title	Extent of amendment
1	2	3
XVI of 1952 ..	Orissa Agriculture Act, 1951.	<p>1. For clause (c) of section 1 of the Act the following shall be substituted, namely :—</p> <p>“(c) It shall come into force in any area as soon as the area is declared an Anchal under section 4 of the Orissa Anchal Sasan Act, 1955.</p> <p>2. The following shall be inserted as clause (a) (i) of section 2, namely :—</p> <p>“(a)(i) Anchal, Anchal Sabha and Anchal Sasan shall have the same meanings as in the Orissa Anchal Sasan Act, 1955 ”.</p> <p>3. For clause (d) of section 2 the following shall be substituted, namely :—</p> <p>“(d) ‘Committee’ means the Anchal Agricultural Executive Committee of the Anchal concerned ”.</p> <p>4. The following shall be inserted as clause (g) (i) of section 2, namely :—</p> <p>“(g)(i) Grama Panchayat and Grama Panchayat Area shall have the same meanings as in the Orissa Grama Panchayats Act, 1948 ”.</p> <p>5. For “District Agricultural Executive Committee” wherever it occurs substitute “Anchal Agricultural Executive Committee”.</p> <p>6. For section 7 of the Act the following shall be substituted, namely :—</p> <p>“7. (1) The Committee for Agriculture and Development of an Anchal shall be the Anchal Agricultural Executive Committee for the Anchal and shall function as the executive agency for carrying out the purposes of Chapters III, IV, V and VI of this Act :</p> <p>Provided that in case an Anchal Sabha is superseded under the provisions of the Anchal Sasan Act, 1955, the officers nominated by the State Government under clause (b) of sub-section (2) of section 245 of the said Act pending the formation of another Anchal Sabha, shall discharge the functions of the Anchal Agricultural Executive Committee as hereinbefore specified.</p>

1	2	3
XVI of 1952 ..	Orissa Agriculture Act, 1951—concl'd.	<p>(2) A member of the Anchal Agricultural Executive Committee shall continue to hold office only as long as he continue to be a member of the Committee for Agriculture and Development of the Anchal.</p> <p>(3) The Anchal Agriculture Officer shall by the Executive officer of the Committee and the said officer shall exercise such powers of the Committee as may be prescribed.</p> <p>(4) The Committee shall be competent to move the Board to take any action to carry out the provisions of the Act and shall comply with any direction issued by the Board from time to time.</p> <p>(5) In the exercise of its powers as the Anchal Agricultural Executive Committee the Committee for Agriculture and Development of an Anchal shall not be liable to any of the obligations imposed by the Orissa Anchal Sasan Act, 1955, but shall be controlled by the provisions of this Act and the rules made thereunder".</p> <p>7. For section 8 of the Act the following shall be substituted, namely :—</p> <p>"8.(1) Every Grama Panchayat in the Anchal shall be the Krusi Samiti for the Grama Panchayat area. These Krusi Samitis shall be the agencies through which the Committee shall ordinarily function. In areas where there are Krusi Samitis the Committee shall consult the Krusi Samitis concerned before taking any action under Chapters III, IV and VI. The function of the Krusi Samitis shall be such as may be prescribed.</p> <p>(2) In the exercise of its powers as a Krusi Samiti a Grama Panchayat shall not be liable to any of the obligations imposed by the Grama Panchayats Act but shall be controlled by the provisions of this Act and rules thereunder".</p>

SCHEDULE III

MUNICIPALITIES EXCLUDE

(See section 4)

1. Cuttack Municipality
2. Puri Municipality
3. Berhampur Municipality
4. Balasore Municipality
5. Sambalpur Municipality

SCHEDULE IV

(MINOR FOREST PRODUCE)

[See sub-section (3) of section 146]

1. Patal Goruda (*Rawevolfia Serpentina*)
2. Kendu leaves
3. Lac
4. Khair

SCHEDULE V

ORDINARY PENALTIES

[See section 263 (1)]

Sections	Sub-sections	Subject	Fine which may be imposed
1	2	3	4
183	..	Disobeying notice prohibiting the use of water to which public have access.	Five rupees
185	(1)	Failure to obey notice to clear or cleanse building or land in filthy state or overgrown with noxious vegetation.	Ditto
	(2)	Failure to obey to cleanse or disinfect the building.	Ditto
188	(3)	Disobeying direction to disinfect clothing, bedding or other articles likely to retain infection.	Ditto
189	..	Failure to obey notice to close public places during the prevalence of any dangerous epidemic disease.	One hundred rupees.
190	(1)	Failure to register any place for the disposal of dead.	Ten rupees
	(3)	Disposal of dead bodies at any place other than a registered burial ground.	Ditto
191	(1)	Opening or using any place for the disposal of the dead without license from Grama Panchayat.	Fifty rupees
192	(2)	Failure to obey notice prohibiting use of any burial or burning ground.	Ten rupees
202	..	Unlawful building of wall or erecting of fence in or over any public road.	One hundred rupees.
203	(1)	Failure to take down, secure or repair dangerous structure adjoining a public road.	Five hundred rupees.
204	(1)	Allowing doors, ground floor window to open outwards upon any public road without license.	One hundred rupees.
	(2)	Disobedience of notice to alter doors, gates, etc. with a view to preventing projection over public road.	Ditto
205	(1)	Failure to obey notice to secure lop or cut down dangerous trees.	Fifty rupees
206	(1)	Failure to remove or alter encroachment obstructing view of traffic.	Two hundred rupees.
208	..	Disobeying the direction to discontinue the work of dangerous quarries.	Fifty rupees
209	..	Felling, removing, destroying, lopping or stripping bark or leave or otherwise dangerous trees growing on roads or lands vested in Anchal Sasan.	Ditto.
255		Removal or obliteration of notice exhibited by or under orders of an Anchal Sabha, its Chairman or Anchal Executive Officer.	Ditto

SCHEDULE VI

PENALTIES FOR CONTINUING BREACHES

[See section 263 (2)]

Section	Sub-section or clause	Subject	Daily fine which may be imposed
1	2	3	4
185	(1)	Failure to obey notice to clear or cleanse building or land in filthy state or overgrown with noxious vegetation.	Five rupees
	(2)	Failure to obey to cleanse or disinfect building	Ditto
188	(3)	Disobeying direction to disinfect the clothing, bedding or other articles likely to retain infection.	Ditto
189	..	Failure to obey notice to close public places during the prevalence of any dangerous epidemic disease.	Twenty rupees
191	(1)	Opening or using any place for the disposal of the dead without license from Grama Panchayat.	Ten rupees per every occasion.
202	..	Unlawful building of wall or erecting of fence in or over any public road.	Twenty rupees
203	(1)	Failure to take down, secure or repair dangerous structure adjoining a public road.	Twenty rupees
204	(1)	Allowing doors, groundfloor windows to open outwards upon any public road without license.	Five rupees
	(2)	Disobedience of notice to alter doors, gates, etc., with a view to preventing projection over public road.	Ditto
205	(1)	Failure to obey notice to secure, lop or cut down dangerous trees.	Ditto
206	(1)	Failure to remove or alter encroachment obstructing view of traffic.	Ditto
208	..	Disobeying the direction to discontinue the work of dangerous quarries.	Ditto