

The Punjab Chaukidara Rules

HARYANA

India

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Rule THE-PUNJAB-CHAUKIDARA-RULES of 1875

- Published on 15 August 1875
- Commenced on 15 August 1875
- [This is the version of this document from 15 August 1875.]
- [Note: The original publication document is not available and this content could not be verified.]

The Punjab Chaukidara Rules Published vide Notification Punjab Government Gazette No. 2778, dated the 15th August, 1875

1.

"Village" in these rules means any village or town which has separate name in the revenue records, is defined by boundary marks and is not a municipality or place in which the police service of the village or town is performed by police enrolled under Act V of 1861.

2.

For each village one or more village watchmen shall be appointed:(1)Provided that when any village is in the opinion of Deputy Commissioner too small to make good the pay of one village watchmen, it may, for the purpose of these rules, be united to some neighbouring village or villages and for the villages so united one or more village watchmen shall be appointed, and their [honorarium] [Substituted for the word 'remuneration' vide Haryana Government Notification No. G.S.R. 31/P.A.4/1872/S-39/K/97 dated 8.5.1997.] shall be contributed rateably by such villages in proportion to their jammās;(2)[provided also that when, under existing arrangements no village watchman has been appointed to a village, the post of a watchman may be created by the order of the Deputy Commissioner] [Punjab Government Notification No. 1564SH58/20569, dated the 13th March, 1958.].

3.

The number of village watchmen for each village, or where, under rule 2, several villages have been united, the number for the united villages shall be fixed by the Deputy Commissioner with reference to the number of houses and the character of the population. Much latitude is left to the Deputy Commissioner in fixing the number which should not be unnecessarily large. As a general rule, one

village watchman will suffice for a beat containing from 50 to 100 houses; two for a beat with 100 to 200 houses, three for a beat with 200 to 300 houses; and so on.

4.

[-] [Punjab Government Notification No. 18739, dated the 17th July, 1921.].

5.

Where the number of village watchmen in any village is five or more, one of them may be appointed head village watchman and designated daffadar.

6.

The nomination to the post of village watchman or of Daffadar shall be made by the village headman, and where there are more village headmen than one, the opinion of the majority in number (unless there is some special provision to the contrary in the village administration paper) shall prevail. Where a village watchman or daffadar is to be appointed for a beat comprising more than one village, the opinion of the majority in number of the village headmen in such beat shall prevail.[7. The person or persons authorised to nominate to the office of village watchman or daffadar shall within 15 days after being required by the Deputy Commissioner, or the officer duly authorised by him in that behalf so to do, nominate a proper person to the vacant post and communicate the nomination to the Deputy Commissioner.] [Punjab Government Notification No. 8306, dated the 17th March, 1920.]

8.

The person so nominated shall, after due enquiry into his age, character and ability, be appointed or rejected at discretion by such Deputy Commissioner, or by some officer authorised by him in that behalf.[9. In default of such nomination within the said 15 days, the Deputy Commissioner or the officer duly authorised by him in that behalf, shall appoint such person as he thinks fit.] [Rules 9, 10 and 11 See Punjab Government Notification No. 8036, dated the 17th March, 1920.]

10.

If the nomination has been made within the said 15 days, but the nominee is rejected, the person or person authorised to nominate shall within 15 days from the date of such rejection, nominate another person, and in default of such nomination, or if such nomination has been made but the nominee is again rejected, the Deputy Commissioner or the officer duly authorised by him in that behalf, shall appoint such persons as he thinks fit].

10A.

[Rule 10-A added by Haryana Notification No. GSR 22/PA4/1872 S.39A/Amd(1)/77 dated 28.1.1977 and later omitted by Haryana Notification No. GSR 94/PA4/1872 S.39A/Amd(1)/77 dated 27.5.1977]

11.

The Deputy Commissioner, or the officer duly authorised by him in that behalf, may dismiss any village watchmen or daffadar for any misconduct or neglect of duty [or physical unfitness for the performance of his duties] [Added by Punjab Government Notification No. 5105-JL56/75399, dated the 10th October, 1956.].

12. [[Substituted vide Haryana Government Notification No. G.S.R.31/P.A.4/1872/S.39/K/97 dated 8.5.1997.]

The village watchman shall be the caretaker of Government and community assets in the village, within his jurisdiction.][13. No village watchman or daffadar shall withdraw from the duties of his office unless :-Ist. - He received permission to resign from the Deputy Commissioner or from some other person authorised by the Deputy Commissioner to accept his resignation, or

2nd. - Two months have elapsed since he gave notice of his intention to resign to the Deputy Commissioner or to the officer duly authorised by him in that behalf.]

[14. The village watchman is the servant of the village community, and as such is bound (subject to the orders of the Deputy Commissioner) to obey the village headmen and shall not be considered as Government servant for any purpose. He is also bound to assist the police to the best of his ability in all matters connected with the prevention and detection of crime and the apprehension of offenders.] [Substituted vide Haryana Government Notification No. G.S.R.31/P.A.4/1872/S.39/K/97 dated 8.5.1997.]

15.

It is the duty of every village watchman to keep watch and ward in his village.

16.

Every village watchman shall, except where it is otherwise provided by these rules, report in person on the state of his beat [once a fortnight] [Substituted for the words 'once a week,' by Punjab Government Notification No. 15282, dated the 22nd May, 1926.] to the officer in charge of the police station within the limits of which such beat is situated. Where there are more than one village

watchman in a beat such report shall made by one village watchman only, and the duty shall be taken by rotation. The Deputy Commissioner may, should he deem fit, order more frequent reports, at such intervals and for so long as he considers proper, from any beat in his district.

17.

Every village headman and village watchman is bound forthwith to communicate to the officer in charge of the police station within the limits of which his village or beat is situated, any information he may obtain respecting any person found lurking in such village or beat who has no ostensible means of subsistence, or who cannot give satisfactory account of himself or respecting the residence in or resort to any place within the limits of such village or beat of any person who is a reputed housebreaker or thief, or who is of notoriously bad livelihood.

18.

Every village headman and village watchman shall observe and from time time report to such officer, the movements of all bad characters in his village or beat and slyly report. The arrival of suspicious characters in the neighbourhood.[19. Every village headman and village watchman shall forthwith make a report to such officer in the event of any notorious bad character residing in his village or being absent at night without having given notice of his departure, and shall give timely information of his associating with individuals of bad repute or ceasing to labour or to obtain a livelihood by honest means.] [Substituted by Punjab Government Notification No. 283, dated the 11th November, 1909.]

20.

Every village headman and village watchman shall keep such officer informed of all disputes which are likely to lead to any riot or serious affray, and of all intelligence he receives affecting the public peace within or near his village or beat.

21.

Every village headman and village watchman shall at once give to such officer any information he may obtain respecting the commission of, or intention to commit any, of the following offences in his village or beat, that is to say -Rioting ;Concealment of birth by secret disposal of dead body ;Causing miscarriage ;Exposure of a child;Mischief by fire ;Mischief to animals by poisoning ;Attempt to commit or abetment of the commission of any of the above offences; andAttempt to commit culpable homicide.

22.

It shall be the duty of the village headman and village watchman [to maintain a [death register and] [Inserted, by Punjab Government Notification No. 871-NG-41/21092, dated the 16th April, 1891.] a

birth register] [See Punjab Government Notification No. 8306, dated the 17th March, 1920.] to report to the officer incharge of the Police Station within the limits of which his village or beat is situate, [all deaths and births] [Substituted for the words 'all deaths' by *ibid.*] which occur in such village or beat, and to furnish such other information in connection with vital statistics as may be required of him by the Deputy Commissioner from time to time. [He shall also obtain the signature of the patwari of the Circle on the Death Register within one week of his making the entry of a death in the said register in token of the patwari's having received information of the occurrence.] [Added by Punjab Government Notification No. 871-HG-41/9bO92, dated the 16th April, 1941.][23. Every village headman and village watchman shall in like manner report to the officer in charge of the Police Station within the limits of which his village or beat is situate, the appearance of any epidemic disease among people or animals in his village or beat, and shall report to the patwari on demand the total number of deaths caused thereby, and shall also supply to the best of his ability any local information which the Deputy Commissioner may require.] [Substituted by Punjab Government Notification No. 32719, dated the 24th November, 1934.]

24.

Every village headman and village watchman shall prevent, and may interpose for the purpose of preventing the commission of any cognizable offence, as defined in the Code of Criminal Procedure.

25.

Every village headman or village watchman receiving information of the commission of, or of a design to commit, any such offence, shall communicate such information to the officer in charge of the Police Station within the limits of which his village or beat is situate.

26.

Every village headman and village watchman knowing of a design to commit any such offence, may arrest, without orders from a Magistrate and without a warrant, the person so designing, if the commission of the offence cannot be otherwise prevented.

27.

Every village headman and village watchman may, on his own authority, interpose for the prevention of any injury attempted to be committed in his view to any Government, Municipal or Railway property, movable or immovable, or to prevent the removal or injury of any public landmark,

28.

Every village headman and village watchman, may, without orders from a Magistrate and without a warrant arrest, -Ist, - any person who in the sight of such headman or watchman commits a

cognizable offence as defined in the Code of Criminal Procedure;

2nd.

, - any person against whom a reasonable complaint has been made or a reasonable suspicion exists of his having been concerned in any such offence;

3rd.

, - any person against whom a hue and cry has been raised of his having been concerned in any such offence;

4th.

, - any person who has been proclaimed either under the Code of Criminal Procedure or in a Police Gazette Notification;

5th.

, - any person found with property in his possession which may reasonably be suspected to be stolen property;

6th.

, - any person who obstructs a police officer or village headman or village watchman acting under these rules in the execution of his duty, or who escapes from lawful custody;[7th, - any person reasonably suspected of being deserter from the Indian Army, Navy or Air Force]

8th.

, - [-] [Clause 8 deleted by Punjab Government Notification No. 32719 dated 24.11.1934.]

29.

If a person forcibly resists an endeavour to arrest him, every village headman and village watchman may use all means necessary to effect the arrest.

30.

No person arrested by a village headman or village watchman shall be subjected to more restraint than is necessary to prevent his escape.

31.

The village watchman shall take charge of all persons arrested by the village headman under the rules, or by any private person under the law for the time being in force, and shall forthwith take or send any person or persons so taken charge of by him or any person or persons he himself may arrest; before the officer in charge of the police station within the limits of which his beat is situated : provided that during the hours of darkness, the person or person arrested may be detained in custody at the village, but must be taken as early as possible on the following morning to the police station.

32.

The duties imposed by these rules on village headman in regard to the furnishing of information to the police and the apprehension of offenders, shall ordinarily be performed by them through the agency of the village watchman ; but in the absence of such watchman, or in the even of their failure or inability to perform such duties, it shall be incumbent on the village headman to perform them themselves.

33.

Every willage watchman will receive a remuneration in cash at the rate of [five hundred rupees] [Substituted vide Haryana Government Notification No. G.S.R. 31/P.A.4/1872/S-39/K/97 dated 8.5.1997.] per mensum. An extra remuneration to be fixed by Deputy Commissioner not exceeding rupees [five hundred] [Substituted vide Haryana Government Notification No. G.S.R. 31/P.A.4/1872/S-39/K/97 dated 8.5.1997.] shall be paid to each daffadar.(2)Remuneration payable to village watchman under subrule (1) shall be paid every month by the tehsildar through Treasury.[34. Provided that, with the sanction of the Commissioner, the Deputy Commissioner may enhance the [honorarium] [Punjab Government Notification No. 405, dated the 6th April, 1898.] of any village watchman upto a maximum of [Rupees twenty] per mensem in cash or its equivalent in grains:]Provided also that whenever the [honorarium] [Substituted for the word 'remuneration' vide Haryana Government Notification No. G.S.R. 31/P.A.4/1872/S-39/K/97 dated 8.5.1997.] has been fixed in whole or in part in cash, whether at the time of settlement or otherwise, it shall, at any time, be competent to the village community and the village watchman by mutual agreement, subject to the approval of the Deputy Commissioner to commute such cash honorarium into honorarium in grain; but where such commutation has taken place, the Deputy Commissioner may, for any sufficient reason, direct that honorarium in cash shall be reverted to.[35. The Development and Panchayats Department will ensure that the payments are made to chaukidars by the 7th of every month in the presence of Lambardar and one Harijan Panch. The Sarpanch will submit a report accordingly to the concerned Block Development and Panchayats Officer by 10th day of the month alongwith the signature/thumb impressions of the Chaukidars. The payment of honorarium as well as uniform allowance will be made to the chaukidar by the village panchayats which will be given grant by the Government for the purpose.] [Substituted vide Haryana Government Notification No. G.S.R.31/P.A.4/1872/S.39/K/97 dated 8.5.1997.]

36.

When the village watchman's [honorarium] [Substituted for the word 'remuneration' vide Haryana Government Notification No. G.S.R. 31/P.A.4/1872/S-39/K/97 dated 8.5.1997.] chargeable to a village is payable wholly or in part in cash, the amount so payable or any portion thereof may at the option of a majority in number of the village headmen, and with the approval of the Deputy Commissioner, be raised by a chungi or paid out of any kamiana, chungi, dhurrant, or other like tax, at present collected.

37.

Where such [honorarium] [Substituted for the word 'remuneration' vide Haryana Government Notification No. G.S.R. 31/P.A.4/1872/S-39/K/97 dated 8.5.1997.] is payable, wholly or in part in grain, the amount so payable or any portion thereof may be collected by a distribution on plough or in such other way as a majority in number of the headmen may determine, subject to the approval of the Deputy Commissioner.

38.

Whatever be the mode of collection, the Deputy Commissioner shall cause an assessment schedule to be drawn out for each village in which the mode of collection shall be described with the amount, whether of cash or grain, leviable from each person. Such schedule shall be deposited with the Tehsildar of the pargana in which the village is situate, and a copy shall be supplied to the village headmen, village accountant and each village watchman.

39.

Omitted vide Haryana Government Notification No. G.S.R. 31/P.A.4/1872/S- 39/K/97 dated 8.5.1997.

40.

Omitted vide Haryana Government Notification No. G.S.R. 31/P.A.4/1872/S- 39/K/97 dated 8.5.1997.[41. The village headmen at the time of paying the first instalment of land revenue for any harvest shall deposit Chaukidara collections in the Treasury, along with the land revenue instalments and the village watchman shall get payment of his dues from the Tehsildar either personally or through money order at this own expense. If such Chaukidara collections are not deposited, the Tehsildar shall, subject to the orders of the Deputy Commissioner, take measures to enforce payment of the honorarium due, and for this purpose, the Deputy Commissioner and Tehsildar shall have the same powers respectively as they now possess for the recovery of land revenue due to Government. In any case of persistent neglect on the part of the village headman or headmen to deposit the Chaukidara collections due to the village watchman or watchmen with regularity, the Deputy Commissioner may direct that such honorarium be recovered henceforth as if

it were an arrears of land revenue due to Government and be disbursed to the watchman or watchmen at such intervals as may be convenient at the Tehsil or Thana] [See Punjab Government Notification No. 14721H 60/38297, dated the 26th October, 1960.].[41A. No village watchman shall be liable to transfer from one village to another.] [See Punjab Government Notification No. 405, dated the 6th April, 1898.][42. All orders of the Deputy Commissioner in regard to the fixing of the number of village watchmen, the mode of their [honorarium] [See Punjab Government Notification No. 8306, dated the 17th March, 1920.] and the levying of the same, shall be subject to control, revision and alteration by the Commissioner to whom he is subordinate but all orders by a delegated authority shall be appealable to the Deputy Commissioner or to such authority as the Deputy Commissioner may specify.][43. Every village watchman or daffadar found guilty of any wilful misconduct in his office or of neglect of duty, such misconduct or neglect not being an offence within the meaning of the Indian Penal Code, or withdrawing from the duties of his office without permission and without having given at least two months notice of his intention to withdraw from such duties to the Deputy Commissioner, or to the officer duly authorised by him in that behalf, or offering any unnecessary personal violence to any person in his custody, or violating any of the these rules, shall, on conviction before a magistrate, be punished with fine not exceeding three months' pay or with imprisonment with or without hard labour for a period not exceeding 3 months, or with both.] [Substituted by Punjab Government Notification No. 8306, dated 17.3.1920.]

44.

Any village headman violating any of these rules, shall, on conviction before a Magistrate, be punished with fine not exceeding Rs. 800, or with imprisonment, with or without hard labour for a term not exceeding three months or with both.

45.

Nothing contained in these rules shall be construed to prevent any person from being prosecuted under any Regulation or Act of any offence made punishable by these rules or from being liable under any Regulation or Act to any other or higher penalty or punishment that is provided for such offence by these rules; provided that no person shall be punished twice for the same offence.