

The Jammu and Kashmir State Village and Town Patrol Act, 1959

JAMMU & KASHMIR

India

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Act 24 of 1959

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The Jammu and Kashmir State Village and Town Patrol Act, 1959(Act No. 24 of 1959)[Received the assent of the Sadar-i-Riyasat on 21st November, 1959 and published in Government Gazette dated 28th November, 1959, No. 35 (c).]An Act to provide for the performance of night patrol duty by the inhabitants of villages and towns in the State in case of emergency.Be it enacted by the Jammu and Kashmir State Legislature in the Tenth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1)This Act may be called the Jammu and Kashmir State Village and Town Patrol Act, 1959.(2)It extends to the whole of the State.(3)[It shall come into force on such date as the Government may, by notification in the Government Gazette, appoint.] [Enforced on 10th January, 1960 (Government Gazette dated 4-1-1960).]

2. Definitions.

- In this Act, unless the context otherwise requires,-(i)"committee" means a committee for a town or village constituted under section 4;(ii)"town" means a town area as defined in the Jammu and Kashmir Town Area Act, Samvat 2011;(iii)"village" means a parcel or parcels of land having a separate name in the revenue records and known limits and not included in the limits of a Municipality, Cantonment or town area; provided that the District Magistrate, wherever necessary, may treat a part of a village as a separate village for the purpose of this Act.

3. Power of District Magistrate to order for patrol duty.

(1)When the District Magistrate on the recommendation of an officer of the Police not below the rank of Inspector, or Company Commandant, as the case may be, posted on the Border having jurisdiction in that particular area, is of opinion that in any town or village in his district special measures are required to be taken to secure public safety, and the inhabitants of that town or village have not voluntarily made sufficient provision therefor, he may make an order in writing that from such date as he may fix in the order, all able-bodied adult male inhabitants of the town or village shall be liable to patrol duty :Provided that no person shall be called upon to discharge such patrol duty if he-(a)is not a resident of the town or village in which the patrol duty is required;(b)is under 18 years or above 50 years of age;(c)is a person who has been convicted of any offence involving moral turpitude or has been bound under any of the preventive provisions of the Criminal Procedure Code; or(d)is otherwise ill-reputed and of a bad character or is habitual offender or is a receiver of stolen property.(2)An order under sub-section (1) shall remain in force for such period not exceeding one year in the first instance as the District Magistrate may fix, but it may be renewed from time to time as the District Magistrate may direct.

4. Establishment of the committee.

(1)When the District Magistrate has made an order under sub-section (1) of section 3, he shall appoint a committee of not more than five members from amongst the inhabitants of the town or the village, as the case may be.(2)The committee constituted under sub-section (1) shall report forthwith-(a)the number of able-bodied adult male inhabitants of the town or village;(b)the number of persons which, in their opinion, will be required for patrol duty each night;(c)the method by which, in their opinion, such persons may be selected, that is, whether by rotation or by lot or otherwise.(3)Upon receipt of the report of the committee the District Magistrate shall determine the number of persons required for patrol duty and the method of their selection, and shall inform the committee of the town or village, as the case may be, of his decision.(4)The committee shall select the persons for patrol duty in such number and according to such methods as the District Magistrate may determine.(5)Where the selection is by lot, names once drawn shall not be drawn again until all remaining names on the list have been drawn.(6)The committee shall, by publication of a list or otherwise, inform the persons liable to patrol duty of the date, time, area and nature of such duty.

5. Substitutes.

- Any person liable to patrol duty shall himself perform such duty or shall provide an able-bodied substitute for such duty as may be approved by the committee.

6. Exemptions.

- Exemptions from patrol duty may be granted-(a)by the District Magistrate; or(b)by the committee subject to confirmation by the District Magistrate.

7. District Magistrates s power of general control.

- The District Magistrate shall have power to add to or reduce the number of persons required for patrol duty and the method of their selection, to direct that patrolling may extend to the whole or any portion of the town or village and generally to regulate and control all matters relating to patrol duty :Provided that before altering the method of selection, he may consult the committee.

8. Delegation.

- The District Magistrate may delegate to any Magistrate of the first class all or any of his powers under sections 4, 6 or 7 of this Act.

9. Fine on defaulting persons.

(1)The committee may impose a fine not exceeding five rupees on any person who has failed without sufficient cause to perform patrol duty personally or by substitute.(2)All fines imposed under sub-section (1) may, upon application by the committee, be recovered by the Collector as an arrear of land revenue.(3)No appeal shall lie from an order passed under sub-section (1) by a committee; but the Collector may, for reasons to be recorded, waive the recovery of the fine.(4)All fines recovered under this section shall be expended in such manner as the committee may determine.

10. Decision of majority to prevail.

- The decision of the majority of the members of a committee shall be deemed to be the decision of the committee.

11. Fine on defaulting village.

(1)Where in the opinion of the District Magistrate any town or village in respect of which an, order under sub-section (1) of section 3 has been passed, fails to provide for the due performance of patrol duty, the District Magistrate may by written order impose a fine which may extend to one hundred rupees in any one case upon such town or village, as the case may be :Provided that before imposing any fine under this section, the District Magistrate shall give ten days notice by beat of drum or otherwise to the town or village, as the case may be, and shall consider any objection that may be received by him.(2)The District Magistrate shall, after such inquiry as he may deem necessary to make, apportion the fine among the inhabitants.(3)Any fine under this section shall be recovered as arrear of land revenue and may be expended on rewarding such individuals as have rendered conspicuous service under this Act, or for the general benefit of that town or village, in such manner as the District Magistrate may direct.

12. Appeal.

- An appeal from an order of the District Magistrate under section 3 or section 11 shall lie to the Government.

13. Powers and privileges of patrols.

(1)All persons on patrol duty under this Act shall exercise the same powers and enjoy the same protection as is exercised and enjoyed by a Chowkidar under the Chowkidari Act, 1956.(2)Every person shall be bound to render to a person on patrol duty the assistance which he is required to render to a Police Officer.(3)Every person on patrol duty shall be deemed to be a public servant within the meaning of section 21 of the Ranbir Penal Code, Samvat 1989.

14. Power to make rules.

- The Government may, by notification in the Government Gazette, make rules to carry out the purposes of this Act.