

The Jammu and Kashmir Chowkidari Act, 1956

JAMMU & KASHMIR

India

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Act 37 of 1956

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The Jammu and Kashmir Chowkidari Act, 1956 Act No. 37 of 1956 [Received the assent of the Sadar-i-Riyasat on 6th November, 1956 and published in the Government Gazette (Extraordinary) dated 28th December, 1956]. An Act to amend, consolidate and declare the Law relating to the appointment and maintenance of Chowkidars in towns and village in the Jammu and Kashmir State. Be it enacted by the Jammu and Kashmir State Legislature in the Seventh year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Jammu and Kashmir Chowkidari Act, 1956: (2) The provisions of this Act shall have effect in all towns and villages in the Jammu and Kashmir State. (3) Repeal and savings. - From the date this Act comes into force, all previous orders, circulars and rules, so far as they are repugnant to this Act, shall be deemed to have been repealed ; But all appointments made, orders issued, limits fixed or things done under orders, circulars and rules hereby repealed shall be deemed to have been respectively made, issued, fixed or done under this Act.

2. Definitions.

- In this Act, unless the context otherwise requires :- (a) "prescribed" means prescribed by rules made under this Act ; (b) "town" means a town area as defined in Jammu and Kashmir Town Area Act, 2011, but shall not include municipal areas or other stations, police duties of which are discharged by Police officials, recruited under the Police Act, 1983, or under any other Act for the time being in force ; (c) "village" means a residential area (entered as Mahal in revenue records) of which boundaries have been defined.

3. Deputy Commissioner to determine number of Chowkidars.

- The Deputy Commissioner shall determine the number of Chowkidars to be maintained in a town or village or a group of towns or villages in the prescribed manner :Provided that the existing number of Chowkidars shall be treated as if it were determined under this section.

4. Power to create or reduce post.

- Notwithstanding anything contained in section 3, the Government may create or reduce any posts of Chowkidars at any time.

5. Appointment, suspension and dismissal of Chowkidars.

- The appointment, suspension and dismissal of a Chowkidar shall rest with the Tehsildar who shall also be competent to impose a penalty of fine on a Chowkidar for neglect of duty or misconduct :Provided that a Naib-Tehsildar may, in cases of emergency, suspend a Chowkidar or fine him or grant him leave of absence, subject to confirmation by the Tehsildar :Provided further that the payment of dues for the period of suspension and for period of leave of absence shall be determined in the prescribed manner.

6. Wages of Chowkidar.

- The Government shall determine the wages to be paid to a Chowkidar appointed under this Act ;Provided that the rates of wages paid to a Chowkidar on the date of commencement of this Act shall continue to be paid until the same are revised.

7. Cess to be raised by Government.

- The Government shall raise a cess for the purpose of remunerating the Chowkidars to be maintained in a town or village or a group of towns or village :Provided that the Pujaris, Granthis, Imams, Mujawirs and Takidars of Temples, Gurdawaras, Mosques, Khanqahs, Takias and other places of public worship including Churches and destitute widows and orphans without ostensible means of livelihood shall be exempt from payment of the whole or part of the cess :Provided further that the Government shall have power to exempt any person or class of persons or property or description of property from payment of the tax.

8. Collection of Cess and remuneration to Lambardars.

(1)The cess shall be collected as land revenue in accordance with the provisions of Chapter VII of Jammu and Kashmir Land Revenue Act, 1996, and all arrears of such cess shall be collected as arrears of land revenue.(2)The collection shall be made by the Lambardar of a village in the same manner in which the land revenue is being collected by him.(3)[x x x x] [Sub-section (3) of section 8 repealed by section 7 of the Jammu and Kashmir Lambardari Act, 1972 (Act No. X of 1972) by

SRC-188 of 1973 with effect from 1-5-1973.].

9. Appeals.

- An appeal against an order passed by the Tehsiidar under this Act shall lie to the Deputy Commissioner whose orders shall be final :Provided that the Deputy Commissioner may either dispose such appeal himself or may transfer it for disposal to an Assistant Commissioner subordinate to him.(2)In disposing of an appeal transferred to him under sub-section (1) the Assistant Commissioner shall exercise all the powers of the Deputy Commissioner.

10. Duties of Chowkidar.

- Every Chowkidar appointed under this Act shall carry out the watch and ward of a town or village to which he is appointed and assist the local officers and Panchayats in the discharge of their functions and the prevention and detection of crime.

11. Chowkidar a public servant.

- A chowkidar appointed under this Act shall be a public servant within the meaning of section 21 of the Ranbir Penal Code, 1989.

12. Liabilities under other Acts.

- Any punishment inflicted under this Act shall not protect the Chowkidar from any other criminal or civil liability under any other law for the time being in force.

13. Protection of action under this Act.

- No suit or other legal proceedings in a Civil or Criminal Court shall lie against any person in respect of anything done in good faith under this Act.

14. Procedure for issue of summons, notice, etc.

- The provisions of the Jammu and Kashmir Land Revenue Act, 1996, in regard to issue of summons, notices, proclamations, orders, conduct of enquiries, places of hearing, record of statement and issue of copies, and inspection of records, shall apply to proceedings under this Act.

15. Power to frame rules.

(1)The Government may frame rules for carrying into effect the purposes of this Act.(2)In particular and without prejudice to the generality of the powers conferred by sub-section (1), such rules may relate to all or any of the following matters :-(a)the qualifications for appointment as Chowkidars and the procedure for making appointments and for punishment of Chowkidar including fixation of

the amount of fine, period of suspension and the payment of dues for the period of suspension and for the period of leave of absence ;(b)the mode of conducting enquiries into allegations against Chowkidars ;(c)the procedure for hearing and disposal of appeals ;(d)the grant of leave to Chowkidars and the arrangements for carrying on work in their absence ;(e)the distribution and realisation of Cess ;(f)the mode of payment of emoluments to Chowkidar ;(g)provision for the uniforms, its mode of supply and its entry in registers ;(h)assessments, batches or special assessments ;(i)maintenance and form of registers and form of returns, statements and report ;(j)mode of raising the cess and control, custody and maintenance of Cess Fund ;(k)the imposition, assessment and collection of the Cess and preventing the evasion thereof ;(l)exemption from taxation of any person or class of persons, property or description of property ;(m)the manner and proportion of expending the Cess and the preparation of estimates and income of expenditure ;All such rules shall be published in the Government Gazette and shall have effect from the date of such publication.