

The Himachal Pradesh Land Revenue (Surcharge) Rules, 1974

HIMACHAL PRADESH

India

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Rule

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The Himachal Pradesh Land Revenue (Surcharge) Rules, 1974 Published vide Notification R.H.P. Extra ordinary dated 2.11.1974 pages 1491 to 1494.

1. Short title, extent and commencement.

(1) These rules may be called the Himachal Pradesh Land Revenue 'Surcharge) Rules, 1974. (2) They shall extend to the whole of Himachal Pradesh. (3) They shall come into force at once.

2. Definition.

- In these rules, unless there is anything repugnant of the subject or context.-(a)"Act" means the Himachal Pradesh Land Revenue (Surcharge) Act, 1974.(b)"form" means the form appended to these rules; and(c)"section or sub-section" means the section or sub-section of the Act.

3. Period for giving information under section 4(1).

- The time under sub-section (1) of section 4 of the Act or giving written information of the details of total land revenue payable by a land-owner shall be 30 days from the commencement of these rules.

4. Manner in which information required from land-owners, to be given.

- The information under rule 3 shall be given in Form 'A'. The land-owner shall, at the same time furnish it on as many additional copies of the form, one copy each for each Patwari, as there are

patwar circles in which his land is situated and shall also submit a copy thereof to the Tehsildar having jurisdiction.

5. Assessment of surcharge.

(1)The Tehsildar or the Naib-Tehsildar, as the case may be, on receipt of the copies of the particulars of land revenue, shall sent copies of the form to the concerned patwari for verification of the particulars furnished by the land-owner with instructions to return the same within 15 days through the Field Kanungo who shall also satisfy himself about the correctness of the particulars of the land/land revenue. The Tehsildar or the Naib Tehsildar on receipt of the copies from the concerned patwaris shall make assessment of the surcharge payable by the respective land-owners and send the same to the patwari in whose jurisdiction, the land-owner holds the largest area of land.(2)If the land-owner owns land in more than one patwar circle and within the same Kanungo Circle, then Tehsildar or the Naib-Tehsildar shall get the surcharge calculated by the Field Kanungo of the Circle in accordance with the provisions of section 3 of the Act. Thereafter, he shall make the assessment and intimate the same to the patwari in whose jurisdiction, the land-owner owns the largest area.(3)In cases, other than those covered under sub-rules (1) and (2) above, the calculation of the surcharge shall be made by Patwari of the circle in which the land is situated in accordance with the provisions of section 3 of the Act.

6. Collection of surcharge.

(1)After making the assessment of surcharge at his own level or after the receipt of assessment made by the Tehsildar or the Naib-Tehsildar, the Patwari shall prepare a demand statement and hand over the same to the Lambardar in whose jurisdiction, the land-owner holds largest area of land.(2)The recovery of surcharge shall be made in the same manner as is described for the collection of land revenue in rules 52 to 58 and 64 to 70 of the Punjab Land Revenue Rules.

7. Collection charges.

- For collection charges for which the Lambardar shall be entitled on account of recovery of surcharge, the rules under the Punjab Land Revenue Act, 1887 shall apply mutatis mutandis.

8. Manner in which Tehsildars to collect information.

(1)Where any person liable to pay surcharge under the Act fails to furnish the details of the land revenue payable on the prescribed form provided in rule 4, the Tehsildar or the Naib-Tehsildar shall cause the written information to be prepared in the said form from all the patwaris in whose jurisdiction the land of land-owner is situated with the instructions to send the information within 15 days through the respective Field Kanungo.(2)On receipt of the information from the patwaris, the Field Kanungo shall, after examination attest the entries made by the patwari in Form 'A' and forward it to the Tehsildar or the Naib-Tehsildar concerned, as the case may be.(3)After satisfying himself as to the correctness of the particulars mentioned in the form, the Tehsildar or the

Naib-Tehsildar, shall make assessment of the surcharge payable by the land-owner in accordance with the provisions of section 3 of the Act and intimate the same to the patwari of the circle in which the land-owner holds the largest area of land. Form 'A' (See Rule 4) Information to be Furnished By The Landowner Under Sub-Section (1) of Section 74

Name of Parentage the land-owner	Address of the land-owner	Name of Tehsil and district which the land is situated	Village and patwar circle in which land is situated	Kanungo circle in which land is situated	Area of land held by land-owner in hectares	Amount of land revenue payable	Total land revenue payable
1	2	3	4	6	7	8	9

Date.....Place.....Signature
of Landowner (Thumb impression). By order, L. Hmingliana Tochhawng, Secretary, Government of Himachal Pradesh Revenue Department Dated Shimla-171002, the 27th March, 1984 Notifications No. Rev.D-B(15)-2/82, In supersession of all previous Orders in this aspect, I, Attar Singh, Financial Commissioner (Revenue) Government of Himachal Pradesh, in exercise of the powers vested in me under Rule 21(1) of the Punjab Land Revenue Rules made under the Punjab Land Revenue Act, 1887, as applicable to Himachal Pradesh and Rule 7 of the H.P. Land Revenue (Surcharge) Rules, 1974, hereby fix the remuneration of Lambardars in Himachal Pradesh at 20% (Twenty percent) for the Collection of Land Revenue as well as surcharge thereon with effect from Rabi Crop 1983-84, on the amount collected. The remuneration of the Lambardars shall be paid by the Land owners as usual, over and above the Land Revenue and Surcharge thereon. By Order Attar Singh Financial Commissioner-cum-Secretary (Revenue) to the Government of Himachal Pradesh Endorsement No. Rev.D-B(15)-2182, dated the 27th March, 1984 copy forwarded to:-

- 1. All the Secretaries/Joint Secretaries/Deputy Secretaries/Under Secretaries to the Government of H.P.**
- 2. Divisional Commissioner, Dharamshala/ Shimla.**
- 3. All the Deputy Commissioners in H.P.**
- 4. Deputy Secretaries (Revenue)/Under Secretary (Revenue).**
- 5. Director of Land Records H.P.**
- 6. Settlement Officer, Shimla/Dharamshala.**

7. All SDo(c)/Tehsildars in H.P.

8. The Controller, Printing & Stationer, Government of Himachal Pradesh Shimla-171005 for publication in the Rajpatra.

Sd/-Under Secretary (Revenue)Government, of H.P.(Published in the Punjab Government Gazette, Legislative Supplement Ordinary, dated the 17th September, 1965)Part-IV Home DepartmentNotificationNotification The 13th September, 1965No. G.S.R.220/CA-4/ 1872/Section 39-A/65 - The following rules amended upto the 29th May, 1965 are published for general information:-(As applicable to H.P.)

1. "Village" in these rules means any village or towns 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 the Deputy Commissioner too small to make good the pay of one village watchman, 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 remuneration shall be contributed rateably by Such villages in proportion to their jammass;(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] [Substituted, vide Punjab Government Notification No.1564-S-II-58/20566, 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.

[* * * * *] [Cancelled, vide Punjab Government Notification No.18739, dated the 11th 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. [[Substituted, vide Punjab Government Notification No. 8306, dated the 17th, March, 1920.] 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]**
- 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.**
- 10. If the nomination has been made within the said 15 days, but the nominee is rejected the person or persons 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 person as he thinks fit.] [Rules 9, 10 and 11 substituted,-vide Punjab Government Notification NO.8306, dated the 17th March,]**

11. The Deputy Commissioner, or the officer duly authorised by him in that behalf, may dismiss any village watchman or daffadar for any misconduct or neglect of duty [or physical unfitness for the performance of his duties] [Added,-vide Punjab Government Notification No.5105-JL-56/75399, dated the 10th October, 1956.]

12. The village watchmen shall be armed [with a spear or club and with a sword] [Substituted for the words 'with a spear and sword',-vide Punjab Government Notification No.405, dated the 6th April, 1898.] and shall wear a uniform dress consisting of a wadded chapkan of dark blue for winter wear, and a course cloth chapkan dyed blue for summer, and a blue turban. The arms and dress shall be provided by the village community out of the [collection made from it by the revenue authorities from time to time according to needs.] [Substituted for the words village malba,-vide Punjab Government Notification No.G.S.R.260/PA-4/1882-S-39-A/64 dated 25th November, 1964.]

[13. No village watchman or daffadar shall withdraw from the duties of his office unless:-

1st.

-he has 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.] [Substituted,-vide Punjab Government Notification No.8306, dated the 17th March, 1920.]

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 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.

[The Deputy Commissioner may prohibit any village watchman, whose monthly remuneration is not less than Rs 4 in cash or grain or partly in cash and partly in grain, from engaging in any occupation other than the discharge of his duties under these rules, and every village watchman shall be bound to obey any such order] [Added,-vide Punjab Government Notification No.405, dated the 6th April,

1898-]

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',-vide 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 be 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 house-breaker or thief, or who is of notoriously bad livelihood.

18. Every village headman and village watchman shall observe, and from time to time report to such officer, the movements of all bad characters in his village or beat and shall 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 havin 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,-vide 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; and Attempt to commit culpable homicide.

22. It shall be the duty of the village headman and village watchman [to maintain a [death register and] [Inserted,-vide Punjab Government Notification No.871-HG-41/21092, dated the 16th April, 1941.] a birth register] or 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 Patwaris having received information of the occurrence] [Vide Government Notification No.871-HC-4/21092. 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,-vide 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, of 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 -

1st. -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 or 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 a desertar from the Indian Army, Navy or Air Force] [Sustituted,-vide Punjab Government Notification No.GSR-116/CA-4/1872/Section 39-A/65. dated the 29th May, 1965.][* * * * *] [Clause 3 deleted by ibid.]

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 any 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 situate; provided that during the hours of darkness, the person or persons 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 watchmen, or in the event of their failure or inability to perform such duties, it shall be incumbent on the village headman to perform them themselves.

[33. Every village watchman shall receive remuneration half yearly of each harvest, in cash at the rote of 1.Rs 100/4 per month] [Rule 33, substituted vide Punjab Government Notification No.GSR 238/CA/4/1872/Section 39-A/ and (1)/66 dated. 11.10.1961.][34. deleted] [Rule 33 substituted vide H.P. Government Revenue Department notification No.Revenue D-B(IS)3/80 dated 27.1.1988.][35. The amount payable by any village for the remuneration of village watchman shall be levied and collected from all occupants or owners of houses in the village equally with due regard to the views and opinions of the headman of the village The widows, sweepers and infirm persons being excepted. The Patwari shall prepare an assessment list in triplicate of the Choukidara Tax and after

proper attestation by the Revenue Officer concerned on the spot, these lists shall be sent to the Deputy Commissioner for approval. One copy of the approved list will be retained in the Tehsil Office, the other will remain with the Patwari concerned and the third one handed over to the Lambardar concerned for the recovery of the tax far payment to Chaukidar] [Substituted,-vide Punjab Government Notification No.1841 -JI-54/32172, dated the 18th June, 1954.][36. Omitted] [Omitted vide Rule 4 of the 1st Amendment made by Punjab Government vide notification No.GSR238/CA/4/1872/Section 39-A/and (1) 66 dated 11.10.1966.][37. Omitted] [Omitted vide Rule 4 of the 1st Amendment made by Punjab Government vide notification No.GSR238/CA/4/1872/Section 39-A/and (1) 66 dated 11.10.1966.][38. Omitted] [Omitted vide Rule 4 of the 1st Amendment made by Punjab Government vide notification No.GSR238/CA/4/1872/Section 39-A/and (1) 66 dated 11.10.1966.]

39. The inhabitants of the village or a portion of them may at any subsequent time, apply to the Deputy Commissioner for a redistribution of the assessment, and if good cause is shown for such redistribution, the same shall be made and a fresh schedule prepared.

40. It shall be the duty of the village headmen to collect the remuneration of the village watchman from the persons specified in the assessment schedule.

[41. The village headmen at the time of paying the first instalment of land revenue for any harvest shall deposit Chaukidaro 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 his 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 remuneration 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 headman to deposit the Chaukidara collections due to the village watchman or watchman with regularity, the Deputy Commissioner may direct that such remuneration be recovered henceforth as if it were on arrears of land revenue due to Government, and be disbursed to the watchman or watchman at such intervals, as may be convenient at the Tehsil or Thana.] [Substituted,-vide Punjab Government Notification No.14721-H-60/38297, dated the 26th October, 1960.][41A No village watchman shall be liable to transfer from one village to another.] [Added,-vide 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 remuneration and the levying of the same, shall be subject to control, revision and alternation 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.] [Substituted,-vide Punjab Government notification NO.8306, dated the 17th March, 1920.][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 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 *ibid.*]

44. Any village headman violating any of these rules, shall, on conviction before a Magistrate, be punished with fine not exceeding Rs. 300, 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 for any offence made punishable by these rules, or from being liable under any Regulation or Act to any other or higher penalty or punishment than is provided for such offence by these rules; provided that no person shall be punished twice for the same offence.

S K. Chhibber, Secretary to Government, Punjab, Home Department. Notification of Chowkidara Tax in HP Government Of Himachal Pradesh Revenue Department No. Revenue D-B(15)3/80 Dated Shimla-171002, the 27-1-88 Notifications In exercise of the powers conferred by Section 39-A of the Punjab Laws Act, 1972, and all other powers enabling him in this behalf, read with H P. Government Department of Panchayat notification No. 6-1 /70-Pnt Sectt. dated the 15th January, 1972, and in partial modification of this Department notification of even number dated the 9th July, 1984, the Governor, Himachal Pradesh, is pleased to order the imposition of Chowkidara Tax in all the Districts of Himachal Pradesh with immediate effect.

2. The Chowkidara Tax so imposed will not exceed the amount of Rs 1200/- per year per Chowkidar Circle and will be recoverable in two equal instalments from all occupants/owners of houses in the area concerned (the widows and infirm persons being exempted) through Revenue Agency.

By Order Attar Singh, Secretary (Revenue) to the Government of Himachal Pradesh