

THE JAMMU AND KASHMIR CHOWKIDARI RULES, 1958

Government Order No. LB-13/C of 1958 dated 29th November, 1958.— In exercise of the powers conferred by section 15 of the Jammu and Kashmir Chowkidari Act, 1956, the Government hereby make the following rules :—

1. *Short title.*— These rules may be called the Jammu and Kashmir Chowkidari Rules, 1958.

2. *Number of Chowkidars in Maidani tracts and Hilly tracts.*— The number of Chowkidars to be maintained in a town or a village shall be determined in the following manner :—

IN MAIDANI TRACTS

	No. of chowkidars
For 100 to 150 houses	1
For 150 to 300 houses	2
For 300 to 450 houses	3
and every additional 150 houses	1

IN HILLY TRACTS

For 75 to 100 houses	1
For 100 to 200 houses	2
For 200 to 300 houses	3
and every additional 100 houses	1

3. *Application of provisions to towns and villages united with any other town, village by concerned Deputy Commissioners.*— The Deputy Commissioner may, for the purposes of these rules, unite any town or village with any other town or village or any part thereof, and in such case all the provisions of these rules applicable to a town or village shall apply to such union.

4. *Qualification for appointment.*— No person shall be appointed as a Chowkidat if he—

1. Govt. Order No. LB-13/C of 1958 published in Govt. Gazette dated 25th december, 1958.

- (a) is not a resident of the town or village for which the Chowkidar is appointed ;
- (b) is in the employment of the Government, or any local body or carries on trade or any business anywhere ;
- (c) is under 18 years ¹[x x x x] ;
- (d) is of unsound mind ;
- (e) is a person against whom conviction by a competent Court for offences involving moral turpitude stands or has been bound for good behaviour under any of the provisions of the Code of Criminal Procedure ;
- (f) is in arrears for the payment of any dues to the Government ;
- (g) is otherwise ill reputed of a bad character or a habitual offender or receiver or harbourer of stolen property ;

²[(h) is not middle pass.]

5. Procedure for making appointments. —(i) Vacancies for Chowkidar shall be filled by advertising the posts by beat of drum and by posting of notices on conspicuous places in the village or the town, as the case may be, to which it relates at least fifteen days before the last date fixed for receipt for such applications.

(ii) A Tehsildar may either invite applications himself, or may direct a Naib-Tehsildar so to do. In the later case, the Naib-Tehsildar shall after making due enquiries, submit the file complete in all respects with his report and recommendations to the Tehsildar who may pass such orders as he deems fit or, if he thinks necessary, may make further enquiries himself or may send the file back to Naib-Tehsildar with his remarks. In such a case the Naib-Tehsildar shall make further enquiries, elucidate all points and shall again submit the case to Tehsildar with his report and recommendation. A Tehsildar may then make such appointment or pass any orders he may deem fit.

³[*Factors to be considered in making appointments.*— In making appointments, the Tehsildar shall consult the Lambardars, Zamindars of the town or village Deh Majlis, as the case may be, and pass orders of appointment. In case, the Tehsildar does not agree with the recommendations of the Lambardars,

1. Words and figures “or above 40 years of age” omitted by SRO-413 dated 29.09.2017.

2. Clause (h) added *ibid*.

3. Rule 6 substituted *ibid*.

Zamindars or Deh Majlis for the reasons to be recorded in writing, he may seek orders of District Collector before issuance of appointment orders in favour of any other person who has not been recommended by the Lambardars/Zamindars/deh Majlis. However, before final orders of appointment are issued by the Tehsildar, the verification of the antecedents and character of the candidate shall be made from the concerned Police Station.]

¹[6-A. *Term of office of Chowkidar.* —(i) The term of office for which a Chowkidar shall be appointed shall not exceed 05 years or till he attains the age of 60 years whichever shall be earlier ;

(ii) An outgoing Chowkidar shall, unless the Tehsildar otherwise directs, continue in office until the fresh appointment of his successor is made by the Tehsildar concerned.]

7. *Fine, suspension, dismissal and reinstatement.* —(i) The Tehsildar may impose a fine or suspend a Chowkidar for misconduct, absence from his town or village without permission, or for neglect in the discharge of his duties :

Provided that the suspension shall not exceed one year and the fine shall not exceed Rs. 5/- at a time.

(ii) A Chowkidar may be dismissed if he—

- (a) is found guilty of deliberate misconduct or neglect in the discharge of his duties ;
- (b) takes part in any anti-Government or subversive activities ;
- (c) relinquishes his duties without giving two months previous notice to the Tehsildar ;
- (d) is unfit to discharge his duties due to his old age or any other bodily infirmity or decay or mental incapacity ;
- (e) has abandoned his residence in his own town or village ;
- (f) incurs any of the disqualifications mentioned in clauses (b), (d), (e), (f), (g) of (h) of rule 4.

(iii) No order of fine, suspension or dismissal shall be passed unless a proper enquiry is made.

1. Rule 6-A inserted by SRO-413 dated 29.09.2017.

8. *Mode of conduct of enquiries into allegations.* —(i) Any allegation against the work and conduct of a Chowkidar made by any officer of the Government or any other person shall be referred to the Tehsildar in whose jurisdiction the Chowkidar is employed.

(ii) The Tehsildar may hold the enquiry into such allegations either himself or may cause it to be held through a Naib-Tehsildar. Such enquiries shall ordinarily be conducted on spot.

(iii) Where the enquiry is held by a Naib Tehsildar, he shall, after completing the enquiry, submit the file with his report and recommendation to the Tehsildar, who may pass such orders as he may deem fit, or may make further enquiries himself or may refer the case back to the Naib-Tehsildar for the purpose. Final orders shall be passed by the Tehsildar which shall be appealable in accordance with the provisions of the Chowkidari Act.

(iv) A record of punishment by way of fine, suspension or dismissal shall be made on the Chowkidari register after the final orders in appeal that may be preferred against such order have been communicated.

9. *Consequential arrangements in case of suspension.* —(i) When a Chowkidar is placed under suspension, the Chowkidar of an adjoining Chowki, or, where there are more than one Chowkidars in the same Chowki, any one or more of them may be nominated by the Tehsildar to discharge the duties of the Chowkidar who is under suspension.

(ii) Where a Chowkidar's term of suspension exceeds three months, the Tehsildar may appoint a substitute who shall be paid his emoluments for the period he works as such, and in such a case the Chowkidar under suspension shall not be entitled to receive any emoluments even if he is not found guilty or is subsequently reinstated. In other cases when the Chowkidar is found guilty and the term of suspension does not exceed three months it may be ordered that the whole or part of the emoluments due for the period of suspension will be deducted from his emoluments by way of fine :

Provided that in cases where no substitute has been appointed and on enquiry the Chowkidar is found innocent, the Tehsildar may allow him his emoluments for the period of suspension.

10. *Leave.* — The Tehsildar may grant to a Chowkidar leave of absence with pay not exceeding one month during a course of four years, whether availed of at a stretch or piecemeal, and in such cases no substitute shall be appointed. In cases, however, where the period of leave exceeds one month at a stretch, a substitute may

be appointed and in such cases the permanent Chowkidar shall be entitled to no emoluments.

11. *Distribution and realisation of Chowkidari cess.* —(i) The field staff shall, in accordance with the orders and rates prescribed by the Government from time to time, prepare the Bachh of the Chowkidari cess at least one month in advance of the date when the next instalment of land revenue falls due.

(ii) Bachhes shall forthwith be submitted to the Tehsildar who may accord final sanction thereon.

(iii) A Tehsildar may, of his own motion or on the application of residents of a town or village, as the case may be, revise the assessment, if he considers that there are sufficient grounds for doing so.

(iv) One copy of the list, as finally approved, will be kept in the Tehsil office and one copy each will be supplied to the Lambardars, Patwaris and Chowkidars concerned.

(v) The cess shall be realised in two equal instalments along with the instalments of the land revenue in the manner provided for the recovery of land revenue.

(vi) Information about the forecasts of the anticipated recoveries of the cess shall be entered in the Qistbandies and that about the actual recoveries in the land revenue and other miscellaneous returns in the columns provided.

12. *Demand and collection register.* —(i) In each Tehsil a separate demand and collection register shall be maintained for assessments fixed, collections made and arrears outstanding in respect of every village, in the form shown in Appendix A.

(ii) At the close of the accounts of each instalment, the balance for each village will be struck and carried to the accounts of the next instalment.

(iii) Sufficient number of pages shall be allotted to each village and in a separate portion of his register, which will be at its closing, the total of the past arrears, demand and collections and balance for the whole Tehsil shall be recorded for Rabi and Kharif instalment of each year.

13. *Mode of payments.* —(i) Pay of Chowkidars shall be drawn and paid monthly by the Tehsildars in accordance with the provisions of Financial Code and other rules and orders regarding payment of government dues and necessary entries shall be made in the cash book of the Tehsil.

(ii) A separate acquittance roll shall be maintained in the form and manner in which such rolls are ordinarily maintained under the Financial Code or other rules and orders for the maintenance of such rolls.

¹[(iii) The remuneration of the Chowkidar shall be such as may be fixed by the Government from time to time.]

14. *Uniforms.*—(i) Each Chowkidar may be provided with—

- (a) One Coat or Kurta,
- (b) One Pyjama,
- (c) One blue turban with red border,
- (d) One pair of Patties,
- (e) One leather belt with a brass badge ; and
- (f) One “halam” (Lance),

with details of the stuff and at such intervals as the Government may order. The belt and lance may be renewed when the old ones become unserviceable. Patties may be issued if Budget grant permit.

(ii) Sufficient number of pages should be allotted to the record of the service rolls of each Chowkidar ; and if there be more than one Chowkidar in a Chowki, their record shall be entered on the consecutive pages of the register.

(iii) A Halqa-wise ready list of Chowkidars shall be maintained in the Office of the Deputy Commissioner, Superintendent of Police, Tehsil and Police Station concerned.

16. *Credit into the Treasury of Chowkidari cess and fines, payment of emoluments.*— The Chowkidari cess and fines that may have been recovered shall be credited to the heads prescribed by the Government and the Chowkidars shall be paid their emoluments from the General Revenue in such manner and at such rates as may be prescribed by the Government from time to time.

17. *Appeals.*— The procedure for hearing and disposal of appeals shall be the same as is prescribed for appeals under the Land Revenue Act, Svt. 1996.

1. Clause (iii) inserted by SRO-413 dated 29.09.2017.

APPENDIX A

Demand and Collection Register for the Village _____ Tehsil _____ District _____.

	Demand				Collection			
	Past arrears	Present demand	Total	Amount credited into the treasury	Reference to the Ariz- i-irsal with No. and date of treasury receipt under which credited	Balance if any	Sign. of the Teh- sildar	Remarks
Rabi, 1957								
Kharif, 1957								
Rabi, 1958								
Kharif, 1958								
Rabi, 1959								
Kharif, 1959								
Rabi, 1960								
Kharif, 1960								

APPENDIX B

Chowkidar Register, Tehsil _____ District _____

Name of the Chowkidari Halqa _____

No. of Chowkidars in the Halqa _____

Name of the Chowkidar	Reference to the file and No. and date of the order under which appointed	Suspension, if any, reference to the file, and No. and date of the order. (Here also enter orders of rein-statement with reference to the file and No. and date of such order)	Name of substitute, if any, with reference to the file and No. and date of the order. (If no substitute appointed, say so)	Details of the leave taken, if any	Name of the substitute appointed during leave with reference to the No. and date of the order	Termination of the service with reasons therefor	Censures issued or fines imposed, if any, with reference to the file and date of the order	Signature of the Tehsildar	Remarks
1	2	3	4	5	6	7	8	9	10