

Chapter 5

VILLAGE CHOWKIDARS

Appointment of Village Chowkidar

5.1 The Deputy Commissioner shall appoint one or more Chowkidar for every patwar circle.

Conditions for the appointment of new a Chowkidar

5.2 The new chowkidar shall be appointed against vacancy due to resignation, dismissal, creation of new posts, compulsory retirement, death or otherwise by the Deputy Commissioner on the following conditions:-

1. The candidate shall be a citizen of India and must be bonafide resident of the area in which he is to be appointed.

2. The candidate must be literate.

3. He should bear a good moral character.

4. He should not be below 18 years of age and above 50 years of age at the time of appointment.

N.B. These conditions shall not apply to the chowkidars already appointed prior to the revision of the H.P. Land Record Manual.

Duties of Chowkidar

5.3 The two types of duties to be performed by the Chowkidar are,

(a) duties relating to law and order.

(b) duties relating to land administration.

Duties relating to law and order

5.4 The chowkidar shall perform various duties regarding law and order under Punjab Chowkidara Rules as applicable to H.P. vide Panchayati Raj Department Notification No. 6-1/70 Prt-15-1. Rules 1 to 16 in this behalf are reproduced below:-

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 watchman 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 jmmas; [(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.]

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.

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 headman 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.

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.

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.

12. The village watchmen shall be armed [with a spear or club and with a sword] 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.]

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.

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.

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] 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.

Various duties relating to law and order to be performed by Chowkidar and Headman

5.5 Various duties mentioned under Rules 17 to 32 and 40-41 of Punjab Chowkidara Rules shall be performed by both Chowkidar and Headman. These rules may be consulted which are reproduced below:-

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 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.

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 a birth register to report to the officer incharge of the Police Station within the limits of which his village or beat is situated, all deaths and births 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.

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, 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

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 is 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—only 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 watchman acting under these rules in the execution of his duty, or who escapes from lawful custody;

7th—only person reasonably suspected of being a deserter from the Indian Army, Navy or Air Force

29. If a person forcibly resists an endeavour to arrest/him, every village headman and 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 nay 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 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.

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

41. The village headmen of 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 his own expenses. If such Chaukidara collections are not deposited the Tehsildar shall, subject to 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 at such intervals, as may be convenient at the Tehsil or Thana.

Duties relating to land administration

5.6 Apart from the duties to be performed under Punjab Chowkidar Rules, the Chowkidar shall perform the following duties relating to land administration:-

1. Chowkidar shall be bound to assist when summoned by the officials of the Government and to aid them in the execution of their public duties.

2. Chowkidar shall assist the headman in the discharge of his duties particularly in the collection of land revenue and other dues.

3. He shall be responsible to summon/inform the villagers under his beat when asked by the headman, patwari and any other revenue officials/officers of the district, for any revenue matter and public purposes.

4. He shall discharge all the duties concerning revenue matters assigned to him by the headman, patwari and any other revenue officers/officials of the district from time to time. He shall perform all the duties during occasion of natural calamities in his beat or any where in the district assigned to him by headman, patwari or any other functionary of the Revenue Department, or any Government Department.

Remuneration of Chowkidar

5.7 Chowkidar shall be paid Rs 100/- per month vide H.P. Government Notification No. Rev-D-B(15)3/80 dated 27.1.88. Rule 35 relating to payment of remuneration of chowkidar so reproduced below:-

"35. The amount payable by any village for the remuneration of village watchman shall be levied and collected from all occupants or owners of house 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 Chowkidara 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 for payment to Chowkidar."

Redistribution of assessment of the Chowkidara Tax

5.8 Rule 39 relates to redistribution of assessment of Chowkidara Tax which is reproduced below:-

"39. The inhabitants of the village or a portion of them may at any 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."

Transfer and Control of Chowkidar

5.9 Rules 41-A, 42-B relate to transfer and control of chowkidar which are reproduced below:-

"41.A No village watchman shall be liable to transfer from one village to another.

42.B 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."

Punishment for wilful misconduct or neglect of duties by Chowkidar

5.10 Rule 43 provides punishment for chowkidar who is found guilty of any wilful misconduct or neglect of duties. Rule 43 runs as follows:-

Every village watchman or daffadar found guilty of any wilful misconduct in his office or 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.

Compulsory Retirement

5.11 A Chowkidar attaining the age of 65 shall be retired compulsorily by Deputy Commissioner. He shall not be entitled to get any benefit at the time of compulsory retirement.