

The Village Chaukidari Act, 1870

Act 6 of 1870

Keyword(s):

District Magistrate, Chaukidari Chakaran Lands, Zamindar

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Bengal Act VI of 1870¹

[THE VILLAGE CHAUKIDARI ACT, 1870.]²

SUPPLEMENTED	..	Ben. Act I of 1871.
PT. II EXTENDED	..	[Ben. Act V of 1876. Ben. Act III of 1884.
REPEALED IN PART	..	[Ben. Act V of 1919. Ben. Act I of 1939. West Ben. Act I of 1957.
AMENDED	..	[Ben. Act I of 1871. Ben. Act I of 1886. Ben. Act VIII of 1922. Ben. Act VIII of 1932. Ben. Act I of 1939.
REPEALED IN PART AND AMENDED		Ben. Act I of 1892.
ADAPTED	..	[(a) The Government of India (Adaptation of Indian Laws) Order, 1937. (b) The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948. (c) The Adaptation of Laws Order, 1950.

[19th October, 1870.]

An Act to provide for the appointment, dismissal and maintenance of village-chaukidar.

WHEREAS it is expedient to make provision for the appointment, dismissal and maintenance of village-*chaukidars* in the provinces subject to the Lieutenant-Governor of Bengal³;

Preamble.

It is enacted as follows:—

1. The following words and expressions shall, in the construction of this Act, have the several meanings hereby assigned to them respectively, except where a different intention shall appear from the context (that is say):—

Definitions.

the words ["District Magistrate"] shall mean the chief officer charged with the executive administration of a district in criminal matters by whatsoever designation such officer is called:

"District Magistrate."

* * * * *

¹This Act should be read with section 4 and Sch. I of the West Bengal *Panchayat Act*, 1957 (West Ben. Act I of 1957).

²LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, see the *Calcutta Gazette* of 1870, page 357; and for proceedings in Council, see *ibid.* Supplement, 1870, pages 53, 179, 305, 333, 349, 365 and 385.

LOCAL EXTENT.—This Act applies to districts and subdivisions in West Bengal to which it is extended by order under section 68.

The whole Act except the preamble and sections 1, 48 to 61, 66, 67 and 69 and Schedules C and D are repealed by Ben. Act V of 1919 in areas in which that Act is in force.

³This includes the present State of West Bengal and other territory.

⁴These words were substituted for the words "Magistrate of the District" by s. 2(2) of the Bengal Village *Chaukidari* (Amendment) Act, 1892 (Ben. Act I of 1892).

⁵The definition of "Magistrate" was repealed by s. 1(1), *ibid.*



(Sections 2-37.)

"Chaukidari
chakaran
lands."

The words "*chaukidari chakaran* lands" shall mean lands which may have been assigned, otherwise than under a temporary settlement, for the maintenance of the officer who may have been bound to keep watch in any village and report crime to the police, and in respect to which such officer may be at the time of the passing of this Act liable to render service to a *zamindar*;

"Zamindar."

the word "*zamindar*" shall mean the person whose name is registered in the general register of estates paying revenue directly to Government as the proprietor of an estate so paying revenue, or the person whose name is registered in the general register of rent-free tenures as proprietor of a rent-free tenure.

2. [Repeal of portion of Regulation XX of 1817.]—Rep. by s. 3 and the Second Schedule of the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).

3 to 35. [Appointment of panchayats; delegation of powers by the District Magistrate; power to define a village; power to appointment panchayat on application of villagers; succession of member of panchayat; qualification of members of panchayat; penalty on refusing to act as member of panchayat; period for which panchayat to be appointed; exemption from serving on panchayat; appointment of fresh panchayat; power to remove members; number of chaukidars; salaries of chaukidars; saving of existing salaries of chaukidars; salaries to be provided by assessment; persons liable to assessment; nature and amount of assessment; time and form of assessment; power to continue former assessment; duration of assessment; power to review assessment; District Magistrate may revise assessment; rate payable quarterly in advance; allowance for collecting rate; constitution of Chaukidari Fund; application of surplus; payment of instalment to be made within seven days; list of defaulters to be made out; power to distrain for rates; manner of executing distress; sale in execution of warrant; objections to levy how to be made; custody of property distrained; what property may be distrained for rates; distress not to be levied after a year; appointment and dismissal of chaukidars.]—Rep. by s. 4(1) and First Schedule of the West Bengal Panchayat Act, 1957 (West Ben. Act I of 1957).

36, 37. [Appointment of chaukidars to be registered by police; Power of Magistrate to dismiss chaukidars.]—Rep. by the Bengal Village Chaukidari (Amendment) Act, 1892 (Ben. Act I of 1892).



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(Sections 38-47.—Part II.—Chaukidari Chakaran Lands.—
Sections 48-52.)

38 to 47. [Power to chaukidars; duties of chaukidars; procedure on arrest by chaukidars; control of chaukidars by panchayat; fines and penalties to be credited to District Chaukidari Reward Fund; mode of paying chaukidars; panchayat to pay or remit quarterly amounts for payment of chaukidars, etc.; mode of realizing chaukidars' salary; reimbursement of member of panchayat by whom salary is paid; appointment of tahsildar; remuneration of tahsildar; power to revise assessment.]—Rep. by s. 4(1) and First Schedule of the West Bengal Panchayat Act, 1957 (West Ben. Act I of 1957).

PART II

Chaukidari Chakaran Lands.

48. All *chaukidari chakaran* lands before the passing of this Act assigned for the benefit of any village in which a *panchayat* shall be appointed shall be transferred in manner and subject as hereinafter mentioned to the *zamindar* of the estate or tenure within which may be situate such lands.

Chaukidari chakaran lands to be transferred to *zamindars*.

49. All lands so transferred shall be subject to an assessment which shall be fixed at one-half of the annual value of such land according to the average rates of letting land similar in quality in the neighbourhood of such land, and such assessment shall be made by the *panchayat* of the village.

Assessment to be fixed at one-half of value.

50. Such assessment when made by the *panchayat* shall be submitted to the Collector of the district, and he or any other officer exercising the powers of a Collector by him thereunto appointed may approve, or revise and approve, the same (provided that it shall be lawful for the *zamindar* to contest the assessment before it is so approved), and after such approval the Collector of the district shall, by an order under his hand in the form in Schedule C, transfer to such *zamindar* such land subject to the assessment so approved.

Collector to make transfer.

51. Such order shall operate to transfer to such *zamindar* the land therein mentioned subject to the amount of assessment therein mentioned, and subject to all contracts theretofore made, in respect of, under, or by virtue of, which any person other than the *zamindar* may have any right to any land, portion of his estate, or tenure, in the place in which such land may be situate.

Effect of transfer.

52. The amount of the assessment mentioned in such order shall be a permanent yearly charge on such land, and shall be payable to the collecting member of the *panchayat* yearly in advance on the first day of the year current in the village by the person for the time being entitled to recover the rents of such land from the occupier thereof.

Assessment to be permanent charge on lands.

*(Part II.—Chaukidari Chakaran Lands.—Sections 53-57.)*

Mode of realization.

53. Every such assessment shall be deemed to be a demand to be realized in the manner hereinafter provided.

Notice of arrear.

54. Whenever such assessment shall be in arrear for the space of fifteen days after it shall have become payable, the collecting member of the *panchayat* shall forward to the Collector of the district in which the land so assessed is situate notice of the amount of such arrear and the name of the person liable to pay such assessment, in the form in Schedule D annexed to this Act.

Mode and effect of sale.

55. Immediately after the receipt of the said notice the Collector or other officer authorized to hold sales under the law for the time being in force for regulating sales of land for arrears of revenue shall proceed, without any preliminary notice for payment, to issue a notification for sale under section 6 of ¹[the Bengal Land-revenue Sales Act, 1859];

XI of 1859.

and, unless the arrears be paid within the time mentioned in such notification, shall sell such land according to the provisions of such law as if such land were an estate within the meaning of ²[the Bengal Land-revenue Sales Act, 1868];

Ben. Act VII of 1868.

and all provisions of the law for the time being in force with respect to the sale of such estates shall apply to the sale of such land, and every such sale shall have such and the same force and effect as if the same were a sale of an estate for arrears of its own revenue, and such land shall be held by the purchaser thereof subject to such assessment, but freed from all other charges and incumbrances save those to which he would have been liable if the said land had been an estate sold for arrears of its own revenue.

Application of proceeds of sale.

56. Such Collector shall, out of the proceeds of such sale, after defraying the costs of and attending such sale, pay to the collecting member of the *panchayat*, within one week after such sale shall have become final, the amount due for arrears of such assessment, and pay the balance of such proceeds to the person named in the notice from the collecting member of the *panchayat* as the person liable to pay the assessment of such land.

Right to service from occupier of transferred land to cease.

57. When any land shall have been transferred to any *zamindar* under the provisions hereinbefore contained, the right to the performance of any services to any person by the occupier of such lands in respect of his occupation thereof shall wholly cease and determine.

¹These words and figures were substituted for the words and figures "Act XI of 1859, passed by the Legislative Council of India" by s. 2 and the First Schedule of the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).

²These words and figures were substituted for the words and figures "Act VII of 1868 passed by the Lieutenant-Governor of Bengal in Council", *ibid*.



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(Part II.—Chaukidari Chakaran Lands.—Sections 58-61.)

58. In any district or part of a district in which may be situated lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the police, it shall be lawful for the ¹[State Government] of ²[West Bengal] by an order to be published in the ³[*Official Gazette*], to appoint a commission, consisting of one or more persons, to ascertain and determine the *chaukidari chakaran* lands and other lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the police in such district.

Appoint-
ment of
commission.

59. Whenever in any district in which such commission shall have been appointed, any question shall arise whether any or what lands are *chaukidari chakaran* lands or other lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the police, it shall be lawful for such commission to inquire into such question.

Power to
refer to
commission
question
relating to
chakaran
land.

60. In inquiring into such question the commission shall, as far as may be necessary for the purposes of this Act, exercise all such and the same powers as are conferred by Regulation VII of 1822⁴ and the Regulations and Acts amending the same upon a Collector making a settlement of land-revenue.

Powers of
commission.

61. Such commission shall demarcate the boundaries of any lands which they may determine to be *chaukidari chakaran* lands or other lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the police, and shall make orders under their hand setting forth the land which they shall have determined to be *chaukidari chakaran* lands or other lands as aforesaid, and the boundaries thereof, and the name of the village for the benefit of which such lands are assigned, and distinguishing whether such land be or be not *chaukidari chakaran* lands or other lands as aforesaid.

Duties of
commission
and effect of
their order.

Every such order shall be final and conclusive respecting all matters hereinbefore required to be set forth in such order so far as the same shall be therein set forth.

¹The words "Provincial Government" were first substituted for the word "Lieutenant-Governor" by para. 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937. Thereafter the word "State" was substituted for the word "Provincial" by para. 4(1) of the Adaptation of Laws Order, 1950.

²Substituted for the word "Bengal" by para. 3(2) of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

³These words was substituted for the words "*Calcutta Gazette*" by para. 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴The Bengal Land-revenue Settlement Regulation, 1822.



(Part III.—Miscellaneous Provisions.—Sections 62-69.—Schedules A to C.)

PART III

Miscellaneous Provisions.

62 to 65. [*Powers of the panchayat may be exercised by the District Magistrate; Indemnity clause; Control vested in Commissioner of Circuit; Rules for guidance of panchayat.*]—Rep. by s. 4(1) and First Schedule of the West Bengal Panchayat Act, 1957 (West Ben. Act I of 1957).

Duty of zamindar to report crimes not affected.

66. Nothing in this Act contained shall diminish or in any way affect any liability, duty or obligation of any *zamindar*, under any law in force at the time of the passing of this Act to report crimes of offences occurring within his estate or tenure.

Village watch where panchayat not appointed, not affected.

67. Nothing in the Act contained, save the provisions of sections 58, 59, 60 and 61, shall affect any lands before the passing of this Act assigned for the maintenance, in any village in which a *panchayat* may not be appointed, of an officer to keep watch in such village and to report crime to the police, and every such officer in such village shall be bound to perform the same duties, and shall have the same rights unto such lands, and may be removed and a successor to him appointed, as if this Act had not been passed.

68. [*Commencement.*]—Rep. by s. 4(1) and First Schedule of the West Bengal Panchayat Act, 1957 (West Ben. Act I of 1957).

Short title.

69. This Act may be called the Village *Chaukidari Act, 1870.*

[*Schedules A and B were repealed by s. 4(1) and First Schedule of the West Bengal Panchayat Act, 1957 (West Ben. Act I of 1957).*]

SCHEDULE C.

(Referred to in section 50.)

Form of Transferring Order.

District of
I, Collector of
do by this order under my hand made in pursuance of ¹[the Village
Chaukidari Act, 1870], transfer to , *zamindar* of
, the *chaukidari chakaran* lands of the village of
, in the said

¹These words and figures were substituted for the words and figures "Act VI of 1870, passed by the Lieutenant-Governor of Bengal in Council" by s. 2 and the First Schedule of the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).



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(Schedule D.)

bounded and containing bighas
cottahs; to hold unto the said
his heirs and assigns subject to the annual assessment of
rupees payable under the provisions of the said Act to the
Chaukidari Fund of the said village and also subject to all contracts
binding the said portion of the said said village, in respect of any lands,
situated within the

The day of 18

(Sd/-) J. S.,
Collector of

SCHEDULE D.

(Referred to in section 54.)

Form of Notice of Arrears of Assessment on Land.

Panchayat of
To A. B. Esq., *Collector of*

Sir,

I hereby notify to you that the sum of Rs. being
for one year's assessment payable in respect of the *chaukidari chakaran*
land of this village transferred to the *zamindar* of
become due on the

day of and that the same is still unpaid, and that
of is the person liable to pay such assessment.

The day of

(Sd/-) E. F.,
Collecting Member of Panchayat.