

# THE JAMMU AND KASHMIR LAMBARDARI RULES, 1980

## Revenue Department, SRO 363 of 1980

[10<sup>th</sup> July, 1980]

In exercise of the powers conferred by section 6 of the Jammu and Kashmir Lambardari Act, 1972(X of 1972), and in supersession of the rules sanctioned under Order No.230-C of 10948,the Government hereby makes the following rules, namely-

### 1. **Short Title ,extent and Commencement**

- (1) These rules may be called the Jammu and Kashmir Lambardari Rules,1980 .
- (2) It extends to the whole of Jammu and Kashmir.
- (3) They shall come into force on the date of their publication in the Government Gazette.

### 2. **Definitions :-** In these rules, unless there is something repugnant to the context ;

- (a) 'Act' means the Jammu and Kashmir Lambardari Act, 1972.
- (b) 'Form' means a form appended to these rules;
- (c) 'Section' means a section of the Act;
- (d) 'Constituency' means the limits of an estate or group of estates or sub-division of any estate constituted for the purpose of election or appointment of a Lambardar;
- (e) All words but not defined in these rules shall have the meanings assigned to them in the Jammu **and** Kashmir Lambardari Act,1972.

### 3. **Persons eligible for election & appointment to Lambardars :-** A person shall not be qualified to be elected or appointed as Lambardar, if he :-

- (i) is under 30 years of age;
- (ii) is not resigned as an elector for the constituency in which he is appointed;
- (iii) is not a payment resident of that constituency;
- (iv) is an employee of the Government or local body;
- (v) is of unsound mind;
- (vi) is a person who has been convicted of any offence or subjected by a criminal court to any such order as implies a defect of character involving moral turpitude and is serving a sentence of imprisonment for a criminal offence or under detention for failure to furnish security for keeping the peace or for good behavior;
- (vii) is of a bad character involving moral turpitude;
- (viii) is in arrears in the payments of any dues to the Government;
- (ix) is not able to read or write Urdu; and
- (x) is not tilling land.

### 4. **Personal Security :-** No person shall be appointed as Lambardar unless he furnishes a substantial personal security or that of one surety of immovable property of the value exceeding the land revenue with cesses of such constituency to which he is appointed a Lambardar.

### 5. **Remuneration of Lambardars :-** A Lambardari processing recovery of various dues shall be entitled to receive remuneration at the rate of Rs 81/- per month:

Provided that the remunerations shall be payable to the Lambardar whether the necessary recovery made by him is equal to the remunerations or not.

## **6. Duties of a Lambardar**

A Lambardar shall –

(i) Make collection of land revenue, arrears of land revenue, cesses or other sums recoverable as arrears of land revenue under any law;

(ii) make collection of produce of the land belonging to the Government within the constituency;

(iii) Acknowledge every payment receipt;

(iv) report to the Tehsildar about the death of any assignee of land revenue to the Government, residing in the constituency;

(v) report to the concerned authority about the marriage or re-marriage of any person drawing family pension and his absence for more than a year from the constituency;

(vi) report to the Tehsildar about all the encroachments on common lands including roads, grazing ground or Government lands and damage to the Government Property ,such as, Electric Transmission Lines etc;

(vii) carry out to the best of his ability about a lawful order that he may receive from a revenue officer;

(viii) assist in such manner as the Revenue officer , may from time to time ,direct in crop inspections, mutation proceedings, survey, preparation of records or other revenue Department business within the limits of constituency;

(ix) attend the summons of all authorities ,having jurisdiction in the constituency, and assist them in the discharge of the public duties;

(xi) supply to the best of his ability about any local information which may be required by an authority and generally act for the inhabitants of the constituency in their dealings with the Government ;

(xii) report to the local Revenue officer as well as to the nearest Police and Medical officer about out-breaks of any disease among human-beings and animals;

(xiii) report about any breach or break-down in the Irrigation system within his jurisdiction; and

(xiv) report to the Tehsildar or any concerned Officer about any extra-ordinary event of public importance.

## **7. Manner of depositing Sums**

(1) A Lambardar shall till the 10th day of each calendar month deposit or cause to be deposited all sums recovered by him during the preceding month in the Treasury of the concerned Tehsil after deducting the amount due to him as remuneration.

- (2) Where the amount calculated at the rate of 5% of the sums recovered is less than Rs 100/- the Tehsildar concerned shall after these are deposited by the Lambardar in the Treasury, make payment to him of such amount would be needed to make good and the deficiency as provided for in rule 5.
  - (3) At the close of each financial year a Lambardar shall within a period of three months , reconcile the statement of collections, remittances and balances with the Tehsil Accountant.
  - (4) The Tehsildar in-charge of a Tehsil shall record a certificate on the statement to the effect that the accounts maintained by the Lambardar in respect of the constituency in which he holds office, have been reconciled.
8. **Suspension of a Lambardar** :- If a Lambardar fails to deposit any dues recovered by him into the Government Treasury during next month he shall be placed under suspension by the Tehsildar of the Tehsil concerned.

9. **Dismissal of a Lambardar**

- (1) A Lambardar shall be dismissed by the Collector if-
    - (a) he incurs any of the disqualification mentioned in rule 3;
    - (b) he mortgages his holding or a part thereof, as the case may be;
    - (c) he fails to render assistance to a public servant in the discharge of his duties within his constituency;
    - (d) he is unfit to discharge his duties owing to physical or mental incapacity or remains absent from his place of residence consecutively for a period of six months;
    - (e) he takes part in any agitation against the Government or fails to give active support to the Government functionary;
    - (f) his holding is attached on account of arrears of land revenue or for any other sum recoverable from him.
  - (2) All vacancies caused due to dismissal of a Lambardar shall be referred to the Collector for being filled up in accordance with these rules.
10. **Punishment** : - Where a Lambardar contravened any of the provisions of these rules or neglects to perform the duties imposed upon him by these rules or any other law for the time being in force, the Collector may direct-
- (a) that the remunerations to which he is entitled to be withheld or forfeited to the Government for a period not exceeding one year or;
  - (b) that he shall be placed under suspension for a period not exceeding one year.

11. **Temporary appointment of a substitute and his duties**

- (1) The Tehsildar may appoint a substitute in place of the Lambardar placed under suspension under rule 8 or 10, as the case may be.
- (2) In case a Lambardar remains, with the permission of the Tehsildar, absent exceeding six months or is unable to perform the duties imposed upon him under these rules, a substitute may be appointed in his place.

- (3) A substitute (Lambardar) appointed under the above sub-rules shall be entertained to the remuneration payable or the amounts to be recovered by him during the period of suspension of a Lambardar and perform all duties mentioned in rule 6.

## **12. Removal of the substitutes**

- (1) In making appointments of substitutes election shall not be resorted to, but the substitute shall possess all the qualifications and shall not suffer from any disabilities that apply to the election of the Lambardar.
- (2) A substitute may be removed at any time by appointing authority either on his own or for any reason which will justify his removal.

13. **Appeals And Revisions :-** Orders passed under Rules 8,9,10,11 and 12 shall be subject to review, appeal or revision in connection with the procedure prescribed in that behalf in the Jammu and Kashmir Land Revenue Axt,1996 and the rules made there under.

## **14. Elections**

- (1) A general Election of Lambardar shall be held in accordance with these rules, within such time and within such areas as may be prescribed by the Revenue Minister by a Notification in the Government Gazette.
- (2) Till a general election is held the existing Lambardars appointed against the permanent posts shall continue. The vacancies, if any may be filled by nomination.
- (3) Where a vacancy is ordered to be filled by election, such election shall take place in accordance with these rules and the Revenue Minister may, in respect of the vacancy so filled by selection, order, that no fresh election shall take place till the next election or till the constituency again fall vacant.
- (4) Subject to the provisions of sub-rule(2) where the vacancy is not filled by the election, the appointment to a vacant post of Lambardar shall be made by the Revenue Officer not below the rank of Tehsildar subject to confirmation by the collector.

15. **Constituencies :-** The limits of an estate, sub-division of any estate or group of estates as may be constituted under the provision of rule 3 shall form the constituency for election of the office of Lambardar.

## **16. Term of Office of Lambardar**

- (1) The term of office for which Lambardar shall be elected shall not ordinarily exceed five years.
- (2) An outgoing Lambardar shall, unless the Government otherwise direct, continue in office until the election of his successor is announced.
- (3) An outgoing member may, if otherwise qualified, be re-elected.
- (4) When as a result of any enquiry held under these rules an order declaring the election of any Lambardar void has been announced, such Lambardar shall forthwith cease to hold his office.

17. **Polling Areas: -** For the purpose of preparing Electrol Rolls and for holding elections, each Tehsil shall be divided in such polling areas as may be fixd by the Tehsildar and the electors residing in each such polling area shall cast their votes at the polling station that may be fixed for the purpose.

18. **Publication of the polling Areas :-** Every Tehsildar shall post a notice at the Tehsil office showing the names of the villages included in each polling area and shall direct all Patwaris to give wide publicity to such notice with in their patwar circles.
19. **General Conditions of registration and disqualification :-** No person shall be entitled to be registered as an elector on the electrol Rolls of a constituency who –
- (a) is not a permanent resident of the state;
  - (b) has not attained the age of 21 years on the first day of April of the year in which the general Elections are held; or
  - (c) has been adjudged by a competent authority to be of unsound mind; or
  - (d) does not reside within the constituency.
20. **Bar to voting at an election:-** No person shall be entitled to vote at any election if on the date on which is poll is taken he is undergoing a sentence of imprisonment.
21. **Preparation of Electoral Rolls :-** There shall be a separate electoral rolls for each constituency and no person who is not for the time being in force included in the Electoral Roll for any constituency shall be entitled to vote in that constituency.
- 22. Duration of the Electoral Roll**
- (1) A new electoral Roll shall be prepared before each general election and it shall remain in force for five years from the date of that general election.
  - (2) Any bye-election for filling up a casual vacancy shall be conducted on the basis of the Electoral Roll in force for the time being.
  - (3) The Electoral Roll for the constituency may from time to time in whole or in part be revised and kept up-to-date as may be directed in each case by the Divisional Commissioner.
23. **Penalty for damaging Provisional Rules :-** Any person who will fully damages any copy of the roll which has been posted under the foregoing rules shall on conviction before Magistrate before Magistrate be liable to pay a fine which is not less than Rs 100/-.
24. **Sale of provisional Rolls :-** Copies of Provisional Rolls may be purchased from the Electoral Roll on payment of 25 paise for each constituency.
25. **Place and methods of presentation of claim or objection :-** A petition of claim or objection may be presented at the office of the Electoral registrar of the polling area to which the claim or objection relates by the petitioner in person, or by agent authorized in writing or may be sent to him by post.
26. **Limitations :-** Claims and Objections received after the prescribed date shall be rejected.
27. **Appearance of Parties :-** On the date appointed for hearing a party to a claim or objection may appear personally or by agent duly authorized by him in writing.
28. **Electoral Registrar's order to be final :-** The orders made by the Electoral Registrar shall be subject to review by an officer nominated for the purpose by the Government.

29. **Nomination for Elections :-** Any person may apply as a candidate for election in any constituency for which he is eligible for election under these rules.
30. **Nomination Papers to be arranged in a file in order of time :-** The applications for each constituency shall be arranged in a file in order of the time at which they are received in the office of the Returning Officer.
31. **Returning Officer 's Decision to be final :-** The orders of the Returning Officer shall be final unless the same are reversed as a result of an Election Petition.
32. **Powers of Revenue Minister in case of Difficulty :-** The Revenue Minister may, at any time issue instructions for conducting new elections or the postponement of the date on which elections are proposed to be held.