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# **LAMBARDARI ACT, 1972**

**(Act No. X of 1972)**

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**THE JAMMU AND KASHMIR LAMBARDARI ACT, 1972****Act No. X of 1972**

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**Note** :— The Act was repealed by the Jammu and Kashmir Lambardari (Repeal ) Act, 1984, (Act No. XIV of 1984) and subsequently the Act was revived by the Jammu and Kashmir Lambardari (Revival) Act, 1985 (Act No. III 1985).

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**THE JAMMU AND KASHMIR LAMBARDARI ACT, 1972****(Act No. X of 1972)**

*[Received the assent of the Governor on 18th August, 1972 and published in Government Gazette dated 22nd August, 1972 (Extra)].*

An Act to amend and consolidate the Law relating to payment of remuneration of Lambardars for recovery of public demands.

Be it enacted by the Jammu and Kashmir State Legislature in the Twenty-third Year of Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Jammu and Kashmir Lambardari Act, 1972.

(2) It extends to the <sup>1</sup>[whole of the Union territory of Jammu and Kashmir].

<sup>2</sup>(3) It shall come into force on such date as the <sup>3</sup>[Government of the Union territory of Jammu and Kashmir] may, by notification in the <sup>\*</sup>[Government Gazette], appoint.]

2. *Remuneration of Lambardars.*—Notwithstanding anything contained in any law, rule or instrument having the force of law, when any sum is recoverable as land revenue or as cess or as arrears of land revenue under any law for the time being in force, the Lambardar processing the recovery proceedings, shall be entitled to receive such remuneration, not exceeding five per cent of the sum recovered by or through him, <sup>4</sup>[or such amount] as the <sup>3</sup>[Government of the Union territory of Jammu and Kashmir] may by rules prescribe.

3. *Manner of depositing the sum recovered by Lambardars.* —Whenever a Lambardar collects, receives or comes into possession of any sum recovered by or through him, as land revenue or as cess or as arrears of land revenue under any law for the time being in force, he shall remit or deposit the sum in such office or with such officer and in such manner and within such time, as the <sup>3</sup>[Government of the Union territory of Jammu and Kashmir] may by rules prescribe.

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1. Substituted by S.O. 1229 (E) dated 31.03.2020 for “whole of the State”.

2. Enforced by SRO 188 of 1973 w.e.f 1-5-1973.

3. Substituted by S.O. 1229 (E) dated 31.03.2020 for “Government”.

4. Inserted by Act No. XXXVIII of 1978, s. 2.

4. *Penalty for contravening the provisions of this Act and Rules.*—If any Lambardar contravenes the provisions of section 3 or any rule made thereunder, the sum collected, received or taken possession of, by him in the process of any recovery proceeding, shall be recoverable from him as arrears of land revenue.

5. *Application of other laws.*— The recovery of any sum as arrears of land revenue from any Lambardar under section 4, shall not protect such Lambardar from any other criminal or civil liability under any other law for the time being in force.

6. *Power to make rules.* —(1) The <sup>1</sup>[Government of the Union territory of Jammu and Kashmir] may make rules to carry out the purpose of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

- (a) procedure for election or appointment of Lambardars ;
- (b) the duties of Lambardars ;
- (c) the emoluments of the Lambardars and the manner of payment of such emoluments ;
- (d) punishment, suspension, removal and other conditions of service of Lambardars ; and
- (e) any other matter which has to be, or may be, prescribed by rules.

7. *Repeal and Savings.* —(1) With effect from the commencement of this Act, sub-section (3) of section 8 of the Jammu and Kashmir Chowkidari Act, 1956, sub-section (1) of section 16 of the Jammu and Kashmir Kacharai Act, 2011 and section 20 of the Jammu and Kashmir Land Revenue Act Svt. 1996 shall stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any appointment or rule made, notification, instruction, direction or order issued) under any provision of law repealed under sub-section (1) which is not inconsistent with any provision of this Act or the rules made thereunder shall be deemed to have been done or taken under the provisions of this Act and shall continue to be in force accordingly until repealed or modified either expressly or by implication by or under this Act.

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1. Substituted by S.O. 1229 (E) dated 31.03.2020 for “Government”.