

Bihar And Orissa Local Self-Government Act, 1885

3 of 1885

[22 July 1885]

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SCHEDULE 1 :- FIRST SCHEDULE

SCHEDULE 2 :- SECOND SCHEDULE

SCHEDULE 3 :- THIRD SCHEDULE

Bihar And Orissa Local Self-Government Act, 1885

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[22 July 1885]

PREAMBLE

An Act to extend the system of Local Self Government to 2[Bihar and Orissa] Preamble.

Whereas it is expedient to extend the system of Local Self-Government within the territories subject to the 3[Government of Bihar and Orissa] it is enacted as follows:-

1. The original short title, "The Bengal Local Self-Government Act of 1885" was changed by the Bihar and Orissa Local Self-Government (Amendment) Act, 1923 (B. and O. Act 1 of 1923). For Statement of Objects and Reasons of the original Act, see Calcutta Gazette, 1883, Part-IV, page 99.

2. Substituted for "Bengal" by Bihar and Orissa Act 1 of 1923.

3. Substituted for "the Lieutenant Governor of Bengal" by B. and O. Act 1 of 1923.

PART 1 LOCAL AUTHORITIES

1. Short title :-

This Act may be called the ¹[Bihar and Orissa] Local Self-Government Act of 1885.

Extent.--²[It shall extend to the whole of the ³[States] of 1[Bihar and Orissa] including the Santhal Parganas but excluding any area within the limits of Patna, as defined in Section 2 of the Patna Administration Act, 1915, or of any place or town to which the provisions of the Bihar and Orissa Municipal Act, 1922, have been, or may hereafter be, extended.

Commencement.--And it shall come into force in any district on such date as the State Government may, by notification, direct.

Any notification, order or rule and any appointment to an office may be made, or election held, under this Act after it shall have

received the assent of the Governor-General, and shall take effect in any district on this Act coming into force therein.

1. Substituted for "Bengal" by Bihar and Orissa Act 1 of 1923.
2. Substituted for original paragraph by B, and O. Act 1 of 1923.
3. Substituted by ALO.

2. Enactments repealed and amended :-

On this Act coming into force in any district, the enactments specified in the First and Second Schedules shall, as regards such district be repealed to the extent mentioned in the third column of the First Schedule, and be amended to the extent mentioned in the third column of the Second Schedule.

But this repeal shall not revive any office, authority, or thing abolished by such enactment, or affect the validity of anything which has been done or suffered, or any right, title, obligation, or liability which has accrued before the commencement of this Act.

3. Office held under repealed provisions of Bengal Act IV of 1880 to continue in existence until its abolition or confirmation by District Board :-

Every person holding office in any district under the repealed provisions of the Cess Act, 1880, shall continue to hold such office until it shall be abolished, or a new appointment made in respect thereof, by the District Board established in such district under the provisions of this Act :

Provided that, if for a period of twelve months from the date on which this Act comes into force in any district, the District Board does not abolish such office or make such appointment as aforesaid, the person holding such office shall be deemed to have been appointed to it under the provisions of this Act :

Provided further that, if such office shall be abolished or a new appointment made in respect thereof, compensation, pension or gratuity shall be paid from the District Fund to any person not being a servant of the Government who may be deprived of such office, and the amount of such pension or gratuity shall be calculated in accordance with any rules made under the provisions of Section 138 of the Cess Act, 1880; or if no such rules have been made, the amount shall be calculated in accordance with the rules regulating the payment of compensation, pensions and gratuities to uncovenanted servants of the Government.

4. Act not to come into force in cantonments without notification under Cantonments Act, 1924 :-

¹[Notwithstanding anything contained in Section 1, this Act shall not, save as provided in any notification that may be issued under sub-section (4) of Section 3 of the Cantonments Act, 1924, have effect in any cantonments].

1. Lettered as clause (e) by Bihar Act 21 of 1947.

5. Interpretation :-

In this Act, unless there be something repugnant in the subject or context,-

¹[(a) "Carrige."-carriage means a wheeled vehicle or other appliances acting as springs, which is used for the conveyance of human beings, and includes a rickshaw but does not include a motor car or a bicycle or a tricycle;

(a-1) "cart" means any cart, hackney or wheeled vehicle with or without springs, which is not a carriage or a motor car but does not include a bicycle, a tricycle or a hand-cart;]

²(a-2) "Commissioner".--"Commissioner" means the Commissioner

of a Division;

3[* * * * *]

4[(b) "Local Authority."- "local authority means any District Board or Local Board, Joint Committee, Union Committee or Joint Union Committee, constituted under this Act];

5[(b) "Local Authority" means any District Board, Local Board or Joint Committee constituted under this Act, or any Union Board constituted under the Bihar and Orissa Village Administration Act, 1922 (B. and O. Act 3 of 1922)].

6[(c) "Municipal authority.--"municipal authority means the Commissioners of a municipality constituted under the provisions of the **7**[Bihar and Orissa Municipal Act, 1922 (B. and O. Act 7 of 1922)];

8[(d) "Notification".--"notification" **9**[Official Gazette]; means a notification published in the

10[(e) "Magistrate of the District, "- "Magistrate of the district" includes any Magistrate subordinate to the Magistrate of the district, to whom he may delegate all or any of his powers under this Act;

11[(f)] "Salaried servant of the Government,"- **12**["salaried servant of the **13**[Government]" means a whole time **14**[servant] of the **13**[Government] who receives his salary direct, **16**[from any Government}, and includes a manager of an estate under the Court of Wards and **15**[servant], whose services have been lent **17**[by any Government] to a local authority, but does not include a retired servant **18**[of the **14**[Government] in receipt of a pension];

19[(f-1) "Scheduled Castes".--"Scheduled Caste" means member of the castes, races or tribes or parts of or groups within castes, races or tribes specified in a notification issued by the President of the Indian Union under clause (1) of Article 341 of the Constitution of India in relation to the State of Bihar;

(f-2) "Scheduled Tribes" means the tribes or tribal communities or parts of or groups, within tribes or tribal communities specified in a notification issued by the President of the Indian Union under clause (1) of Article 342 of the Constitution of India in relation to the State of Bihar];

20[(g) "Financial year".--"Financial year" means the year commencing on the first day of April;

21[(h) "Cess year, "-"cess year" means the cess year as determined by the Board of Revenue under Section 11 of the Cess Act, 1880; and

22[(i)] "Sanitation. "-"Sanitation" includes water-supply, conservancy and drainage, any other measures for the improvement of the public health and the prevention of public nuisances.

1. Substituted by Bihar Act 24 of 1948 for the original section.

2. Inserted by Bihar Act 40 of 1950.

3. Clause (a) re-lettered as clause (a-2) by Bihar Act 40 of 1950.

4. Clause (a-3) Repealed by Bihar Act 4 of 1957.

5. Lettered as clause (b) by Bihar Act 21 of 1947.

6. Ibid.

7. Lettered as clause (c) by Bihar Act 21 of 1947.

8. Substituted by B. and O. Act 1 of 1923, for the words and figure "Bengal Municipal Act, 1884."

9. Lettered as clause (d) by Bihar Act 21 of 1947.
10. Substituted by B. and O. Act 1 of 1923 for the word "Calcutta".
11. Lettered as clause (e) by Bihar Act 21 of 1947.
12. Lettered as clause (f) by Bihar Act 21 of 1947.
13. Substituted by B. and O. Act 1 of 1923 for original definition.
14. Substituted by ALO for Crown".
15. Substituted by para 3 and Schedule 4 of the AO for the word "Officer".
16. Substituted by *ibid*, for the word "from Government".
17. Substituted by *ibid*, for the words "by Government".
18. Substituted by *ibid*, for "of Government".
19. Inserted by Bihar Act 40 of 1950.
20. Lettered as clause (g) by Bihar Act 21 of 1947.
21. Lettered as clause (h) by *ibid*.
22. Lettered as clause (i) by *ibid*.

6. District and. Local Boards :-

¹[(1) The State Government shall, by notification, establish a District Board for every district.

²[* * *]

(2) The State Government may, by notification establish Local Board for any sub-division or part of a sub-division or for any two or more sub-divisions combined :

Provided that before publishing a notification under this sub-section the State Government shall cause to be published in Official Gazette, and in such other manner as it may direct, a notice of its intention to establish such Local Board, and shall take into consideration any objection that may be made through the

magistrate within two months from the date of the notice by any inhabitant of the area for which Local Board is proposed to be established.

(3) A District Board shall have authority for the purposes of this Act over the district for which it is established, and a Local Board shall have authority over such area as the State Government may, by notification, direct.]

1. Sections 6-29 (both inclusive) were substituted for the original Sections by B. and O. Act 1 of 1923.

2. Clause (1-a) repealed by Bihar Act 4 of 1957.

7. Constitution of District Boards :-

¹[(1) The State Government shall, by notification fix-

(a) the total number of members constituting a District Board not exceeding fifty in number;

(b) such number of members as may be elected;

(c) such number of members of the Scheduled Castes, but in any case not less than three in number, as there are Local Boards within the district, to be co-opted by the elected members of such Board in such manner as may be prescribed :

Provided that at least one member shall be co-opted from the area over which each of the Local Board has authority;

(d) in any district of the Chota Nagpur Division in which the population of the Scheduled Tribes is less than the population of all other communities inhabiting that district such number of members of the Scheduled Tribes, not exceeding two, to be co-opted by the elected members of the District Board in such manner as may be

prescribed.

(2) Subject to the provisions of Section 11, the members to be elected under this section shall be elected on the basis of adult suffrage.

(3) The names of the members, elected and co-opted, shall be published in the Official Gazette.

1. Substituted by Bihar Act 40 of 1950 for the original Section 7.

8. Appointment of members :-

[Repealed by Section 4 of the Bihar L.S.G. (Amdt.) Act, 1950 (Bihar Act 40 of 1950)].

9. Publication of names :-

[Repealed by Section 5 of the Bihar L.S.G. (Amendment) Act, 1950 (Bihar Act 40 of 1950).]

10. Constitution of Local Boards :-

¹[(1) A Local Board shall consist of the members elected to the District by the electorate of the areas over which the Local Board has authority together with such members, co-opted under sub-section (1) of Section 7, as reside within that area.

(2) The names of the members constituting the Local Board shall be published in the Official Gazette.]

1. Substituted by Bihar Act 40 of 1952.

11. Qualifications of members and voters :-

(1) The State Government shall by Rules consistent with this Act prescribe the qualification-

(a) of candidates for election as members of a District Board; and

(b) of voters at such elections :

Provided that no person shall be eligible for election if such person-

(i) is not a resident within the district or within a municipality in the district;

(ii) is not a ¹[citizen of India] provided that the ²[State] Government may ³[* * * *] exempt any alien or class of aliens from his disqualification;

(iii) has not attained the age of twenty-one years;

(iv) has been adjudged by a competent court to be of unsound mind;

(v) is an undischarged insolvent, or being a discharged insolvent has not obtained from the Court a certificate that his insolvency was caused by misfortune without misconduct on his part; or

(vi) is a salaried servant of the ⁴[Movement].

(2) ⁵[In any district] to which this sub-section may, by notification, be applied, the ²[State] Government may direct that such proportion of the members to be elected for the district as it thinks fit shall be elected by any association, representative of persons paying local cess under the provisions of Chapter V of the Cess Act, 1880, whether the members of such association are resident within the district or not.

1. Substituted by ALO for words "British subject or the subject of any State in India.

2. Subs by para 4(1), *ibid*, for "provincial."
3. The words "with the approval of the Governor General" repealed by Para 3 and Schedule IV of the AO.
4. Substituted by the ALO for "Crown."
5. Substituted by Bihar Act 4 of 1957 for "in the district of Manbhum, and in any other district".

12. Power to form electoral circles :-

(1) For the purpose of election of members of a District Board the ¹[State] Government may, with respect to District Boards generally or any District Board or class of District Boards in particular, by Rules made under this Act after previous publication, make provision for the division of the district into electoral circles and prescribe the number of members to be elected for each circle.

(2) In any district which has been divided into electoral circles under subsection (1) no person shall be eligible for election for any such circle unless he is resident within the limits of the sub-division or sub-division in which such circle is situated, or in a municipality within such limits.

(3) For the purposes of this section and Section 11a person shall be deemed to be resident within the limits of a particular area if he-

(a) ordinarily lives within those limits;

(b) has his family dwelling-house within those limits, and occasionally visits it; or

(c) maintains within those limits a dwelling-house ready for occupation in the charge of servants, and occasionally occupies it.

Explanation.--A person may be resident within the limits of more than one district, sub-division and municipality at the same time.

1. Subs by para 4(1), *ibid*, for "provincial."

13. Term of office of members :-

Save as is otherwise provided in this Act-

(1) A member of a District Board or Local Board elected at the general election of members or a District Board shall hold office for ¹[five years] commencing from the date of the general election;

²[(2) A co-opted member of a District Board or a Local Board newly constituted after a general election shall hold office for five years;]

(3) A member elected ³[* * *] ⁴[or co-opted] to fill a vacancy in a District Board or a Local Board shall hold office for the unexpired residue of the term of office of the member in whose place he has been elected ³[* *] ⁴[or co-opted]; and

(4) An outgoing member of a District Board or Local Board may ⁵[if otherwise qualified, be re-elected ⁵[or co-opted, as the case may be.]

1. Substituted by Band O Act 5 of 1935 for "three years".

2. Inserted by Bihar Act 38 of 1954.

3. The words "or appointed" repealed by *ibid*.

4. Inserted by Bihar Act 38 of 1954.

5. Inserted by *ibid*.

13A. Consequences of the creation of a new district :-

¹[(1) Where a new district is created either as a result of the division of an existing district or the inclusion of specified local areas from two or more existing districts, the State Government

may, by notification, direct that the District Board of the existing district of which any local area included, in the new district formed a part shall cease to have authority over such local area and the members elected to that District Board by the electorate of the said local area or by association as representative of persons paying local cess under the provisions of Chapter V of the Cess Act, 1880 (Ben. Act IX of 1880), shall cease to be members thereof and the remaining members shall constitute the District Board until the next general election.]

1. Substituted by Bihar Act 4 of 1957 for original section.

14. Resignation of office of members :-

A member of a District Board or Local Board may resign his office in writing to the Chairman of the District Board who shall forthwith lay such notice of resignation before the District Board and, on the resignation being accepted, the office shall become vacant.

15. Removal of members :-

(1) The State Government may remove any member of a District Board, Local Board or Union Committee¹[* *] if such member is guilty of misconduct in the discharge of his duties, or if he is convicted of any such offence, or subjected by a criminal court to any such order, as implies moral turpitude which in the opinion of the State Government unfits him to be a member, and if a resolution recommending his removal has been supported by not less than two-thirds of the whole number of the member of the District Board at a meeting specially convened for the purpose.

(2) The State Government may remove any member of a District Board, Local Board or Union Committee-

(a) If he refuses to act or becomes incapable of acting or is declared insolvent;

(b) if he without an excuse sufficient in the opinion of the State

Government, absents himself from six consecutive meetings of the District Board, Local Board or Union Committee, as the case may be without having obtained previous permission from the Chairman of such District Board, Local Board or Union Committee :

(c) if in the judgment of the State Government to be recorded in writing, he has become disqualified to continue in office under Section 144 :

(d) if he, being a legal practitioner, acts or appears in any suit or other proceeding on behalf of any other person against the District Board, Local Board or Union Committee, or acts or appears on behalf of any other person in any criminal proceeding instituted by or on behalf of such District Board, Local Board or Union Committee.

(3) A member who has been removed from office under sub-section (1) or clause (a) of sub-section (2) shall not be elected ²[or-co-opted] or re-elected as a member of the District Board ³[* *], without the consent of the State Government.

(4) A member who has been removed from office under clause (b) of subsection (2) shall not be elected ²[or-co-opted] or re-elected as a member of the District Board, ³[* *], within a period of three years from the date of his removal ⁴[without the consent of the State Government].

1. The words "elected or appointed under this Act "repealed by Bihar Act 40 of 1950

.
2. Inserted by Bihar Act 38 of 1954.

3. The words "or appointed as a member of a Local Board" repealed by Bihar Act 40 of 1950.

4. Inserted by Bihar Act 11 of 1947

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16. Vacation of office by Salaried servant of Government :-

[Rep by Section 8 of the Bihar Local Self-Government Act, 1950 (Bihar Act 40 of 1950)].

17. Effect of vacation of office of elected member of District Board or Local Board :-

¹[A member of a District Board or Local Board who ceases to be a member of one of the said Boards, shall thereupon cease also to be a member of the other.]

1. Substituted by Bihar Act 40 of 1950 for the words "an elected member."

18. Casual vacancies :-

If a member of a District Board or Local Board, - ¹[* *] ²[whether elected or co-opted] ceases to be a member thereof by reason of his death, resignation, removal or otherwise, the vacancy so caused shall be filled by the election ³[* *] ²[or co-option as the case may be] of another member.]

1. The words "whether elected or appointed" repealed by Section 10, Bihar Act 40 of 1950.

2. Inserted by Bihar Act 38 of 1954.

3. The words "or appointment as the case may be" repealed by Section 10 of Bihar Act 40 of 1950.

19. Election or appointment of Chairman of District Board :-

19. Election or appointment of Chairman of District Board.--

(1) The members of a District Board at a meeting shall elect one from among their own number to be Chairman ¹[* * *].

(2) Such election shall take place within thirty days from the date

of publication of the names of the members in the ²[Official Gazette] under ⁴[sub section 3 of Section 7], or in the case of a vacancy due to any cause other than the expiry of the term of office of the Chairman, within thirty days from the date of the occurrence of such vacancy.

(3) If the members of a District Board fail to elect a Chairman within the period prescribed by sub-section (2) the ³[State] Government may appoint a person not being a salaried servant of the ⁵[Government] to be Chairman.]

19. (1) Save as otherwise provided in sub-section (2) a person shall be appointed by the ³[State] Government either by name or by virtue of his office to be the Chairman of a District Board.

(2) The ³[State] Government may by notification direct the members of the District Board to elect one from among their own number to be Chairman, and may, by like notification, withdraw any such direction:

Provided that the tenure of the office of a Chairman holding office at the time of such withdrawal shall not be affected thereby.

(3) The election of a Chairman of a District Board in respect of which a direction under sub-section (2) is in force, shall take place within thirty days from the date of the publication of the names of the members in the ²[Official Gazette] under Section 9, or in the case of a vacancy due to any cause other than the expiry of the term of office of the Chairman, within thirty days from the date of the occurrence of such vacancy.

(4) The ³[State] Government may, notwithstanding such direction, appoint a person by name or by virtue of his office to be Chairman if the members fail to elect a Chairman within the period prescribed by sub-section (3) or if they pass a resolution at a meeting requesting the ³[State] Government to appoint a Chairman;

provided that no salaried servant of the ⁵[Government] shall vote on such resolution.]

1. The words "provided that no salaried servant of the Crown shall vote in the election or be eligible for election "repealed by Section 11 of the Bihar Act 40 of 1950.

2. Substituted by AO for "Gazette".

3. Substituted by ALO

4. Substituted by the Bihar Act 40 of 1950 for "Section 9."

5. Substituted by the ALO for "Crown".

20. Election or appointment of Chairman of Local Board :-

20. Election or appointment of Chairman of Local Board.-

(1) The members of a Local Board at a meeting shall elect one from among their own number to be Chairman ²[* *].

(2) The election of a Chairman of a Local Board shall take place within thirty days from the date of the publication of the names of the members of the Local Board in the ³[Official-Gazette] under ⁴[sub-section] (2) of Section 10, or in the case of a vacancy due to any cause other than the expiry of the term of office of the Chairman, within thirty days from the date of the occurrence of such vacancy.

⁵[* *].

⁶[(3) If the members of a Local Board fail to elect a Chairman within the aforesaid period of thirty days, the District Board may appoint a person, not being a salaried servant, of the ⁷[Government] to be Chairman.

(4), the ¹[State] Government, after ascertaining and considering

the opinion of the District Board, may appoint a person either by name or by virtue of his office to be Chairman.

20. (1) The members of a Local Board at a meeting shall, unless they request the ¹[State] Government to appoint a Chairman under sub-section (4), elect one from among their own number to be Chairman.

(2) The election of a Chairman of a Local Board shall take place within thirty days from the date of the publication of the names of the members of the Local Board in the ³[Official Gazette] under ⁴[sub-section (2)] of Section 10, or in the case of a vacancy due to any cause other than the expiry of the term of office of the Chairman, within thirty days from the date of the occurrence of such vacancy.

(3) The election of a Chairman under sub-section (1) shall be subject to the approval of the District Board. Pending the approval of the District Board, the elected Chairman shall exercise all the powers of a Chairman.

(4) The member of a Local Board at a meeting may pass a resolution requesting the ¹[State] Government to appoint a Chairman provided that no salaried servant of the ⁷[Government] shall vote on such resolution.

(5) If the members of a Local Board fail to elect a Chairman within the period prescribed by sub-section (2) or, if they request the ¹[State] Government to appoint a Chairman under sub-section

1. Substituted by ALO.

2. The words "provided that no salaried servant of the Crown shall vote in the election or be eligible for election" repealed by Section 12 of the Bihar Local Self Government (Amendment) Act, 1950 (Bihar Act 40 of 1950).

3. Substituted by the AO for "Gazette".

4. Substituted by the Bihar Local Self Government (Amendment) (Bihar Act 40 of 1950) for "subsection (2)".

5. Sub-section (3) repealed by the Bihar Local Self Government (Amendment) Act, 1947 (Bihar Act 11 of 1947).

6. Sub-section (4) renumbered as sub-section (3) by *ibid*.

7. Substituted by the ALO for "Crown".

21. Status of appointed Chairman :-

Notwithstanding anything contained in Section 7 or Section 10, every Chairman of a District Board or Local Board appointed under Section 19 or Section 20 shall, if he is not a member of the District Board or Local Board of which he has been appointed Chairman, from the date of his appointment during the term of his office, enjoy all the rights and privileges and be subject to all the liabilities and disabilities of a member of a such District Board or Local Board.

22. Election of Vice-Chairman of District and Local Boards :-

¹[(1) The members of a District Board at a meeting shall elect one from among their own number to be Vice-Chairman.

(2) Such election shall take place within thirty days from the date of the publication of the names of the members in the Official Gazette under sub-section (3) of Section 7, or, in the case of a vacancy due to any cause other than the expiry of the term of office of the Vice-Chairman, within thirty days from the date of the occurrence of such vacancy.

(3) If the members of a District Board fail to elect a Vice-Chairman within the period prescribed by sub-section (2), the State Government may appoint a person, not being a salaried servant of the Government, to be Vice-Chairman.

(4) The members of a Local Board at a meeting shall elect one from among their own number to be Vice-Chairman.

(5) The election of Vice-Chairman of a Local Board shall take place within thirty days from the date of the publication of the names of the members of the Local Board in the Official Gazette under sub-section (2) of Section 10, or, in the case of vacancy due to any cause other than the expiry of the term of office of the Vice-Chairman, within thirty days from the date of the occurrence of

such vacancy.

(6) If the members of a Local Board fail to elect Vice-Chairman within the aforesaid period of thirty days, the District Board may appoint a person, not being a salaried servant of the Government, to be Vice-Chairman.

(7) Notwithstanding anything contained in Section 7 or Section 10 every Vice-Chairman of a District Board or a Local Board appointed under this section, if he is not a member of the District Board or Local Board of which he has been appointed Vice-Chairman shall from the date of his appointment during the term of his office, enjoy all the rights and privileges and be subject to all the liabilities and disabilities of a member of such District Board or Local Board.]

1. Substituted by Bihar Act 38 of 1954 for original section.

23. Grant of leave to Chairman or Vice-Chairman :-

The District Board or Local Board may grant leave of absence to its Chairman or Vice-Chairman for any period not exceeding three months in any one year.

24. Term of office of Chairman and Vice-Chairman :-

24. Term of office of Chairman and Vice-Chairman.-The Chairman and Vice-Chairman of a District Board or Local Board shall continue to hold office until the next general election of members of the District Board and for such further period as may elapse between the date of the general election and the first meeting of the newly constituted District Board or Local Board, as the case may be, held under the provisions of sub-section (2) of Section 19, or of sub-section (2) of Section 20, and they shall then vacate office.]

24. (1) A Chairman of a District Board appointed under sub-section (1) of Section 19 shall continue to hold office until a new Chairman

is appointed.

(2) A Chairman of a District Board elected in pursuance of a direction under sub-section (2) of Section 19, or appointed under sub-section (4) of the said section; the Vice-Chairman of a District Board and the Chairman and the Vice-Chairman of a Local Board, shall continue to hold office until the next general election of the members of the District Board and for such further period as may elapse between the date of the general election and the first meeting of the newly constituted District Board or Local Board, as the case may be, and shall then vacate office.

25. Meeting of election of Chairman and Vice-Chairman.-(1)

On the vacation of office of the Chairman and Vice-Chairman under Section 24, the members present at the meeting shall forthwith elect one of their own number, who is not himself a candidate for the post of Chairman or Vice-Chairman, to preside thereat.

25. (1) On the vacation of office under sub-section (2) of Section 24 of the Vice-Chairman of a District Board of which a Chairman is to be appointed by the 1 [State] Government under sub-section (1) of Section 19, the members present at the meeting shall elect a person to fill the vacancy.

(2) The members shall then proceed to elect a Chairman and a Vice-Chairman.

(2) On the vacation of office under sub-section (2) of Section 24 of the Chairman of a District Board and the Chairman and Vice-Chairman of a Local Board the members of a District Board in respect of which a direction under sub-section (2) of Section 19 is in force, and the members of the Local Board as the case may be, present at the meeting shall forthwith elect one of their own number, who is not himself a candidate for the post of Chairman or Vice-Chairman, to preside thereat.

(3) If the members fail to elect a Chairman, the Chairman shall be deemed not to have vacated office till a new Chairman is appointed.]

(3) The members shall then proceed-

(a) to elect, or request the ¹[State] Government to appoint, a Chairman;

(b) to elect a Vice-Chairman.

(4) If the members fail to elect, or request the ²[State] Government to appoint, a Chairman, the Chairman shall be deemed not to have vacated office until a new Chairman is appointed.

1. Substituted by ALO.

2. Substituted by ALO for "Provincial".

25. Resignation of Chairman or Vice-Chairman :-

(1) An appointed Chairman of a District Board or Local Board may resign in writing to the ¹[State] Government and on such resignation being accepted shall be deemed to have vacated office.

(2) An elected Chairman of a District Board may resign in writing to the District Board.

(3) An elected Chairman of a Local Board or Vice-Chairman of a District or Local Board may resign in writing to the Chairman of the District Board, who shall forthwith lay such notice of a resignation before the District Board.

(4) On a resignation under sub-section (2) or (3) being accepted by the District Board, the Chairman or Vice-Chairman of the District

Board, or Local Board, as the case may be, shall be deemed to have vacated office.

1. Substituted by ALO for "Provincial".

27. Removal of Chairman and Vice-Chairman :-

A Chairman or a Vice-Chairman of a District Board or Local Board may at any time be removed from office by a resolution of the District Board or Local Board, as the case may be, in favour of which less than two-thirds of the whole number of the members of such Board have given their votes at a meeting specially convened for the purpose.

27. An elected Chairman ¹[or a Chairman appointed under subsection (4) of Section 19] or a Vice-Chairman of a District Board or Local Board may at any time be removed from office by a resolution of the District Board or Local Board, as the case may be, in favour of which not less than two-thirds of the number of the members of such Board have given their votes at a meeting specially convened for the purpose.]

1. Inserted by Notification No. 3469 LSG, dated the 12th July, 1943

28. Casual vacancies :-

(1) If the Chairman or Vice-Chairman of a District Board or Local Board is unable by reason of his death, resignation or removal to complete his full term of office, or if he ceases to be a member of a District Board or Local Board, as the case may be, or if the Chairman of a District Board or Local Board avails himself of leave under Section 23, the vacancy so caused shall be filled by the election or appointment, as the case may be, of another person to the said office; and the person so elected or appointed shall fill such vacancy for the unexpired portion of the term for which such Chairman or Vice-Chairman would otherwise have continued in office or during the absence on leave of such Chairman, as the case may be.

(2) Notwithstanding anything contained in Section 22, if a Vice-Chairman of a District Board or Local Board avails himself of leave under Section 23, the Chairman of the District Board or Local Board, as the case may be, shall appoint a member thereof to officiate as Vice-Chairman during the period of such leave. Such appointment shall be subject to the approval of the District Board.

29. Incorporation of District Board :-

Every District Board shall be a body corporate by the name of the District Board of the district by reference to which it is known, and shall have perpetual succession and a common seal, with power to acquire and hold property both movable and immovable and subject to any Rules made under this Act, to transfer any such property held by it, and to do all other things necessary for the purpose of the Act, and may sue and be sued in its corporate name.

29A. Proceedings not to be invalidated by casual vacancies :-

¹[No act of a District Board or Local Board shall be deemed to be invalid only by reason of the existence of a vacancy in such Board.]

1. Substituted for the original Section B. and O. Act 1 of 1923.

29B. Powers of the State Government to authorise servants of the Government to attend meetings of District Board or Local Board :-

¹[(1) The State Government may, by notification, authorise such servant of the Government and for such period as may be specified in the notification, to attend all or any meetings of a District Board or Local Board.

(2) Any person authorised to attend meetings of a District Board or Local Board under sub-section (1) shall not be deemed to be a member of the Board and shall have no right to vote at any meeting thereof, but he may take part in the discussions of the Board].

1. Inserted by Bihar Act 40 of 1950.

30. Joint Committees :-

A District Board may join with any other District Board or with any Municipal]¹ or Cantonment]² authority, or with more than one such Board, or Municipal or Cantonment authority in constituting out of their respective bodies a Joint Committee for any purpose in which they are jointly interested, and in delegating to any such Joint Committee any power which might be exercised by either or any of the Boards or authorities concerned, and may from time to time frame Rules as to the proceeding of any such Joint Committee, and as to the conduct of correspondence relating to the purpose for which the Joint Committee is constituted.]³

1. As to municipal authorities vide the Bihar and Orissa Municipal Act, 1922 (B. and O. Act 7 of 1922).

2. As to cantonment authorities vide the Cantonment Act, 1924 (2 of 1924) (Central Act).

3. For similar provision applying to local authorities generally see the B. and O. Municipal Act, 1922 (B. and O. Act 7 of 1922), Section 5].

31. Record and publication of proceedings :-

Minutes of the proceedings at each meeting of a District Board or Local Board shall be drawn up and recorded in a book to be kept for the purposes, and shall be signed by the Chairman of the meeting, and shall be published in such manner as the ¹[State] Government may from time to time direct, and shall at all reasonable times and without charge be open to the inspection of any person resident

within, or owning or holding land within, the jurisdiction of such Board.

Resolutions passed by District Board.-A copy of every resolution passed by a District Board at a meeting shall, within three days from the date of the meeting, be forwarded to the Magistrate of the district for transmission to the Commissioner.

or Local Board how to be treated.-A copy of every resolution passed by a Local Board at a meeting shall, within three days from the date of the meetings be forwarded to the District Board and to the Magistrate of the district.

1. Substituted by ALO.

32. Power to make Rules as to business and affairs :-

¹[Every District Board, subject to the control of the ²[State] Government, and every Local Board, with the sanction of the District Board and subject to the control of the ²[State] Government shall make Rules as to]-

(a) the time and place of its meetings, the business to be transacted at meetings and the manner in which notice of meetings shall be given;

(b) the conduct of proceedings at meetings the due record of all dissents and discussions, and the adjournment of meetings;

(c) the custody of the common seal, and the purposes for which it shall be used;

(d) the division of duties amongst its members;

(e) the power to be exercised by the Chairman or Vice-Chairman, or by sub-committees or members to whom particular duties are assigned;

(f) the persons by whom receipts shall be granted for money received under this Act;

(g) the duties, appointment, ³[leave, allowance and punishment (including suspension and removal)] of the officers and servants of the Board; and

(h) other similar matters.

⁴[and may, subject to the like control, and in the case of a Local Board subject also to the like sanction, from time to time repeal or alter such Rules:

Provided that all Rules made under this section, and all orders repealing or altering any such rules, shall be considered by the District Board at a meeting specially convened for the purpose, and be subject to the approval of not less than two-thirds of the number of members present at the meeting.

All such rules, orders as aforesaid shall be published in the Official Gazette and in such other manner as the ²[State] Government may direct; and so far as they are consistent with this Act, and with any rules by the ²[State] Government thereunder, shall upon such publication have the force of law.

1. Substituted for the original portion as amended by Bengal Act 5 of 1908, by the B. and O. Act 1 of 1923.

2. Substituted by ALO.

3. Substituted for the words "leave, suspension and removal, by Bengal Act 5 of 1908.

4. Substituted for original paragraphs as amended by Bengal Act 5 of 1908, by B. and O. Act 1 of 1923.

33. District Board may appoint establishments and fix salaries :-

Every District Board, subject to the provisions hereinafter contained, may from time to time determine and appoint the establishment to be employed by it, or by any Joint Committee constituted under Section 30, or by ¹[any Committee of the District Board, and may fix the pay of such establishment:

Provided-

²[(1) that ³[* *] any appointment the maximum pay of which amounts to three hundred rupees or more a month shall not be created or abolished without the sanction of the ⁴[State] Government, and that any increase or reduction in the pay of any such appointment, or the increase of the maximum pay of a sanctioned appointment to an amount exceeding three hundred rupees a month, shall be subject to confirmation by the ⁴[State] Government;]

(2) that the aggregate ⁵[pay] ⁶[* *] in any one financial year of the establishment employed by any District Board for the purpose of heading D of Part III of this Act shall not without the sanction of the ⁴[State] Government exceed twenty per centum on the total amount available for expenditure by such Board upon public works during the financial year;

(3) that every District Board shall conform to any Rules made by the ⁴[State] Government, under this Act regarding the qualifications of candidates for employment;

⁷[**]

⁸[Explanation.-- In this section "pay" includes any special or personal pay and any allowance other than a travelling allowance.]

1. Substituted for the words and figure "an Educational Committee referred to in Section 65-B, and may fix the salaries to be paid to such establishment" by B. and O. Act 1 of 1921.

2. Substituted for the original proviso by B. and O. Act 1 of 1923.

3. The words "the appointment of a District Engineer or" repealed by Bihar Act 24 of 1948.

4. Substituted by ALO.

5. Substituted for "salaries" by B. and O. Act 1 of 1923.

6. The words "and allowances", repealed by B. and O. Act 1 of 1923.

7. Clause (4) repealed by Bihar Act 24 of 1948.

8. The explanation was Inserted by B and O Act 1 of 1923.

34. Rules regarding leave of absence, and absence allowances to officers :-

[Repealed by the Bengal Local Self-Government (Amendment) Act, 1908 (Ben. Act 5 of 1908), Section 2.]

35. Pensions and gratuities to be paid out of the District Fund :-

¹[District Board may, from time to time, ²[* *] subject to ³[the provisions hereinafter contained and to] the control of the ⁴[State] Government, make Rules for pensions and gratuities to be granted and paid out of the District Fund to its establishment, and for the grant and payment therefrom of extraordinary pensions and gratuities to the families of deceased employees, and may ²[* *] ⁵[subject as aforesaid] repeal, add to, or alter such rules.]

1. Substituted for the original Section 35 by Bengal Act 5 of 1908.

2. The words "with the sanction of the Commissioner and" repealed by B. and O. Act 1 of 1923.
3. Inserted by the Bihar Act 24 of 1948.
4. Substituted by ALO.
5. The word "with the like sanction and" repealed by the B and O Act 1 of 1923.

35A. Provident Fund :-

¹[A District Board may from time to time ²[* *] subject to ³[the provisions hereinafter contained and to] the control of the ⁴[State] Government, make rules-

(a) for the creation and management of a Provident Fund for ⁵[the establishment of the District Board or of any local authority subordinate to such Board];

(b) for compelling members of ⁶[any establishment] to make contributions to such Fund;

(c) for supplementing such contributions by grants from the District Fund; and

(d) for the payment of moneys out of such Provident Fund;

and may, ⁷[* *] ⁸[subject as aforesaid, repeal], add to, or alter such Rules.]

1. The word "with the like sanction and" repealed by the B and O Act 1 of 1923.
2. Inserted by the Bengal Act 5 of 1908.
3. Inserted by the Bihar Act 24 of 1948.

4. Substituted by ALO.
5. Substituted for the words "its several establishments" by B. and O. Act 1 of 1923.
6. Substituted for "its establishments" by B and O Act 1 of 1923.
7. The words "with the like sanction and" repealed by the B. and O. Act 1 of 1923.
8. Inserted by *ibid*.

35B. Power of State Government to fix pay, etc., of officers and servants of District Boards :-

¹[Notwithstanding anything to the contrary contained in the provision made in or under this Act, the ²[State] Government shall have power to fix the designations, grades and pay of the officers and servants of any District Board or any class of such officers and servants.]

1. Inserted by the Bengal Act 5 of 1908.
2. Substituted by ALO.

36. Union Committee may appoint, establishment and fix salaries :-

¹[Every Union Committee may, from time to time, determine and appoint establishment to be employed by it and may fix the salaries to be paid to such establishment:

Provided that no appointment, the monthly salary of which amounts to ten rupees or more, shall be created without the consent of ²[the District Board].

1. Sections 36 to 44 are repealed in areas in which Pt. IV of B. and O. Act 3 of 1922 is in force See Section 2(1) of and Schedule 1 to that Act.
2. Substituted for the words "the Local Board for which the Union

Committee creating such appointments subordinate" by Bengal Act 4 of 1908.

36A. Constitution of a Service of District Engineers for the State of Bihar :-

¹[CHAPTER-IA

Service of District Engineers for Bihar

The ¹[State] Government may, by notification, constitute Service of District Engineers for the whole of the ²[State] of Bihar.

1. Inserted by Bihar Act 24 of 1948.

2. Substituted by ALO.

36B. Appointment of members of the Service of District Engineers :-

(1) The members of the Service referred to in Section 26-A shall be appointed by the ¹[State] Government.

(2) The ¹[State] Government shall direct that every District Engineer, who is in the employment of any District Board at the, time of the constitution of the Service referred to in sub-section (1) and is not discharged in accordance with his own desire or the terms and conditions of his employment, shall be deemed to be appointed as a member of such Service.

1. Substituted by ALO.

36C. Transfer of District Engineers :-

(1) The ¹[State] Government may transfer a member or a person to be appointed as a member of the Service referred to in Section

36-A from the service of one District Board to the service of another District Board:

Provided that such power shall ordinarily be exercised after consulting the District Boards concerned.

(2) The ¹[State] Government shall have power to issue such general or special directions as it may think necessary for the purpose of giving due effect to the transfers made under sub-section (1).

1. Substituted by ALO.

36D. Power to make rules as to conditions of service, etc., of the members or the Service of District Engineers :-

(1) Upon the issue of a notification under Section 36A, the ¹[State] Government shall have power, subject to the provisions of Section 143, to make Rules to regulate the classification, methods of recruitment, conditions of service, all pay and allowances, discipline and conduct of the members, or persons deemed to be appointed as members of the Service constituted under such notification and to prescribe the qualification of persons to be employed in such Service and the circumstances for continuance in such employment:

Provided that the terms and conditions of service of any person who is deemed to be appointed as a member of the Service referred to in Section 36-A in pursuance of a direction issued under sub-section (2) of Section 36-B shall not be less favourable than those which applied to him on the 1st day of April, 1944; or, in the case of a person appointed as District Engineer of any District Board after that date, on such later date as the ¹[State] Government may consider appropriate.

(2) If any question arises whether the terms and conditions of service applicable to a District Engineer are in contravention of the proviso to sub-section (1), the question shall be decided by the

¹[State] Government whose decision shall be final.

1. Substituted by ALO.

36E. Payment of pay and allowance to, and contributions for, members of the Service of District Engineers and recoveries thereof :-

(1) Subject to the provisions of sub-section (2), all pay and allowances of any District Engineer who is a member or is deemed to be appointed as a member of the Service constituted under Section 46-A shall be paid by the ¹[State] Government and the ¹[State] Government shall make such contributions as are necessary towards his leave allowances, pension, gratuity and Provident Fund.

(2) The ¹[State] Government may recover from the District Board concerned out of the District Fund, the whole or such proportion of the amounts paid or contribution made under sub-section (1) as the ¹[State] Government may by general or special order determine, and such recoveries shall be a first charge on the District Fund concerned.

1. Substituted by ALO.

36F. Control over members of the Service of District Engineers :-

Subject to the provisions of this Act and rules made thereunder, a member, or person deemed to be appointed as a member of the Service constituted under Section 36-A, shall be under the control of the District Board under which he is serving.

37. Operation of Chapter :-

No provision contained in the Chapter shall apply to any district, or

part of a district, unless and until it has been expressly extended thereto, by notification, by the ¹[State] Government.

1. Substituted by ALO.

38. Formation of Unions :-

The ¹[State] Government may by order in writing, constitute any village or group of villages into a Union; and may prescribe for such Union the number of members of which the Union Committee shall consist. Such number shall not be less than five or more than nine.

It shall be lawful for the ¹[State] Government from time to time to vary or annul such order.

1. Substituted by ALO.

39. Election of members of Union Committee :-

Save as is hereinafter provided, such number shall be elected from among the residents of the Union in accordance with rules made by the ¹[State] Government under this Act, and shall constitute the Union Committee of such Union.

1. Substituted by ALO.

40. Appointment on failure to elect :-

If the electors of any Union fail to elect the full number of members prescribed for the Committee of such Union, the Commissioner may appoint the remainder.

41. Appointment in substitution of election :-

Notwithstanding anything in this Act contained, it shall be lawful for the ¹[State] Government to direct by order in writing, for reasons to be stated in such order, that any Union Committee shall consist, either wholly or in part, of members appointed by the Commissioner.

1. Substituted by ALO.

41A. Chairman of Union Committee :-

¹[(1) Every Union Committee shall, from time to time, elect one of its members to be Chairman of the Committee.

(2) The election of any person to be Chairman of a Union Committee shall be subject to the approval of the District Board.

(3) If a Chairman of a Union Committee be not elected within the period prescribed in this behalf by rule made under clause (c) of Section 133 of this Act, the District Board shall appoint a member of the Committee to be Chairman.]

1. Inserted by Bengal Act 5 of 1908.

42. Term of office of members :-

The term of office of the members of a Union Committee shall be two years from the date of their election or appointment, but shall include any period which may elapse between the expiration of the said two years and the date of the next subsequent election or appointment not being an election or appointment under the next succeeding section.

At the expiration of such term such members may be re-elected or reappointed.

43. Filling of casual vacancies :-

When the place of an elected or appointed member of a Union Committee becomes vacant by the resignation or death of such member, a new member shall be elected or appointed, in the manner hereinbefore provided, and shall hold office until the person whose place he fills would regularly have gone out of office, and

shall then go out of office, but may be re-elected re-appointed:

Provided that no act of the Committee or of its officers, or of the Committee in meeting, shall be deemed to be invalid by reason only that the number of the Committee at the time of the performance of such act was less than the prescribed number.

44. Joint Union Committees :-

Any Union Committee may from time to time, with the consent of ¹[the District Board], join with any other Union Committee or Committees in constituting out of their respective bodies a Joint Union Committee for any purpose in which they are jointly interested, and in delegating to any such Joint Union Committee any power which might be exercised by either or any of the Union Committee; and may from time to time frame rules as to the proceedings of any such Joint Committee and as to the conduct of correspondence relating to the purpose for which the Joint Union Committee is constituted.

It shall be lawful for ²[the District Board] to associate not more than two of its members with any Joint Union Committee constituted under this Section.

1. Substituted for the words "the Local Board to which it is subordinate as hereinafter provided" by Bengal Act 5 of 1908.

2. Substituted for the words "the Local Board" by Bengal Act 5 of 1908.

PART 2 FINANCE

45. State Government may direct that funds of existing local bodies shall perverted in new local authorities :-

The ¹[State] Government may, by notification, direct that all or any portion of the funds vested in any local body existing in ²[any district in which this Act is in force] shall be vested in any local

authority constituted under this Act, immediately upon such local authority being constituted.

1. Substituted by ALO.

2. Substituted for the words "such district" by the Amending Act, 1903 (1 of 1903), Schedule II.

46. District Board to fix rate of local cess annually :-

A District Board, on or before the day prescribed in the rules made by the ¹[State] Government under this Act, shall hold a meeting for the purpose of fixing the rate at which the ²[local cess] ³[on the annual value of lands] shall be levied in the district during the ensuing cess year:

Provided that the rate at which ⁴[such local cess] is levied ⁵[* * *] shall not be reduced without the sanction of the ¹[State] Government:

⁴[Provided further that if the District Board fails to fix the rate of such local cess for the ensuing year as required by this section, the rate at which such local cess shall be levied during the ensuing cess year shall, subject to the provisions of sub-section (2) of Section 38 of the Cess Act, 1880, be the same as the rate at which such local cess was levied during the cess year immediately preceding the ensuing cess year.]

1. Substituted by ALO.

2. Substituted for the words "such district" by the Amending Act, 1903 (1 of 1903), Schedule II.

3. Inserted by Bihar Act 24 of 1948.

4. Substituted by *ibid*, for "the local cess".

5. The words when this Act comes into force in such district" repealed by B. and O. Act 3 of 1932.

46A. State Government to prescribe minimum closing

balance, statements, etc. :-

1[(1) The 2[State] Government may prescribe by rules made under this Act-

(a) the minimum closing balance to be maintained by a District Board; and

(b) the statements, accounts and reports to be submitted to the 2[State] Government.]

1. Inserted by B and O Act 1 of 1923.

2. Substituted by ALO.

47. Budget estimates :-

1[(1) Every District Board shall cause to be prepared and laid before it, at a meeting to be held in every year before such date as may be prescribed by the 2[State] Government by rules made under this Act, a budget estimate of the income and expenditure of the said Board for the ensuing financial year.

(2) The budget estimate shall contain such particulars as may be prescribed in the aforesaid rules.--

(3) The budget estimate after it has been approved by the District Board shall be submitted to the 2[State] Government which shall examine it with a view to seeing that-

(a) the estimate of income is reasonable and proper;

(b) provision has been made for the minimum closing balance prescribed under Section 46;

(c) provision has been made for the payment of any sums specified in clause Firstly, Secondly, Thirdly and Fourthly of Section 53; and

(d) provision has been made for the expenditure of any grants given 3[by any Government] for a specific purpose for such purpose],

1. Sections 47 to 49 substituted for the original sections by B. and O. Act 1 of 1923. 5. Substituted by the ALO for "by Government".

2. Substituted by ALO.

3. Inserted by B and O Act 1 of 1923.

48. Power of State Government as to budget estimate :-

1[The 2[State] Government, if it finds the budget estimate defective, erroneous or improper in respect of any of the particulars specified in Section 47, shall return it to the District Board for the alterations and modifications as the 2[State] Government may deem

necessary, and the District Board shall make such alterations and modifications in the budget estimate and re-submit it to the 2[State] Government for its approval.]

1. Inserted by Bihar Act 24 of 1948.

2. Substituted by ALO.

49. How details of budget estimate may be altered :-

¹[When a budget estimate has been finally approved by the ²[State] Government, the District Board shall not incur expenditure under any of the heads of the budget estimate in excess of the amount provided under that without making provision for such excess by variation and alteration of the budget, and, if the variation or alteration affects any provision made in accordance with clauses (b), (c) or (d) of sub-section (3) of Section 47, shall

obtain the approval of the ²[State] Government thereto.]

1. Sections 47 to 49 substituted for the original sections by B. and O. Act 1 of 1923.

2. Substituted by ALO.

50. District Boards may raise loans and may form a sinking fund :-

It shall be lawful for a District Board, subject to the provisions of any law relating to the raising of loans by local authorities for the time being in force, from time to time to raise loans for the purpose of carrying out any of the provisions of this Act, and to guarantee the payment of interest on such loans and to form a sinking fund:

¹[Provided that no loan shall be raised for the purpose of constructing and maintaining railway or tramway under the provisions of Section 80, unless it is authorized by a resolution which has been passed at a meeting specially convened for the purpose and in favour of which a majority of not less than two-thirds of the members of the District Board have voted.]

1. Inserted by the Bengal Local Self Government (Amendment) Act, 1908 (Bengal Act 5 of 1908).

51. Estimates and audit of accounts of Local Boards :-

Every Local Board shall submit to the District Board annually, on or before such date as the District Board may appoint, a statement of the requirements and an estimate of the probable expenditure of the Local Board for the ensuing financial year, and shall submit, as often as the District Board may require, accounts of its receipts and expenditure.

The District Board may approve such estimate or may make such alterations therein as it thinks fit.

The District Board shall make arrangements¹[* *] for the examination and audit of accounts submitted to it under this section, and may direct the publication of such accounts.

1. The words "subject to the approval of the Commissioner" repealed by B. and O. Act I of 1923.

52. Constitution of District Fund :-

There shall be formed for each district a fund to be called the "District Fund" and there shall be placed to the credit thereof-

1[(1) the proceeds of the local cess];

2[(1a) all sums received under any loan raised under Section 50];

3(2) all sums levied within the... district 4[* * *] under this Act 5[not.. being fines or penalties]; 6[(2) all sums levied within the district 4[* * *] under this Act, except when levied by a panchayat appointed Under the Bihar and Orissa Village Administration Act, 1922 5[not being fines or penalties];

7[* * *]

8[(5) all receipts in respect of any 9[* * *] libraries, reading-rooms, institutes of physical culture, hospital, dispensaries, dairy farms, agricultural model farms, railways, tramways, or other buildings, institutions or works, which may have been established, acquired or constructed by, vested in, or placed under the control and administration of a District Board under Part III of this Act];

10[5a) all receipts accruing within the district from tolls or leases under Part III, heading D (I), of this Act];

11[(5b) all receipts accruing within the district from fees levied for providing irrigation facilities under Part III, heading D (II), of this Act;

(5c) all receipts accruing within the district from the registration and taxation of carts and carriages under Part III, heading D (III), of this Act;

(5d) all proceeds from the sale of agricultural produce and manures under Part III, heading I, of this Act;

(e) all receipts accruing within the district from dairies established under Part III, heading I, of this Act;

(6) all sums 12[other than sums for educational purposes] which may be allotted to the District Board from the 13[State] Revenues by the 13[State] Government for any of the purposes mentioned in Part III of this Act, or for any other purpose;

(7) all sums 12[other than sums for educational purposes] contributed to the District Board by local bodies or private persons.

14[The proceeds of the local cess shall be placed to the credit of the District Fund under such separate heads as the 12[State] Government may from time to time determine.]

District Fund to be vested in Board.- The District Fund shall be vested in the District Board, and the balance standing to the credit of the Fund shall be kept in such custody as the 12[State] Government from time to time direct.

1. Substituted for the original clause (1) by B. and O. Act 1 of 1916.

2. Inserted by Bengal Act 5 of 1908.

3. Clause (2) is in force in areas in which Part IV of B. and O. Act 3 of 1922, is not in force.
4. The words "as fines, penalties or otherwise" repealed by para 3 and Schedule IV of the AO.
5. Inserted by *ibid*.
6. Clause (2) is in force in areas in which Part IV of B and O Act 3 of 1922, is in force See Section 2(1) of and Schedule I to that Act.
7. Clauses (3) and (4) repealed by the AO.
8. Subs by the Bihar Act 40 of 1950, for the original section.
9. Repealed by Bihar Act 7 of 1954.
10. Inserted by Bengal Act 5 of 1908.
11. Inserted by Bihar Act 40 of 1950.
12. Inserted by Bihar Act 7 of 1954.
13. Substituted by ALO.
14. Inserted by Bengal Act 5 of 1908 and the present clause was substituted for original by B. and O. Act 1 of 1916.

53. Application of District :-

Fund

1[Save as otherwise provided in Section 36-E, the District Fund shall be applicable] to the following objects, and in the following order:-

2[Firstly.-To the payment of the cost of establishments entertained and expenses incurred by the Collector under Section 91 of the Cess Act, 1880.

2[Secondly.-To the indemnification of the Collector with the sanction of Commissioner, for any other costs or damages which he may have incurred or for which he may have become liable, in the course of the proceedings for the assessment and collection of the local cess under the Cess Act, 1880.]

Thirdly.-To the payment of any sums which the District Board may be liable to pay as interest upon loans raised by it under Section 50 for the purposes of this Act, and to the formation of a sinking fund, when required.

Fourthly.-To the payment of any sums which the District Board may under this Act from time to time have undertaken to pay as interest on capital expended on any works which may directly improve the means of communication within the district or between such district and other districts.

Fifthly.-To the payment of such percentage as the 3[State] Government may from time to time direct towards the cost of audit and towards the cost of establishments in office of account or in any treasury:

Provided that the total amount, which any District Board may be required to pay on this account shall not in any year exceed two per centum on the whole amount of the District Fund for such year.

Sixthly.-To the payment of salaries of the establishments employed by the District Board for the purposes of this Act, and of any pensions and gratuities granted under Section 3 and Section 35 4[and of any grants made for supplementing contributions by members of such establishments to any Provident Fund created under Section 35-A], and to the payment to the 3[State] Government of such percentage as the 3[State] Government may from time to time direct on the salaries of such establishment in consideration of the 3[State] Government under taking to pay the leave and pension allowance of such establishment.

5[Seventhly.-To the payment of-

(a) expenses incurred by "the District Board in-

(i) the construction, repair and maintenance of any works 6[other

than works connected with any school for the maintenance and management of which the Board is responsible under Section 62 or Section 63] which may become vested in, or be placed under the control and administration of, such Board under Part III of this Act;

(ii) the acquisition, by purchase or otherwise, of offices for the use of the District Board, or of a house and land for the residence of the District Engineer 7[or any officer or servant of the District Board or Local Board], or the acquisition of land for, and the construction of, such offices or house; 8[* *]

9[(iia) the payment of an advance to the Chairman or Vice-Chairman of the District Board or Local Board for the purpose of enabling him to purchase a means of conveyance required for the discharge of his functions under this Act, subject to the repayment of the advance in such number of instalment and subject to such other condition as may be prescribed;

(iib) the establishment and maintenance of a dairy farm for the supply of milk and milk products to the public and for the improvement of breeds of cattle;

(iic) the acquisition, establishment, improvement and maintenance of agricultural model farms to assist the growth and supply to the public of seeds of foodgrains, vegetables and fruits of superior quality and the manufacture and sale of manures for agricultural or horticultural purposes; and]

(iii) the performance of duties imposed, and the exercise of powers conferred, by this Act;

(b) advances granted to members of the establishments of the District Board for the purpose of enabling them to acquire or construct residences for themselves;

(c) any contribution made by the District Board under Part III of

this Act. 10[* *]

11[(d) Any sums assigned by the District Board to a Local Board or Union Committee under this Act; 12[(d) any sums assigned by the District Board to a Local Board or to a Union Board under the Bihar and Orissa Village Administration Act, 1922;

12[(e) subject to such rules as the 7[State] Government may prescribe, advances granted to members of establishments of the District Board or Local Board for the purchase of means of conveyance for the performance of their duties; and

7[(f) any loans granted to Union Committees constituted under this Act or to Union Boards constituted under the Bihar and Orissa Village Administration Act, 1922, for the performance of duties imposed on them by this or any other Act.]

Eighthly.-To the payment, at such rates as the 3[State] Government may direct.

13[(a) * * * * *]

(b) of travelling expenses incurred by members of the District Board or Local Board 7[or of any Committee appointed by the District Board] in attending meetings of the District Board or Local Board or meetings of A Committee or Joint Committee; and

(c) in such cases, if any, as the 3[State] Government may direct, of travelling expenses incurred by members of the District Board or any Local Board in performing journeys for carrying out other objects of this Act; and

(d) of the expenses of any of the poorer inhabitants of the district for journeys to and from 7[and for their subsistence at] any hospital established in any part of 14[any Part A State or a Part C

State] for the treatment of special diseases.]

Ninthly.-To the payment of expenses incurred by the District Board 15[Section 80 and Section 86-P to 86-W] of this Act.

16[Tenthly.-To the payment of expenses incurred by the District Board under Section 86N in acquiring, constructing, improving and maintaining any channel, reservoir, well for the purposes of irrigation.

Eleventhly.--To the payment of expenses, not specifically provided for in any of the preceding clauses, which may be incurred by the District Board and declared, with the sanction of the State Government, to be an appropriate charge on the District Fund.

Twelfthly--To the payment of an allowance to the Chairman or Vice-Chairman of the District Board or Local Board at such rates and subject to such conditions and restrictions, if any, as may be prescribed.

Thirteenthly.-To the payment of expenses incurred by the District Board in providing the Chairman or Vice-Chairman of the District Board or Local Board with residential accommodation, free of rent, at the head quarters station of their office on such scale and subject to such conditions and restrictions, if any, as may be prescribed.

17[Fourteenthly].-To investment in any local debenture loans issued by the 18[Central or any 3[State] Government] or by any municipal authority or local authority, for the construction of public works which may directly improve the means of communication within the district or between such district and other districts.

19[* * *]

1. Substituted by the Bihar Act 24 of 1948 for the words "the District Fund shall be applicable".
2. The clauses Firstly and Secondly were inserted and the subsequent clauses renumbered by B. and O. Act 1 of 1916.
3. Substituted by ALO.
4. Inserted by the Bengal Act 5 of 1908.
5. Substituted for the original clause by Bengal Act 5 of 1908.
6. Inserted by Bihar Act 7 of 1954
7. Inserted by B and O Act 1 of 1923.
8. The word "and" repealed by Bihar Act 40 of 1950
9. Inserted by *ibid*.
10. The word "and" at the end of this sub-clause, repealed by B. and O. Act 1 of 1923.
11. This sub-clause (d) is in force in areas in which Part IB of the B. and O Act 3 of 1922, is not in force.
12. This sub-clause (d) is in force in areas in which Part IV of the B. and O. Act 3 of 1922, is in force see Section 2(1) of and Schedule I to that Act.
13. Sub-clauses (a) to (d) substituted for the words "of the traveling expenses incurred by members of the District Board in attending meetings of the Board or meetings of a Joint Committee" by Bengal Act 5 of 1908, and sub-clause (a) repealed by B. and O. Act 1 of 1923
14. Substituted by the ALO for "British India".
15. Substituted by Bihar Act 40 of 1950 for "Section 80".
16. Inserted by Bihar Act 40 of 1910 for "Section 80".
17. Clause "Tenthly renumbered as clause "Fourteenthly" by Bihar Local Self-Government (Amendment) Act, 1950 (Bihar Act 40 of 1950).
18. Substituted by the AO for "Government of India".
19. The proviso omitted by Bihar Act 40 of 1950.

53A. Temporary or accidental deviations from provision relating to crediting or application of District Fund :-

¹[If deviation from the provisions of this Act, or of any rule made hereunder ²[relating to the crediting of the local cess to the District Fund or the application thereof as part of such fund shown to the satisfaction of the ³[State] Government to have been of temporary duration or of an accidental character ⁴[it may cause a declaration to be made to that effect; and such deviation shall thereupon be deemed to be valid, not with standing any of the provisions herein before referred to.]

1. Inserted by Bengal Act 5 of 1908.

2. Substituted for "or of Section 109 of the Cess Act, 1880, as amended by this Act, relating to the crediting or application of the balance of the District Board Fund mentioned in clause (1) of Section 52 of this Act" by B. and O. of 1916.

3. Substituted by ALO.

4. Substituted for the word "he" by B. and O. Act 1 of 1923.

53B. Objects not provided for by this Act :-

¹[The State Government may at any time, with the consent of the District Board, transfer to it the management of any institution or the execution of any works not provided for by this Act and it shall thereupon be lawful for the District Board to undertake the management of such institution or the execution of such works:

Provided that in every such case the funds necessary for such management or execution shall be placed at the disposal of the District Board by the State Government.]

1. Inserted by Bihar Act 40 of 1950.

54. Accounts of District Fund how to be kept and published :-

Account-books of the District Fund shall be kept by an officer to be

appointed by the District Board.

An account showing the receipts and expenditure during the quarter, arranged under the proper heads and duly balanced, shall be prepared immediately after the close of each quarter, and published in such manner as the ¹[State] Government direct, and any person resident in or owning or holding land in the district may at all reasonable times inspect any such account without payment of a fee.

A similar account showing the income of the District Fund under each head of receipt, the charges of establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the Fund remaining unspent at the end of the year, shall be prepared for each financial year as soon as possible after its close, and shall be open to inspection as aforesaid.

1. Substituted by ALO.

54A. Constitution of District Education Fund :-

¹[(1) There shall be formed for each district a fund to be called the "District Education Fund" and there shall be placed to the credit thereof-

(i) all sums granted to the District Board by the State Government for purposes of education;

(ii) all income derived from any endowment or other property owned or managed by the District Board for the benefit of education;

(iii) an annual contribution from the District Fund, not being less than the average of the sums spent by the District Board for purposes of education during three years immediately preceding the year in which the contribution is made;

(iv) all receipts in respect of any school for the maintenance or management of which the Board is responsible under Section 62 or Section 63;

(v) all other sums which may be contributed to or received by the District Board for purposes of education; and

(vi) such other sums as may be directed by the State Government to be credited to the District Education Fund.

(2) Subject to the provision contained in sub-section (3), the District Education Fund shall be vested in the District Board, and the balance standing to the credit of the Fund shall be kept in such custody as the State Government may from time to time, direct.

(3) The District Superintendent of Education appointed under Section 62-A shall operate the District Education Fund in accordance with rules made by the State Government.

1. Inserted by Bihar Act 7 of 1954.

54B. Application of District Education Fund :-

The District Education Fund shall subject to such rules as may be prescribed by the State Government, be applicable to the following object, namely:-

(i) the construction, maintenance and repairs of any works connected with schools for the maintenance and management of which the Board is responsible under Section 62 or Section 63;

(ii) the payment of salaries and allowances of masters, assistant masters and other establishments of such schools;

(iii) the payment of gratuities and contributions towards Provident Funds of masters, assistant masters and other establishments of such schools;

(iv) the payment of salaries and allowances of the establishments of the District Board for purposes of education;

(v) the payment of grants-in-aid to schools and educational institutions other than those referred to in Section 62 or Section 63; and

(vi) the payment of any other expenses in connection with education as may be determined by the State Government from time to time.

54C. Accounts of District Education Fund, how to be kept and published :-

Account of the District Education Fund shall be kept by the District Superintendent of Education.

An account showing the income of the District Education Fund under each head of receipt, the charges of establishment, the works undertaken, the sums expended on each works and the balance, if any, of the Fund remaining unspent at the end of the year, shall be prepared for each financial year as soon as possible after its close and any person resident in, or owning or holding land in, the district may at all reasonable time inspect any such account without payment of a fee.]

55. Finance Committee :-

Every District Board shall appoint a Finance Committee consisting of so many members as it thinks fit.

Its duties.-It shall be the duty of such Committee to prepare the statements, estimates and accounts required for submission under¹ [Sections 46-A and 47] and generally to superintend all matters connected with the finances and accounts of the District Boards.

The Finance Committee shall at all time, when required so to do, produce its accounts for audit by any officer who may be appointed by the ²[State] Government in that behalf.

1. Substituted for "section" by B. and O. Act 1 of 1923.
2. Substituted by ALO.

56. Constitution of Union Fund :-

[CHAPTER-III]¹

The Union Fund

¹[(1) There shall be formed for each Union a fund to be called the "Union Fund" and there shall be placed to the credit thereof-

²[* * * *]

(2) all sums assigned thereto by the ³[State] Government or District Board, whether as a contribution towards the cost of making village roads or otherwise;

(3) all other sums received by the Union Committee in the execution of this Act.

Union Fund to be vested in Union Committee.- The Union Fund shall be vested in the Union Committee, and the balance standing

to the credit of the Fund shall be kept in such custody as the 3[State] Government from time to time direct.

1. This Chapter III (Sections 56 to 58) is repealed in areas in which Part IV of B. and O. Act 3 of 1922, is in force.

2. This Clause (1) repealed by the AO.

3. Substituted by ALO

.

57. Application of Union Fund :-

¹[The Union Fund shall be applicable to the following objects, and in the following order:

²[(1) to the payment of interest on, and the repayment of, any loans granted by the District Board;

²[(2) to the payment of establishment employed, and expenses incurred, by the Union Committee for the purposes of this Act;

²[(3) to the payment of the expenses incurred by the Union Committee in respect of the duties imposed, and powers conferred upon it under Part III of this Act and of any expenses that may be incurred through its default in carrying out any of such duties.

1. This Chapter III (Sections 56 to 58) is repealed in areas in which Part IV of B. and O. Act 3 of 1922, is in force.

2. This clause (1) was inserted and the original clause (1) and (2) re-numbered as (2) and (3) respectively by B. and O. Act 1 of 1923.

58. Accounts of Union Fund how to be kept and published :-

¹[Account-books of the Union Fund shall be kept by an officer to be appointed by the Union Committee.

An account showing the receipts and expenditure during the quarter, arranged under proper heads and duly balanced shall be prepared immediately after the close of each quarter and published in such manner as the ²[State] Government direct and any person resident in, or owning or holding land in, the Union may at all reasonable times inspect any such account without payment of a fee.

A similar account showing the income of the Union Fund under each head of receipt, the charges of establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the Fund remaining unspent at the end of the year, shall be prepared for each financial year as soon as possible after its close, and shall be open to inspection as aforesaid.

Copies of the quarterly and yearly accounts shall be submitted to ³[the District Board.]

1. This Chapter III (Sections 56 to 58) is repealed in areas in which Part IV of B. and O. Act 3 of 1922, is in force.

2. Substituted by ALO.

3. Substituted for "the Local Board to which such Union Committee is subordinate" by Bengal Act 5 of 1908.

PART 3 DUTIES AND POWERS OF LOCAL AUTHORITIES

59. Operations of provisions included under headings A to E :-

The provisions included under the headings A to ¹[E] (both inclusive) of this Chapter shall be in force as regards every District Board, unless and until the ²[State] Government shall otherwise direct.

1. Substituted for "D" by *ibid*.

2. Substituted by ALO.

60. Operation of provisions included under headings F to I :-

No provision included under the headings ¹[F] to I (both inclusive) of the Chapter shall apply to any District Board, unless and until it has been expressly extended thereto by notification by the ²[State] Government.

1. Substituted for the letter "E" by Bengal Act 5 of 1908.

2. Substituted by ALO.

61. Powers of District Boards in respect of pounds :-

¹[Every District Board shall perform such functions as may be transferred to it by notification under Section 31 of the Cattle Trespass Act, 1871].

1. Substituted for the original Section 61 by Bengal Act 5 of 1908.

62. Primary and middle schools under public management :-

¹[62. Primary and middle schools under public management.-

Subject to any rules made by the ²[State] Government under this Act, every District Board shall be charged with, and be responsible for the maintenance and management of all primary and middle schools under public management within the district, the construction and repair of all buildings connected therewith, the appointment (subject to the provision of Section 33) of all masters and assistant masters thereof, and the payment of the salaries of such masters and assistant masters:

³[62. Subject to any rules made by the ²[State] Government under this Act and to the Bihar and Orissa Village Administration Act, 1922, every District Board shall be charged with, and responsible for the maintenance of middle schools under public management within the district the construction and repairs of all buildings connected therewith, the appointment (subject to the provisions of Section 33) of all masters and assistant masters thereof, and the payment of the salaries of such masters and assistant masters:

Provided that nothing contained in this section shall be held to apply to schools for the education of Europeans and ⁴[Anglo-Indians].

⁵[Provided further that the posting and promotion of the masters and assistant masters and other establishments of such schools shall be made, and disciplinary action, including removal and dismissal, taken against them, by the District Board in consultation with the District Superintendent of Education appointed under Section 62-A].

1. Section 62 is in force in areas in which Part IV of the B. and O. Act 3 of 1922 is not in force.

2. Substituted by ALO.

3. Section 62 is in force in areas in which Part IV of the B. and O. Act 3 of 1922, is in force.

4. Substituted by Bihar Act 7 of 1954 for "Eurasians".

5. Inserted by *ibid*.

62A. Power of State Government to appoint District Superintendent of Education and other officers :-

¹[The State Government, may appoint for each district a District Superintendent of Education and such other officer or officers to assist him as it thinks fit and their establishment and may transfer the Superintendent and the officers from one district to another.]

1. Inserted by ibid.

62B. Control over establishment of schools to which grants-in-aid are made :-

Subject to the Rules made by the State Government in this behalf, the appointment, positing and promotion of the masters, assistant masters and other establishments of schools to which grant-in-aid are made shall be made, and disciplinary action, including removal and dismissal against them shall be taken by the District Superintendent of Education in consultation with the District Board.

62C. Procedure in case of difference of opinion between District Board and District Superintendent of Education :-

(1) If there is any difference of opinion between the District Board and the District Superintendent of Education of the question of the removal or dismissal of any member of the establishment of any school, the matter shall be referred to such authority as may be prescribed in this behalf, by a general or special order, by the State Government and the decision of such authority shall be final.

(2) Notwithstanding anything to the contrary contained in Section 33, such authority as may be prescribed in this behalf, by the State Government by a general or special order, may, of its own motion, or on a reference by the Chairman of the District Board or the District Superintendent of Education, call for papers relating to the appointment, posting or promotion of any member of the establishment of school, or to any disciplinary action, including removal or dismissal, taken or proposed to be taken against any members of the establishment and such authority may pass such orders as it thinks fit and the orders of such authority shall be final.

63. Other schools :-

¹[The District Board may, subject to any Rules made by the State Government under this Act, with its consent be charged with, and made responsible for the maintenance and management of any other schools or class of schools within the district.]

1. Substituted by Bihar Act, Act 7 of 1954. for original Section.

63A. Libraries, reading-rooms and institutes of physical culture :-

¹[The District Board may, subject to any Rules made by the State Government under this Act,-

(a) establish, or with its own consent be charged with and made responsible for the maintenance and management of, any library, reading room or any institution promoting the growth of health or physical culture within the district, either independent of, or jointly with any other authority; or

(b) make grants-in-aid to any such libraries, reading room or institutes of physical culture, whether the same be under public or private management.]

1. Inserted by Bihar Local Self Government (Amendment) Act, 1950 (Bihar Act 40 of 1955).

64. High English Schools :-

It shall be lawful for the ¹[State Government to declare that the maintenance and management of any High English School under public management, situated within a town which has been or may here-after be constituted a municipality under the ²[Bihar and Orissa Municipal Act, 1922] shall be entrusted to a Joint Committee, consisting partly of members delegated by the Commissioners of such municipality and partly of members delegated by such District Boards as may be named in the order.

³[Provided that no order shall be made under this section except with the consent of each of the local authorities and the municipal authority affected thereby.]

Every order issued under this section shall specify the number of members to be delegated, and the proportion of the cost of maintenance of the school to be provided by each of the local authorities and the municipal authority named therein.

Every Joint Committee appointed under this section shall, in respect of any such school have the same powers and be subject to the same liabilities as are by this heading conferred and imposed on District Boards.

1. Substituted by ALO.

2. Substituted for the words and figures "Bengal Municipal Act, 1884" by the B. and O. Act of 1923.

3. Inserted by B. and O. Act 1 of 1923.

64A. Provision, maintenance and management of students hostels :-

¹[The District Board may, subject to any rules made by the
²[State] Government under this Act,-

(a) provide buildings to be used as students hostels in connection with schools for the maintenance and management of which the Board is responsible under Section 62 or Section 63, and maintain and manage such hostels, ³[*]

(b) make grants-in-aid of any school referred to in ⁴[* * *] Section 64 or any other school, college or educational institution, for the purpose of providing buildings to be used as students hostels in connection with such school, college or institution, or for the

purpose of maintaining and managing such hostels. ⁵[or]

⁶[(c) establish scholarships for the furtherance of technical or any other special form of education.]

1. Inserted by Bengal Act 5 of 1908.

2. Substituted by ALO.

3. The word "Or" at the end of clause (a) repealed by B. and O. Act 1 of 1923.

4. "Section 63 or" omitted by Bihar Act 7 of 1954.

5. Inserted by B. and O. Act 1 of 1923.

6. Inserted by ibid.

65. Transfer of funds by Government to District Board :-

It shall be lawful for the ¹[State] Government from time to time to transfer to a District Board such funds as ²[it] may deem necessary for expenditure on-

³[(a) the improvement of any schools or class of schools within the district under private management; or

(b) the maintenance or improvement of any schools or class of schools maintained and managed by the District Board; or

(c) the provision of buildings to be used as students hostels in connection with any school referred to in Section 64, or in clause (a) or clause (b) of this section, or any other school, college or educational institution, and the maintenance and management of such hostels.]

And, subject to any Rules made by the ¹[State] Government under this Act, the Board shall be charged with, and be responsible for,

the proper distribution of such funds.

1. Substituted by ALO.
2. Substituted for the word he by ibid.
3. Substituted for the words "the improvement of primary schools within the district under private management" by Bengal Act 5 of 1908.

65A. Site of students hostels :-

¹[The hostel referred to in Sections 64-A and 65 may be situated either within the area directly subject to the authority of the District Board or within any place or town lying within that area in which the ²[Bihar and Orissa Municipal Act, 1922] is for the time being in force.]

1. Inserted by the Act 5 of 1908.
2. Substituted for the words and figure "Bengal Municipal Act, 1884" by B. and O. Act 1 of 1923.

65B. Constitution and functions of Education Committee :-

¹[(1) Every District Board shall appoint an Education Committee consisting of:

(a) the District Inspector of Schools.

(b) not more than four members of the District Board ²[* * *]

(c) not more than three persons who be of either sex and who are not members of the District Board, but who in the opinion of the District Board possess special qualifications for serving on the Committee; ³[and].

³[(d) The District Superintendent of Education who shall be ex officio member and Secretary of the Committee.]

⁴[* * * *]

⁵(2) The Education Committee shall, subject to the control of the District Board and to any rules made under this Act, superintend all matters connected with the finances, accounts, maintenance and management of all schools maintained by the District Board.

(3) Nothing contained in the foregoing sub-section shall apply to schools referred to in Section 64.]

1. Inserted by Bengal Act 5 of 1908 and the present section has been substituted for the section by the B. and O. Act, 1 of 1923.

2. The word "and" omitted by Bihar Act 7 of 1957.

3. Inserted by *ibid*.

4. Proviso to Section 1(1) omitted by *ibid*.

5. Substituted by *ibid* for original sub-section (2),

65C. Constitution of Planning Committee for Education and its functions :-

¹[(1) There shall be a Planning Committee for education to be called the Education Planning Committee in each district consisting of-

(a) the District Magistrate;

(b) the Chairman of the District Board;

(c) the District Inspector of Schools;

(d) the Chairman of the Municipality at the headquarters station of the district;

(e) one non-official member to be appointed by the State Government;

(f) not more than five members of the State Legislature to be appointed by the State Government; and

(g) the District Superintendent of Education.

(2) The District Magistrate shall be the President, and the District Superintendent of Education, the Secretary of the Planning Committee.

(3) The Planning Committee shall conduct its business and discharge its functions in accordance with such rule as may be made by the State Government in this behalf.

(4) The President and the Secretary of the Planning Committee shall exercise such powers and perform such duties as may be prescribed by rules made by the State Government.

(5) It shall be the duty of the Planning Committee to plan and regulate the expansion of primary and middle education, including location of educational schools or institutions and from time to time to prepare lists of suitable candidates (possessing such qualifications as may be prescribed by rules by the State Government) for appointment as masters and assistant masters of schools referred to in Sections 62 and 62-B.

1. Inserted by *ibid*.

65D. Power of State Government to appoint an authority to perform the duties of District Board in respect of education

:-

If the State Government is satisfied after such inquiry as it thinks fit that any sums granted or funds transferred by the State Government to the District Board for purposes of education are not being spent properly on the purpose for which the sums were granted or the funds were transferred, the State Government may, by notification, appoint an authority who shall, subject to the control of the State Government, perform the duties imposed on the District Board under this Act in respect of education and direct the person having the custody of the District Education Fund to pay to such authority the amount necessary for the performance of such duties.

66. District Board to have control and administration of public charitable dispensaries or hospitals within the district :-

It shall be lawful for the ¹[State] Government from time to time to direct, by notification, that any public charitable dispensary or hospital within a district shall be under the control and administration of the District Board.

And the District Board shall thereupon be charged with the control and administration thereof, and the construction and repair of all buildings connected therewith.

The ¹[State] Government may at any time vary or annul any order made under this section.

1. Substituted by ALO.

67. District Board may establish and maintain dispensaries and hospitals :-

A District Board may provide, for the use of the inhabitants of the

district, dispensaries, hospitals or temporary places for the reception of the sick, and for that purpose may-

itself build such dispensaries, hospitals or places of reception; or contract for the use of any such dispensary, hospital or place of reception, or of any part thereof; or

enter into any agreement with any person having the management of any hospital for the reception of the sick inhabitants of the district, on payment of such annual or other sums as may be agreed on.

A District Board may also provide for-

(a) the training and employment of compounders, veterinary practitioners; and

(b) the promotion of free vaccination.]

67A. Management of hospitals and dispensaries by Joint Committee :-

¹[(1) The ²[State] Government may, by notification, direct that the maintenance and management of any hospital or dispensary in any municipality which has been, or may hereafter be constituted under the Bihar and Orissa Municipal Act, 1922, shall be entrusted to a Joint Committee, consisting partly of persons appointed by the Commissioners of such municipality, and partly of persons appointed by the District Board of the district in which such municipality is situated, and shall specify in such notification the proportion of the cost of maintenance of the said hospital or dispensary to be provided by the Commissioners of the said municipality and by the said District Board respectively:

Provided that no direction shall be made under this Section except with the consent of the Commissioners of the said municipality and the said District Board.

(2) Subject to such rules as may be made by the ²[State] Government in this behalf, such Joint Committee shall in respect of such hospital or dispensary have the same power and be subject to the same liabilities as are conferred and imposed by any law for the time being in force on the Commissioners of the said municipality and the said District Board.]

1. Inserted by the B. and O. Act 5 of 1908.

2. Substituted by ALO.

68. Two or more District Boards may combine to establish dispensaries :-

Two or more District Boards may ¹[* * *] combine in providing a common dispensary, hospital or place for the reception of the sick and ¹[* * *] fix the proportion of the cost thereof to be borne by them respectively.

1. The words "with the approval of the Commissioner or Commissioners" and the words "with the like approval" repealed by B. and O. Act 1 of 1923.

69. District Board may contribute to cost of maintenance of dispensary or hospital outside district :-

A District Board may ¹[* * *] contribute such annual or other sums as may be agreed on towards the cost of the maintenance of any dispensary or hospital which is situated outside the district, but is habitually used by the inhabitants of district.

1. The word "with the approval of the Commissioner" repealed by B. and O. Act 1 of 1923.

70. Power to provide temporary supply of medicine and medical assistance :-

A District Board may ¹[* * *] provide, or contract with any person to provide a temporary supply of medicine and medical assistance for the poorer inhabitants of the district.

1. The word "with the approval of the Commissioner" repealed by B. and O. Act 1 of 1923.

71. District Board to conform to Rules made by State Government :-

Every District Board, in exercising the powers vested in it by ¹[Sections 66 to to 70 (both inclusive) shall conform to any Rules made by the ²[State] Government under this Act.

1. Substituted for the words "the five last proceeding sections", by B. and O. Act 1 1923.

2. Substituted by ALO.

72. Constitution and functions of Public Works Committee :-

¹[(1) Every District Board shall appoint a Public Work Committee consisting of-

(a) not more than four members of the District Board; and

(b) not more than three persons who are not members of the District Board, but who in the opinion of the District Board possess special qualifications for serving on the Committee.

(2) It shall be the duty of the Public Works Committee to examine and check estimates and bills in respect of public works under the control and administration of the District Board, and to perform such other duties and exercise such powers as may, in accordance with Rules made under this Act, be imposed/conferred upon it by the said Board.

(3) All the proceedings of the Public Works Committee shall be subject to the confirmation of the District Board].

1. The original Section 72 was repealed by Bengal Act 5 of 1908, and the present Section 2 inserted by the B. and O. Act 1 of 1923.

73. Transfer to District Boards of roads and other property of District Road Committee :-

From and after the establishment of a District Board in any district, all roads, bridges, channels, buildings and other property, movable or immovable, held by, or under the control and administration of, the District Road Committee or any Branch Committee in such district for the purposes of the Cess Act, 1880, shall, for the purposes of this Act, ¹[but subject to the provisions of Chapter III of Part III thereof] be under the control and administration of such District Board.

²[* * * *]

1. Inserted by the Bengal Act 5 of 1908 and are repealed in areas in which Part IV of B. and O. Act 3 of 1922 is in force.

2. The proviso to Section 73 repealed by Bengal Act 5 of 1908.

74. Government may place other property under District Boards :-

It shall be lawful for the ¹[State] Government from time to time to direct that any roads, bridge, channel, building or other property, movable or immovable, which is ²[vested in the State Government] and which is situated within a district shall, with the consent of the District Board of such district, and subject to such exceptions and conditions as the ¹[State] Government may make and impose be placed under the control and administration of the District Board for the purposes of this Act;

and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the District Board, subject to all exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

1. Substituted by the AO for the words "vested in Government."
2. Substituted by the ALO for the words "the Crown for the purposes of the province".

75. Works constructed by District Board to be vested in it :-

Every road, building or other work constructed by a District Board from the District Fund shall be vested in the District Board by which it has been constructed.

76. District Board may, with consent of owners, take over and repair works :-

A District Board may agree with the person in whom the property in any road, bridge, tank, ghat, well, channel or drain is vested to take over the property therein and after such agreement may declare, by notice in writing put up thereon or near thereto, that such road, bridge, tank, ghat, well, channel or drain has been transferred to the District Board.

Thereupon the property therein shall be vested in the District Board, and such road, bridge, tank, ghat, well, channel or drain shall thenceforth be repaired and maintained out of the District Fund.

77. District Board to submit schedules of public works :-

Every District Board shall, at such times and in such form as the ¹[State] Government may direct, submit a schedule of all public works subject to the control of, or vested in, such District Board.

1. Substituted by ALO.

78. District Board to repair and maintain works :-

It shall be the duty of every District Board to provide for the repair and maintenance of roads, bridges, water-channels and other works for directly improving communications which have been taken charge of by the District Board under this Act, or towards which it may have agreed to contribute; and for the construction of new roads, bridges, water-channels and other means of communication.

78A. Power to turn, divert, discontinue or close road :-

¹[The District Board may ²[* * *] turn, divert, discontinue or permanently close any road which is under the control and administration of, or is vested in, District Board.]

1. Inserted by Bengal Act 5 of 1908.

2. The words "with the sanction of the Commissioner" repealed by B. and O. Act 1 of 1923.

79. Miscellaneous improvements :-

It shall be lawful for a District Board to take measures for, or to contribute towards.-

the construction, repair and maintenance of any works which may directly improve the means of communication within the district or between the district and other districts;

the planting of tree by the roadside; and

the construction and maintenance of any means and appliances for improving the supply of drinking-water, or for providing or improving drainage.

80. District Board may construct and maintain railways or tramways :-

It shall be lawful for a District Board, with the sanction of the ¹[State] Government, either singly or in combination with any municipal authority or any other local authority, to construct and maintain within, or partly within and partly without, its own district, a railway or tramway under the provisions of any law]² for governing the construction of railways or tramways for the time being in force in ³[Bihar and Orissa], and to do all lawful acts which may be necessary in that behalf.

1. Substituted by ALO.

2. As to the railways see the Indian Railways Act, 1890 (9 of 1890); as to tramways see the Bengal Tramways Act, 1883 (Bengal Act 3 of 1883).

3. Substituted for "Bengal" by B. and O. Act 1 of 1923.

81. District Board may subscribe to debenture loan to construct and maintain railways or tramways :-

It shall be lawful for a District Board, with the sanction of the ¹[State] Government, to subscribe to any debenture loan raised by the ²[Central or any ¹[State] Government] or by any municipal authority or local authority for the construction or maintenance of any railway or tramway which, in the opinion of such District Board, is likely to be of direct benefit to the district.

1. Substituted by ALO.

2. Substituted by the AO for the words "Government of India."

82. District Board may guarantee interest on capital expended on works of communication :-

It shall be lawful for the District Board, with the sanction of the ¹[State] Government, from time to time, to guarantee the payment from the District Fund of such sums as it shall think fit as interest on capital expended on any railways, tramways, or other works which may directly improve the means of communication within the district or between the district and other districts:

²[Provided that no application for the said sanction shall be made, in the case of a railway or tramway unless it is authorized by a resolution which has been passed at a meeting specially convened for the purpose and in favour of which a majority of not less than two-thirds of the members of the District Board have voted.

1. Substituted by the AO for the words the Government".

2. Added by Bengal Act 5 of 1908.

83. District Board may undertake construction, repair and maintenance of Government buildings :-

It shall be lawful for a District Board from time to time to undertake on behalf of ¹[the Government concerned], and upon such conditions as may be agreed upon, the construction, repair and maintenance of any public building or other work which is the property of ²[the Government]:

Provided that the cost of such construction, repair or maintenance shall be defrayed by ¹[the Government concerned.]

1. Substituted by the AO for the words the Government".

2. Substituted by the ALO for "the Crown."

84. District Board to appoint Engineer and his subordinates :-

Subject to the provisions of Section 33 and to any Rules made by the ¹[State] Government under this Act every District Board shall appoint ¹[such and many subordinate officers to work under the

orders of the District Engineer] as it may think necessary.

1. Substituted by ALO.

85. Duties of District Engineer :-

It shall be the duty of the District Engineer to prepare all plans, designs, specifications and estimates which the District Board may require, to carry out such works as it may direct, and to conform generally to all rules that may be made by the District Board under Section 32 or by the ¹[State] Government under Section 138.

1. Substituted by ALO.

86. Power of Boards under Sections 78 and 79 to be subject to Rules for approval of plans :-

The powers of the District Board under Sections 78 and 79 shall be subject to any Rules made by the ¹[State] Government under this Act regarding the submission for approval of plans, designs specifications and estimates;

²[and the power of the District Board to make any contribution under Section 79 shall be subject to any rules made by the ¹[State] Government under this Act prescribing conditions precedent to the making of such contribution].

1. Substituted by ALO.

2. Added, by Bengal Act 5 of 1908.

86A. Power of District Board to establish toll-bars and levy tolls :-

¹[The District Board, with the sanction of the ³[State] Government, may establish a toll-bar-

(i) on any bridge in the district which has, after the date]² of the commencement of the Bengal Local Self-Government (Amendment) Act, 1938 been constructed or purchase out of the District Fund, or to the cost of the construction or purchase of which contribution has, after the said date, been made out of the District Fund; or

(ii) on any roadway or foot-way of a railway bridge which has after the date, at the instance of the District Board and out of the District Fund, been constructed or widened as to allow the passage of persons, vehicles or animals; or

(iii) at any place in the district, adjacent to any bridge referred to in clause (i) or clause (ii), at which tolls may conveniently be levied;

⁴[and may with the like sanction levy at such toll-bar a toll on vehicles and animals passing over such bridge, roadway or foot-way, for the purpose of recovering, during a period which may extend to twenty years-

(a) the amount spent or contributed by the District Board for the purpose of constructing, purchasing or widening such bridge, road-way or foot-way;

(b) the amount of the loss to the District Board of receipts in respect of any public ferry referred to in clause (4) of Section 52, when such loss results from the construction or widening of such bridge, road-way or foot-way;

(c) interest on such amounts at the rate of five percentum per annum; and

(d) the capitalized value of the estimated cost to the District Board of maintaining such bridge, road-way or foot-way and of renewing it, if it requires periodical renewal:

Provided that-

(1) no toll-bar shall be established nor tolls levied on or in respect of any bridge, road-way or foot-way the cost or estimated cost of which, as indicated in clauses (a), (b) and (d), is less than twenty-five thousand rupees;

(2) if, on the expiry of the said period of twenty years, the said amounts, interest and capitalized value have not been fully recovered, the ³[State] Government may empower the District Board to levy tolls for such further period as the ³[State] Government may determine.]

1. This heading and Sections 86-A to 86-M were inserted by Bengal Act 5 of 1908.

2. The 28th October, 1908.

3. Substituted by ALO.

4. Substituted for the original provisions by B. and O. Act 1 of 1923.

86B. Lease of toll-bar :-

The District Board may grant a lease, for any period not exceeding three years, of any toll-bar established under Section 86-A of this Act.]

86C. Procedure where two District Boards have contributed towards, cost of bridge, etc. :-

When the District Boards of two adjacent districts having jointly constructed, purchased or contributed towards the cost of the construction or widening of a bridge, road-way or foot-way have received sanction under Section 86-A to the establishment of a toll-bar, the tolls be levied or granted in lease by such District Board as

the ¹[State] Government may, in ²[its] order according sanction, direct; and the proceeds of such tolls, or of the lease thereof, shall be adjusted between the two District Boards according to rules made in this behalf by the ¹[State] Government.]

1. Substituted by ALO.

2. Substituted by B and O Act 1 of 1923 for "his".

86D. Exemptions :-

¹[The following vehicles and animals shall be exempted from payment of toll at any toll-bar established under Section 86-A, namely :-

(a) vehicles and animals used for the conveyance of police and other public officers and District Officer when such officers are travelling on duty, or for the transport of property belonging to, or in the custody of, such officers;

(b) conservancy carts and other vehicles and animals belonging to the District Board; and

(c) any other class of vehicles and animals that may be exempted by order of the District Board.]

1. Substituted for the original Section 86-D by B. and O. Act 1 of 1923.

86E. Rates of tolls :-

(1) When it has been determined that tolls shall be levied at any toll-bar established under Section 86-A of this Act the District Board shall make and published an order specifying the rates at which the tolls shall be levied.

(2) Such rates shall be subject to the sanction of the ¹[State] Government and may from time to time be varied with the like sanction].

1. Substituted by ALO.

86F. Table of tolls to be hung up :-

(1) A table of such tolls, legibly printed or written in the vernacular of the district, shall be hung up in some conspicuous position near every such toll-bar, so as to be easily readable by all persons required to pay the tolls.

(2) In default of compliance with sub-section (1) of this section, the toll-Collector, or the lessee of the toll-bar, as the case may be, shall be liable to fine which may extend to fifty rupees, and to a further fine which may extend to rupees of each day after the first during which the default continues.

86G. Power to compound for tolls :-

The District Board or the lessee of any toll-bar, may compound with any person for a certain sum to be paid by such person ¹[* *] for any vehicles or animals kept by him, in lieu of the rates specified under Section 86-E of this Act.]

1. The words "for himself, or" repealed by ibid.

86H. Power of toll-Collector or lessee in case of refusal to pay toll :-

Any toll-Collector or lessee of a toll-bar established under Section 86-A of this Act may refuse to allow ¹[any. vehicle or animal] to pass through the toll-bar until the proper toll has been paid.

1. Substituted the words "any person" by Act 1 of 1923.

86I. Omitted :-

[Omitted].

86J. Penalty for refusing to pay toll :-

Whoever, having rendered himself liable to the payment of toll, refuses to pay the toll, shall be liable to fine which may extend to fifty rupees.

86K. Police Officers to assist :-

If resistance is offered to any person authorized under this Chapter to collect tolls, any police officer whom he may call to his aid shall be bound to assist him; and such police-officer shall, for that purpose, have the same powers as he has in the exercise of his ordinary police duties.

86L. Penalty for taking unauthorized tolls :-

If any person authorized under this Chapter to collect tolls demands or take any higher tolls than the tolls authorized under this Chapter, he shall be liable to fine which may extend to fifty rupees, and, in default of payment, to imprisonment for a term which may extend to one month.

86M. District Board to publish expenses, etc., of toll-bar :-

(1) When a toll-bar has been established and tolls have been levied, under Section 86-A of this Act in respect of any bridge, road-way or foot-way, the District Board shall, at the end of each financial year, publish, by causing to be posted up at his office an abstract account showing-

¹[(a) the amount spent or contributed by the District Board for the purpose of constructing, purchasing or widening such bridge, road-way or foot-way];

¹[(b) the amount of the loss to the District Board of receipts in

respect of any public ferry referred to in clause (4) of Section 52, when such loss results from the construction or widening of such bridge, roadway or foot-way];

(c) the amount of interest which has accrued due on such expenses;

(d) the capitalized value of the estimated cost to the District Board of maintaining the bridge, roadway, and of renewing it, if it requires periodical renewal; and

(e) the amount which has been received from the profits of the said toll-bar since its establishment.

(2) As soon as such expenses, interest and capitalized value have been recovered as aforesaid, such toll bar shall be removed, and toll shall no longer be levied in respect of such bridge, road-way or foot-way.]

1. Substituted for the original clauses (a) and (b) by the B. and O. LSG (Amendment) Act, 1923. (B. and. O Act 1 of 1923).

86N. Power of District Board to establish irrigation works and levy fees :-

¹[D(II)-Irrigation Works

It shall be lawful for the District Board, with the sanction of the State Government to incur expenditure on such local irrigation works or the construction, acquisition or maintenance of such embankment, reservoir, water-channel or well within the district as may appear to it be necessary and desirable for providing irrigation facilities to the people of the district and recover, with the like sanction from the owners of land within the benefited area, whether such benefit takes the form of direct irrigation, percolation, or improvement of the water-supply in wells or drainage of

excessive water or otherwise, a uniform rate or of differential rates imposed on such land at a meeting of the District Board held every year before the commencement of the financial year for which such rate is imposed.

1. Inserted by Bihar Act 40 of 1950.

86O. Registration, taxation and numbering of carts :-

When it has been determined that all carts shall be registered and that a tax on carts shall be imposed, the District Board may make and publish an order that every cart, which is kept or is used in the ordinary course of business within the district, shall be registered and taxed by the District Board:

Provided always that such order shall be published at sic one month before the beginning of the financial year in which such order for registration and taxation shall be enforced.

86P. Registration of carts and renewals thereof on payment of fee :-

(1) Every owner of a cart shall cause the cart to be registered by such authority as may be prescribed in the district in which he has the residence or place of business where the cart is normally kept.

(2) An application by or on behalf of the owner of a cart for registration shall be in such form as may be prescribed, shall contain the information required by that form, and shall be accompanied by a yearly fee of two rupees.

(3) The prescribed authority registering the cart shall issue to the owner thereof a certificate of registration in such form as may be prescribed and shall enter in a record to be kept by its particulars of such certificate.

(4) The prescribed authority shall assign to the cart a registration number for displaying thereon in the prescribed manner consisting of the district followed by a number.

(5) A certificate of registration granted under sub-section (3) shall be effective without renewal for a period of twelve months only from the date of issue or last renewal.

(6) The prescribed authority may, on application made to it before the expiry of the certificate of registration granted under sub-section (3), renew it on the payment of a two rupees.

(7) Nothing in this section shall apply to-

(a) cart which are the property of the Government or of any local authority;

(b) carts which are kept without the limits of the district and are only temporarily and casually used within such limits.

86Q. Levy of tax on carts :-

(1) There shall be levied and paid to the District Board in respect of every cart registered under Section 86-P, a tax at the rate of four rupees per annum, which in the case of a cart fitted with pneumatic types, shall be at the rate of eight rupees per annum.

(2) Every owner of such cart shall, in the prescribed manner, pay the full amount of the tax due from him under sub-section (1) to the prescribed authority.

(3) Notwithstanding anything contained in Section 86-P a certificate of registration shall not be granted or renewed in respect of any cart until the tax in respect of such cart is paid, and a certificate of

registration shall not be granted or renewed in respect of any cart for a period exceeding the period for which the tax has been paid in respect of such cart.

(4) Nothing in this section shall apply to a cart used mainly for the purposes of agriculture.

86R. Proportionate payment of tax :-

Any person becoming possessed of any cart which has not been registered and taxed for the then current period of registration shall register the same within one month from the date on which he may have become possessed thereof, and the authority prescribed under Section 86-P shall grant a certificate of registration in any such case on payment of such amount of the registration fee and tax as bears the same proportion to the entire registration fee and tax for the current period of registration as the unexpired portion of the current period of registration bears to the whole of such period; and such fee and tax shall be calculated from the date on which such person shall have become possessed as aforesaid.

86S. Transfer of ownership :-

When the ownership of any registered cart is transferred within any period of registration, it shall be registered a new within one month of the transfer in the name of the person to whom it has been transferred, and a fee not exceeding four annas shall be paid for every such re-registration.

86T. Penalty :-

Any person who keeps or is in possession of a cart which has not been duly registered or in respect of which no tax has been paid as required by any of the four last preceding sections shall be liable to a fine not exceeding four times the amount payable by him in respect of such taxation and registration, inclusive of the amount so payable; and whoever being the owner, or driver of any cart, fails to affix thereto the registration number as required by Section 86-P shall be liable to a fine not exceeding five rupees.

86U. Prohibition of double taxation :-

Nothing in Section 86-0 to 86-T shall be deemed to authorise two or more local authorities to charge or levy between, more than one registration fee or tax for the same period in respect of any cart which is used in the ordinary course of business within the limits of two or more local authorities and in the event of any dispute arising as to which of several local authorities is to charge fee or levy the tax or as to how the fee or tax charged or levied is to be apportioned between several local authorities the question shall be referred to the State Government whose decision thereon shall be final.

86V. Tax on carriages :-

(1) When it has been determined that a tax on carriages mentioned in the Third Schedule shall be imposed, the District Board shall, subject to the provisions of Section 86-W, make an order that the owner of every carriage mentioned in the Schedule, which is kept or is used in the ordinary course of business within, or which is let for hire within or without the district and is used in the ordinary course of business within it, shall pay the tax at the rate fixed under sub-section (2) in respect of such carriage and it shall cause such order to be published in the manner prescribed:

Provided that the owner of every such carriage which is not let for hire either within or without the district and which is used in the ordinary course of business within the district shall pay the tax at half the rate fixed under sub-section (2) in respect of such carriage.

(2) Such order shall be, published at least one month before the beginning of the financial year in which such tax will first take effect; and shall specify at what rates, not exceeding the rates given in the Third Schedule, such tax shall be levied.

86W. Power to exempt :-

In making an order under Section 86-V or by a subsequent order, the District Board may exempt from the tax, imposed under the

said section, any carriage or class of carriages mentioned in the Third Schedule.

Explanation.- For the purposes of Sections 86-0 to 86-W, a cart or carriage shall be deemed to be used in the ordinary course of business, if it is used on business on an average twice a week.

87. District Board to provide for sanitation :-

It shall be the duty of every District Board, subject to any rules made by the ¹[State] Government under this Act, to provide so far as may be possible, for the proper sanitation of its district, and to incur such expenses or undertake such liabilities as may be necessary in that behalf.

1. Substituted by ALO.

88. General powers for supplying water within district :-

A District Board may ¹[***] provide any place within its district with a proper and sufficient supply of water, and for this purpose may-

(1) construct, repair and maintain water-works, wells or tanks and do any other necessary acts;

(2) take on lease or hire any water-works and purchase any water-works or any water or right to take or convey water, either within or without its district; and

(3) contract with any person for a supply of water.

1. The words "with the approval of and subject to such limits of cost as shall be imposed by the Commissioner" repealed by B. and O. Act 1 of 1923.

88A. Power to contribute towards cost of municipal water

supply or prevention of plague :-

¹[A District Board may, with the sanction of the ²[State] Government, contribute such annual or other sum as may be agreed upon towards the cost of-

(a) the construction, repair and maintenance, under the provisions of the ³[Bihar and Orissa Municipal Act, 1922], of water-works, wells or tanks within the district, or

(b) taking measures under the said Act for the prevention of plague in the district:

Provided that no application of such sanction shall be made unless it is authorised by a resolution which has been passed at a meeting specially convened for the purpose and in favour of which a majority of not less than two-thirds of the total number of members of the District Board have voted.

1. Inserted by Bengal Act 5 of 1908.

2. Substituted by ALO.

3. Substituted by B and O Act 1 of 1923 for the words "Bengal Municipal Act, 1884."

89. Public streams, channels, water-courses, tanks, reservoirs, springs and wells to be under control of District Board :-

¹[89. Public streams, channels, water-courses, tanks, reservoirs, springs and wells to be under control of District Board.-All streams, channels water-courses, tanks, reservoirs, springs and wells situated within the district, and not being private property or under the control of any servant of the ²[Movement] shall, for the purpose of this Act, be under the control and administration of the District Board. ³[89. Subject to the provisions of the Bihar and Orissa Village Administration Act, 1922 streams, channels water-courses, tanks, reservoirs, springs and wells situated within the

district, and not being private property or under the control of any servant of the ²[Government], shall for the purposes of this Act, be under the control and administration of the District Board.

1. Section 89 is in force in areas in which Part IV of B. and O. Act 3 of 1922, is not in force.

2. Substituted by the ALO for Crown.

3. Section 89 is in force in areas in which Part IV of B. and O. Act 3 of 1922, is in force, See Section 2(1) of and Schedule 1 to that Act.

90. District Board may set apart tanks, part of rivers, streams or channels for drinking and culinary purposes :-

The District Board may, by an order duly published at such places and in such manner as it may deem fit, set apart convenient tanks parts of rivers, streams or channels situated within the district, and not being private property or under the control of any servant of the ¹[Government], for the supply of water for drinking and for culinary purposes; and from the date of publication of such order, such tanks, parts of rivers, streams or channels shall be held to be public springs or reservoirs.

1. Substituted by the ALO for Crown.

91. Constitution and functions of Sanitation Committee :-

¹[(1) Every District Board shall appoint a Sanitation Committee consisting of-

(a) the Civil Surgeon of the district;

(b) not more than six members of the District Board; and

(c) not more than four persons who may be of either sex and who are not members of the District Board, but who in the opinion of the District Board possess special qualifications for serving on the Committee.

(2) The Sanitation Committee shall initiate and supervise all works connected with the sanitation of the district and shall exercise such powers as may be delegated to it by the District Board in accordance with rules made under this Act.

(3) All the proceedings of the Sanitation Committee shall be subject to the confirmation of the District Board.

1. Substituted for Section 91 as inserted by the Bengal Local Self-Government (Amendment) Act, 1908, by B. and O. Act 1 of 1923.

91A. Appointment of Health Officers, etc. :-

¹[The District Board shall appoint a Health Officer and may appoint such number of Additional or Assistant Health Officers as it may consider necessary:

²[Provided that the State Government may, by notification, exempt any District Board from the operation of this section in respect of the Health Officer and Additional Health Officer and where the State Government has not exempted any District Board it shall be lawful for the State Government-

(a) to appoint a Health Officer and such number of Additional Health Officers, as it thinks fit, for such District Board;

(b) to receive from such District Board the whole or such proportion of the salaries and allowances, paid to the Additional Health Officers and such contribution towards their leave allowances, pensions and provident funds as the State Government may, by general or special order, determine; and

(c) to transfer, by notification published in the Official Gazette, such Health Officer or Additional Health Officer from the service of one District Board to the service of another District Board.

Explanation.-For the purposes of this proviso, the power specified in clause (e) thereof shall ordinarily be exercised after consulting the District Board concerned]:

Provided also that if at any time the ³[State] Government is satisfied that the district or any part thereof is visited by, or threatened with, an outbreak of any dangerous epidemic disease, and is of opinion that the number of Health Officers employed by the District Board is insufficient, the ³[State] Government may direct the said Board to appoint such number of Additional or Assistant Health Officers as the ³[State] Government deems necessary.]

1. Inserted by B. and O. Act 1 of 1923.
2. Substituted by Bihar Act 9 of 1954 for the original first proviso.
3. Substituted by ALO

91B. Control over public health staff :-

¹[(1) The Health Officer of a District Board shall exercise supervision and control over all members of the public health establishment of that District Board.

(2) Save as otherwise provided in this Act, all transfers and punishments other than the punishment of dismissal and discharge or removal from service, of the members of the public health establishment under the supervision and control of the Health Officer, excepting the Additional Health Officer and the Assistant Health Officer, shall be made by the Health Officer, subject to the approval of the District Board.

Explanation.-For the purposes of this section, the expression "public health establishment" means the staff employed in connection with the public health and sanitation of the district and includes-

(i) the ministerial and menial staff employed for such work; and

(ii) any staff deputed by the State Government to work under the District Board in this connection].

1. Inserted by Bihar Act 9 of 1954.

91C. Constitution and functions of Public Health Board :-

¹[(1) The ²[State] Government may, by notification, constitute a Public Health Board for Bihar and Orissa and may appoint, either by name or by official designation, such persons as it may deem fit to be members thereof.

(2) The said Board shall, when so required, advise the ²[State] Government regarding any schemes for sanitation and for the improvement of the public health that may be framed by a local authority, and shall perform such other duties and exercise such powers as may be assigned to it by rules made by the Government under this or any other Act for the time being in force.

1. Inserted by B. and O. Act 1 of 1923.

2. Substituted by ALO.

92. District Board to have supervision of vaccinator within their districts :-

Every District Board shall within its district, be charged with the appointment, payment, management and supervision of all public vaccinators.

93. District Board to appoint Inspectors of Vaccination :-

Every District Board shall appoint a properly qualified person to be Inspector of Vaccination within its district, and shall, subject to the provisions of Section 33, fix the salary to be paid to such person.

Every Inspector of Vaccination appointed under this section shall, within the district, exercise the powers and perform the duties assigned to the Superintendent of Vaccination under the Bengal

Vaccination Act, 1880.

94. District Board to have powers of Magistrate in district to which the Vaccination Act extends :-

In every district to which the Bengal Vaccination Act, 1880, has been, or may hereafter be, extended, the District Board shall have the powers of the Magistrate of the district under Section 25 of the said Act.

95. Commissioner to make Rules for guidance of District Boards :-

The Commissioner may with the sanction of t h e ¹[State] Government, make rules consistent with this Act, and with the Bengal Vaccination Act, 1880, for the guidance of every District Board in the exercise of the powers conferred under the three last preceding sections, and may from time to time, with the like sanction, repeal or after such rules.

1. Substituted by ALO.

96. Act to be read with the Bengal Vaccination Act :-

The four last preceding sections, so far as is consistent with the tenor thereof, shall be read with, and form a part of, the Bengal Vaccination Act, 1880.

97. Commissioner may direct District Board to take census :-

It shall be lawful for the Commissioner, with the sanction of the ¹[Central Government,] at any time to require a District Board to take an account of the number of persons who, at the time of taking such account, shall be within the district of such District Board:

Provided that no part of the cost incurred in taking such account shall be charged upon, or be defrayed out of, the District Fund.

1. Substituted by the AO for the words "Local Government".

98. Powers for taking census :-

Every District Board which shall be required to take on account under the last preceding section shall, in taking such account, conform to any rules made by the ¹[Central Government] under this Act and to the provisions of any Act for the time being in force for regulating the taking of a census.

1. Substituted by the AO for the words "Local Government".

99. District Board may take relief measures in case of famine or serious distress :-

H-Famine ¹and Distress

It shall be lawful for a District Board ²[* * *] to take such measures as it thinks fit for the relief of famine ³[or serious distress] within its district and for that proposes to-

(1) open and maintain such relief works as may be necessary;

(2) open and maintain such temporary hospitals, poor houses, orphanages and places for the gratuitous distribution of food as may be necessary;

(3) employ such extra-medical or other assistance as may be necessary;

⁴[(4) distribute such gratuitous relief, in the form of doles of money or food, as may be necessary].

1. Substituted for "Relief" by Bengal Act 5 of 1908.

2. The words "subject to such limit of expenditure as may be prescribed by the Commissioner" repealed by B. and O. Act 1 of 1923.

3. Inserted by Bengal Act 5 of 1908.

4. Added to Section 99 by *ibid*.

99A. Irrigation works for relief of famine or scarcity :-

[Repealed by Section 20 of the Bihar Local Self-Movement and Cess (Amendment) Act, 1950 (Bihar Act 40 of 1950)].

100. Miscellaneous powers of District Board, staging bungalows and sarais :-

It shall be lawful for a District Board ¹[* * *] ²[subject to such rules and restriction as the ³[State] Government may, from time to time prescribe] under this Act to-

(1) establish and maintain, at such places within its district as it thinks fit, staging bungalows and sarais for the use of travellers, and charge such fees for the use of such bungalows and sarais as it thinks fit:

⁴[* * *]

(2) Rewards for destruction of noxious animals.-Offer rewards ⁵[* *] for the destruction of noxious animal within the district;

(3) Fairs and exhibitions.-Hold, within ⁶[the] district, from time to time, fairs and exhibitions of cattle, country produce and agricultural implements, or local manufactures and incur such expenditure and charge such fees in connection therewith ⁷[as it thinks fit];

8[(3a)Veterinary dispensaries.-Establish and maintain veterinary dispensaries for the reception and treatment of horses, cattle and other animals, and charge such fees for the use of such dispensaries [as it thinks fit]]:

8[(3b)Treatment of diseases of animals-Breeding of animals-appoint and pay qualified persons to prevent and treat diseases of horses, cattle and other animals];

8[(3c)Grant-in-aid of agricultural and veterinary improvement.-Establish and maintain dairy farms for supply of milk and milk products to the public and provide for the improvement of the breed of cattle];

8[(3d) establish and maintain model agricultural farms and manure pits to assist the growth and development of agriculture on scientific lines and to provide for the supply to the public of seeds of food grains, vegetable and fruits of superior quality and the manufacture and sale of manures for agricultural or horticultural purposes]; and

(4)Works not otherwise provided for.-Undertake and carry out any other local work likely to promote the health, comfort or convenience of the public, and not otherwise provided for by this Act.

1. The words "with the approval of the Commissioner, and" repealed by the B. and O. Act 1 of 1923.

2. Substituted for the words "subject to any rules made by the Lieutenant Governor" by the Bengal Act 5 of 1908.

3. Substituted by ALO.

4. The following proviso repealed by B. and O. Act 1 of 1923, is as under:

Provided that such fees shall in no case exceed the amount prescribed by the Commissioner.

5. The words "upon such scale as may be approved by the

Commissioner" repealed by ibid.

6. Substituted for its by Bengal Act 5 of 1908.

7. Substituted for the words "as may from time to time be approved by the Commissioner" by B. and O. Act 1 of 1923.

8. Clauses (3-a) to (3-d) were inserted by Bengal Act 5 of 1908.

101. Duties of Local Board :-

The ¹[State] Government, or, subject to ²[its] control, a District Board, may direct that, within the area subject to the authority of a Local Board, any matter placed under the control and administration of the District Board under this Act shall be wholly or partly transferred to the control and administration of the Local Board, with adequate funds for the purposes of such control and administration.

A Local Board, as the agent of, and subject to the control of, the District Board, shall, so far as the funds at its disposal permit, make due provision for all matters transferred to its control and administration under this section.

It shall be the duty of the District Board to enforce the responsibility imposed on a Local Board by this section.

1. Substituted by ALO.

2. Substituted for "his" by B. and O. Act 1 of 1923.

102. Limits on expenditure of Local Board :-

Except as otherwise provided by this Act, a Local Board shall not incur expenses, or undertake liabilities, to any amount exceeding the limit imposed by the District Board.

103. Returns by Local Board :-

¹[* *] It shall be the duty of the Local Board to procure and submit, in such form as the District Board may prescribe, all such

reports, returns and statistics as the District Board may from time to time require.

1. The words "A Local Board shall exercise powers of supervision and control over all Union Committees within the area under its authority, and" Repealed by the Bengal Act 5 of 1908.

104. Union Committee to be subordinate to District Board :-

CHAPTER-III]¹G

Duties and Powers of Union Committees

A Union Committee, as the agent of, and subject to the control of the ²[District Board], shall within the Union have the control and administration of, and be responsible for all matters specified in this Chapter, except such of those matters as the ¹[District Board] may think fit to take under its direct control and administration.

1. This Chapter is repealed in areas where Part IV of B and O Act 3 of 1922 is in force, See. Section 2 (1) of and Schedule I to the Act.

2. Substituted for "Local Board" by Bengal Act 5 of 1908.

105. Union Committee to submit reports, estimates and accounts to District Board :-

Every Union Committee shall submit annually to the ¹[District Board] on or before such date as the ¹[District Board] may appoint ²[an estimate of the probable receipt and expenditure of the Committee under each of account] for the ensuing financial year, and an account of its receipts and expenditure for the past financial year; and shall also submit any other reports which the ¹[District Board] may from time to time require.

³[Every estimate submitted under this section shall be subject to the sanction of the District Board, who may before sanctioning any estimate, modify it as they may think fit.]

1. Substituted for "Local Board" by Bengal Act 5 of 1908.
2. Substituted for the "an estimate of the probable expenditure of the Committee" by Bengal Act 5 of 1908.
3. Inserted by *ibid*.

106. Limits on expenditure of Union Committee :-

A Union Committee shall not incur expenses or undertake liabilities to any amount exceeding the limit imposed by the ¹[District Board].

1. Substituted for "Local Board" by Bengal Act 5 of 1908.

107. Union Committee to send schedule of road and bridges to District Board :-

Every Union Committee shall, within such time as the ¹[District Board] may direct forward to such ¹[District Board] a schedule of all village road ²[and bridges thereon] within the Union.

Such schedule shall state the length and width of the roads, the number, description and dimensions of bridges and such particular as the ¹[District Board] may require.

1. Substituted for "Local Board" by Bengal Act 5 of 1908.
2. Inserted by *ibid*.

108. Village roads and bridges placed under control and administration of Union Committee :-

All village road ¹[and bridges thereon] within a Union, and the stones and other materials thereof, and also all erections, materials, implements and other things provided for such roads ¹[and bridges], shall be placed under the control and administration of the Union Committee.

1. Inserted by *ibid*.

109. Maintenance and repair of village roads and bridges :-

A Union Committee shall, so far as the Union Fund permits from time to time cause the village roads ¹[and bridges thereon] to be maintained and repaired, and may do all things necessary for such purpose, and may-

(a) lay out and make new village roads;

(b) build and construct new bridges;

(c) turn, divert, discontinue or stop up any village road ²[or bridge thereon]; and

(d) widen, open enlarge or otherwise improve any such road ²[or bridge thereon].
1. Inserted by *ibid*.

2. Inserted by Bengal Act 5 of 1908.

110. District Board may delegate management of portions of District Board roads to Union Committee :-

The ¹[District Board] may, with the consent of a Union Committee, delegate to such Committee the management of so much of any road under the management of the ¹[District Board or of a Local Board] as may be situated within such Union; and such Union Committee shall thereupon do all thing necessary for the maintenance and repair of the portion of road so assigned to it, and shall be responsible to the ¹[District Board] in that behalf.

1. Substituted for "Local Board" by *ibid*.

111. Pounds :-

¹[Every Union Committee shall perform such functions as may be transferred to it by notification under Section 31 of the Cattle Trespass Act, 1871].

1. Substituted for the original Section 111 by *ibid*.

112. Primary Schools :-

[Repealed by Sec. 11 of Bihar Act 7 of 1954].

113. Dispensaries :-

Subject to any rules made by the ¹[State] Government under this Act a Union Committee may, with its own consent, be charged with and made responsible for the maintenance, management and visiting of any dispensary within the Union.

1. Substituted by ALO.

114. Registration of births and deaths :-

¹[A Union Committee shall, if required to do so by the Magistrate of the district, provide for the registration births and deaths]² within the Union, and shall submit such returns thereof as the said Magistrate may direct].

1. Substituted for the original Section 114 by the Bengal Act 5 of 1908.

2. As the registration of births and deaths please see the Bengal Births and Deaths Registration Act, 1873 (Bengal Act 4 of 1873).

115. Duties of Union Committee as to sanitation, conservancy and drainage :-

¹[Every Union Committee shall, subject to the control of the District Board, and in accordance with rules made by the ²[State] Government under this Act,-

(1) provide, as far as possible, for the sanitation and conservancy of the Union and the prevention of ³[epidemic diseases and] public nuisances therein;

(2) make special arrangements for the sanitation and conservancy of fairs and melas held within the Union;

(3) have control of all drains and other conservancy works within the Union which are not under the control of any other authority; and

(4) execute all works which are necessary for improving the sanitation, conservancy or drainage of the Union:

Provided that the District Board may itself undertake any such work which, by reason of its magnitude or of the amount of expense likely to be incurred thereon, cannot in the opinion of the District Board, be satisfactorily executed by the Union Committee.]

1. Sections 115-119 were substituted for the original Sections 115-119 by Bengal Act 5 of "1908.

2. Substituted by ALO.

3. Inserted by B. and O. Act 1 of 1923.

116. Powers of Union Committee as to sanitation, conservancy and drainage :-

¹[(1) If it appears to the Union Committee that for any reason, it is necessary to improve the sanitary condition of any village or part of a village within the Union, the Committee may, in accordance with a scheme approved by the District Board and sanctioned by the Commissioner under rules made by the ²[State] Government under this Act-

(a) cause huts or privies to be removed either wholly or in part;

(b) cause private drains to be constructed, altered or removed;

(c) cause streets, passages and public drains to be constructed or widened;

(d) cause tanks or low lands to be filled up or deepened; and

(e) cause such other improvements to be made as, in its opinion, are necessary to improve the conditions of such village or part.

(2) The Union Committee may, by written notice,-

(i) require the owner or occupier of any hut, or the owner of any privy to remove such hut or privy, either wholly or in part, in pursuance of clause (a) of sub-section (1); or

(ii) require the owner or occupier of any building to construct private drains therefor, or to alter or remove private drains thereof, in pursuance of clause (b) of sub-section (1).

within a period to be specified in the notice.

(3) If any work required by any such notice is not executed within the period specified in the notice the Union Committee may themselves cause work to be carried out.

(4) All expenses incurred by the Union Committee under sub-section (1), or sub-section (3), including such reasonable compensation as the Committee may think fit to pay to the owners or occupiers of huts or privies removed, shall be met out of the Union Fund].

1. Substituted by Bengal Act 5 of 1908.
2. Substituted by ALO.

117. Cleansing of villages :-

(1) The Union Committee may, with the sanction of the District Board, employ a special establishment for the cleansing of any village within the Union.

(2) If any village for which no establishment is maintained under sub-section (1) appears to the Union Committee to be in a filthy condition, the Committee may, by written notice, require the persons who occupy buildings in the village to cleanse their holdings to the satisfaction of the Committee within a period to be specified in the notice.

(3) If any person on whom notice has been served under sub-section (2) fails to comply with the requisition contained in the notice, the Union Committee shall, unless reasonable cause to be contrary is shown, cause his holding to be cleansed, and recover from such person such portion of the costs of such cleansing as may be approved by the Sanitation Committee, as if the same were an arrear of the assessment imposed under the Village Chaukidari Act, 1870, or, where the Chota Nagpur Rural Police Act, ¹[1914], is in force, under that Act].

1. Substituted for "1887" by B. and O. Act 1 of 1923.

118. Power of Union Committee to control building and penalties for disobedience :-

(1) The Union Committee may, subject to rules made by the ¹[State] Government under this Act, by written order,

(a) direct, in accordance with a scheme approved by the District Board and sanctioned by the Commissioner, in respect of any

village that no building with it is proposed to erect in such village, and no addition to any existing building therein, shall be placed in advance of any alignment to be prescribed by the Committee and demarcated on the ground, and

(b) prescribe, in accordance with the said scheme, the space which shall intervene between each new building and between new buildings and any road in the village.

(2) Where any building, or any addition thereto, has been placed in contravention of an order passed by the Union Committee under sub-section (1), the Union Committee may apply to the District Magistrate, and such Magistrate may make an order-

(i) directing that the work done, or so much of the same as has been . executed in contravention of the order passed under sub-section (1) be demolished by the owner of the building or altered by him to the satisfaction of the Committee, as the case may require, or

(ii) directing that the work done, or so much of the same as has been executed in contravention of the order passed under sub-section (1), be demolished or altered by the Union Committee at the expense of the owner:

Provided that the Magistrate shall not make any such order without giving the owner and occupier full opportunity of adducing evidence and of being heard in defence.

(3) If any person to whom a direction to demolish or alter any building is given under sub-section (2), clause (i) fails to obey the same, he shall be liable to fine which may extend, in the case of a masonry building, to one hundred rupees and, in the case of any other building, to twenty rupees, and to further fine which may extend, in the case of a masonry building, to ten rupees, and in the case of any other building, to two rupees, for each day during which he so fails alter the first day].

1. Substituted by ALO.

118A. Water-supply :-

A Union Committee may provide the Union, or any part thereof, with a supply of water proper and sufficient for public and private purpose and, for purposes of this section, may-

(a) construct, repair and maintain tanks or wells, clear out streams or water-courses and do any other necessary acts;

(b) with the sanction of the District Board, purchase or acquire by lease any tank, well, stream or water course, or any right to take or convey water within or without the Union;

(c) with the consent of the owner thereof, utilize, cleans or repair any tank, well, stream or watercourse within the Union, or provide facilities for obtaining water therefrom;

(d) deal with any tank, well pool, ditch, drain or place containing, or used for the collection of, any drainage, filth stagnant water or matter likely to be prejudicial to health-by draining or cleansing it, or otherwise preventing it from being prejudicial to health, but not so as in any case to interfere with any private right; or

(e) contract with any person for a supply of water.

(2) When a Union Committee has under clause (c), with the consent of the owner, cleansed or repaired or provided facilities for obtaining water from any tank, well, stream or water course the same shall, subject to any rights retained by the owner, with the concurrence of the Committee be reserved for drinking and culinary purposes, and shall be kept open to access by the public.

(3) Any tank, well, stream or water course which a Union Committee may construct, repair or maintain under clause (a) or purchase or acquire by lease under clause (b), shall remain under the control and administration of the Union Committee; and the Committee may, by order duly published in the village or villages in which such tank, well, stream or water course is situated set apart the same, or, subject to the provisions of clause (e), any other tank, well, stream or water-course within the Union, for the supply of water for drinking and culinary purpose.

118B. Power of entry :-

The Union Committee, or any member officer or servant thereof, may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or execute any work for the purpose of, or in pursuance of Section 115, Section 116, Section 117, Section 118 or Section 118-A:

Provided as follows:-

(a) no such entry shall be made between sunset and sunrise;

(b) no dwelling house shall be so entered unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry; and

(c) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

118C. Method of meeting cost of works of sanitation, drainage and conservancy of villages :-

(1) If the income of the Union Committee from other sources is insufficient to meet the expenses incurred, or likely to be incurred, by the Committee in carrying out its duties or exercising its powers under Section 115, Section 116, Section 117, Section 118 or Section 118-A, the Committee may, from time to time, impose on the occupiers of buildings, within the Union, or in any village therein, such assessment as may be required approximately to meet the deficiency, together with ten per cent above such sum to meet the expenses or collection and losses due to non-realization of their shares from defaulters:

Provided that such assessment shall not be imposed unless-

(i) it is authorised by a resolution which has been passed at a meeting specially convened for the purpose and in favour of which a majority of not less than two thirds of the members of the Union Committee have voted, and

(ii) it is previously sanctioned by the District Board and the Commissioner.

(2) The Union Committee shall appoint one of their number, or any other person, to receive and collect the said assessment, and to grant receipt for the same and to keep the accounts thereof; and may permit the person so appointed to retain any sum, not exceeding five per cent of the amount collected by him, to repay the costs of such collection.

(3) The provisions of Sections 15 to 19, 25 to 29, 31 to 34, 45-A, 46-B and 63 of the Village Chaukidari Act, 1870, or, where the Chota Nagpur Rural Police Act, 1887, is in force, the provisions of Sections 9, 10, 13, 15 to 18, 20, 21, 34 and 36 of that Act shall apply to such assessment and the payment and recovery thereof:

Provided as follows:-

(a) all reference in any of the said sections of the Village Chaukidari Act, 1870, to panchayat shall be construed as references to the Union Committee;

(b) the references in Section 46-B of the said Village Chaukidari Act, 1870, to the Chaukidari assessment shall be construed as references to the assessment imposed under this section;

(c) all references in any of the said sections of the Chota Nagpur Rural Police Act, 1887, to the Deputy Commissioner or the District Superintendent of Police shall be construed as references to the Union Committee;

(d) the amount to be assessed on any one person shall not exceed five rupees per mensem;

(e) the amount assessed on any person may be made payable either in lump or periodical instalments; and

(f) the proceeds of the said assessment shall be credited to the Union Fund.

118D. Appeals against orders, awards and assessments :-

Any person who is aggrieved by any order of a Union Committee-

(i) directing such person to take any action with regard to his property under sub-section (2) of Section 116, sub-section (2) of Section 117, or sub-section (1) of Section 118, or

(ii) awarding or refusing to award compensation to such person under sub-section (4) of Section 116, or

(iii) making an assessment in respect of any property of such person in accordance with the proviso of Section 118-C

may within three months from the date of such order, appeal to a subcommittee of members of the District Board to be constituted under clause (e) of Section 32 of this Act; and the decision of such sub-committee shall, subject to the exercise of a power of revision at the discretion of the Commissioner, be final.

119. Power of District Board to subordinate Union Committee to Local Board :-

(1) Notwithstanding anything in the foregoing provisions of this Act, the District Board may, by order in writing, with the sanction of the Commissioner, direct that any specified Union Committee shall Act as the agent of, and shall be subject to the control of, a Local Board, instead of the District Board either for all purposes or for the purposes specified in the order.

(2) Any order made under sub-section (1) may, with the like sanction, be revoked.

(3) So long as an order made under sub-section (1) with respect to any Local Board continues in force, the references to the District Board in the foregoing sections of this Act shall, so far as may be necessary, be read as if made to such Local Board.

120. Powers of State Government and of Commissioners and of Magistrates of districts with respect to proceedings of local authorities :-

It shall be the duty of the ¹[State] Government, and of all Commissioners and Magistrates of districts, acting under the orders of the ¹[State] Government, to see that the proceedings of local authorities are in conformity with law and with the rules in force

thereunder.

²[The ¹[State] Government may set aside any resolution ,or order of any authority if in its opinion the resolution or order is in excess of the powers conferred by law].

1. Substituted by ALO.

2. Substituted .for the original paragraph by B. and O. Act 1 of 1923.

122. Powers of Commissioner or of Magistrate to inspect works :-

The Commissioner or the Magistrate of the district ¹[or such other person as the ²[State] Government may authorize in this behalf] shall have power at all times to enter on and inspect, or cause to be entered on and inspected, any immovable, property occupied by, or any work in progress under the orders of, any institution controlled by, a local authority.

1. Substituted for the original paragraph by B. and O. Act 1 of 1923.

2. Substituted by ALO.

123. Appointment of Inspector of Local Works, and duties to be performed by him :-

It shall be lawful for the ¹[State] Government to appoint an officer to be Inspector of Local Works in each Commissioners division, or in more than one such division, and to sanction an establishment for such officer.

It shall be the duty of the Inspector of Local Works to inspect and advise with regard to all public works under construction for repair vested in, or in charge of, any local authority within the division.

The Inspector of Local Works shall also perform such duties and exercise such powers as may be assigned to him by any rules made by the ¹[State] Government under this Act.

The Inspector of Local Works may at all times enter upon, or cause to be entered upon, any immovable property belonging to any local authority in the division, or any work in progress under its direction, and may require it to furnish such statements, estimates and reports as he thinks fit.

A report of every inspection shall be prepared and a copy thereof forwarded to the District Board concerned, through the Magistrate of the district.

In all matters of professional detail, the local authority shall be guided by the report of the Inspector of Local Works.

1. Substituted by ALO.

124. Power to suspend action of local authorities by Magistrate of District :-

The Magistrate of the District ¹[* * *] may by order in writing, suspend the execution of any order or resolution or a local authority within the jurisdiction of such Magistrate ¹[* *] or the doing of any act which is about to be done, or is being done, by such local authority, if in his opinion the execution of the resolution or order, or the doing of the Act, is likely to cause ²[serious] injury ³[* *] to the public or to any class or body of persons, or to lead to a ²[serious] breach of the peace.

1. Words "or the Commissioner" Repealed by B. and O. Act 1 of 1923.

2. Inserted by B and O Act 1 of 1923.

3. The words "or annoyance" Repealed by ibid.

125. Power to provide for performance of duties in case of default by District Board :-

¹[If it appears to the ²[State] Government, on complaint made or otherwise, District Board has made default in performing any duty imposed on it by or under this Act, the ²[State] Government if satisfied, after due inquiry, that such District Board has made default as alleged, may, by order in writing, fix a period for the performance of that duty.

If that duty is not performed within the period so fixed, the ²[State] Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the District Board.

If the expense and remuneration are not so paid the ²[State] Government may make an order directing the person having the custody of the balance of the District Fund to pay the expense and remuneration, or as much thereof as is possible, from that balance, and such person shall make payment accordingly.

1. Substituted for "when the Commissioner is informed" by B. and O. Act 1 of 1923.

2. Substituted by ALO.

126. Extraordinary powers in case of emergency :-

In case of emergency the Magistrate of the district may provide for the execution of any work, or the doing of act, which a local authority is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the District Board.

If the expense and remuneration are not so paid, the Magistrate may make an order directing the person having the custody the balance of the District Fund to pay the expense and remuneration, or as much thereof as is possible, from the balance; and such person shall make payment accordingly.

127. Magistrates order under Sections 124 and 126 to be reported to State Government who may confirm, modify or rescind it :-

When the Magistrate of the district makes any order under Section 124 or 126, he shall forthwith submit to the ¹[State] Government a copy of the order, with a statement of his reasons for making it, and with any explanation which the local authority concerned may wish to offer, and the ¹[State] Government may thereupon confirm, modify or rescind the order.

1. Substituted by ALO.

128. Commissioners proceedings to be submitted to Lieutenant-Governor for final orders :-

[Repealed by the Bihar and Orissa Local Self-Government (Amendment) Act, 1923, (B. & O. Act 1 of 1923, Section 51)].

129. Commissioners orders under Sections 123 and 125 to be submitted to Lieutenant-Governor :-

[Repealed by the Bihar and Orissa Local Self Government (Amendment) Act, 1923 (B. and O. Act 1 of 1923), Section 51].

130. Powers and duties of Magistrate of district transferred to District Board and Local Board :-

All powers conferred upon ¹[* *] Magistrate of district in regard to District Boards by Sections 124, ²[125] and 126 shall be exercised-

³[in respect of a Union Committee, ⁴[by the District Board or the

Local Board to which the Committee may have been declared, by an order under Section 119, to be, for the purposes of this section, subordinate], and in respect of a Local Board, by the District Board.

⁴[When a Local Board makes any order under this section it shall forthwith submit to the District Board a copy of the order, with a statement of its reasons for making it, and with any explanation which the Union Committee concerned may wish to offer.

The District Board may thereupon confirm, modify or rescind the order].

When a District Board makes any order under this section it shall forthwith

submit to the Magistrate of the district, for submission to the ⁵[State] Government, a copy of the order with a statement of its reasons for making it, and with any explanation which the Local Board ⁶[or Union Committee] may wish to offer.

⁷[And the ⁵[State] Government] may thereupon confirm, modify or rescind the order.

1. The words "Commissioners and" Repealed by B. and O. Act 1 of 1923.

2. Inserted by Bengal Act 5 of 1908.

3. Repealed in areas in which part IV of B. and O. Act 3 of 1922, is in force.

4. Substituted for "by the Local Boards" by Bengal Act 5 of 1908.

5. Substituted by ALO.

6. Inserted by Bengal Act 5 of 1908, and are repealed in areas in which Part IV of B and O Act 3 of 1922 is in force.

7. Substituted for the words "If the Commissioner is dissatisfied with the order he may report the matter to the Lieutenant-

Governor who" by B. and O. Act 1 of 1923.

131. Power of State Government to dissolve or supersede District Boards, Local Boards and Union Committees :-

¹[(1) If in the opinion of the ²[State] Government, a District Board, Local Board or Union Committee is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the ²[State] Government may, by notification specifying the reason for so doing declare such District Board, Local Board or Union Committee to be incompetent or in default or to have exceeded or abused its powers, as the case may be; and

³[(a) direct that, on a date to be specified in the order, the offices of the members of the District Board, Local Board or Union Committee as the case may be, shall be deemed to be vacant and that until a fresh election is held in pursuance of an order of the State Government made in this behalf, the powers and duties conferred and imposed on the District Board, Local Board or Union Committee, as the case may be, by or under this Act shall be exercised and performed by such person, or a committee of such persons, as the State Government may appoint in this behalf; or

(b) direct that the District Board, Local Board or Union Committee shall be superseded for such period, not exceeding three months, as may be specified in the notification:

Provided that the ²[State] Government may, as often as it thinks fit by like notification, renew such direction for further periods for three months.

(2) The members of a District Board, Local Board or Union Committee who vacate office by reason of a declaration made under sub-section (1) shall not, unless the ²[State] Government otherwise directs, be deemed disqualified for ⁴[reelection or co-option as members of Boards and re-election or re-appointment as

members of Committee].

1. Substituted for the original Section 131 by *ibid*.
2. Substituted by ALO.
3. Substituted by Bihar Act 40 of 1950 for the original section.
4. Substituted by Bihar Act 38 of 1954 for "re-election as members of Boards and Committees or re-appointment as members of Committees."

132. Consequences of supersession :-

¹[When an order of supersession has been passed under clause (b) of sub-section (1) of Section 131, the following consequences shall ensue, namely-

(a) all the members of the District Board, Local Board or Union Committee shall from a date to be specified in the order, vacate their offices as such members;

(b) all the powers and duties which may under the provisions of this or any other Act be exercised and performed by such District Board, Local Board or Union Committees shall, during the period of supersession, be exercised and performed by such persons as the ²[State] Government may direct;

(c) all property vested in such District Board, Local Board or Union Committee shall during the period of supersession vest in ³[the State Government]; and

(d) before the expiration of the period of supersession elections shall be held ⁴[and where necessary, appointments shall be made] for the purpose of reconstituting the District Board, Local Board or Union Committee].

1. Substituted for the original section by B. and O. Act 1 of 1923.
2. Substituted by A.L.O.
3. Substituted by the ALO for "the Crown for the purposes of the Province".
4. Substituted by the Bihar LSG (Amdt.) Act, 1950 (Bihar Act 40 of 1950) for "and appointment made"

133. Dispute between two or more Union Committee when to be referred to District Board or Local Board :-

¹[²(1) If a dispute arises between two or more Union Committees which are subordinate to the same District Board or which have been declared by any order under Section 119 to be, for the purposes of the section, subordinate to the same Local Board, the matter shall be referred to such District Board or Local Board, as the case may be; and the decision of the Board thereon shall be final and binding.

(2) If a dispute arises between two or more Union Committees within the same district, and such Committees have not all been so declared to be subordinate to the same local Board, the matter shall be referred to the District Board and the decision of the District Board thereon shall be final and binding].

1. This section is repealed in areas in which Part IV of B. and O. Act 3 of 1922, is in force.
2. Substituted for the original Sections 133 and 134 by Bengal Act 5 of 1908.

134. Disputes between two or more Union Committees under the authority of different Local Boardse when Local Board cannot agree :-

[Repealed by the Bengal Local Self-Government (Amendment) Act, 1908 (Bengal Act 5 of 1908), Section 56].

135. Disputes between two or more Local Boards to be referred to District Board :-

If a dispute arises between two or more Local Boards within the area under the authority of a District Board, the matter shall be referred to the District Board, and, the decision of such District Board upon the matter so referred shall be final and binding.

135. 136 :-

Dispute between municipal authorities or local authorities in the district to be referred to Magistrate of district
[Rey. by the Bihar and Orissa Local Self-Government (Amendment) Act, 1923 (B. and O. Act 1 of 1923), Section 55].

137. Decision of disputes not otherwise provided for :-

If any dispute, for the decision of which this Act does not otherwise provide arises between two or more local authorities, or between a local authority or authorities and a municipal authority or authorities the matter shall be referred ¹[t o t h e ²[State] Government]

And the decision ³[of the ²[State] Government] upon the matter so referred shall be final and binding.

1. Substituted for the original clauses (a) and (b) by B. and O. Act 1 of 1923.

2. Substituted by the ALO.

3. Substituted for the words "of the Commissioner or Commissioner or of the Lieutenant-Governor, as the case may be" by B. and O. Act 1 of 1923.

138. Power of State Government to make Rules :-

It shall be lawful for the ¹[State] Government to make rules consistent with this Act, for any District Board or Local Board ²[or Union Committee] for the purpose of-

(a) determining the mode and time of Selection or co-option of members of Boards or appointment or election of members of

³[Committees], the term of office and the qualifications and disqualifications of such members, and the qualifications and the registration of voters and candidates and generally for regulating all elections under this Act ⁴[and determining the authority who shall decide disputes relating to such elections];

(b) regulating the conduct of proceedings the Boards and Committees including the manner in which notices of a meeting shall be given, the fixing of a quorum, the due record of proceedings and the language in which business shall be transacted;

⁵[(c) defining the powers and duties of the Magistrate of the district or the Committees appointed under Section 13-A and of the Chairman and office-bearers of such Committee;

⁶[(c-1) prescribing the manner in which, and the maximum number of instalment in which, advances paid to the Chairman or Vice-Chairman for the purpose of purchasing a means of conveyance shall be repaid to the District Board or Local Board;

(c-2) prescribing the rates at which, and the conditions and restrictions subject to which, an allowance, shall be paid to the Chairman or Vice-Chairman;

(c-3) perscribing the scale on which, and the conditions and restrictions subject to which, free residential accommodation shall be made available to the Chairman or Vice-Chairman];

(d) regulating the powers of District Board to transfer property;

(e) regulating the powers of Boards and Committees to contract and do other things necessary for the purposes of their constitution and the mode of executing contracts;

(f) determining the ⁷[intermediate] offices, if any, through which correspondence between Boards and Committees, or member of Boards and Committees, and the ¹[State] Government or ⁸[its] officers, shall pass;

(g) Prescribing the qualifications of candidates for employment under Section 33, ⁹[and declaring what circumstances shall be a disqualification for continuance of employment under the section];

¹⁰[(h) prescribing the closing balance to be maintained by a District Board, the statements, accounts, and reports to be submitted to the ¹[State] Government, the date for the preparation of the budget estimate and the particulars to be contained therein;

¹¹[(h-1) prescribing the conditions on which a house and land may be acquired or on which land may be acquired and a house constructed, by the District Board, for the residence of ¹²[an officer or servant of the District Board or, Local Board] and the terms on which ¹³[such officer or servant] may be required to occupy the same];

¹⁴(h-2) determining the separate heads under which the local cess shall be placed under Section 52];

⁹[(h-3) prescribing the conditions as regards the rate of interest on, and the period and method of repayment of, loans granted by the District Board or Union Committees or Union Boards under sub-clause (f) of clause seventhly of Section 53;

(i) prescribing forms for statements, estimates and accounts, and regulating the keeping, checking and publication of such accounts and the manner of periodical audit under Sections 54 and 55;

(j) regulating the maintenance and ¹⁵[management of schools including technical and industrial schools, libraries, reading-rooms

and institutes of physical culture under Sections 62, 63, 63-A and 64], the construction and repair of buildings connected therewith, and the appointment of masters ¹⁶[assistant masters; technical teachers, librarians, assistant librarians and physical instructors] and the proper distribution of fund transferred to District Boards under Section 65;

⁹[(j-1) prescribing the conditions subject to which grants-in-aid may be made under Section 63 or Section 64-A];

⁹[(j-2) regulating the provision, maintenance and management of students, hostels ¹⁴[and the establishment of sholarships) under Section 64-A];

⁹[(J-3) prescribing the powers and duties of ¹⁷[Committees appointed by the District Board] and ¹⁸[regulating the appointment, term of office and removal from office of members of such Committees];

(k) regulating the control and administration of dispensaries, hospitals and places of reception for the sick, including dispensaries, and hospitals entrusted to a Joint Committee under Section 67-A, the construction and repair of buildings connected therewith, and the supply of medicines and medical assistance for the poorer inhabitants of the district, ¹⁹[the training and employment of compounders, midwives and veterinary practitioners, and the promotion of free vaccination];

(l) ²⁰[* *] regulating the performance and exercise of the duties and powers of ²¹[the District Engineer to the District Board] and of the Inspector of Local Works under Sections 85 and 123 respectively;

(m) regulating the submission for approval of plans, designs, specifications and estimates under Section 86, ²²[and prescribing conditions precedent to the making of any contribution under

Section 79];

18[(m-1) prescribing, for the purposes of Section 86-A of this Act, the mode of ascertaining the capitalized value of the estimated cost to the District Board of maintaining bridges, roadways or footways, and of renewing any bridge, roadway or footway which requires periodical renewal, and the mode of determining what classes of bridges, roadways or footways require periodical renewal];

18[(m-2) prescribing for the purposes of Section 86-C, the method in which the proceeds of tolls, or of the lease thereof, shall be adjusted between the District Boards of adjacent districts];

19[(m-3) regulating the construction, improvement, repair or maintenance of irrigation works and the levy and collection of rates for providing such irrigation facilities under Section 86-N;

(m-4) regulating the procedure to be followed in registering and taxing carts and carriages under Sections 86-0 to 86-W and in collecting and accounting receipts from fees or taxes and prescribing, registering and taxing authorities and forms for the purposes of Sections 86-P and 86-Q.

(m-5) prescribing rules for the purposes of giving effect to the provisions of Sections 86-0 to 86-W in the following matters, other than the matters specified in clause (m-4), namely-

(i) classification of carts;

(ii) mode of payment of registration fees and taxes and the procedure to be followed by owners in paying such fees and taxes;

(iii) levy and payment of -taxes as the proportionate rates for any period not less than a quarter of a year;

(iv) authority to be established for collecting such fees or taxes;

(v) adjustment of receipts accruing from such fees and taxes between local authorities in the same district or municipalities in the same district;

(vi) the manner of displaying registration number;

(vii) the manner of publication of orders under Sections 86-0 and 86-V];

(n) regulating the duties and powers of a District Boards⁹[and Sanitation Committee] in regard to sanitation²³[and for the prevention of epidemic diseases];

¹⁸[n-1) regulating the duties and powers of a Public Health Board constituted under Section 91-B];

²⁴[* * * *]

⁹(o-1) regulating the duties of District Boards in regard to the relief of famine, serious distress or scarcity;

(p) regulating the establishment and maintenance of staging bungalows and sarais, the holding of fairs and exhibitions, the offer of rewards for the destruction of noxious animals,⁶[the establishment and maintenance of veterinary dispensaries, the appointment and payment of qualified persons to prevent and treat diseases, horses, cattle and other animals, the improvement of the breed of horses, cattle or asses and the breeding of mules, the making of grants-in-aid under clause (3-d) of Section 100 of this Act], and the carrying out of any other work likely to promote the health, comfort or convenience of the public;

9[(p-1) regulating the acquisition, maintenance improvement and management of dairies, agricultural farms and manure pits under Section 100, the construction and repair of buildings connected therewith and the procedure to be followed in collecting and accounting the sale proceeds from such dairies, and pits];

25[(q) regulating the powers of Union Committees in regard to primary schools and dispensaries under Sections 112 and 113;

9[(q-1) regarding the powers and duties of Union Committees in regard to sanitation, conservancy and drainage under Sections 115 to 118-C (both inclusive), and defining and prohibiting public nuisances with Unions];

(r) providing for the appointment and payment of auditors of the accounts of Boards and Committees;

(s) affording guidance to District Boards when suits or other proceedings are threatened or have been instituted by or against them in Civil Courts; and

26(t) generally determining the relations between District Boards, Local Boards and Union Committees and for the guidance of Boards and Committees and Government officers in all matters connected with the carrying out of the provisions of this Act;

27(t) generally determining the relations between District Boards and Local Boards and for the guidance of Boards and Committees and Government officers in all matters connected with the carrying out of the provisions of this Act;

and may from time to time repeal or alter such rules.

Rules made under this section shall be published in such manner as the **1**[State] Government may direct, and shall thereupon have the

force of law ²⁸[* * *].

²⁹[In making any rule under clause (q-1) of this section the ¹[State] Government may provide that a breach of the same shall be punished with fine which may extend to ten rupees].

1. Substituted by the ALO.
2. The words "or Union Committee and the words "and Committee are Repealed for areas in which Part IV of B. and O. Act 3 of 1922, is in force.
3. Substituted by Bihar Act, 140 of 1950 for the words "appointment or election of members of Boards and Committees".
4. Added to clause (a) of Section 138 by Ben. Act 5 of 1908.
5. Substituted by Bihar Act 4 of 1957.
6. Inserted by Bihar Act 40 of 1950.
7. Substituted for "Immediate" by Bengal Act 5 of 1908.
8. Substituted for "his" by B. and O. Act 1 of 1923.
9. Inserted by Bengal Act 5 of 1908.
10. Substituted for the original clause (h) by B. and O. Act 1 of 1923.
11. Inserted by Bengal Act 5 of 1908.
12. Substituted for the words "the District Engineer" by B. and O. Act 1 of 1923.
13. Substituted for original clause (b-2) by *ibid*.
14. Inserted by B and O Act 1 of 1923.
15. Substituted by Bihar Act 40 of 1950, for "management of schools and Sections 62,63 and 64".
16. Substituted by Bihar Act 40 of 1950 for "and assistant master."
17. The words "Committees appointed by the District Board "and" regulating the appointment, term of office and removal from office of members of such Committees", in clause (j-3), were substituted for the words "Education Committees" and "regulating the removal of members from office" respectively by B and O Act 1 of 1923.

18. Inserted by *ibid*.

19. Added to clause (k) by Bengal Act 5 of 1908.

20. The words "prescribing the procedure to be adopted in the appointment of the Engineer to the District Board under Section 84 and" repealed by Bihar Act 24 of 1948.

21. Substituted by *ibid* for the words "such Engineer."

22. Added clause (m) by Bengal Act 5 of 1908.

23. Inserted by the B. and O. LSG (Amdt.) Act, 1923 (B and O Act 1 of 1923).

24. Clause (o) was Repealed by the AO.

25. These clauses (q1) and (q-1) of Section 138 are Repealed in areas in which Part IV of B. and O. Act 39 of 1922, is in force.

26. Clause (i) is in force in areas in which Part IV of B. and O. Act 3 of 1922, is not in force.

27. Clause (t) is in force in areas in which Part IV of B. and O. Act 3 of 1922, is in force.

28. The following words Repealed by B. and O. Act 1 of 1923 are omitted "and no rules under clause (a) shall come into operation until three months after they have been published as aforesaid".

29. Inserted by the Bengal Act 5 of 1908 and is repealed in areas in which Part IV of B. and O. Act 3 of 1922 is in force.

138A. Rules as to Census :-

¹[The Central Government may make rules regulating the duties of the local authorities mentioned in the last foregoing section in regard to taking a census].

1. Inserted by the Bengal Act 5 of 1908 and is repealed in areas in which Part IV of B. and O. Act 3 of 1922 is in force.

139. Power of District Board and Local Board to make bye-laws :-

Every District Board or Local Board empowered in this behalf by the ¹[State] Government may, ²[subject to the control of the ¹[State] Government, make bye-laws for carrying out all or any of the purposes of this Act.

Bye-laws made under this section shall have the force of law when ³[confirmed by the Commissioner] and published in such manner and for such time as the ²[State] Government may direct.

1. Substituted by ALO.

2. Inserted by Bengal Act 5 of 1908.

3. Substituted for "confirmed by the Lieutenant Governor" by the Bengal Act 5 of 1908.

140. Penalties for infringement of bye-laws :-

In making a bye-law under the last preceding section a Board may provide that a breach of the same shall be punished with fine which may extend to fifty rupees, and in the case of a continuing breach with a further fine which may extend to five rupees for every day during which the breach is continued after the offender has been convicted of such breach.

141. Prosecutions :-

Prosecutions under this Act for breach of bye-laws may be instituted by any Board or by any person authorised by the Board in this behalf.

A Judge or Magistrate shall not be deemed to be, within the meaning of Section 555 of the Code of Criminal Procedure, a party to, or personally interested in, any case under this section merely because he is a member of the Board.

142. Liability of members of Boards and Union Committees :-

¹[142. Liability of members of Boards and Union Committees.-No person shall be liable for the loss, waste or misapplication of any money or other property belonging to the District Board, ²[Local Board] or Union Committee, unless such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a Union Committee Local Board or District Board; and a suit for compensation for the same may be instituted against him, in such Court as the ³[State] Government direct by the District Board with the sanction of the ³[State] Government or by the ³[State] Government.

¹[142. No person shall be liable for the loss, waste or misapplication of any money or other property belonging to the District Board or Local Board, unless such loss, waste or misapplication is a direct consequence of the neglect or misconduct while a member of a District Board, or Local Board, and a suit for compensation for the same may be instituted against him in such Court as the ³[State] Government directs, by the District Board with the sanction of the ¹[State] Government or by the ³[State] Government.

1. Section 142 is in force in areas in which Part IV of B. and O. Act 3 of 1922 is in force.

2. Substituted by the ALO for Provincial.

3. Substituted by the ALO for "Provincial."

143. Procedure for making rules and bye-laws :-

The ¹[State] Government before making any rules ²[under subsection (1) of Section 36-D or under Section 138], and a District Board or Local Board, before making any bye-laws under Section 139, shall publish in such manner as the ¹[State] Government deems sufficient for giving information to persons interested, the proposed rules or bye-laws, together with a notice specifying a date on or after which the same will be taken into consideration; and shall, before making such rules or bye-laws, receive and consider

any objection or suggestion which may be made by any person with respect to the same before the date so, specified.

Every such rule or bye-laws shall be published in the ³[official] Gazette in English, and in such other language as the ¹[State] Government directs, and such publication shall be evidence that the rule or bye-laws has been made as required by this section.

1. Substituted by the ALO for "Provincial."
2. Substituted by the Bihar Act 24 of 1948 for "under Section 138."
3. Substituted for the word "Calcutta" by B. and O. Act 1 of 1923.

144. Penalty on member, officer or servant being interested in contract made with a local authority :-

¹[144. Penalty on member, officer or servant being interested in contract made with a local authority.-

(1) If any member of a local authority, or any officer or servant maintained by or employed under a local authority has directly or indirectly, any share or interest in any work done by order of the local authority of which he is a member, or by which he is maintained, or under which he is employed or in any contract with or under such local authority, he shall ³[thereupon he disqualified to continue in office and shall be liable on conviction before a Criminal Court to a fine which may extend to five hundred rupees:

²[144. (1) If any member of a District Board or Local Board, or any officer or servant maintained by or employed under a District Board or Local Board, has directly any share or interest in any work done by order of the District Board or Local Board of which he is a member, or by which he is maintained, or under which he is employed, or in any contract with or under such District Board or Local Board, he shall ³[thereupon be disqualified to continue in office and shall be liable on conviction before a Criminal Court to a fine which may extend to five hundred rupees:

Provided that the penalty herein prescribed shall not be deemed to apply by reason only of a person- Provided that the penalty herein prescribed shall not be deemed to apply by reason only of person-

(a) having a share in any joint stock company which shall contract with, or be employed by, or on behalf of, the local authority; or

(a) having a share in any joint stock company which shall contract with, or be employed by, or on behalf of the District Board or Local Board; or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the local authority may be inserted; or

(b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the District Board or Local Board may be inserted; or

(c) holding a debenture or being otherwise concerned in loan raised by, or on behalf of the authority. (c) holding a debenture or being otherwise concerned in any loan raised by, or on behalf of, the District Board or Local Board.

Nevertheless it shall not be lawful for a person having any share or interest, such as is described in clauses (a) and (b), to act as a member of the local authority in any matter relating to a contract or agreement between the local authority and such company or the manager or publisher of such newspaper. Nevertheless it shall not be lawful for a person having any share or interest such as is described in clauses (a) and (b), to act as a member of the District Board or Local Board in any matter relating to a contract or agreement between the District Board or Local Board and such company or the manager or publisher of such newspaper

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Nothing in this section shall apply to the payment of fees to a legal

practitioner for services rendered by him in his professional capacity. Nothing in this section shall apply to the payment of fees to a legal practitioner for services rendered by him in his professional capacity.

1. Section 144 is in force in this form in areas in which Part IV of the B. and O. Act 3 of 1222, is not in force.

2. Section 144 is in force in this form in areas in which Part IV of the B. and O. Act 3 of 1222, is in force.

3. Inserted by the B and O [Amdt.] Act, 1923(B. and O. Act 1 of 1923).

145. Power to make compensation out of the local fund :-

¹[145. Power to make compensation out of the local fund.-

Every local authority may make compensation out of the District or Union Funds respectively to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act.

²[145. The District Board may make compensation out of the District Fund to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act.

1. Sections 145 and 146 are in force in areas in which Part IV of B. and O. Act 3 of 1922, is not in force.

2. Sections 145 and 146 are in force in areas in which Part IV is in force.

146. No action to be brought against Boards, Committees or their officers until after one months notice of cause of action :-

¹[146. No action to be brought against Boards, Committees or their officers until after one months notice of cause of action.-

No suit shall be brought against ³[* *] any District Board, Local

Board, or Union Committee, or any of their officers, or any person acting under their direction, for anything done under this Act until the expiration of one month next after notice in writing has been delivered or left at the office of such Board or Committee, and also (if the suit is intended to be brought against any officer of the said Board or Committee or any person acting under their directions) at the place of abode of the person against whom such suit is intended to be brought, stating the cause of action and the name and place of abode of the person who intends to bring the suit;
²[146. No suit shall be brought against ³[* *] any District Board or Local Board or any of their officers or any person acting under their direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Board and also (if the suit is intended to be brought against any officer of the said Board, or any person acting under their directions) at the place of abode of the person against whom such suit is intended to be brought, stating the cause of action and the name and place of abode of the person who intends to bring the suit;

and, unless such notice be proved, the Court shall find for the defendant; and, unless such notice be proved, the Court shall find for the defendant;

Every such action shall be commenced within three months next after the accrual of the cause of action and not afterwards. Every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards.

If any such person to whom any, suit notice is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover]. If any such person to whom any suit notice is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover].

1. Sections 145 and 146 are in force in areas in which Part IV of B. and O. Act 3 of 1922, is not in forcer

2. Sections 145 and 146 are in force in areas in which Part IV is in

force.

3. The words "the members of" Repealed by B. and O. Act 1 of 1923.

146A. Division of officers and servants and assets and liabilities as a consequence of the transfer of local area from one district to another :-

¹[Notwithstanding anything contained in this Act, where a new district is created either as a result of the division of an existing district or the inclusion of specified local areas from two or more existing districts, it shall be lawful for the State Government to make such direction as it may deem necessary for division of officers and servants and assets and liabilities and other related matters among the newly established District Boards and the District Boards affected by the creation of the new district or by the transfer of any local area from one district to another.]

1. Inserted by Bihar Act VI of 1977, vide Section 2, deemed always to have been inserted from the commencement of the principal Act.

147. Continuance of rules, bye-laws, etc., and vesting property :-

¹[When a District Board is established for a new district, or an existing district is affected by the one district to another-

(1) any rules bye-laws, notifications, resolutions or orders made under this Act which, immediately before the establishment of the District Board for the new district or, as the case may be, the transfer of any local area from one district to another, were in force in the local area included in the new district or transferred to any existing district shall continue to be in force in such local areas unless the State Government, by notification, otherwise directs;

(2) (a) all roads, bridges, channels, buildings and any other immovable property situated within the local area included in the new district or transferred to an existing district, which were held

by or under the control of the District Board of the district from which such areas has been excluded or transferred; and

(b) such movable property and funds (including any unspent balance of Government grants) belonging to that District Board, as the State Government may direct.

shall be vested in, and be subject to the control and administration of the newly established District Board or, as the case may be, of the District Board of the district to which such local area has been transferred:

Provided that in making any direction under sub-clause (b) for the apportionment of funds among the newly established District Board and the District Boards affected by the creation of the new district, or by the transfer of any local area from one district to another, the State Government shall have due regard-

(i) in the case of the District Fund, to the population of the existing district and the population of the local area included in the new district or, as the case may be, transferred to another district;

(ii) in the case of the District Education Fund,-

(a) to the expenditure on any scheme under execution for the construction, maintenance and repairs of any building connected with schools for the maintenance and management of which the District Board is responsible under Section 62 or Section 63;

(b) to the expenditure during the financial year in which a new district is created or, as the case may be, any local area is transferred from one district to another, on contingencies as well as on the salaries of masters, assistant masters and other establishments of such schools; and

(c) to the population of the existing district and the population of the local areas included in the new district or, as the case may be transferred to another district.

Explanation.-For the purposes of sub-clause (b) of clause (2), population shall be calculated on the basis of population as ascertained at the census proceeding the creation of the new district, or as the case may be, the transference of any local area from one district to another.]

1. Substituted by Bihar Act 4 of 1957 for original section.

SCHEDULE 1

FIRST SCHEDULE

THE FIRST SCHEDULE (See Section 2) Repeal of Enactment

Number and year	Subject	Extent of Repeal
1	2	3
Bengal Act 9 of 1880	To amend and consolidate the law relating to rating for the construction, charge and maintenance of district communications and works of public utility and of State Public Works	Sections 110 to 181 (both inclusive) Sections 182, clause (a), (b), (c), (e), (g)

SCHEDULE 2

SECOND SCHEDULE

THE SECOND SCHEDULE (See Section 2) Amendment of Enactment

Number and year	Subject	Extent of Amendment
1	2	3

Bengal Act 9 of 1880	To amend and consolidate the law relating to rating for the construction, charges and	In Section 4, the following definitions shall be substituted for the definition of "the Committee":—
	maintenance of district communications and works of public utility and of State Public Works	District Board.—"District Boards," means the Board constituted under the provisions of the Bengal Local Self-Government Act of 1885.
		District Fund.—"District Fund" means the fund formed under Section 52 of the Bengal Local Self-Government Act of 1885.
		<p>In Section 9, the words "and together with other assets of such fund, shall be applied to the purposes mentioned in Section 1 [109] shall be omitted.</p> <p>The following section shall be substituted for Section 38:—</p> <p>"38. Rate at which road cess shall be levied how to be fixed.—The road cess for each year shall be assessed and levied in each district as provided in Section 6, and (subject to the maximum rate that section mentioned) at such rate as may be determined for such year by the District Board."</p> <p>In Section 40, omit the words "as provided in Section 155."</p> <p>In Sections 82 and 83 the words "District Road Funds" and "District Road Fund" shall be substituted for the words "Committees" and "Committee" respectively.</p>
Bengal Act 9 of 1880	To amend and consolidate the law relating to rating for the construction, charges and maintenance of district communications and works of public utility and of State Public Works	In Section 98, the words "District Road Fund" shall be substituted for the words "District Road Committee." In Section 108, the words "and of all sums whatsoever which may be as the disposal of the District Road Committee as hereinafter appointed" shall be omitted. The following new section shall be substituted for Section 109 :—
		"109. Application of District Road Fund.—The District Road Fund of every district shall be applicable to the following

		<p>objects and in the following order— Firstly.—To the payment of the cost of establishments entertained and expenses incurred by the Collector under Section 91; Secondly.—To the indemnification of the Collector, with the sanction of the Commissioner, for any other costs or damages which he may have incurred, or for which he may have become liable, in the course of the proceedings for the assessment and collection of the cesses under this Act.</p>
		<p>And the balance, after, payment of such expenses, shall be credited to the District Fund of the district and shall be applicable to the following objects, and in the following order, namely:—</p>
		<p>(a) the payment of any sums which the District Board may, under the Bengal Local Self-Government Act of 1885, from time to time have undertaken to pay as interest on loans, raised from expenditure on any of the objects to which the District Road Fund is applicable, and the repayment of such loans;</p>
		<p>(b) the payment of the percentage referred to in clause; Thirdly, of Section 53 of the said Act;</p>
		<p>(c) the payment of such of the salaries, pensions, gratuities, grant, and percentages referred to in clause Fourthly of the said section as are required for members of establishments employed for improving the means of communication within the district or between the district and other districts;</p>
		<p>(d) the payment of such of the expenses referred to in clause Fifthly of Section 53 of the said Act as are incurred in improving the means of communication within the district, or between the district and other districts or in carrying out the provisions of Section 79 of the said Act;</p>
		<p>(e) the payment of the expenses referred to in clause Seventhly of Section 53 of the said Act; and (g) the making of investments referred .</p>

to clause Eightly of the said Section 53].

SCHEDULE 3

THIRD SCHEDULE

**1[THE THIRD SCHEDULE
(See Section 86-V)
Tax on Carriages**

	Per year
	Rs.
(1) On every four-wheeled carriage drawn by two horses	20
(2) On every four-wheeled carriage drawn by one horse or a pair of ponies under thirteen hands	10
(3) On every four-wheeled carriage	8
(4) On every four-wheeled carriage drawn by one pony under thirteen hands.	10

Explanation.-For the purposes of this Schedule, one hand is equal to four inches.].

1. Inserted by Ben. Act 40 of 1950.