

**Bihar Disqualified Owners (Management Of Property) Act,
1952**

2 of 1955

[19 January 1955]

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Bihar Disqualified Owners (Management Of Property) Act, 1952

2 of 1955

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PREAMBLE

An Act to provide for the taking charge of persons or properties or both of disqualified owners and for the prosecution of cases between such owners and the State Government arising out of or under the ⁺Bihar Land Reforms Act, 1950.

Whereas it is expedient to provide for the taking charge of persons or properties or both of disqualified owners and for the prosecution of cases between such owners and the State Government arising out of or under the +Bihar Land Reforms Act, 1950;

It is hereby enacted as follows:-

+Ed.-Perhaps this Act has been adapted by the State of Jharkhand, but as we have not been able to get a copy of 'Adapting Notification' despite our best efforts, no changes are being done in the title.

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act may be called the Bihar Disqualified Owners (Management of Property) Act, 1952.

(2) It extends to the whole of the State of Bihar.

(3) It shall be deemed to have come into force on the 15th day of September, 1950.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,-

(1) "Disqualified owner" means a person who, immediately before the commencement of this Act, was a holder of immovable property in respect of which an order under Section 2 of the Chota Nagpur Encumbered Estates Act, 1876, has been published in the Official Gazette, or was a ward whose person or property or both were placed under the charge of the Court of Wards under clauses (a), (b), (c) or (f) of sub-section (1) of Section 6 of the Court of Wards Act, 1879, and whose estates or tenures have passed to and become vested in the State Government in consequence of a notification published under sub-section (1) of Section 3 of the [†]Bihar Land Reforms Act, 1950, in respect of such estates or tenures and who, after commencement.-

(i) is declared by the State Government to be-

(a) a minor, or

(b) a person incapable of managing or unfit to manage the own property owing to any physical or mental defect or infirmity unfitting him for the management of his own property;

(ii) stands adjudged by a competent Civil Court to be of unsound mind and incapable of managing his affairs;

Explanation- For the purposes of Chapter IV and Sections 47 and 48 a person whose property is under the charge of the Collector under the proviso to sub-section (2) of Section 3 or under the charge of the Court of Wards under the second clause of Section 11 of the Court of Wards Acts, 1879, and the Collector took charge thereof under sub-section (1) of Section 3, shall be deemed to be a disqualified owner, but only so far as regards such property.

(2) "District Judge" means the principal Civil Court of original jurisdiction of the district, the Collector of which is the Managing Collector under the rules framed under Section 70 of the Court of Wards Act, 1879;

(3) "Estate" and "tenure" have the same meanings as are respectively assigned to them in Section 2 of the (Perhaps this Act has been adapted by the State of Jharkhand, but as we have not been able to get a copy of Adapting Notification despite our best efforts, no changes are being done in the title.) Bihar Land Reforms Act, 1950;

(4) "Minor" means a person who has not completed the age of twenty one years; and

(5) "Prescribed" means prescribed by rules made under this Act.

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CHAPTER 2 JURISDICTION AND POWERS OF THE COLLECTOR

3. Powers of the Collector to take charge of person and other properties of a disqualified owner :-

(1) As soon as the estate or tenure of a disqualified owner vests in the State under Section 3 of the ⁺Bihar Land Reforms Act, 1950, the Collector may take charge of the other properties or the person, or of the person and other properties, of such owner and also of the properties and the person of any minor member of the family of such owner who is resident within the State of ^{*}Bihar and has an immediate or reversionary in the properties of such owner:

Provided that the Collector shall not take charge of such properties unless they include agricultural land.

(2) Whenever one or more of the joint-owners whose properties the Collector has taken charge of ceases to be subject to the jurisdiction of the Collector, the Collector may retain charge of the persons and properties of the other joint-owners who continue to be subject to the jurisdiction of the Collectors:

Provided that in case any person entitled to any property jointly with any joint-owners who continue to be subject to the jurisdiction of the Collector shall consent thereto, the Collector may retain or resume charge of the property of such joint-owner or any part thereof, so long as the property of such joint-owner as aforesaid remains in charge of the Collector.

(3) The State Government may, by rules, defines the powers of Collector and Commissioners respectively when the property of a disqualified owner is situated in two or more districts or in two or more divisions.

+ Ed.- Perhaps this Act has been adapted by the State of Jharkhand, but as we have not been able to get a copy of Adapting Notification despite our best efforts, no changes are being done in the title.

*This may now be read as "Jharkhand".

4. Collector not authorized to take or retain charge of property of a Joint Hindu Family if any of its members attains majority and is not adjudged to be of unsound mind :-

Nothing in Section 3 shall be deemed to authorize the Collector to take or retain charge of the property of a joint Hindu family if any member of such family has attained majority and has not been adjudged by a competent Civil Court to be of unsound mind and incapable of managing his affairs.

5. Finality of order of State Government in case of certain disputes :-

If the right of the Collector to assume or retain charge of the properties or the person or of the person and properties of a disqualified owner under Section 3 is disputed by such disqualified owner, or, if he be a minor or of unsound mind, by some person on his behalf, the case shall not, be questioned in any Civil Court:

Provided that the State Government may, before passing any orders in such case, consider any representation made to it by such disqualified owner, or, if he be a minor or of unsound mind, by any person on his behalf.

6. Collector to deal with person and property subject to the previous approval of State Government in certain matters :-

The Collector shall deal with every person and every property of which he may take charge in accordance with the provisions of this Act and the rules made thereunder:

Provided that the authority vested in the Collector shall be subject to-

(1) the previous approval of the Commissioner in following matters, namely:-

(a) expenditure exceeding Rs. 500 but not exceeding Rs. 1,000 on any item, not specified in this clause of the proviso but always connected with the purposes of this Act;

(b) in the case of properties of a disqualified owner, the annual gross income of which does not exceed Rs. 50,000 the estimate of income and expenditure for each year;

(c) every proposal for sale or purchase of property at a price exceeding Rs. 5,000 but not exceeding Rs. 10,000;

(d) every proposal for the giving of leases or farms of the whole or part of any property when the annual rental of the lease or farm

exceeds Rs. 500 but does not exceed Rs. 1,000;

(e) every proposal for raising a loan upto Rs. 5,000 in any particular year on the security of the whole or any part of the property of any disqualified owner;

(2) the previous approval of the State Government in the following matters, namely:-

(a) the creation of, and the appointment of any person to any post, the salary of which exceeds Rs. 200 a month;

(b) in the case of all properties of disqualified owners retained under the management of the Collector-

(i) the estimates of income and expenditure for the first year after the Collector assumes charge;

(ii) expenditure exceeding Rs. 1,000 on any item, not specified in this clause of the proviso but always connected with the purposes of this Act;

(c) in the case of properties of a disqualified owner, the annual gross income of which exceeds Rs. 50,000, the estimates of income and expenditure for each year;

(d) in the case of properties of a disqualified owner, the aggregate annual income of which is Rs. 50,000 or less, all new items involving recurring expenditure;

(e) every proposal for sale or purchase of property at a price exceeding Rs. 10,000;

(f) every proposal for the giving of leases or farms of the whole or

part of any property when the annual rental of the lease or farm exceeds Rs. 1,000;

(g) every proposal for taking a loan exceeding Rs. 5,000;

(h) every proposal for the delegation of the powers of the Collector to any officer or authority; and

(i) every proposal for the residence or education of a minor or a female disqualified owner outside the State of Bihar.

7. Constitution of Advisory Committee and its functions :-

(1) There shall be constituted a Committee to be called the ⁺Bihar Disqualified Owners (Management of Property) Advisory Committee, which shall consist of the Minister of the Government of ⁺Bihar incharge of Revenue as the Chairman and seven members, of whom-

(a) three shall be members of the ⁺Bihar Legislative Assembly to be elected in the prescribed manner by the said Assembly;

(b) two shall be members of the ⁺⁺Bihar Legislative Council to be elected in the prescribed manner by the said Council;

(c) one shall be a non-official to be appointed by the State Government; and

(d) one shall be an official, who shall also be the Secretary to the Committee, to be appointed by the State Government.

(2) Subject to the provisions of this Act and any rules which may be prescribed, it shall be the duty of the committee to advise the State Government on such matters arising out of the administration

of this Act as may from time to time be referred to the Committee.

(3) The members of the Committee shall hold office for the prescribed period from the date on which their election or appointment is respectively notified in the Official Gazette.

(4) The Committee shall function purely as an advisory body and shall discharge such other functions as may be prescribed.

Ed.- +This may be read as Jharkhand.

++Not relevant for Jharkhand State.

8. Withdrawal from the charge of person or property by the Collector :-

The State Government may, at any time, by notification, direct that the Collector shall, from a date to be specified in such notification, withdraw from the charge of any person or property or both, if the State Government is satisfied that it is no longer expedient that the Collector should retain charge thereof or the properties have passed on the person or persons declared by a competent Court as successor or successors-in-interest or, in the case of an owner who is a minor or a lunatic, when he ceases to be so.

9. Procedure when succession to property disputed :-

Whenever on the death of any disqualified owner the succession to his property or any part thereof is in dispute, the Collector may retain charge of the same until the dispute has been determined by a competent Civil Court.

10. General powers of the Collector :-

Subject to the provisions of this Act, the Collector-

(a) may through his Manager, do all such things requisite for the proper care and management of any property, of which he takes charge under Section 3, as the owner of any such property, if not disqualified, might do for its care and management; and

(b) may, in respect of the person of the disqualified owner, do all such things as might be lawfully done by the legal guardian of such owner.

11. Establishment and expenses :-

Subject to the provision of Section 6, the Collector may from time to time, order such establishment to be entertained and expenses to be incurred as he shall consider requisite for the care and management of the person and properties under his charge, for superintendence, for the audit of accounts, and generally for all the purposes of this Act, and may order that such expenses, inclusive of all salaries, gratuities and payments on account of the leave allowances of such establishments, be charged against any one or more properties for the purposes of which such establishments are, or have been, entertained or such expenses have been incurred.

12. Power to manage property :-

Subject to the provision of Section 6, the Collector may sanction the giving of leases or farms of the whole or part of any property under his charge, and may direct the mortgage or sale of any part of such property, and may direct the doing of all such other acts as he may judge to be for the benefit of the property and the advantage of the disqualified owner.

13. Appointment of managers and guardians :-

The Collector may appoint one or more managers for the property of any disqualified owner and one or more guardians for the care of the person of any such owner under his charge, and may control and remove any manager or guardian so appointed.

14. Custody, education and residence of disqualified owner :-

The Collector may make such orders as to him may seem fit in respect of the custody, education and residence of a minor disqualified owner, and such minor members of his family as are under his charge, and in respect of the custody and residence of any such owner not being a minor whose person is under his charge.

15. Allowance for disqualified owner and his family :-

The Collector shall allow, for the support of such disqualified owner and of his family, such monthly sum as he thinks fit having regard to the rank and circumstances of the disqualified owner.

CHAPTER 3 MANAGEMENT AND GUARDIANSHIP

16. Collector when to be deemed Manager :-

If no manager of the property of a disqualified owner is appointed by the Collector shall be competent to do anything that might be lawfully done by the manager of such property.

17. Powers of Manager :-

Every Manager appointed by the Collector shall have power to manage all properties which may be committed to his charge, to collect the rents and profits of the properties entrusted to him, as well as money due to the disqualified owner and to grant receipts therefor and may, under the orders of the Collector, grant or renew such leases as may be necessary for the good management of the property.

18. General duty of Manager :-

Every manager shall manage the property committed to him diligently and faithfully for the benefit of the disqualified owner and shall in every respect act to the best of his judgment for the owners interest as if the property were his own.

19. Specific duties of Manager :-

Every manager appointed by the Collector shall-

(a) have the care of so much of the property of a disqualified owner as the Collector may direct;

(b) give such security (if any), as the Collector thinks fit to the Collector duly to account for all such property and for what he shall receive in respect of such property;

(c) continue liable to account to the Collector, after he has ceased to be Manager, for his receipts and disbursements during the period of his management;

(d) pass his accounts at such periods and in such form as the Collector may direct;

(e) pay the balance due from him thereon;

(f) apply for the sanction of the Collector to any act which may involve the property in expense not previously sanctioned by the Collector;

(g) sign all papers, deeds, documents and writings which may be executed by him by virtue of his office;

(h) be entitled to such allowance, to be paid out of the property, as

the Collector may think fit, for his care and pains in the execution of his duties; and

(i) be responsible for any loss occasioned to the property by his wilful default or gross negligence.

(ii) payable by the owner, the payment of all expenses which may be necessary to protect the interests of the owner in the Civil Courts or otherwise, the maintenance in an efficient condition of the buildings and other immovable property belonging to the owner, and the payment of such religious, charitable and other allowances as may be considered necessary and proper by the State Government and such allowances and donations, befitting the position of the owners family as the Collector may authorize to be paid; and

(iii) the improvement of the land and property of the owner, and the benefit of the owner, and his property generally.

20. General duty of guardian :-

A guardian appointed to the care of a disqualified owner shall be charged with the custody of such owner, and must look to his maintenance, health and, if he be minor, to his education.

21. Specific duties of guardian :-

Every guardian appointed by the Collector shall:-

(a) give such security (if any), as the Collector thinks fit, to the Collector for the due performance of his duties;

(b) pass his accounts at such periods and in such form as the Collector may direct;

(c) pay the balance due from him thereon;

(d) continue liable to account to the Collector, after he has ceased to be guardian, for his receipts and disbursements during the period of his guardianship;

(e) apply for the sanction of the Collector to any act which may involve expense not previously sanctioned by the Collector; and

(f) be entitled to such allowance, to be paid out of the property of the disqualified owner, as the Collector may think fit for his care and pains in the execution of his duties.

22. No person to be guardian who can succeed to the disqualified owner :-

No person who would be the next legal heir of a disqualified owner, or would otherwise be immediately interested in outliving such owner, shall be appointed to be his guardian, but nothing in this Section shall apply to the mother of a qualified owner or to a testamentary guardian.

23. Guardian of female qualified owner :-

If the disqualified owner is a female, a female of the same religion shall, except in the case of a testamentary guardian, be appointed guardian, preference being to female relatives, if any such be eligible; but no guardian shall ordinarily be appointed or continued for a female disqualified owner, if she has an adult husband.

24. Sums due recoverable as public demands :-

Every sum due to the Collector from a manager or guardian, or from any officer or servant shall be recoverable as a public demand under the Bihar and Orissa Public Demands Recovery Act, 1914.

25. Collector may order guardian or manager to make over property :-

The Collector may order any past or present manager or guardian, or past or present officer sub-ordinate to a manager or guardian, to deliver up his accounts or any property which may be in his possession within such time as may be fixed by the Collector.

26. Application of moneys received by manager :-

All moneys received by the manager shall be applied to the purpose hereinafter mentioned in order of preference:-

(i) the payment of all charges necessary for the maintenance, education and religious observances of the disqualified owner and his family, the management and supervision of the property of owner;

(ii) the payment of all rents, cases and other demands due in respect of any land held on behalf of the owner, the liquidation of debts.

27. Power to invest surplus :-

If any surplus remains after provision has been made so far as the Collector thinks fit, for the objects mentioned in Section 26 such surplus shall be applied in the purchase of other landed property, or invested in the prescribed manner.

CHAPTER 4 SUIT

28. Chapter IV not to apply to suits or proceedings referred to in Chapter V :-

The provisions of this Chapter shall not apply to suits or

proceedings referred to in Chapter V.

29. Manager or Collector to be next friend or guardian in suits by or against disqualified owner :-

In every suit brought by or against any disqualified owner, he shall be therein described as a disqualified owner under the charge of the Collector; and the manager of such owners property, or if there is no manager, the Collector of the district in which the greater part of such property is situate, or any other Collector whom the State Government may appoint in that behalf, shall be named as next friend or guardian for the suit, and shall in such suit represent such owner and no other person shall be ordered to sue or be sued as next friend or be named as guardian for the suit by any Civil Court in which suit may be pending.

30. Power of Collector to authorize manager to bring suits on behalf of disqualified owner :-

(1) If the Collector retains charge of any property under Section 9, he may confer on the manager generally or in any specified case or class of cases all such powers as to bringing and defending, on behalf of the disqualified owner, suits relating to such property as would have had if the Collector had not so retained charge.

(2) If the Collector confers on the manager any power under subsection (1), the manager shall be entitled to bring or defend any suit in pursuance of such power, and shall in any such suit be described as the manager of the property, of which or of any part of which the Collector retains charge under Section 9, acting on behalf of the disqualified owner and it shall not be necessary to name such owner.

Explanation.- For the purposes of this Chapter, the manager shall be described in all suits or proceedings as the manager of the property of a disqualified owner who shall be named.

31. Substitution of manager in pending suits :-

(1) The provisions of Sections 29 and 30 as the case may be, shall apply to any suit brought or defended by a manager under Sections 51 and 51A of the Court of Wards Act, 1879, or under Section 21B of the Chota Nagpur Encumbered Estates Act, 1876, which is pending on the date on which this Act comes into force and which could have been validly brought or defended by such manager if this Act had been passed before the date on which such suit was brought or defense entered, and the power which could, under sub-section (1) of Section 30, be conferred on the manager to bring such suit or to enter such defense shall be deemed to have been conferred on the manager with respect to any such suit or defense.

(2) The manager in any such pending suit may, within three years from the date on which this Act comes into force, apply to the Court in which suit is pending for the substitution, in place of the Manager by whom the suit was originally brought or defended, of the Manager acting on behalf of the owner of the property and the Court shall order such substitution to be made, and on such substitution, the suit shall proceed as if it had been originally brought or defended in the substituted name and as if Section 3 had been in force on the date on which such suit was brought or defense entered.

32. Collector may substitute another person to be next friend or guardian for the suit :-

The Collector may by an order nominate or substitute any other person, being a gazetted officer of the Government or a retired Government servant of the gazetted rank, not connected with the affairs of the disqualified owner, to be next friend or guardian for any such suit; and upon receiving a copy of any such order of substitution the Civil Court in which such suit is pending shall substitute the name of the next friend or guardian for the suit so appointed for the name of the manager or Collector.

33. Payment of costs :-

If in any such suit any Civil Court decrees any costs against the next friend or guardian for the suit of the disqualified owner, the Collector shall cause such costs to be paid out of any property of the disqualified owner which for the time being may be in his hands.

34. Process against disqualified owners to be served through the Collector :-

Every process which may be issued out of any Civil Court against any disqualified owner shall be served through the Collector upon the next friend or guardian for the suit as aforesaid of such disqualified owner.

35. Suits not to be brought on behalf of disqualified owners unless authorized by the Collector :-

No suit shall be brought on behalf of any disqualified owner by a manager, unless the same be authorized by an order of the Collector:

Provided that a manager may authorize a plaint to be filed, in order to prevent a suit from being barred by the law of limitation, but such suit shall not be afterwards proceeded with, except under the sanction of the Collector:

Provided further that suits for arrears of rent may be brought on behalf of any disqualified owner if authorized by an order of the manager of the landed property in respect of which such rents are due.

CHAPTER 5 GUARDIANSHIP OF A DISQUALIFIED OWNER FOR LITIGATIONS ARISING OUT OF OR UNDER THE BIHAR LAND REFORMS ACT, 1950

36. District Judge to be guardian of the disqualified owners

estate or tenure :-

For the purpose of safeguarding the interest of a disqualified owner in suits or proceedings arising out of or under the provisions of the +Bihar Land Reforms Act, 1950, the District Judge shall be deemed to be the guardian of such owner and shall, in matters connected with such guardianship, be subject to the control of the High Court:

Provided that the District Judge, if he considers that the interests of such disqualified owner shall be better served by the appointment of a guardian other than himself, he may, subject to the control of the High Court, appoint such guardian in accordance with the principles laid down in Section 17 of the Guardian and Wards Act, 1890:

Provided further that where a guardian has been appointed by the District Judge under the preceding proviso, such guardian shall be subject to the provision of Section 34 of the Guardian and Wards Act, 1890, and shall be liable to render all accounts of the property to the District Judge.

+Ed.- Perhaps this Act has been adapted by the State of Jharkhand, but as we have not been able to get a copy of Adapting Notification despite our best efforts, no changes are being done in the title.

37. Removal of guardian :-

The District Judge may remove the guardian appointed under the first proviso to Section 36, for any of the following causes, namely:

(a) for abuse of his trust;

(b) for continued failure, or for incapacity to perform the duties of his trust;

(c) for continuous disregard of any provisions of this Chapter or of

any order of the Court;

(d) for conviction of an offence implying, in the opinion of the District Judge, a defect of character which unfits him to be the guardian;

(e) for having an interest adverse to the faithful performance of his duties;

(f) for ceasing to reside within the local limits of the jurisdiction of the District Judge; and

(g) for bankruptcy or insolvency.

38. Discharge of guardian :-

(1) If a guardian appointed under the first proviso to Section 36, desires to resign his office, he may apply to the District Judge to be discharged and the District Judge, if he finds that there are sufficient reasons for the application, shall discharge him.

(2) When the aforesaid guardian is discharged or dies or ceases to be entitled to act as such, the District Judge may appoint another guardian.

39. Duties of the District Judge or the person appointed as guardian :-

While acting as guardian of a disqualified owner under Section 36, the District Judge, or the person appointed by him as such, shall be bound to protect the interest of such owner as carefully as a man of ordinary prudence would do, as if these interests were his own, and he may do all acts which are reasonable and proper for the protection of the interest of, or for the benefit of, the disqualified owner.

40. Power of the District Judge :-

The District Judge or the person appointed as guardian may bring or defend any suit or proceeding in respect of the estate or tenure of such owner that has passed to and become vested in the State under the provisions of the ⁺Bihar Land Reforms Act, 1950.

+Ed.- Perhaps this Act has been adapted by the State of Jharkhand, but as we have not been able to get a copy of Adapting Notification despite our best efforts, no changes are being done in the title.

41. Notice of certain suits to be given to the District Judge :-

(1) In every suit or proceeding arising out of or under the provisions of the ⁺Bihar Land Reforms Act, 1950, in respect of any estate or tenure belonging to a disqualified owner, the Court in which the suit or the proceeding has been instituted shall issue a notice of the institution thereof to the District Judge.

(2) The District Judge, or the person appointed by him as guardian, may apply to the Court in which the suit or proceeding referred to in sub-section (1) is pending to be added, and shall thereupon be added as a party thereto and shall be entitled to conduct or defend suit or proceeding, as the case may be.

(3) If the notice required by sub-section (1) to be issued to the District Judge in respect of any suit or proceeding is not issued, the decree or order passed in suit or proceeding shall be voidable at the instance of the District Judge.

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42. Approval of the District Judge required to compromise,

etc :-

No arrangement, compromise or adjustment in any suit or proceeding referred to in subsection (1) of Section 41 shall be recorded under the provisions of any enactment for the time being in force without the consent in writing of the Distr

43. Facilities to be given to the District Judge by the Collector :-

The manager of any estate or tenure belonging to a disqualified owner appointed under the Court of Wards Act, 1879, or under the Chota-Nagpur Encumbered Estates Act, 1876, or, in case the estate or tenure has vested in the Government the Collector shall be bound to give all facilities and pay, or cause to be paid, out of the property of the disqualified owner, all expenditure, which the District Judge may consider necessary in the discharge of his duties or of the duties of the person appointed by him, as guardian under this Chapter.

CHAPTER 6 MISCELLANEOUS

44. Penalty for disobeying order under Section 25 :-

Any person who refuses to comply with an order made under Section 25 may, on conviction before a Magistrate, be punished with simple imprisonment and attachment of his property until the order is complied with:

Provided that the Magistrate may, on an application by the Collector in writing, release any person who has been so imprisoned on his furnishing sufficient security for his attendance and for the delivery of the accounts or property required within such time as the Magistrate may think fit. The Magistrate may, on an application by the Collector in writing, at any time rescind such order or release and direct that effect shall be given to the previous order of imprisonment.

45. Penalty for disobeying order of the Collector :-

Any person who disobeys any lawful order of the Collector shall be liable, on conviction before a Magistrate, to a fine not exceeding five hundred rupees, and if he is a manager or guardian appointed by the Collector, to a fine not exceeding one thousand rupees.

46. Person employed by the Collector to be public servant :-

Every person employed by the Collector under this Act shall, for the purpose of the Indian Penal Code, be deemed to be a public servant.

47. Disabilities of disqualified owner :-

A disqualified owner shall not be competent-

(a) to transfer or create any charge on, or interest in, any part of his property which is under the charge of the Collector, or to enter into any contract which may involve him in pecuniary liability; but nothing in this clause shall be deemed to affect the capacity of such owner to enter into a contract of marriage:

Provided that he shall not incur in connection therewith any pecuniary liability, except such as, having regard to the personal law to which he is subject, and his rank and circumstances, the Collector may, in writing, declare to be reasonable;

(b) to dispose of his property by Will, without the consent in writing of the State Government given either previously or subsequently to the making of the Will but during life time of the testator:

Provided that the State Government shall not withhold its consent under clause (b), if the testamentary disposition is not contrary to the personal or special law applicable to the disqualified owner, and

does not appear likely to cause pecuniary embarrassment to the property or to lower the influence or respectability of his family in public estimation:

Provided further that the State Government may ratify any Will to the making of which the consent of the State Government was not given during the lifetime of the testator.

48. Exemption of disqualified owners property from execution proceedings in certain cases :-

No property which is or has been under the charge of the Collector shall be liable at any time, except with the leave of the Collector, to be taken in execution of a decree made in respect of any contract entered into by disqualified owner without the leave of the Collector while his property was under such charge.

49. Deeds and other instruments :-

(1) All deeds, contracts or other instruments executed by the Collector in the exercise of his powers under this Act may be executed in his own name or on behalf of the disqualified owner, as the circumstances of the case may require.

(2) Covenants entered into by the Collector shall be binding on him only so long as the disqualified owner or the property affected by such covenants remain under his charge and only to the extent of such property; such covenants shall be binding on the disqualified owner or the person entitled to such property after the disqualified owner or the property or both shall have ceased to be under the charge of the Collector.

50. Procedure when Collectors jurisdiction ceases :-

Whenever the Collector is required to withdraw from the charge of the person or property or both of a disqualified owner under any of

the contingencies specified in Sections 8 and 9, he shall do so after publishing a notice in the prescribed manner not less than sixty days before the date of such release.

51. Recovery of expense incurred on account of property in charge of Collector :-

Any expense incurred by the Collector on account of any property under his charge may, after the release of such property, be recovered as a public demand under the Bihar and Orissa Public Demands Recovery Act, 1914, from any person into whose possession such property or any part thereof may have passed immediately after the release by the Collector of such property:

Provided that the sum so recovered from any such person shall not be greater than the value of any such property which so passed into the possession of such person.

52. Power of Collector in making inquiry :-

A Collector making any inquiry under this Act may exercise any power conferred by the Code of Civil Procedure, 1908, on a Civil Court for the trial of suits.

53. Appeals :-

An appeal shall lie from every order of a Collector under this Act to the Commissioner of the Division and from every order of a Commissioner under this Act to the Board of Revenue.

54. Control by Commissioner :-

All orders or proceedings of the Collector under this Act shall be subject to the supervision and control of the Commissioner; and the Commissioner may, if he thinks fit, revise, modify or reverse any such order or proceeding or whether an appeal is presented against

such order or proceeding or otherwise.

55. Control of the State Government :-

In the exercise of the powers and in the discharge of the duties conferred and imposed respectively on the Collector or the Commissioner by this Act, the Collector or the Commissioner shall be guided by such orders and instructions as he may, from time to time, receive from the State Government.

56. Bar of suits and other proceedings :-

No suit shall be instituted against the State Government in respect of anything done or purporting to be done under this Act, or in respect of any alleged neglect or omission to perform any duty devolving on the State Government or the Commissioner or the Collector or any of the officers subordinate to them and acting under this Act, or in respect of the exercise of, or the failure to exercise, any power conferred by this Act on the State Government or the Commissioner or the Collector or any officer subordinate to them and acting under this Act, except for making the Collector chargeable with or accountable for the loss or misapplication of any property in his charge or the income thereof, where the loss or misapplication has been occasioned by or through the willful neglect or default of the Collector or of any officer subordinate to him.

57. Saving :-

The provision of this Act shall have effect notwithstanding anything contained in any other law or anything having the force of the law.

58. Power of the State Government to make rules :-

(1) The State Government may make rules consistent with this Act for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules with respect to all or any of the following matters:

(a) prescribing the duties and functions of the Advisory Committee constituted under Section 7, the manner of election of members by the *Bihar Legislative Assembly and the +Bihar Legislative Council and the period for which members shall hold office;

(b) the manner in which surplus shall be invested under Section 27;

(c) the manner in which copies of notice under Section 50 shall be published;

(d) prescribing what reports shall be made from time to time by Collectors on the condition of the disqualified owner and his property;

(e) defining the powers of Commissioners and Collectors respectively when the property of a disqualified owner is situate in two or more districts or in two or more divisions;

(f) prescribing the periods at which and the mode in which accounts shall be submitted by managers and guardians, respectively, and the mode in which such accounts shall be audited;

(g) regulating the custody of securities and title deeds belonging to the property of a disqualified owner; and

(h) prescribing the procedure to be observed when a property ceases to be under the charge of the Collector.

Ed.- * This may now be read as "Jharkhand".

+Not relevant for Jharkhand.