
Bihar Provincialisation Of Roads And Hospitals Act, 1947**6 of 1948****CONTENTS**

1. Short Title, Extent And Commencement
2. Definitions
3. Vesting Of Roads And Hospitals In The Government
4. Vesting Of Endowments And Funds Appertaining To A Hospital
5. Levy Of Rates And Fees By The State Government In Respect Of Roads And Hospitals
6. Compensation
7. Power To Make Rules
8. Repeal And Saving

Bihar Provincialisation Of Roads And Hospitals Act, 1947**6 of 1948**

An Act to re-enact the Bihar Provincialisation of Roads and Hospitals Act, 1944. WHEREAS the Bihar Provincialisation of Roads and Hospitals Act, 1944, was enacted by the Governor in exercise of the powers assumed to himself by the Proclamation dated the 3rd November, 1939, issued by him under Section 93 of the Government of India Act, 1935; AND WHEREAS under sub-section (4) of Section 94 of the Government of India Act, 1935, the said Bihar Provincialisation of Roads and Hospitals Act, 1944, shall not, unless re-enacted by an Act of the Provincial Legislature, have effect after the first day of April, 1948; AND WHEREAS it is expedient to continue the said Bihar Provincialisation of Roads and hospitals Act, 1944, after the first day of April, 1948; It is hereby enacted as follows:- 1. Governor-General's assent published in the Bihar, Gazette of the 25th February, 1948, For Statement of Objects and Reasons, see the Bihar Gazette, 1947, Pt. V. p. 448.

1. Short Title, Extent And Commencement :-

- (1) This Act, may be called the Bihar Provincialisation of Roads and Hospitals Act, 1947.
- (2) It extends to the whole of the 1[State] of Bihar.
- (3) It shall come into force at once.

1. Substituted by ALO. for "Provincial".

2. Definitions :-

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

(a) "hospital" includes all lands, buildings, fixtures, dispensaries, medicines, stores equipment, furniture and other articles appurtenant to the hospital;

(b) "local authority" does not include a Cantonment Authority in any cantonment area;

(c) "prescribed" means prescribed by Rules made by the 1[State] Government under this Act;

(d) "Road" includes.-

(i) on both sides, the drains or gutters and the land up to the defined boundary of any abutting property, notwithstanding the projection over such land of any platform, verandah or other superstructure; and

(ii) the soil, pavements, stones and other materials of the road and all drains, bridges, culverts, causeways, trees, channels erections, materials, implements and other things provided for or appertaining to the road.

1. Substituted by ALO. for "Provincial".

3. Vesting Of Roads And Hospitals In The Government :-

(1) The 1[State] Government may, by notification, direct that, with effect from such date as may be specified therein and subject to the provisions of Section 6 and such conditions and exceptions as may be prescribed, any hospital or road which is vested in, or is under the control or administration of, the Commissioners of any Municipality, any District Board or other Local authority or any Committee or Joint Committee or other body thereof constituted under the Bihar and Orissa Local Self-Government Act of 1885, the Bihar and Orissa Municipal Act, 1922, or any other law whereby the local authority was constituted 2[or any person or trustee] shall notwithstanding anything contained in any law for the time being in force, be vested in 3[the State Government]:

Provided that before issuing such notification, the 1[State] Government shall give such notice as it considers reasonable of its intention to issue such notification and shall consider any objections or suggestions that may be put forward by the local authority concerned or other interested persons:

2[Provided further that nothing in this sub-section shall be deemed to apply to any hospital, which is vested in, or is under the control or administration of any religious or philanthropic mission.]

(2) Subject as aforesaid, all rights and liabilities of the Commissioners of the Municipality, the District Board or other local authority or of any Committee 4[Joint committee, body, persons or trustee] referred to in sub-section (i) in, appertaining to, or arising out of, the property covered by the notification issued under that sub section shall, with effect from the date mentioned in the notification pass and be transferred to 3[the Government] and the 1[State] Government shall from such date be in charge of the administration, control, maintenance and management of the said property.

1. Substituted by ALO. for "Provincial".
2. Inserted by Bihar Act 10 of 1964.
3. Substituted by ALO. for "the Crown for the purposes of the Province".
4. Substituted by ibid for "Joint Committee or body".

4. Vesting Of Endowments And Funds Appertaining To A Hospital :-

All endowments or funds, which appertained to or were appropriated specifically for the purposes of any hospital immediately before it was vested in the 1[State] Government under Section 3, shall be vested in 1[the State Government] for those purposes and continue to be applied by the 1[State] Government to the same purposes as those to which they were lawfully applicable immediately before the date when the endowment or fund concerned was so vested.

1. Substituted by ALO. for "Provincial".

5. Levy Of Rates And Fees By The State Government In Respect Of Roads And Hospitals :-

Subject to prescribed condition and rates, the 1[State] Government, may levy tolls, fees or other charges in respect of any road or hospital vested in 2[the State Government] under Section 3, of the same nature as the Municipal Commissioners, District Board or local authority, Committee, Joint Committee or other body 3[or person or trustee] concerned could, but for the issue of a notification under the said Section, have levied.

1. Subs by ALO for "the Crown for the purposes of the province".

2. Substituted by ALO for "the Crown".
3. Inserted by Bihar Act 10 of 1964.

6. Compensation :-

Nothing in this Act shall be deemed to authorise the acquisition of any private right or interest in any hospital, road or in any portion thereof, without the payment of compensation in the manner and in accordance with the principles hereinafter set out, that is to say,-

- (a) where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;
- (b) where no such agreement can be reached, it shall be determined in the prescribed manner by an arbitrator of prescribed qualifications appointed by the 1[State] Government;
- (c) the arbitrator in making his award shall have regard to the provisions of sub-section (1) of Section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable;
- (d) an appeal shall lie to the prescribed authority against the award of an arbitrator except in cases where the amount thereof does not exceed an amount prescribed in this behalf and the decision of the prescribed, authority on any such appeal shall be final;
- (e) save as provided in this Section and anything that may be prescribed, nothing in any law for the time being in force shall apply to arbitrations under this Section.

Explanation.-In this Section, the expression "Private right or interest" shall not be deemed to include any right or interest of any local authority or body referred to in sub-section (1) of Section (3).

- 1 . Substituted by ALO for "the Crown for the purposes of the province".

7. Power To Make Rules :-

(1) The 1[State] Government may make Rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing provisions, such Rules may provide for-

- (a) the condition and exceptions referred to in sub-section (1) of Section 3;
- (b) the administration, control, maintenance and management of the property referred to in sub-section (2) of Section 3;
- (c) the condition, and rates referred to in Section 5; and
- (d) the matters which may be prescribed under clause (b), (d) and (e) of Section 6.

1 . Substituted by ALO for "the Crown for the purposes of the province".

8. Repeal And Saving :-

The Bihar Provincialisation of Roads and Hospitals Act, 1944, is hereby repealed, and any Rules made, anything done and any action taken in exercise of any power conferred by or under the said Act shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act.