

Rajasthan District Boards Act, 1954

2 of 1954

[13 February 1954]

CONTENTS

CHAPTER 1 :- CHAPTER I

1. Short Title, Extent And Commencement
2. Repeal
3. Definitions
4. Omitted

CHAPTER 2 :- CHAPTER II

5. Incorporation, Constitution And General Functions Of District Board
6. Division Of Constituencies Etc.
7. Co-Opted Members
8. Power To Leave Casual Vacancy Unfilled In Certain Cases
9. Qualifications Of Electors
10. Nomination By Government
11. Electoral Rolls
12. Election How Made
13. Qualifications Of Candidates
14. Chairman Not To Be Chairman Of Other Local Authorities
15. Power To Question Election By Petition
16. Form And Presentation Of Petition
17. Right Of Candidate Whose Election Is Questioned
18. Tribunal
19. Procedure
20. Powers Of Election Court
21. Finding Of Election Court
22. Avoidance Of Election Proceedings
23. Disqualification For Corrupt Practice
24. Corrupt Practices
25. Conduct Of Elections And Kindred Matters
26. Term Of Office Of District Board
27. Office Of The Board
28. Remuneration To Members
29. Resignation Of Members
30. Removal Of Members
31. Disabilities Of Members Removed Under Section 30
32. Liability Of Members For Loss, Waste Or Misapplication

33. Penalty On A Member Acquiring Interest In Contract Etc.

CHAPTER 3 :- CONDUCT OF BUSINESS BY BOARDS

34. Election Of Chairman

35. Casual Vacancy Of Chairman

36. Decision Of Election Disputes

37. Eligibility Of Chairman For Re-Election

38. Term Of Office Of A Chairman

39. Vacation Of Office On Passing Of Motion Of No-Confidence In The Chairman

40. Removal Of Chairman

41. Resignation Or Removal Not To Effect Membership

42. Functions Of A Board That Must Be Discharged By The Chairman

43. Duties Of Chairman

44. Power Of Board To Require Reports, Etc. From The Chairman And Right Of Interpellation

45. Delegation By Chairman To Vice-Chairman

46. Election, Term Of Office And Resignation Of Vice-Chairman

47. Duties Of Vice-Chairman

48. Notifications Of Elections, Nominations And Vacancies

49. Time For Holding Meetings

50. Transaction Of Business At Meetings

51. Motion Of No-Confidence Against Chairman

52. Quorum

53. Chairman Of Meeting

54. Publicity Of Meetings

55. Power Of Chairman Of Meeting To Maintain Order

56. Decision By Vote

57. Right Of Certain Officers To Attend And Speak At Meetings

58. Minute Book And Resolutions

59. Appointment Of Committees

60. Appointment Of Persons Other Than Members

61. Vacancies In Committees

62. Chairman Of A Committee

63. Procedure Of Committees

64. Subordination Of Committees To Board

65. Tehsil Committees

66. Joint Committees

67. Sanctioning Of Contracts

68. Execution Of Contracts

69. Registration Of Instruments

70. Powers Of Which The Exercise Is Reserved To A Board Acting By Resolution

71. Delegation Of Powers By Board

72. Validity Of Acts And Proceedings

CHAPTER 4 :- OFFICERS AND SERVANTS OF BOARD

73. Appointment Of Secretary Of Board

74. Withdrawal Or Punishment Of Secretary
75. Other Officers And Servants Of The Board
76. Officiating Appointments
77. Powers Of The Secretary Of Board
78. Appeal From Order Of Secretary
79. Delegation Of Powers By Secretary
80. Power Of Board To Require Reports, Etc. From Officers
81. Right Of Officers To Take Part In Discussions
82. Power Of Government To Effect Appointment Of Officers To Whom Section 75 Applies
83. Power Of Board To Determine Staff In Addition To Obligatory Minimum
84. Combination Of Offices
85. Appointment And Dismissal Of Servants Of Board
86. Power Of Government To Transfer Certain Powers Of Secretary To Health Officer Of Board
87. Power Of Government To Transfer Certain Powers Of Secretary To Engineer Of Board
88. Temporary Servants Required For Emergency
89. Limitation Of Powers Conferred By Sections 75, 76, 83 And 85
90. Pension And Dismissal In Case Of Government Servants Employed By Board
91. Leave Allowances, Provident Funds, Annuities And Gratuities
92. Limitation Of Powers Conferred By The Previous Section
93. Provision Against Servant Being Interested In Contracts
94. All Officers And Servants Of A Board To Be Public Servants
95. Suspension

CHAPTER 5 :- GENERAL POWERS AND DUTIES OF BOARDS

96. Duties Of Board
97. Discretionary Functions Of Board
98. Exclusion Of Certain Areas And Matters From Jurisdiction Of Board
99. Power Of Board To Co-Operate With Other Authorities And To Assist Institutions Not Managed By It
100. Power To Remove Encroachments And Projections Over Roads And Drains
101. Power To Remove Accidental Obstructions
102. Power To Construct, Improve And Provide Sites On Public Roads
103. Duties Of Board When Constructing Roads Etc.
104. Power To Require Private Water Course Etc. To Be Cleaned Or Closed
105. Emergent Powers On Outbreak Of Epidemic
106. Ordinary Inspection
107. Powers For Effecting Entry
108. Recovery Of Rent On Land
109. Recovery Of Rent Of Other Immovable Property
110. Fees For Use, Otherwise Than Under A Lease Of Property Of

The Board

111. Licence Fees Etc.

112. Penalty For Obstructing Persons Employed By Board

CHAPTER 6 :- TAXATION

113. Boards Power To Levy Cess

114. Collection Of Cess

115. Boards Power To Impose Other Taxes

116. Imposition Of Tax On Circumstances And Property

117. Framing Of Preliminary Proposals

118. Procedure Subsequent To Framing Proposals

119. Powers Of Government To Sanction Proposals By Board

120. Rules To Be Made By Government

121. Resolution Of Board Directing Imposition Of Tax

122. Imposition Of Tax

123. Procedure Altering Taxes

124. Rules As To Assessment, Collection And Other Matters

125. Exemption

126. Power Of Government To Remedy Or Abolish A Tax

127. Obligation To Disclose Liability

128. Powers Of Discovery

129. Appeal Relating To Tax On Circumstances And Property

130. Limitation And Preliminary Deposit Of Tax Claimed

131. Costs

132. Bar To Jurisdiction Of Civil And Criminal Courts In Matters Of Taxation

133. Savings

134. Compulsory Imposition Of Tax

CHAPTER 7 :- RECOVERY OF CERTAIN CLAIMS

135. Presentation Of Bill

136. Contents Of Bill

137. Notice Of Demand

138. Issue Of Warrant

139. Forcible Entry For Purpose Of Executing Warrant

140. Manner Of Executing Warrant

141. Sale Of Goods Under Warrant And Application Of Proceeds

142. Procedure In Case Of Execution Against Property Outside The Rural Area

143. Fees And Costs

144. Savings

145. Alternative Power Of Bringing Suit

CHAPTER 8 :- FINANCE

146. District Fund

147. Power To Raise Loans

148. Custody And Investment Of Fund

149. Property Vested In Board

- 150. Public Tanks And Wells Etc.
- 151. Fees
- 152. Power Of Levying Certain Fees And Tolls
- 153. Compulsory Acquisition Of Land
- 154. Power Of Board To Manage And Control Property Entrusted To Its Management
- 155. Public Institutions
- 156. Application Of Fund
- 157. Contribution By Government In Certain Cases
- 158. Provision For And Payment Of Contribution Money
- 159. Power To Transfer Property
- 160. Payment Of Compensation From District Fund
- 161. Payment By Board For Special Police Protection At Fairs Etc.
- 162. Matters Governed By Rule
- 163. The Budget
- 164. Revisions Of Budgets
- 165. Minimum Closing Balance Shown In Budget
- 166. Power Of Government To Sanction Budget
- 167. Prohibition Of Expenditure In Excess Of Budget
- 168. Conduct Of Correspondence, Account Budget Etc.

CHAPTER 9 :- EXTERNAL CONTROL

- 169. Control Over Boards
- 170. Inspection Of Works And Institutions By Government Officers
- 171. Power To Suspend Action Under The Act
- 172. Powers Of Government In Case Of Default Of Board
- 173. Power Of Government To Dissolve Or Supersede Board
- 174. Consequences Of Dissolution Of Board
- 175. Consequences Of Supersession Of Board

CHAPTER 10 :- RULES, REGULATIONS AND BYE-LAWS

- 176. Power Of Government To Make Rules
- 177. Power To Make Regulations As To Conduct Of Business Etc.
- 178. Power Of Board To Make Bye-Laws
- 179. Infringement Of Rules And Bye-Laws
- 180. Previous Publication Of Rules Etc. Made By Government
- 181. Confirmation Etc. Of Regulations And Bye-Laws Made By Board

CHAPTER 11 :- PROCEDURE

- 182. Fixation Of Reasonable Time For Compliance
- 183. Service Of Notice
- 184. Defective Form
- 185. Disobedience To Notice Issued To An Individual
- 186. Authority Of Prosecution
- 187. Power To Compound Offences
- 188. Compensation For Damage To Property Vested In The Board
- 189. Powers And Duties Of Police In Respect Of Offences And

Assistance To Authorities Of Board

190. Appeals From Order Of Board

191. Costs

192. Finality Of Order Of Appellate Authority

193. Suspension Of Prosecution In Certain Cases

194. Disputes As To Compensation Payable By Board

195. Decision Of Disputes Between Local Authorities

196. Suits Against Boards Or Its Officers

197. Prohibiting Temporary Injunctions By Civil Courts

CHAPTER 12 :- SUPPLEMENTARY

198. Delegation Of Powers By The Government

199. Faculty For Inspection Of Minute Books And Assessment Lists

200. Provision For Publicity Of Rules, Regulations And Bye-Laws

201. Mode Of Proof Of Records Of Boards

202. Restriction On The Summoning Of Servants Of Boards To Produce Documents

203. Inspection Of Works And Registers Of Boards By Members

204. Saving As To Railways Act

SCHEDULE 1 :- FIRST SCHEDULE

SCHEDULE 2 :- THE SECOND SCHEDULE

SCHEDULE 3 :- THE THIRD SCHEDULE

Rajasthan District Boards Act, 1954

2 of 1954

[13 February 1954]

An Act to provide for the establishment and constitution of District Boards in Rajasthan Whereas it is expedient to provide for the establishment and constitution of District Boards for the rural areas of Rajasthan; Be it enacted by the Rajasthan State Legislature as follows:-

CHAPTER 1 CHAPTER I

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Rajasthan District Boards Act, 1954.

(2) It extends to the whole of Rajasthan.

(3) It shall come into force on such 1date and in such areas of Rajasthan as the State Government may, by notification in the Rajasthan Gazette, specify in that behalf.

1. Came into force with effect from 26.1.1955, vide Notification No. F.1 (n) (v) (2) L.S.G. dated 8.1.1955, published at page 229 of the

2. Repeal :-

(1) On the coming into force of this Act in any area, any of the Acts mentioned in the First Schedule or any other corresponding law in force in that area shall be repealed.

(2) Notwithstanding anything contained in sub-section (1), any District Board or Committee established, and any District Fund formed, under any such Act or law shall be deemed to have been established or formed, as the case may be, in like manner and with the like authority as if it had been a District Board or Committee established or District Fund formed under this Act :

Provided that the State Government shall, within a period of 1[three years] commencing from the coming into force of this Act, establish for each District a Board in accordance with the provisions of this Act.

1 Substituted and shall be deemed always to have been substituted vide section 2 of Rajasthan Act No. 11 of 1957, published in the Rajasthan Gazette. Part IV-A, Extraordinary, dated 28.3.1957

3. Definitions :-

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

(1) "Board" means a District Board established under this Act and shall include, in any case where a power is expressed as being conferred or a duty as being imposed on a Board, a Committee appointed by a Board, and any member, officer or servant of a Board authorised or required under this Act to exercise the power or perform the duty.

(2) "District" means a district formed under the Rajasthan Territorial Divisions Ordinance, 1949, or any other subsequent enactment for the time being in force.

(3) "Prescribed" means prescribed by or under this Act or by rules, regulations or bye-laws made under this Act.

(4) "Public road" means any road, street, bridge, culvert, thoroughfare, passage or place over which the public have a right of way and which is vested in or maintained by Government or a local authority.

(5) "Quarter" when referring to a period of time, means a period of three months commencing on the first day of any of the months of January, April, July and October.

(6) "Rural area" means the area of a district excluding every municipality as defined in the Rajasthan Town Municipalities Act, 1951, and the municipalities of Jaipur, Jodhpur, Bikaner, Udaipur and Alwar.

(7) "Servant of the Board" means a person in the pay and service of the Board.

All references to anything done, required prescribed, authorised, permitted, forbidden or punishable or to any power vested, under this Act shall include, anything done, required, prescribed, authorised, permitted, forbidden or punishable or any power vested by any provision of this Act or by any rule lawfully made thereunder.

4. Omitted :-

1[X X X]

1 Omitted by section 3 of Rajasthan Act No. 11 of 1956, published in the Rajasthan Gazette, Extraordinary, Part IV-A, dated 16.4.1956

CHAPTER 2 CHAPTER II

5. Incorporation, Constitution And General Functions Of District Board :-

(1) There shall be established for each district a Board which shall be a body corporate by the name of the District Board of the place by reference to which the district is known, having perpetual succession and a common seal subject to any restriction or qualification imposed by this or any other enactment, vested with the capacity of suing and being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, and of entering into contracts.

(2) Each Board shall consist of-

(a) elected members, and

(b) such persons, if any, as may be co-opted under section 7.

(3) The number of elected members shall be such number not less than 20 and not more than 40 as the State Government may prescribe by rule.

6. Division Of Constituencies Etc. :-

(1) The rural area of the district shall be divided into constituencies for the purposes of election of members of the Board. Each

constituency 1[shall consist of contiguous villages and shall be formed in the prescribed manner by the prescribed authority] and shall return such number of members to the Boards as the State Government may direct.

(2) The candidates of all castes and communities shall be entitled to seek election and if a candidate is elected from more than one constituency, he shall not retain more than one seat in the Board, which he may choose in the prescribed manner within the prescribed period.

1 Substituted by section 4 of Rajasthan Act No. 11 of 1956, published In the Rajasthan Gazette, Extraordinary, Part IV-A, dated 16.4.1956

7. Co-Opted Members :-

(1) After the election of the members, the Board shall, as soon as possible, co-opt in the manner prescribed, such number of members not exceeding one-tenth of the number of elected members as the Board may determine.

(2) Of the Co-opted members at least one shall be a person belonging to the female sex and one shall be a person belonging to the scheduled castes or scheduled tribes :

Provided that none of the co-opted members shall be a person who was defeated at the preceding general election under this Act.

8. Power To Leave Casual Vacancy Unfilled In Certain Cases :-

Where a vacancy occurs on a Board by reason of the death, resignation, removal or avoidance of the election of an elected member, and the term of office of that member would in the ordinary course of events, have determined within six months of the occurrence of the vacancy, the Board may direct that the vacancy be left unfilled until the next ordinary election.

9. Qualifications Of Electors :-

(1) Every member of a Village Panchayat situated within the district shall be entitled to be enrolled as an elector under this Act.

(2) A Person shall not be deemed an elector for any purpose of this Act or any rule thereunder unless he is enrolled as an elector under section 11.

10. Nomination By Government :-

(1) The State Government shall in the prescribed manner nominate one or more members from the area where Village Panchayats do not exist on percentage basis of the total population of the district.

(2) Such nominated members shall be deemed to be elected members for the purpose of clause (a) of sub-section (2) of section 5 and shall hold office till elected members are returned from such area or till the expiry of the term of the Board, whichever is earlier.

11. Electoral Rolls :-

(1) The Collector shall, when so directed by the State Government cause to be prepared a list of electors for each constituency in the district. A person enrolled as an elector in such electoral roll shall be entitled to take part and vote in the election of candidates in the constituency in which he is a voter.

(2) No person shall be entitled to be enrolled as an elector in more than one constituency, notwithstanding that he may possess qualifications for enrolment in more than one constituency in the same district.

12. Election How Made :-

(1) The Election of members of a Board for the purposes of this Act, shall be held 1[in the prescribed manner] and the voting at such election shall be by secret ballot.

(2) Each elector shall have the right of vote for each seat in the constituency in the electoral roll of which he is enrolled.

1 Substituted by section 5 of Rajasthan Act No. 11 of 1956. published in the Rajasthan Gazette, Part IV-A. Extraordinary, dated 16.4.1956

13. Qualifications Of Candidates :-

Subject to the exceptions stated in sub-section (2) of this section and further subject to the provision contained in sub-section (2) of section 6, every person who has attained the age of twenty-five years before the date of election and residing in the rural area in any constituency of the district shall be qualified for election as a member from that or any other constituency in the district.

Explanation.-A person shall be deemed to have acquired the qualification of residence if he dwelt in a house or part of a house in the rural area for not less than 180 days in the aggregate in the

calendar year preceding the date fixed for election.

(2) No person shall be qualified for election as a member of the Board who-

(a) has been sentenced under the Indian Penal Code to an imprisonment or to transportation for an offence or convicted by a Criminal Court of an offence which is declared by the Government to imply such moral turpitude as to unfit him to be an elector or ordered to furnish security for good behaviour in consequence of proceedings taken under section 109 or section 110 of the Code of Criminal Procedure, 1898, such sentence or order not having subsequently been reversed or remitted or the offender pardoned, provided that he shall not be disqualified on this ground if more than three years have elapsed since the expiry of the term of the sentence or order, or

(b) has been dismissed from Government service and is debarred from re-employment therein; or

(c) is debarred from practicing as a legal practitioner by order of any competent authority; or

(d) holds any place of profit in the gift, disposal, pay or service of the Board, or

(e) is disqualified under section 23, or section 31; or

(f) holds any office of profit under the State Government; or

(g) holds directly or indirectly or by a partner any share or interest in any contract or employment with, by or on behalf of the Board, or

(h) is in arrears in the payment of any sum in excess of one years demand to which section 135 applies, or

(i) is an undercharged insolvent; or

(j) is of unsound mind :

Provided that in cases (b) and (c) the disqualification may be removed by an order of the Government in this behalf, and that in case of (g) the disqualification may be removed by an order of the Commissioner in this behalf.

14. Chairman Not To Be Chairman Of Other Local Authorities :-

No person shall continue as Chairman of a District Board and Chairman of any other local authority simultaneously :

Provided that in case a person is elected as such to two posts, he shall at his option resign his office from any of them within the prescribed time.

15. Power To Question Election By Petition :-

(1) The election of any person as a member of a Board may be questioned by an election petition on the ground-

(a) that such person committed during or in respect of the election proceedings a corrupt practice as defined in section 24; or

(b) that such person was declared to be elected by reasons of the improper rejection or admission of one or more votes, or for any other reason was not duly elected by a majority or lawful votes; or

(c) that such person, though enrolled as an elector, was disqualified for election under the provisions of sub-section (2) of section 13, or

(d) that such person was not qualified to be nominated as a candidate for election or that the nomination paper or the petition was improperly rejected.

(2) The election of any person as a member of a Board shall not be questioned-

(a) on the ground that the name of any person qualified to vote has been omitted from, or the name of any person not qualified to vote has been inserted in the electoral roll or rolls;

(b) on the ground of any non-compliance with this Act or any rule or of any mistake in the forms required thereby, or of any error, irregularity or informality on the part of the officer or officers charged with carrying out this Act or any rules, unless such non-compliance, mistake, error, irregularity or informality has materially affected the result of the election.

16. Form And Presentation Of Petition :-

(1) The petition shall be presented together with a deposit of fifty rupees as security for costs within fifteen days after the day on which the result of the election of the respondent is questioned and shall contain a summary of the circumstances alleged to justify the election being questioned on such grounds.

(2) The petition may be presented by any candidate in whose favour votes have been recorded and who claims in the petition to be declared elected in the room of the person whose election is questioned or by any elector of the constituency or by a person who claims that his nomination paper was improperly rejected.

(3) The person whose election is questioned and, where the petition claims that any other candidate shall be declared elected in the room of such person, any unsuccessful candidate who has polled more votes than such candidate shall be made a respondent

to the petition.

17. Right Of Candidate Whose Election Is Questioned :-

Every respondent may give evidence to prove that any person in respect of whom a claim is made that such person be declared elected in his room or in priority to him should not be declared so elected in the same manner as if he had presented a petition against the election of such person.

18. Tribunal :-

(1) An election petition shall be heard by the District Judge within whose jurisdiction the constituency concerned is situated and at a place in the district within which such constituency is situated.

(2) An election petition, and any application relating to the hearing of an election petition may be presented to such District Judge or to a Munsif within whose jurisdiction the constituency concerned or any part thereof is situated.

19. Procedure :-

Except so far as may be otherwise provided by this Act or by rule thereunder, the procedure provided in the Code of Civil Procedure, 1908, in regard to suits shall, so far as it is not inconsistent with this Act or any rule and so far as it can be made applicable, be followed in the hearing of election petitions:

Provided that-

(a) any two or more election petitions relating to the election of the same person may be heard together;

(b) the court shall not be required to record or have recorded the evidence in full but shall make a memorandum of the evidence sufficient in its opinion for the purpose of deciding the case,

(c) the court may at any stage of the proceedings, require the petitioner to give further security for the payment of all costs incurred or likely to be incurred by any respondent;

(d) the court, for the purpose of deciding any issue shall only be bound to require the production of, or to receive, so much evidence, oral or documentary, as it considers necessary.

20. Powers Of Election Court :-

(1) Unless it is otherwise provided by rule made in this behalf, the Election Court shall have the same powers and privileges as a

Judge of a Civil Court and may for the purpose of serving any notice or issuing any process or doing any other such thing, be entitled to employ, with the consent of the District Magistrate, any peon or other officer or clerk attached to the Court of the District Magistrate.

(2) An order for costs or an order for the realisation of a security bond for costs, passed by the Election Court, may be sent by that court for execution to the Civil Judge having jurisdiction in the area within which the constituency concerned is situated and an order so sent shall be executed by the Civil Judge in the same manner as if it were in order passed by himself in a civil suit or proceeding.

21. Finding Of Election Court :-

(1) If the Court, after making such inquiry as it deems necessary, finds in respect of any person whose election is called in question by a petition, that his election was valid, it shall dismiss the petition as against such person and may award costs at its discretion.

(2) If the Court finds that the election of any person was invalid, it shall either-

(a) declare a casual vacancy to have been created; or

(b) declare another candidate to have been duly elected. whichever course appears, in the particular circumstances of the case, the more appropriate and in either case may award costs at its discretion.

(3) In the event of the Court declaring a casual vacancy to have been created, it shall direct the Collector to take proceedings for filling the vacancy.

(4) An appeal shall lie to the High Court from the Order of the Election Court under this section on a point of law only and may be preferred within one month from the date of such order exclusive of the time requisite for obtaining a copy thereof.

22. Avoidance Of Election Proceedings :-

Notwithstanding anything contained in the preceding section, if the Court, in the course of hearing an election petition is of the opinion that the evidence discloses that corrupt practices have prevailed at the election proceedings in question to such an extent as to render it advisable to set aside the whole proceedings, it shall pass an order to this effect and shall direct the Collector to take measures for holding fresh election proceedings.

Explanation.-In this section the expressions "the election proceedings in question" and "the whole proceedings" shall mean all proceedings (inclusive of nomination and declaration of election) taken in respect of a single poll in any constituency.

23. Disqualification For Corrupt Practice :-

The court may declare any candidate found to have committed any corrupt practice under the preceding section to be incapable, for any period not exceeding five years, of being elected as a member of the Board or of being appointed or retained in any office or place in the gift, disposal, pay or service of the Board.

24. Corrupt Practices :-

A person shall be deemed to have committed a corrupt practice who, directly or indirectly, by himself or by any other person-

(a) induces, or attempts to induce, by fraud, intentional misrepresentation, coercion or the art of injury, any voter to give or to refrain from giving a vote in favour of any candidate;

(b) with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate or in consideration of any voter having voted or refrained from voting for any candidate, offers or gives any money or valuable consideration or any place of employment, or holds out any promise of individual advantage or profit to any person;

(c) gives or procures the giving of a vote in the name of a voter who is not the person giving such vote;

(d) makes or promises to make any payment to any person whomsoever on account of conveyance of any elector to or from any place for the purpose of recording his vote or hires, employs, borrows or uses for the purpose of the election any boat, vehicle or animal usually kept for letting on hire or for the conveyance of passengers by hire except for carrying himself or his agents and messengers;

(e) abets (within the meaning of the Indian Penal Code) the doing of any of the acts specified in clauses (a), (b), (c) and (d).

Explanation.-A "Promise of individual advantage or profit to a person" includes a promise for the benefit of the person himself, or of any one in whom he is interested but does not include a promise to vote for or against any particular district board measure.

25. Conduct Of Elections And Kindred Matters :-

The following matters shall be governed by rule, namely-

- (a) the preparation and revision of electoral rolls,
- (b) the nomination of candidates,
- (c) except as provided in section 26, the dates, time and manner of holding elections, general or casual,
- (d) the prevention of corrupt or improper practices committed in connection with elections and the punishment, other than judicial punishment, of person guilty of the same,
- (e) the determination of the local area of each constituency,
- (f) any other matter relating to elections or election petitions in respect of which this Act makes no provisions or insufficient provision and provision is, in the opinion of the State Government, necessary.

26. Term Of Office Of District Board :-

1[(1) Every District Board, unless sooner dissolved, shall continue for three years from the date, appointed for its first meeting by the Government.

Provided that the State Government may, by notification, extent from time to time the term of any Board and postpone the general election of members thereof for a period not exceeding one year in the aggregate :

Provided also that the first general election of a Board or a new Board, after this Act comes into force in respect thereof, shall be held on such date as the State Government may by like notification appoint in that behalf.

1[(2) Notwithstanding anything contained in sub-section (1), every District Board established under any Act or law repealed by sub-section (1), and deemed to have been established under this Act by sub-section (2) of section 2, shall continue to perform the functions and discharge the duties of Board under this Act, even though, in accordance with the Act or law under which it was established or in accordance with the provisions of sub-section (1), its terms of office may have expired, or is hereafter likely to expire, before the establishment of a new Board in accordance with the provisions of this Act under the proviso to sub-section (2) of section 2; and the provision contained in section 3 of the Bhim District Board Validation Act, 1955 (Rajasthan Act 24 of 1955) shall be deemed to be amended accordingly so as to authorise the District Board of Bhim to perform the functions and discharge the duties of a Board

till the establishment of a new Board under section 5 for the district in which the Bhim area is situated]

1. Renumbered and Inserted and shall be deemed always to have been re-numbered and Inserted by section 6 of Rajasthan Act No. 11 of 1956. Published in the Rajasthan Gazette Part IV-A, Extraordinary, dated 16.4.1956

27. Office Of The Board :-

The office of the Board of any district shall be located in the same town or city as the office of the Collector.

28. Remuneration To Members :-

Member of a Board shall be granted remuneration or traveling allowances by the Board in accordance with rules made in this behalf.

29. Resignation Of Members :-

A member other than the Chairman of a Board wishing to resign his seat may forward his written resignation through the Chairman to the 1[Collector].

(2) When the acceptance of the resignation by the 1[Collector] has been communicated to the Board the member shall be deemed to have vacate his seat.

1. Substituted by item (6) of the Schedule to Rajasthan Act No. 8 of 1962. Published in the Rajasthan Gazette, Part IV-A Extraordinary, dated 23.4.1962

30. Removal Of Members :-

(1) The State Government may remove from a Board any member who-

(a) has absented himself from the meetings of the Board for more than three consecutive months or three consecutive meetings, whichever is the longer period and is unable to explain such absence to the satisfaction of the Board, or

(b) has within the meaning of section 33 knowingly acquired or continued to hold without permission in writing of the 1[Collector] directly or indirectly or by a partner, any share or interest in any contract or employment with, by or on behalf of the Board, or

(c) has knowingly acted as a member in a matter other than a matter referred to in clause (d) or clause (e) of proviso to section

33 in which he or a partner had, directly or indirectly a personal interest or in which he was professionally interested on behalf of a client, principal or other person, or

(d) being a legal practitioner in any suit or other proceeding acts or appears, on behalf of any other person, against the Board or against the State Government litigating in respect of nazul land entrusted to the management of the Board or acts or appears on behalf of any other person in any criminal proceeding instituted by or on behalf of the Board, or

(e) Has permanently abandoned or transferred his residence from the area of the district concerned unless the member himself resigns his seat within three months of such abandonment or transfer, or

(f) is or becomes subject to any of the disqualifications specified in sections 13 and 23.

(2) The State Government may remove from a Board a member who in its opinion has so flagrantly abused his position as a member of the Board as to render his continuance as a member detrimental to the public interest.

(3) When the State Government proposes to take action under this section, an opportunity of explanation shall be given to the member concerned and, when such action is taken, the reasons therefor shall be placed on record.

1. Substituted by item (6) of the Schedule to Rajasthan Act No. 8 of 1962. Published in the Rajasthan Gazette, Part IV-A Extraordinary, dated 23.4.1962

31. Disabilities Of Members Removed Under Section 30 :-

(1) A member removed under clause (a) of sub-section (1) of the preceding section shall, if otherwise qualified, be eligible for further election or co-option.

(2) A member removed under any other provision of the preceding section shall not be so eligible until the expiry of the period of two years of the expiry of the term of the Board, Whichever is later:

Provided that if a member is removed as aforesaid because he is or becomes subject to any of the disqualifications specified in sections 13 and 23, he shall not be so eligible unless and until such disqualification is removed by an order of the State Government.

32. Liability Of Members For Loss, Waste Or Misapplication :-

Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Board if such loss, waste, or misapplication is a direct consequence of his neglect or misconduct while a member of the Board, and a suit for compensation may be instituted against him by the Board with the previous sanction of the Commissioner, or by the State Government.

Explanation.-A grant-in-aid given to a school in contravention of rules made under this Act is for the purposes of this section a misapplication of money belonging to the Board.

33. Penalty On A Member Acquiring Interest In Contract Etc. :-

A member of the Board who otherwise than with the permission in writing of the Director of Local Bodies, knowingly acquires, or continues to have, directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of the Board shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

Provided that a person shall not be deemed for the purposes of this section to acquire, or continue to have, any share or interest in a contract or employment by reason only of his-

- (a) having a share or interest in any lease, sale or purchase of land or buildings or in any agreement for the same, provided that such share or interest was acquired before he become a member, or
- (b) having a share in a Joint Stock Company which shall contract with, or be employed by or on behalf of the Board, or
- (c) having a share or interest in a newspaper in which an advertisement relating to the affairs of the Board is inserted, or
- (d) holding a debenture or otherwise being interested in a loan raised by or on behalf of the Board, or
- (e) being retained by the Board as a legal practitioner, or
- (f) having a share or interest in the occasional sale to the Board of an article in which he regularly trades upto a value not exceeding in any one year such amount as the Board with the sanction of the State Government fixes in this behalf.

CHAPTER 3 CONDUCT OF BUSINESS BY BOARDS

34. Election Of Chairman :-

Every Board shall have a Chairman who shall be elected by the

members of the Board from amongst themselves in the prescribed manner.

35. Casual Vacancy Of Chairman :-

If a casual vacancy in the office of the Chairman occurs owing to death, resignation or removal of the Chairman, a fresh election of the Chairman shall be held in the manner prescribed.

36. Decision Of Election Disputes :-

(1) When the question is raised by a petition preferred to the State Government by any member of the Board whether the Chairman of a Board has been duly elected under the provisions of section 34 or section 35, the State Government shall, without considering the merits of the question raised, refer it for decision to a judicial officer not below the rank of a District Judge:

Provided that security of two hundred and fifty in cash shall be filed with the petition and that such security shall be forfeited to Government on the recommendation of the Judicial Officer to whom the petition has been referred if the petition is found by him to be frivolous or vexatious.

(2) The Judicial Officer shall on a date fixed by him call upon the parties to appear before him and produce such evidence as they desire in support of their case, and shall then proceed to pass orders on the petition,

(3) No suit or application challenging the election of a Chairman of a Board shall lie in any civil or any other Court.

37. Eligibility Of Chairman For Re-Election :-

An outgoing Chairman if otherwise qualified, shall be eligible for re-election as Chairman.

38. Term Of Office Of A Chairman :-

The term of office of a Chairman shall subject to the provisions of sections 39 and 40, co-extend with the term of the Board.

39. Vacation Of Office On Passing Of Motion Of No-Confidence In The Chairman :-

If a motion of no-confidence in the Chairman is passed by the Board and communicated to him in accordance with the provision of

section 51, the Chairman shall vacate his office forthwith.

40. Removal Of Chairman :-

The State Government may remove a Chairman from his office or pass such other order against him as it thinks fit on the ground of habitual failure on his part to perform his duty:

Provided that when the State Government proposed to take action under this section it shall give the Chairman an opportunity of explaining the conduct on account of which it is proposed to remove him or pass such order against him, shall consult the Board in the prescribed manner, and shall, in the event of taking such action, place on the record the reasons therefor.

41. Resignation Or Removal Not To Effect Membership :-

The resignation or removal of a Chairman under section 39 or section 40 shall not have the effect of a resignation of or removal from the membership of the Board and he shall continue to be a member thereof unless he resigns under section 29 or is removed under section 30.

42. Functions Of A Board That Must Be Discharged By The Chairman :-

The following powers, duties and functions of a Board may be exercised and shall be performed or discharged, by the Chairman of the Board and not otherwise, namely-

- (a) the determination in accordance with any regulation in this behalf of questions arising in respect of the service, leave, pay, privileges and allowance of servant of the Board.
- (b) the submission under section 169 of statements, accounts, reports or copies of documents and under sub-sections (3) and (4) of section 58 and sub-section (1) of section 63 of copies of resolution passed by a Board or by a Committee of a Board; and the submission under section 119 or proposals, and objections and the submission under section 122 of a copy of a resolution,
- (c) such of the powers, duties and functions referred to in the third column of the Second Schedule as are delegated by the Board under section 71 to the Chairman,
- (d) all other duties, powers and functions of a Board with the exception of-
- (i) those specified in the second column of the Second Schedule,

and

(ii) those delegated by the Board under section 71.

43. Duties Of Chairman :-

It shall be the duty of the Chairman -

(a) unless prevented by reasonable cause-

(i) to convene and preside at all meeting of the Board; and

(ii) otherwise to control in accordance with any regulation made in this behalf the transaction of business and all meetings of the Board,

(b) unless prevented by reasonable cause, to convince and preside at meetings of the Executive Committee of the Board and to control, in accordance with any rules and regulation made in this behalf, the transaction of business thereat;

(c) when for reasonable cause unable to preside at a meeting of the Executive Committee and when the Vice-Chairman are also likewise unable, to nominate one of the members of the Executive Committee as its Chairman for that particular meeting;

(d) to watch over the financial and superintend the executive administration of the Board and bring to the notice of the Board any defeat therein; and

(e) to perform such other duties as are required of or imposed on him under this Act or any other law.

44. Power Of Board To Require Reports, Etc. From The Chairman And Right Of Interpellation :-

(1) The Board may require the Chairman to furnish it with-

(a) any return, statement, estimate, statistics or other information regarding any matter appertaining to the Boards administration of the District,

(b) a report or explanation on any such matter, and

(c) a copy of any record, correspondence or plan or other document which is in his possession or control as Chairman or which is recorded or filed in his office or in the office of any servant of the Board.

(2) Nothing in this section or in any other provision of this Act shall be deemed to prevent the Board from making regulation authorizing the asking of questions by members at its meetings, subject to such renditions and restrictions as may be prescribed in the regulations.

45. Delegation By Chairman To Vice-Chairman :-

(1) The Chairman of a Board may empower, by special order, any Vice-Chairman to exercise under his control, any one or more of his powers, duties or functions except those specified in clauses (a), (b) and (c) of section 43.

(2) An order by the Chairman under sub-section (1) may prescribe any condition, and impose any restriction, in respect of the exercise of any power, the performance of duty or the discharge of any function.

(3) In particular, such order may prescribe the condition that any order by a Vice-Chairman in the exercise of a power conferred on him by sub-section (1) shall be liable to recession or revision by the Chairman upon appeal to the Chairman within a specified time.

46. Election, Term Of Office And Resignation Of Vice-Chairman :-

(1) Every Board shall have a Vice-Chairman, or a Senior Vice-chairman and a Junior Vice-Chairman, elected by it as occasion arises from among its members by special resolution.

(2) The term of office of a Vice-Chairman of any description shall be one year from the date of his election or the residue of his term of office as a member of the Board, whichever is less; but he shall, if otherwise qualified, be eligible for re-election on the expiry of such term.

(3) Any Vice-Chairman wishing to resign may intimate in writing his intention to do so to the Chairman, and on his resignation being accepted by the Board he shall be deemed to have vacated his office.

47. Duties Of Vice-Chairman :-

A Vice-Chairman shall-

(a) in the absence of the Chairman preside at the meetings of the Board and of the Executive Committee thereof unless prevented by reasonable cause from doing so, and shall perform all the duties and may exercise all the powers of the Chairman when presiding at a meeting;

(b) during a vacancy in the office of Chairman or in case of urgent necessity during the temporary absence or incapacity of the Chairman, perform any other duty and exercise any other power of the Chairman;

(c) at any time perform any duty and exercise, when occasion arises, any power delegated to him by the Chairman under section 45.

(2) Where there are two Vice-Chairman the duties and powers specified in clauses (a) and (b) of sub-section (1) shall be performed and may be exercised by the senior Vice-Chairman, and in his absence by the junior Vice-Chairman and the duties and powers specified in clause (c) by whichever Vice-Chairman is named in the order of delegation.

48. Notifications Of Elections, Nominations And Vacancies :-

Every election or co-option or nomination, as the case may be, of a member or Chairman of a Board, and every vacancy in the office of member or Chairman, shall be notified in the Rajasthan Gazette.

49. Time For Holding Meetings :-

(1) A Board shall meet for the transaction of business at least once in every month.

(2) The Chairman, or in his absence from District, the Vice-Chairman, may convene a meeting whenever he thinks fit and shall upon a requisition made in writing by not less than one-fifth of the Board and served on the Chairman or sent by registered post acknowledgment due addressed to the District Board at their office, convene a meeting within a period of twenty-one days from the date of the service or receipt of such requisition.

(3) If the Chairman fails to call a requisitioned meeting the Vice-Chairman, or one-third of the whole number of members may call such meeting for a day not more than 42 days after the service or receipts of such requisition.

(4) A meeting may be adjourned until the next or any subsequent day, and an adjourned meeting may be further adjourned in like manner.

(5) Every meeting shall be held at the office of the Board or at some other convenient place of which notice has been duly given.

50. Transaction Of Business At Meetings :-

Except where it is otherwise prescribed under this Act, any business may be transacted at any meeting:

Provided that no business which is required to be transacted by special resolution shall be transacted unless previous notice of the

intention to transact such business has been given:

Provided also that nothing in this section shall apply to a motion that the Board shall adopt a resolution expressing no-confidence in the Chairman or to a motion that the Board Shall adopt a resolution calling upon the Chairman to resign.

51. Motion Of No-Confidence Against Chairman :-

(1) Subject to the provisions of this section, a motion expressing no-confidence in the Chairman shall be made only in accordance with the procedure laid down below.

(2) Written notice of intention to make a motion of no-confidence in its Chairman, signed by such number of members of the Board as constitute not less than one-third of the total number of members of the Board, together with a copy of the motion which it is proposed to make, shall be delivered in person together by any two of the members sinning the notice to the District Magistrate.

(3) The District Magistrate shall then convene a meeting for the consideration of the motion to be hold at the office of the Board, on the date and at the time appointed by him, which shall not be later than twenty-five days from the date on which the notice under sub-section (2) was delivered to him. He shall send by registered post not less than seven clear days before the date of the meeting, a notice of such meeting and of date and time appointed therfor, to every member of the Board at his place of residence and shall at the same time cause such notice to be published in such manner as he may deem fit. Thereupon every member shall be deemed to have received the notice.

(4) The District Magistrate shall arrange with the district Judge for a stipendiary Civil Judicial Officer to preside at the meeting conversed under this section, and no other person shall preside thereat. If within half an hour from the time appointed for the meeting, the Judicial officer is not present to preside at the meeting, the meeting shall stand adjourned to the date and the time to be appointed and notified to the members by that officer under sub-section (5).

(5) If the Judicial Officer is unable to preside at the meeting he may, after recording his reasons, adjourn the meeting to such other date and time as he may appoint, but not later than fifteen days from the date appointed for the meeting under sub-section (3). He shall without delay communicate in writing to the District Magistrate the adjournment of the meeting. It shall not be

necessary to send notice of the date and the time of the adjourned meeting to the members individually, but the District Magistrate shall give notice of the date and the time of the adjourned meeting by publication in the manner provided in sub-section (3).

(6) Save as provided in sub-sections (4) and (5) a meeting convened for the purpose of considering a motion under this section, shall not for any reason be adjourned.

(7) As soon as the meeting convened under this section has commenced, the Judicial Officer shall read to the Board the motion for the consideration of which it has been convened and declare it to be open for discussion.

(8) No discussion on any motion under this section shall be adjourned.

(9) Such discussion shall automatically terminate on the expiry of three hours from the time appointed for the commencement of the meeting unless it is concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of three hours, as the case may be, the motion shall be put to the vote of the Board.

(10) The Judicial Officer shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall on the termination of the meeting be forwarded forthwith by the Judicial Officer to the District Magistrate for submission to the State Government and to the Chairman.

(12) The motion shall be deemed to have been carried only when it has been passed by a majority of more than half of the total number of members of the Board.

(13) Nothing done by any member of the Board, the District Magistrate, the Judicial Officer, or the State Government in pursuance of the provisions of this section shall be questioned in any court.

52. Quorum :-

The quorum necessary for the transaction of business which is required to be transacted by special resolution shall be one-half of the total number of members of the Board for the time being,

(2) The quorum necessary for the transaction of any other business shall be one-third of such total number of members.

(3) When it is necessary to postpone any business at a meeting for want of the prescribed quorum, the Chairman shall adjourn the

meeting to another date, and the business postponed for want of the preserved quorum shall be date, and the business postponed for want of the prescribed quorum shall be transacted on such date or in the event of a further adjournment of the meeting to a subsequent date, on such subsequent date, notwithstanding any deficiency in the number of members present.

(4) Whenever the business to be transacted at a meeting is partly such as to require the quorum prescribed by sub-section (1) and partly such as to require the quorum prescribed by sub-section (2) and the former class of business has to be postponed for want of the prescribed quorum, it shall not be necessary also to postpone the latter class of business if the quorum necessary for its transaction is present.

53. Chairman Of Meeting :-

If at a meeting neither the Chairman nor the Vice-Chairman is present the members present shall elect one of them to be the Chairman of the meeting and such Chairman shall perform all the duties and may exercise all the powers of the Chairman of a Board when presiding at the meeting.

54. Publicity Of Meetings :-

Every meeting shall be open to the public unless the Chairman considers that the public should be excluded during the whole or any part of the meeting.

55. Power Of Chairman Of Meeting To Maintain Order :-

Where at a meeting of the Board any member or other person refuses to comply with any direction of the Chairman ruling any business, discussion or matter out of order, or otherwise regulating the conduct of members or of business, or where any member or person wilfully disturbs the meeting, the Chairman may require that member or person to withdraw from the meeting, and, in the event of his not doing so, may employ against him such force as is necessary, or as in good faith he believes to be necessary, for the purpose of removing and excluding him from the meeting.

56. Decision By Vote :-

(1) All questions which may come before a meeting of a Board shall be decided by a majority of the votes of the members present and

voting.

(2) In case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

(3) The foregoing provisions of this section shall be subject to the provisions of sub-section (5) of section 58 and of any other provision of, or under, this or any other enactment requiring a resolution to be supported by any proportion or number of the members.

57. Right Of Certain Officers To Attend And Speak At Meetings :-

The Medical Officer and the Executive Engineer-in-Charge of the district, the Inspector or Inspectors of Schools of the circle, and any other Government officers specially authorized by the State Government in this behalf shall, with the permission of the Chairman, be entitled to attend any meeting of a Board and to address the Board on any matter affecting their respective departments.

58. Minute Book And Resolutions :-

(1) The names of the members present and the proceedings held and resolutions passed at a meeting of a Board shall be entered in a book to be called the Minute Book a true copy of which shall be open at all reasonable times for inspection of any inhabitant of the district.

(2) The minutes shall be read out at the meeting or the next ensuing meeting and after being passed as correct by the members (or a majority of them) present at the meeting Who were also present at the proceedings recorded in the minutes, shall be certified as passed by the signature of the Chairman of the meeting at which they are passed.

(3) Copies of every resolution passed by a Board at a meeting shall, within ten days from the date of the meeting, be forwarded to the District Magistrate, 1[X X X] and the Director of Local Bodies.

(4) When subsequent to action being taken in respect of any resolution under sub-section (3) but before the minutes recording the resolution are signed as required by sub-section (2) any alteration is made in the wording of such minutes, the alteration shall be communicated to the District Magistrate, Magistrate, 1[X X X] and the Director of Local Bodies.

(5) A resolution of a Board shall not be modified or cancelled within

six months after the passing thereof-

(a) unless previous notice has been given setting forth fully the resolution which it is proposed to modify or cancel and the motion or proposition for the modification or cancellation of such resolution, and

(b) except by a resolution supported by not less than one-half of the total number of members of the Board for the time being.

1 Omitted by Item No. (6) of the Schedule to Rajasthan Act No. 8 of 1962, published In the Rajasthan Gazette, Part IV-A, Extraordinary, dated 23.4.1962

59. Appointment Of Committees :-

(1) (a) There shall be an Executive Committee of the Board consisting of-

(i) the Chairman of the Board,

(ii) the Vice-chairman of the Board,

(iii) three members of the Board elected by the Board, and

(iv) the Chairman of such Committees established by the Board under sub-section (2) as may be notified by the State Government.

(b) The Secretary of the Board shall be the ex-officio Secretary of such Executive Committee.

(c) The Executive Committee may exercise and shall perform or discharge such powers, duties and functions as are-

(i) specified in column 2 of the Second Schedule and against which the words "shall be exercised by the Executive Committee" have been entered in column 3 of that schedule, and

(ii) delegated to the executive Committee under section 71: Provided that the Executive Committee may delegate and withdraw such of its powers, duties or function to a Tehsil Committee or any officer of the Board as may be prescribed.

(2) Subjects to the provisions of section 65 and to such conditions as may be prescribed by rule in this behalf, a Board may-

(a) by resolution establish any other Committees to assist it in the discharge of any specified duties or class of duties within the whole or any portion of the district, and may delegate of any such Committee all or any powers of the Board which may be necessary for purpose of rendering such assistance;

(b) elect in the prescribed manner such of its members as it thinks fit for a period not exceeding one year to any Committee so established; and

(c) by resolution remove any member elected under clause (b)

(3) A Board may from time to time by resolution establish and appoint the members of one, or more than one Committee for the purpose of inquiring into and reporting on any matter in respect of which a decision of the Board is required by or under this Act.

60. Appointment Of Persons Other Than Members :-

(1) Notwithstanding anything contained in this Act it shall be lawful for a Board by a resolution supported by not less than one-half of the whole number of members for the time being to appoint as members of any Committee established under sub-section (2) of section 59, or any Tehsil Committee, any persons who are not members of the Board, but who, in the opinion of the Board, possess technical qualifications for serving on such Committee: Provided that the number of persons so appointed on a Committee shall not exceed one-fourth of the total number of members of the Committee.

(2) All the provisions of this Act and of any rules relating to the duties, powers, liabilities, disqualifications and disabilities of members shall be applicable, so far as as may be to such persons.

61. Vacancies In Committees :-

A vacancy occurring in any committee may at any time be filled up by the Board, in the manner prescribed by section 59 or section 60 of another member or person.

62. Chairman Of A Committee :-

(1) The Chairman of the Board shall be ex-officio Chairman of the Executive Committee.

(2) The Chairman of the Board shall also, if he is a member of any other Committee established under sub-section (2) of section 61, or a Teshil Committee constituted under section 59, the ex-officio Chairman of such Committee.

(3) If the Chairman of the Board is not and a Vice-Chairman of the Board is a member of any such Committee as is referred to in sub-section (2), such Vice-Chairman shall be ex-officio Chairman of such Committee.

(4) If neither the Chairman nor any Vice-Chairman of the Board is a member of any such Committee as is referred to in sub-section (2), the Board shall by resolution appointed a Chairman for such Committee.

63. Procedure Of Committees :-

(1) The provisions of section 55, of sub-sections (1) and (2) of section 56, of section 57, and of section 58 shall apply to the proceedings of Committees of a Board as if the word "Committee" were substituted for the word "Board" wherever it occurs therein.

(2) Committees may meet and adjourn as they think proper, but the Chairman of the Committee may, whenever he thinks fit, and shall upon the written request of the Chairman of the Board or of not less than two members of the Committee, call a meeting of the Committee.

(3) Subject to the provisions contained in sub-section (4) no business shall be transacted at any meeting unless more than one-third of the members of the Committee are present thereat.

(4) Where it is necessary to postpone any business at a meeting of Committee for want of the prescribed quorum, the procedure specified in sub-section (3) of section 53 shall be followed.

64. Subordination Of Committees To Board :-

(1) The Board may at any time call for any extract from any proceedings of any Committee and for any return, statement, account or report concerning or connected with any matter with which the Committee has been authorized or directed to deal.

(2) Every Committee shall, comply with any request of the Board made under sub-section (1) within forty-five days,

65. Tehsil Committees :-

(1) Such members of the Board may be prescribed shall constitute a Committee (which shall be called the "Tehsil Committee") to assist the Board in the administration of the affairs of the Tehsil, and shall have such powers and perform such duties as may be delegated to them by the Board.

(2) The Board shall allot to the Tehsil Committees such funds as may be necessary to enable them to carry out the duties entrusted to them.

(3) With the sanction of the State Government two or more Tehsil Committees may be combined as a single Committee to exercise the powers of a Tehsil Committee over the Tehsil which the members represent.

66. Joint Committees :-

(1) A Board may, and if so required by the State Government shall, combine with one, or more than one, other assenting local authority to appoint, by means of a written instrument subscribed by the local authorities concerned, a Joint Committee for the purpose of transacting any business in which they are jointly interested.

(2) Such instrument shall prescribe the number of members who shall be chosen by each local authority to represent it upon the Joint Committee, the person who shall be the Chairman thereof, the powers, being exercisable by one or more of the concurring local authorities, which may be exercised by the Joint Committee and the method of conducting the proceedings and correspondence thereof,

(3) Such instrument may from time to time be varied or rescinded by a further instrument subscribed by all the local authorities concerned, and in the event of the recession of any instrument under this sub-section all proceedings thereunder shall be deemed inoperative with effect from a date to be specified in such further Instrument,

(4) Any difference of opinion arising in the course of any proceedings under the foregoing provisions of this section between two or more local authorities shall be decided by reference to the State Government under section 195.

67. Sanctioning Of Contracts :-

(1) The sanction of the Board by resolution is required in the case of every contract-

(a) for which budget provision does not exist, or

(b) involving a value exceeding such amount as may be fixed by rule.

(2) Any contract, other than a contract of either description specified in sub-section (1) may be sanctioned by resolution of the Board, or by a Committee of the Board (not being an Advisory Committee) empowered in this behalf by regulation or any one, or more than one, officer or servant of the Board so empowered.

(3) Where the plans or estimates of a project have, in accordance with any rule made in this behalf, been sanctioned by the Board, and the execution of the work has been entrusted by the Board to an Engineer in its service or employment, the Board, with the previous sanction of the Director of Local Bodies may empower by resolution such Engineer of the Director of Local Bodies may

empower by resolution such Engineer to sanction all contracts, or any one or more contracts of any particular description, required for the execution of the project, and may in like manner impose any condition or restriction on the exercise of the power so conferred.

68. Execution Of Contracts :-

(1) Every contract made by or on behalf of a Board whereof the value or the amount exceeds fifty rupees shall be in writing.

(2) Every such contract shall be signed-

(a) by the Chairman or a Vice-Chairman and by the Secretary, or

(b) by any person or persons empowered under sub-section (2) or sub-section (3) of section 67 of sanction the contract if further and in like manner empowered in this behalf by the Board.

(3) If a contract to which the foregoing provisions of this section apply is executed otherwise than in conformity therewith, it shall not be binding on the Board:

Provided that unless and until the contract has been duly executed in writing, no work including collection of materials in connection with the said contract shall be commenced.

69. Registration Of Instruments :-

Where the Indian Registration Act, 1908 or any rule made hereunder, requires or permits any act to be done with reference to a document by a person executing or claiming under the same, and the document has been executed on behalf of a Board or is a document under which a Board claims, the act may, notwithstanding anything to the contrary contained in the aforesaid enactment or in any rule thereunder, be done by the Chairman, or by any other officer of the Board empowered by regulation in this behalf.

70. Powers Of Which The Exercise Is Reserved To A Board Acting By Resolution :-

(1) The powers, duties and functions specified in the second column of the Second schedule with the exception of those against which an entry is shown in the third column of that Schedule, may be exercised, and shall be performed or discharged, by a Board by resolution passed at a meeting of the Board and not otherwise.

(2) Noting in sub-section (1) shall be construed to prevent a resolution of a Board being carried into execution by any agency

duly authorised in this behalf by or under this Act, or by a servant of the Board acting within the scope of his employment.

71. Delegation Of Powers By Board :-

(1) With the exception of a power, duty or function-

- (a) specified in the second column, and against which no entry is shown in the third column of the second schedule,
- (b) reserved or assigned to a Chairman by clauses (a) and (b) of section 42 or by section 43 or section 85, or
- (c) reserved to the Secretary of a Board under section 77 or section 85.

A Board may delegate by regulation all or any of the powers, duties or functions conferred or imposed on or assigned to a Board under this Act.

(2) Except as provided in sub-section (3) a Board shall not itself exercise, perform or discharge, or interfere in the exercise performance or discharge of, any power, duty or function which it has delegated under sub-section (1).

(3) The delegation by the Board under sub-section (1) of any power, duty or function may be made subject to the condition that all or any orders made in pursuance of such delegation shall be subject to the right of appeal to, or revision by, the Board within a specified period.

(4) Nothing in the foregoing provisions of the section shall be deemed to prevent a resolution of a Committee of a Board being carried into execution by any agency duly authorized in this behalf by or under this Act, or to preclude any servant of the Board from acting within the scope of this employment.

72. Validity Of Acts And Proceedings :-

(1) No vacancy in a Board, or in a Committee of a Board, shall vitiate any of acts or proceedings.

(2) No disqualification or defect in the election, co-option or appointment of a person acting as a member of a Board or of a Committee appointed under this Act, or as the Chairman of a meeting of a Board or of such Committee shall be deemed to vitiate any act or proceeding of the Board or Committee, if the majority of the persons present at the time of the act being done or proceeding being taken, were qualified and duly elected, co-opted or appointed members of the Board or Committee.

(3) Until the contrary is proved, any document or minutes which

purport to be the record of the proceedings of a Board or Committee shall, if substantially made and signed in the manner prescribed for the making and signing of the record of such proceedings, be deemed to be a correct record of the proceedings of a duly convened meeting held by a duly constituted Board or Committee whereof all the members were duly qualified.

CHAPTER 4 OFFICERS AND SERVANTS OF BOARD

73. Appointment Of Secretary Of Board :-

The State Government shall appoint a Secretary of a Board who shall be a whole time salaried officer of Government not below the rank of a Tehsildar, and whose conditions of service shall be the same as those of other Government officials of equal status.

74. Withdrawal Or Punishment Of Secretary :-

(1) The State Government shall withdraw any person appointed as the Secretary of a Board, if the Board desires such withdrawal by a special resolution passed by a vote of not less than two-third of the total number of members of the Board for the time being.

(2) Upon such withdrawal the State Government shall appoint another Secretary in accordance with section 73.

(3) If the circumstances leading to the passing of the special resolution so warrant, the State Government may take such disciplinary action, by way of punishment against the person withdrawn under sub-section (1) as it thinks necessary or proper.

75. Other Officers And Servants Of The Board :-

Every Board shall, by special resolution, appoint such other officers and servants as it is required to appoint by rule.

76. Officiating Appointments :-

(1) During the absence on leave or other temporary vacancy in the case of the officers or servants with the Board is authorised to appoint, under section 75, the Board, may appoint a person to act in the vacancy.

(2) Every person so appointed may exercise the powers and shall perform the duties of the office to which he is so appointed.

77. Powers Of The Secretary Of Board :-

The Secretary of a Board shall have the following powers, namely-

- (a) the power to receive, recover and credit to the district fund any sum due or tendered to the Board,
- (b) the powers conferred by the sections or sub-sections specified in the first column of the Third Schedule and the power to do all things necessary for the exercise of these powers;
- (c) the power, subject to the control of the Chairman to grant, refuse, suspend or withdraw all licenses, the power to grant which is conferred by this Act or by rules or regulations made thereunder except licenses for markets, slaughter houses or hackney carriages; and
- (d) any other power that has been delegated by the Board to the Secretary.

78. Appeal From Order Of Secretary :-

(1) No appeal shall lie from any order passed by the Secretary in exercise of the powers conferred upon him by section 77, unless-

- (a) the order is an order against which an entry is shown in the third column of the Third Schedule, such entry not being avoided by a regulation made under section 177; or
- (b) the order is an order passed in respect of a licence and provision is made for appeal therefrom by any bye-law or
- (c) the order is an order passed in respect of any power, duty or function which has been delegated by the Board to the Secretary and which has been made subject to the right of appeal.

(2) Where an appeal lies, it shall be filed within thirty days of the communication of the order or of the date on which the order is, under the provisions of this Act, deemed to have been communicated.

(3) Where an appeal is filed within such period-

- (a) it shall be heard by the Chairman of the Board who may confirm, modify or set aside the order, and
- (b) the order shall remain suspended until the appeal is decided:

Provided that an appeal from an order under clause (b) of sub-section (1) shall be heard in the manner prescribed by the bye-law.

79. Delegation Of Powers By Secretary :-

(1) The Secretary of a Board, with the sanction of the Chairman, may empower, by general or special order, any servant of the Board to exercise, under his control, any power conferred on him

under this Act.

(2) An order by the Secretary under sub-section (1) may prescribe any condition any impose any restriction in respect of the exercise of any power.

(3) Any order passed by a servant of the Board in exercise of a power conferred on him under sub-section (1) shall be liable to recession or revision by the officer who conferred the power.

80. Power Of Board To Require Reports, Etc. From Officers :-

(1) A Board or any Committee of a Board may require from the Secretary and from any of its officers-

(a) any return, statement, estimate, statistics or other information regarding any matter appertaining to the administration of the district;

(b) a report or explanation on any such matter; and

(c) a copy of any record, correspondence or plan or other document which is in his possession or under his control in his official capacity or which is recorded or filed in the office or in the office of any servant subordinate to him.

(2) Every officer from whom any requisition is made under sub-section (1) shall comply with it without any unreasonable delay.

81. Right Of Officers To Take Part In Discussions :-

The Secretary and any officer prescribed by regulation in this behalf may, with the permission of the Chairman, or in virtue of a resolution passed in this behalf at a meeting of the Board or of a Committee thereof, make an explanation in regard to a subject under discussion but shall not vote upon or propose a resolution at such meeting.

82. Power Of Government To Effect Appointment Of Officers To Whom Section 75 Applies :-

(1) The State Government may by order require a Board to exercise the power conferred on it by section 75 to appoint any of the officers or servants whom the Board is competent to appoint, or the power conferred by sub-section (1) of section 76 to appoint a person to act in the place of any such officer or servant.

(2) An order under sub-section (1) shall prescribe the period within which the Board shall comply therewith.

(3) If the Board fails to comply with any such order within the prescribed period, or appoints a person whose appointment contravenes a rule made under section 89 and fails within a further period to be fixed by the State Government to appoint an approved person, the State Government may, if it thinks fit, appoint a person to fill the vacancy and may also, at its discretion, fix the salary, contribution, provident fund or pension and conditions of services of the officer or servants so appointed :

Provided that no appointment under this sub-section shall be made by the State Government unless it has given reasonable opportunity to the Board to show cause against the same.

83. Power Of Board To Determine Staff In Addition To Obligatory Minimum :-

A Board may by resolution determine what officer or servants are required for the discharge of the duties of this Board, and the salaries to be paid to them respectively provided that the appointment of a Health Officer or an Engineer shall be made by special resolution.

84. Combination Of Offices :-

Subject to the provisions of this Act or of any rule, a Board may appoint one person to discharge the duties of any two or more offices.

85. Appointment And Dismissal Of Servants Of Board :-

Except in the cases provided for by section 73, the power to decide all questions arising in respect of the service, leave, pay, allowances and privileges of servants of the Board, who are employed whether temporarily or permanently on a monthly salary of more than Rs. 40/- and the power to appoint, grant leave of absence to punish, dismiss, transfer and control such servants of the Board, shall vest in the Chairman and the said powers in the case of all other servants of the Board shall vest in the Secretary :

Provided, first, in that case the Chairman in exercise of his powers under this section dismisses a servant of the Board or imposes a fine exceeding in amount one month's pay of the person fined or orders suspension for a period exceeding one month or orders reduction by way of punishment or supersedes any such servant in the matter of promotion the said servant shall have a right of

appeal to the State Government or to such officer as may be authorized in that behalf by the State Government within one month from the date on which the order of the Chairman is communicated to him:

Provided, secondly, that an appeal shall lie to the Chairman from all orders passed by the Secretary in exercise of his powers under this section within one month from the date on which the order is communicated to such a servant :

Provided, thirdly, that the provisions of this section shall be subject to the provisions of section 89 :

Provided, fourthly, that the power to appoint and dismiss the Tax Officer and the Account of the Board shall vest in the Board, subject in the case of dismissal, to a right a appeal to the State Government within one month of the order of dismissal.

86. Power Of Government To Transfer Certain Powers Of Secretary To Health Officer Of Board :-

Notwithstanding the provisions of section 85 the powers vested in the Secretary of a Board by that section in respect of the servants of the Board employed for conservancy, public health, vaccination and the registration of births and deaths shall, if the State Government so direct, be vested in the Health Officer of the Board subject to the general control of the Chairman, and in such case the Secretary of the Board shall be divested of the said powers.

87. Power Of Government To Transfer Certain Powers Of Secretary To Engineer Of Board :-

Notwithstanding the provisions of section 85, the powers vested in the Secretary of a Board by that section in respect of servants of the Board employed on the construction or maintenance of public works shall be vested in the Engineer of the Board subject to the general control of the Chairman, and in such case the Secretary of the Board shall be divested of the said powers.

88. Temporary Servants Required For Emergency :-

The Chairman of a Board shall have power to authorise the appointment and fix the salaries of temporary savants of the Board in case of an emergency subject to the following conditions, namely-

(a) the Chairman in exercise of such power shall not act in

contravention of an order of the Board prohibiting the employment of temporary servants for any particular work, and

(b) each appointment under this section shall be reported at the next meeting of the Board following the appointment.

89. Limitation Of Powers Conferred By Sections 75, 76, 83 And 85 :-

The provisions of sections 75, 76, 83 and 85 shall be subject to the provisions of-

(a) Section 90:

(b) any rule imposing any conditions on the appointment of persons to offices or to any particular office requiring professional skill and on the punishment or dismissal of persons so appointed, and on their liability to service under the orders of any Government on the occurrence of any emergency;

(c) any rule relating to Government servants employed, under the orders of the State Government by any Board, and

(d) any other rule relating to servants of a Board.

90. Pension And Dismissal In Case Of Government Servants Employed By Board :-

(1) A Board shall contribute to the pension and leave allowances of any servant-

(a) whose services are lent or transferred by any Government to the Board, or

(b) whose services are lent or transferred by the Board to any Government.

(2) Such contributions shall be to the extent prescribed by any general rules or special orders made by the Government concerned.

(3) Notwithstanding anything in the foregoing provisions of this chapter, a Board shall not, without the assent of the Government concerned.

(a) dispense with the services of, reduce the pay of, or punish any servant described in clause (a) of sub-section (1): or

(b) finally dismiss from its service any servant described in clause (b) of sub-section (1) unless it has given, the Government concerned at least six months notice.

(4) Notwithstanding anything in the foregoing provisions of this chapter a Board may-

(i) transfer to any place within the rural area any servant described in clause (a) of sub-section (1); or

(ii) suspend for inquiry any servant prescribed in clause (a) of sub-section (1) pending the order of the State Government.

91. Leave Allowances, Provident Funds, Annuities And Gratuities :-

(1) In every case where a Board is entitled to pay a salary to any officer or servant it, shall subject to any regulations in this behalf be entitled to pay leave allowances to such officer or servant.

(2) A Board may, with the previous sanction of the State Government, establish and maintain a provident fund and may itself contribute thereto.

(3) A Board may grant a gratuity, upon his retirement, to any servant of the Board who is excluded from participation in the benefits of the provident fund.

(4) A Board may, with the previous sanction of the State Government, grant or arrange for the purchase of, an annuity to-

(a) any servant who, at the date of his retirement, has not been contributing to a provident fund established under sub-section (2) or has contributed thereto for a period of less than ten years, and

(b) any officer or servant injured, otherwise than by reason of his own default, in the execution of his duty, or where such injury results in death, the family of such officer or servant.

(5) A Board may, with the like sanction, instead of taking action under clause (b) of sub-section (4) grant a compassionate allowance to an officer or servant referred to therein, or to the family of such officer or servant.

92. Limitation Of Powers Conferred By The Previous Section :-

The provisions of section 91 shall be subject to the condition that the Board shall not, without the special sanction of the State Government, grant to any officer or servant or to his family a pension, annuity or gratuity greater in amount than that to which he or it would have been entitled under any general or special orders of the State Government if the service qualifying for the pension, annuity or gratuity had been service under Government for the same time, on the same pay and in other respects of the same character.

93. Provision Against Servant Being Interested In Contracts :-

(1) A person who has, directly or indirectly, by himself or his partner, a share or interest in a contract with, by or on behalf of, a Board or in any employment with, under, by or on behalf of a Board, otherwise than as a servant of the Board, shall be disqualified for being a servant of such Board.

(2) A servant of the Board who acquires, or continues to have, directly or indirectly, by himself or his partner, a share or interest in any such contract or employment as aforesaid shall cease to be a servant of the Board and his office shall become vacant.

(3) A servant of the Board who knowingly acquires or continues to have directly or indirectly a share or interest in a contract or except in so far as directly or indirectly a share or interest in a contract or except in so far as concerns his employment as a servant of the Board, in any employment with, under, by or on behalf of, a Board of which he is a servant, shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

(4) Nothing in this section shall apply to any such share or interest in a contract or employment with, under, by or on behalf of the Board as is referred to in clauses (b) and (d) of the proviso to section 33 or to any share or interest acquired or retained with the permission of the Director of Local Bodies in any lease, sale or purchase of land or buildings or in any agreement for the same.

94. All Officers And Servants Of A Board To Be Public Servants :-

Every officer or servant of a Board shall be deemed to be a public servant within the meaning of the Indian Penal Code, and in the definition of "Legal remuneration" in section 161 of the Code, the word "Government" shall for the purpose of this section, be deemed to include a Board.

95. Suspension :-

(1) Suspension may be of two kinds-

(a) suspension as a punishment and

(b) suspension pending inquiry or orders.

(2) Where a general power to punish is conferred by this Act, it shall be deemed to include a power to suspend as a punishment for a period not exceeding three months.

(3) Where a power of dismissal, whether subject to the sanction of any other authority or not is conferred by this Act, it shall be

deemed to include a power to suspend any person against whom the power of dismissal might be exercised pending inquiry into his conduct or pending the orders of any authority whose sanction is necessary for his dismissal.

(4) Where suspension is ordered pending inquiry or order and the officer suspended is ultimately restored, it shall be at the discretion of the authority ordering his suspension whether he shall get any, and, if so, what allowance during the period of suspension but in the absence of any order to the contrary he shall be entitled to the full remuneration which he would have received but for such suspension.

CHAPTER 5 GENERAL POWERS AND DUTIES OF BOARDS

96. Duties Of Board :-

Every Board shall make reasonable provision within the district for the following matters-

- (a) the construction repair and maintenance of public roads, and bridges and generally the improvement of communications;
- (b) the planting the preservation of trees on the sides of public roads maintained from out of the District Fund and on other public grounds;
- (c) the establishment, management, maintenance and vesting of hospitals, dispensaries, aushadhalayas, maternity centres, poor houses, asylums, orphanages, veterinary hospitals, staging houses, inspection houses, public parks and gardens and other public institutions established, managed and maintained from out of the District Fund and the construction and repair of all buildings connected with these institutions;
- (d) the construction and repair of school houses and all appurtenant buildings, the establishment, management and maintenance of schools, reading rooms and libraries either wholly or by means of grants-in-aid the inspection of schools, the training of teachers and the establishment of scholarships;
- (e) the construction and repair of public wells, tanks, waterworks, canals, embankments and drainage works and the supply of water from them and from other sources;
- (f) the institution, holding and management of fairs, agricultural shows and industrial exhibitions, the breeding and the medical treatment of cattle, horses, camel and other animals and all measures tending to the improvement and assistance of agriculture and industries;

- (g) the management of any public or private charities or trust placed by the order or with the consent of the State Government under the Board;
- (h) public vaccination and the prevention of disease;
- (i) providing a sufficient supply of pure and wholesome water where the health of the inhabitants is endangered by the insufficiency or unwholesomeness of the existing supply, guarding from pollution of water used for human consumption and preventing polluted water from being so used;
- (j) maintaining and developing the value of property vested in or entrusted to the management of the Board;
- (k) preparing such returns, statements and reports as the State Government requires the Board to submit;
- (l) the dissemination of knowledge regarding such matters as disease, hygiene, sanitation, agriculture, industries and cattle breeding;
- (m) fulfilling any obligation imposed by law upon it.

97. Discretionary Functions Of Board :-

A Board may make provision within the district for-

- (a) laying out, whether in areas previously built upon or not, new public roads, and acquiring land for that purpose and for the construction of buildings, and their compounds to about such roads :

Provided the alignment of the roads is made in consultation with the Village Panchayat concerned;

- (b) reclaiming unhealthy localities;
- (c) furthering educational objects by measures other than the establishment and maintenance of schools;
- (d) taking a census and granting rewards for information which may extend to secure the correct registration of vital statistics;
- (e) the doing of anything whereon expenditure is declared by the State Government or by the Board with the sanction of the State Government to be an appropriate charge on the District Fund.

98. Exclusion Of Certain Areas And Matters From Jurisdiction Of Board :-

Nothing in this Act shall.--

- (1) authorize a Board to alter in any way that side of the budget which deals with receipts as prepared by the Executive Committee, or

(2) confer on any Board any right in respect of any work or institution carried out and maintained by any agency not under the control of such Board; or

(3) entitle a Board to exercise within the limits of any Municipality any authority which is vested in the Municipal Board : provided that the Board may nevertheless have its office within the aforesaid limits.

99. Power Of Board To Co-Operate With Other Authorities And To Assist Institutions Not Managed By It :-

A Board may also-

(a) unite with any other Board or other local authority in works or undertakings which benefit all the areas controlled by such authorities, and

(b) contribute to any work or institution from which the district benefits, although such work or institution is undertaken or maintained outside the district or included in any Municipality.

100. Power To Remove Encroachments And Projections Over Roads And Drains :-

The Board may, by notice, require the owner or occupier of a building to remove or to alter a projection or structure overhanging, projection into or encroaching on a public road or land vested in or maintained by the Board, or into, on or over any drain, sewer or aqueduct therein:

Provided that in the case of any such projection or structure lawfully in existence at the commencement of this Act, the Board shall make adequate compensation for any damage caused by the removal or alteration.

101. Power To Remove Accidental Obstructions :-

When a private house, wall or other erection or anything fixed thereto or a tree falls down and obstructs a public drain or encumbers a public road, or a building or land vested in or maintained by the Board, the Board may remove such obstruction or encumbrance at the expense of the owner of the same and may recover such expense in the manner provided by Chapter VII or may by notice require the owner to remove the same within a time to be specified in the notice.

102. Power To Construct, Improve And Provide Sites On

Public Roads :-

A Board may-

- (a) lay out and make a new public road and construct tunnels and other works subsidiary to the same; or
- (b) widen, lengthen, extend, enlarge or otherwise improve any existing public road if vested in the Board, or
- (c) turn, divert, discontinue or close any public road so vested, or
- (d) provide within its jurisdiction building sites of such dimensions as it thinks fit to abut on or adjoin any public road made, widened, lengthened, extended, enlarged or improved by the Board under clauses (a), (b) and (c) or by the State Government or
- (e) subject to the provisions of any rule prescribing the conditions on which property may be acquired by the Board, acquire any land, along with the building thereon, which it considers necessary for the purpose of any scheme or work undertaken or projected in exercise of the powers conferred by the preceding clauses or
- (f) subject to the provisions of any rule prescribing the conditions on which property vested in the Board may be transferred, lease, sell or otherwise dispose of any property acquired by the Board under clause (e) or any land used by the Board for a public road and no longer required therefor, and in doing so impose any conditions as to the removal of any building to be erected thereon and as to any other matter that it deems fit :

Provided that in undertaking work under this section, the Board shall in no case interfere with or encroach upon any place of worship or religious sanctity:

Provided further that in undertaking works under this section the Board shall not take up those works which are within the village abadi without the consent of the Panchayat concerned.

103. Duties Of Board When Constructing Roads Etc. :-

(1) The Board shall during the construction or repair of a public road or of any water channels, dairies or premises vested in it, or whenever any public road, water-channels, drains or premises vested in it have, for want of repairs or otherwise, become unsafe for use the public, take all necessary precautions against accident by-

- (a) shoring up and protecting adjacent buildings,
- (b) fixing bars, chains or posts across or in any road for the purpose of preventing or diverting traffic during such construction

or repair; and

(c) guarding and providing with sufficient lighting from sun-set to sunrise any work in progress.

(2) Whoever, without the authority or consent of the Board, in any way interferes with any arrangement or construction made by the Board under sub-section (1) of guarding against accident shall be liable on conviction to a fine which may extend to fifty rupees.

104. Power To Require Private Water Course Etc. To Be Cleaned Or Closed :-

(1) The Board may, by notice, require the owner of, or the person having control over a private water course spring tank well or other place, the water of which is used by the public for drinking, to keep and maintain the same in good repair and to clean the same from time to time, of silt, refuse or decaying vegetation, and may also require him to protect the same from pollution in such manner as the Board may think fit :

Provided that at the request of the owner made in writing the Board may undertake to clean as aforesaid such water-course, spring, tank, well or other place or to protect the same from Pollution at the Board.

(2) When the water of any such water-course, spring, tank, well or other place is proved to the satisfaction of the Board to be unfit for drinking, the Board may, by notice, require the owner or person having control to desist from so using such water or permitting others to so use it, and if, after such notice, such water is used by any person for drinking, the Board may, by notice, require the owner or person having control thereof to close such well either temporarily or permanently or to enclose or fence such water-course, spring, tank, well or other place in such manner as it may direct, so that the water thereof may not be so used.

105. Emergent Powers On Outbreak Of Epidemic :-

In the event of a district or any part thereof being visited with an outbreak of cholera or other infectious disease notified in this behalf by the State Government, the Chairman of the Board or any person authorised by him in this behalf may, during the continuance of the epidemic, without notice and at any time, inspect and disinfect any well, tank or other place from which water is, or is likely to be taken for the purpose of drinking, and may, further, take such steps as he deems fit to prevent the removal of water therefrom.

106. Ordinary Inspection :-

The Chairman of a Board, and if authorised in this behalf by resolution, any other member, officer or servant of the Board may enter into or upon a building or land, with or without assistants or workmen, in order to make an inspection or survey or to execute a work which a Board is authorised by this Act, or by rules or bye-laws, to make or execute, or which it is necessary for a Board, for any of the purposes or in pursuance of any of the provisions of this Act or of, rules or bye-laws, to make or execute:

Provided that-

- (a) except when it is in this Act or in rules or bye-laws otherwise expressly provided, no such entry shall be made between sun-set and sun-rise,
- (b) except when it is in this Act or in rules or bye-laws otherwise expressly provided, no building which is used as a human dwelling shall be so entered, except with the consent of the occupier thereof without giving the said occupier not less than eight hours, previous written notice of the intention to make such entry,
- (c) sufficient notice shall in every instance be given, even when any premises, may otherwise be entered without notice, to enable the inmates of an apartment appropriated for females to remove to some part of the premises where their privacy need not be disturbed; and
- (d) due regard shall always be had to the social and religious usages of the occupants of the premises entered.

107. Powers For Effecting Entry :-

It shall be lawful for a person authorised under the provisions of the preceding section to make an entry for the purpose of inspection to open or cause to be opened, a door, gate or other barrier:-

- (a) if he considers the opening thereof necessary for the purpose of such entry, inspection, and
- (b) if the owner or occupier is absent, or, being present, refuses to open such door gate or barrier.

108. Recovery Of Rent On Land :-

(1) Where any sum is due on account of rent from a person to a Board in respect of land vested in or entrusted to the management of the Board, the Board may apply to the Collector to recover any

arrear of such rent as if it were an arrear of land revenue.

(2) The Collector on being satisfied that the sum is due shall proceed to recover it as an arrear of land revenue.

109. Recovery Of Rent Of Other Immovable Property :-

Any arrears due on account of rent from a person to the Board in respect of immovable property other than land, vested in or entrusted to the management of the Board shall be recovered in the manner prescribed by Chapter VII.

110. Fees For Use, Otherwise Than Under A Lease Of Property Of The Board :-

(1) The Board may charge fees to be fixed by bye-law or by public auction or by agreement for the use or occupation (otherwise than under a lease) of any immovable property vested in, or entrusted to the management of, the Board, including any public road or place of which it allows the use or occupation whether by allowing a projection thereon or otherwise.

(2) Such fees may either be levied along with the fees charged under section 111 for the sanction, licence or permission or may be recovered in the manner prescribed by Chapter VII.

111. Licence Fees Etc. :-

The Board may charge a fee to be fixed by bye-law for any licence, sanction or permission which it is entitled or required to grant by or under this Act.

112. Penalty For Obstructing Persons Employed By Board :-

Whoever obstructs or molests a person employed by or under contract with, the Board under this Act in the performance of his duty or in the fulfillment of his contract, or removes a mark set up for the purpose of indicating any levels or directions necessary to the execution of works authorised by this Act, shall be liable on conviction to a fine which may extend to fifty rupees.

CHAPTER 6 TAXATION

113. Boards Power To Levy Cess :-

A Board shall levy with the previous sanction of the State Government-

- (a) in areas within its jurisdiction, whether settled or not where rent is wholly payable in cash, a cess of one anna per rupee of the rent so payable, and
- (b) such areas where rent is payable wholly in kind or partly in kind and partly in cash, a cess equal to half of the cess mentioned in clause (a) calculated on the each value of the share of the produce payable as such rent until such time as cash rents are introduced therein.

114. Collection Of Cess :-

(1) Where rent is payable directly to the State Government, sums due as cess under section 113 shall be recovered by the Tehsildar along with such rent and remitted to the Board by which the cess shall have been imposed.

(2) When rent is payable to any other person, such other person shall be liable to the Board for the sums due as such cess but he shall be entitled to realise from the persons primarily liable therefor the sums due as such cess from the latter.

1[(3) Any sum of money due as cess under section 113 or under the provisions of any Act or law repealed by section 2 imposing a cess of a similar nature, which has been in arrear, shall be recoverable as if it were an arrear of land revenue.]

2[(4) Any sum of money realisable under section 34 of the Jaipur District Boards Act, 1947, which has been in arrear, shall also be recoverable as if it were an arrear of land revenue.]

1 Inserted and shall be deemed always to have been Inserted by section 7 of Rajasthan Act No.11 of 1956, published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated 10.4.1956.

2 Inserted and shall be deemed always to have been inserted vide section 2 of the Rajasthan Act No.13 of 1957, published in Rajasthan Gazette, Part IV-A. Extraordinary, dated 28.3.1957.

115. Boards Power To Impose Other Taxes :-

A Board may with the previous sanction of the State Government impose a tax on persons assessed according to their circumstances and property (hereinafter referred to as the tax on circumstances and property) in accordance with section 116.

116. Imposition Of Tax On Circumstances And Property :-

The power of a Board to impose a tax on circumstances and

property shall be subject to the following conditions and restrictions, namely-

(a) the tax may be imposed on any person residing or carrying on business in the rural area; provided that such person has so resided or carried on business for a total period of at least six months in the year under assessment;

(b) no tax shall be imposed on any person whose total taxable income is less than three hundred rupees per annum;

(c) the rate of tax shall not exceed four pies in the rupee on the total taxable income; and

(d) the total amount of tax imposed on any person shall not exceed such maximum (if any) as may be prescribed by rule.

Explanation.-For the purpose of this section "taxable income" means estimated income, but shall not include income of the following classes

(i) "Agricultural income" as defined in the Indian Income-Tax Act, 1922,

(ii) Income on which any tax has previously been imposed under the Rajasthan Town Municipalities Act, 1951,

(iii) income on which any tax has previously been imposed by any other Board under section 115:

Provided that in notified and town areas the taxation shall take the form of a contribution from the funds of the notified or town area. This contribution shall be fixed by the Chairman of the Board and of the notified or town area committee in consultation, with due regard both to the services rendered by the Board in each case to the said notified or town area and to the available funds of the area. In case of disagreement between the two Chairmen the matter shall be referred to the Director of Local Bodies, whose decision shall be final.

The words "carrying on business" do not apply to service under Government or a local authority.

117. Framing Of Preliminary Proposals :-

(1) When a Board desires to impose a tax it shall by special resolution frame proposals specifying-

(a) the tax, being one of the taxes described in section 115, it desires to impose;

(b) The persons or class of persons to be made liable and the description of the property or other taxable thing or circumstances in respect of which they are to be made liable, except where and in

so far as any such class or description is already sufficiently defined under clause (a) or by this Act;

(c) the amount or rate leviable from each such person or class of persons;

(d) any other matter referred to in section 124 which the State Government requires by rule to be specified.

(2) The Board shall also prepare a draft of the rules which it desires the State Government to make in respect of the matters referred to in section 124.

(3) The Board shall, thereupon, publish in the manner prescribed by rule the proposals framed under sub-section (1) and the draft rules framed under sub-section (2) along with a notice in such form as the Board may by regulation prescribe.

118. Procedure Subsequent To Framing Proposals :-

(1) Any person ordinarily residing or carrying on business in the district within which the Board desires to impose a tax may, within thirty days from the publication of the said notice, submit to the Board an objection in writing to all or any of the proposals framed under the preceding section, and the Board shall take any objection so submitted into consideration and pass order thereon by special resolution.

(2) If the Board decides to modify its proposals or any of them it shall publish modified proposals and (if necessary) revised draft rules, along with a notice indicating that the proposals and rules (if any) are in modification of proposals and rules previously published for objections.

(3) Any objections which may be received to the modified proposals shall be dealt with in the manner prescribed in sub-section (1).

119. Powers Of Government To Sanction Proposals By Board :-

(1) When the Board has finally settled its proposals it shall submit them along with the objections (if any) made in connection therewith to the Director of Local Bodies, who shall submit the proposals and objections (if any) to the State Government.

(2) The State Government after considering the said objections (if any) may either refuse to sanction the proposals or return to the Board for further consideration, or sanction them without modification or with such modification, not involving an increase of the amount to be imposed, as it deems fit.

120. Rules To Be Made By Government :-

(1) When the State Government has sanctioned the proposals of the Board under sub-section (2) of section 119 is shall, after taking into consideration the draft rules submitted by the Board, proceed forthwith to make under section 176 such rules in respect of the tax or taxes as for the time being it considers necessary.

(2) When the rules have been made a copy thereof shall be sent to the Board.

121. Resolution Of Board Directing Imposition Of Tax :-

Upon receipt of the copy of the rules sent under the preceding section, the Board shall by special resolution direct the imposition of the tax with effect from a date (to be specified in the resolution) not less than six weeks from the date of such resolution.

122. Imposition Of Tax :-

(1) A copy of the resolution passed by the Board under section 121 shall be submitted to the State Government.

(2) Upon receipt of the Copy of the resolution the State Government shall notify in the Raj as than Gazette the imposition of the tax from the appointed date, and the imposition of a tax shall in all cases be subject to the condition that it has been so notified.

(3) A notification of the imposition of a tax under sub-section (2) shall be conclusive proof that the tax has been imposed in accordance with the provision of this Act.

123. Procedure Altering Taxes :-

The procedure for abolishing or suspending a tax, or for altering a tax in respect of the matters specified in clauses (b) and (c) of sub-section (1) of section 117 shall, so far as may be, be the procedure prescribed by sections 117 to 122 for the imposition of a tax.

124. Rules As To Assessment, Collection And Other Matters :-

The following matters shall be governed by rules except in so far as provision therefor is made by this Act, namely:-

- (a) the assessment and collection of taxes;
- (b) the prevention or evasion of taxes;

- (c) the system on which refunds shall be allowed and paid;
- (d) the fees for notice demanding payments on account of a tax on circumstances and property and for the execution of warrants of distress;
- (e) the rates to be charged for maintaining live-stock distained;
- and
- (f) any other matter relating to taxes in respect of which this Act makes no provision or insufficient provision and provision is, in the opinion of the State Government, necessary.

125. Exemption :-

- (1) A Board may exempt for a period not exceeding one year, from the payment of a tax or any portion of a tax imposed under this Act, any person, who is in its opinion, by reason of poverty, unable to pay the same and renew the same exemption as often as it deems necessary.
- (2) The State Government may, by order, exempt from the payment of a tax or any portion of a tax imposed under this Act any person or class of persons or any property or description of property or suspend any such payment for a specified period.

126. Power Of Government To Remedy Or Abolish A Tax :-

- (1) Whenever it appears, on complaint made or otherwise, to the State Government that the levy of any tax imposed by a Board is contrary to the public interest or that any tax is unfair in its incidence, the State Government may after considering the explanation of the Board to take measures, within a time to be specified in the order, for the removal of any defect which it considers to exist in the tax or in the method of assessing or collecting the tax.
- (2) Upon the Failure or inability of the Board to comply, to the satisfaction of the State Government, with an order made under sub-section (1), the State Government may, by notification, suspend the levy of the tax or of any portion thereof until the defect is removed, or may abolish or reduce the tax.

127. Obligation To Disclose Liability :-

- (1) A Board may by written communication call upon any person specified in clause (a) of section 116 to furnish such information as may be necessary in order to ascertain-

- (a) Whether such person is liable to pay a tax assessed on his circumstances and property;
 - (b) at what amount he should be assessed; and
 - (c) the annual value of the building or land, which he occupies, and the name and address of the owner.
- (2) If the person so called upon to furnish the information omit to furnish it, or furnishes information which is un-true, he shall be liable upon conviction to a fine which may extend to one hundred rupees.

128. Powers Of Discovery :-

Subject to the conditions and restrictions specified in the proviso to section 106, the Chairman and Secretary of a Board and, if authorised in this behalf by a resolution any other member, officer or servant of the Board may enter, inspect and measure a building for the purposes of valuation.

129. Appeal Relating To Tax On Circumstances And Property :-

- (1) An appeal against an assessment, or any alteration of an assessment of a tax on circumstances and property may be made to the District Magistrate or to such other officer as may be empowered by the State Government in this behalf.
- (2) When the District Magistrate or such other officer as aforesaid is a member of the Board, the appeal shall lie to the Commissioner.

130. Limitation And Preliminary Deposit Of Tax Claimed :-

No such appeal shall be heard and determined unless-

- (a) the appeal is brought within thirty days next after the date of the receipt of the notice of assessment or alteration of assessment or, if no notice has been given, within thirty days next after the date of the first demand under the assessment or alteration; and
- (b) the amount claimed from the appellant has been deposited by him in the office of the Board.

131. Costs :-

- (1) In every appeal under section 129 the cost shall be in the discretion of the officer deciding the appeal.
- (2) Costs awarded under this section to the Board shall be recoverable by the Board in the manner provided by Chapter VII.

(3) If the Board fails to pay costs awarded to an appellant within ten days after the date of the communication to the Board of the order for payment thereof, officer awarding the costs may order the persons having the custody of the balance of the district fund to pay the amount.

132. Bar To Jurisdiction Of Civil And Criminal Courts In Matters Of Taxation :-

(1) No objection shall be taken to a valuation or assessment, nor shall the liability of a person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided in this Act.

(2) The order of the appellate authority confirming, setting aside or modifying an order in respect of valuation or assessment or liability to assessment or taxation shall be final; provided that it shall be lawful for the appellate authority, upon application or on his own motion, to review any order passed by him in appeal by a further order passed within three months from the date of his original order.

133. Savings :-

No assessment list or other list, notice, bill or other such document specifying or purporting to specify, with reference to any tax, charge, rent or fee, any person, property, thing or circumstance shall be invalid by reason only of a mistake in the name, [or residence], or place of business or occupation of the person, or in the description of the property, thing or circumstance, or by reason of any merely clerical error or defect of form; and it shall be sufficient that the person, property, thing or circumstance is described sufficiently for the purpose of identification and it shall not be necessary to name the owner or occupier of any property liable in respect of a tax.

134. Compulsory Imposition Of Tax :-

(1) Notwithstanding anything contained in this Chapter, the State Government may, subject to the provision contained in section 116, require any Board, by notification in the Rajasthan Gazette, to impose within the district for which it is established, any tax or taxes of the nature specified in section 115 at such rate, from such date, in such manner and in accordance with such rules as may be

specified in the notification and the Board shall thereupon proceed, in compliance with the requisition, to impose such tax or taxes accordingly.

(2) It shall not be lawful for the Board to abandon, modify or abolish any tax so imposed.

CHAPTER 7 RECOVERY OF CERTAIN CLAIMS

135. Presentation Of Bill :-

(1) As soon as a person becomes liable for the payment of-

(a) any sum on account of a tax on circumstances and property, or
(b) any other sum declared by this Act or by any rule or bye-law made thereunder to be recoverable in the manner provided by this Chapter,

the Board shall, with all convenient speed, cause a bill to be presented to the person so liable,

(2) Unless otherwise provided by rule, a person shall be deemed to become liable for the payment of every tax and licence fee upon the commencement of the period in respect of which such tax or fee is payable.

136. Contents Of Bill :-

Every such bill shall specify:-

(a) the period for which, and the property, occupation, circumstance or thing in respect of which, the sum is claimed;
(b) the liability or penalty enforceable in default of payment; and
(c) the time (if any) within which an appeal may be preferred as provided in section 130.

137. Notice Of Demand :-

If the sum for which a bill has been presented as aforesaid is not paid into Boards office or to a person empowered by a regulation to receive such payments within thirty days from the presentation thereof, the Board may cause to be served upon the person liable for the payment of the said sum a notice of demand in such form as the Board may by regulation prescribe.

138. Issue Of Warrant :-

(1) If the person liable for the payment of the said sum does not within thirty days from the service of such notice of demand,

either-

- (a) pay the sum demanded in the notice; or
- (b) show cause to the satisfaction of the Board, or of such officer as the Board by regulation may appoint in this behalf, why he should not pay the same;

such sum with all costs of recovery may be recovered under a warrant caused to be issued by the Board in such form as the Board may, by regulation prescribe, by distress and sale of the movable property of the defaulter.

(2) Every warrant issued under this section shall be signed by the Chairman of the Board or by an officer to whom the Board has delegated its power by regulation.

139. Forcible Entry For Purpose Of Executing Warrant :-

It shall be lawful for an officer of the Board to whom a warrant issued under section 138 is addressed to break open, at any time between sun-rise and sun-set, any outer or inner door or window of a building in order to make the Distress directed in the warrant, in the following circumstances and not otherwise-

- (a) if the warrant contains a special order authorising him in this behalf;
- (b) if he has reasonable grounds for believing that the building contains property which is liable to seizure that warrant; and
- (c) if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided in each case that such officer shall not break open the door of an apartment appropriated for women until he has given to any women therein an opportunity to withdraw.

140. Manner Of Executing Warrant :-

(1) It Shall also be lawful for such officer to detain wherever it may be found within the rural area, any movable property of the person therein named as defaulter, subject to the provisions of sub-section (2).

(2) The following property shall not be detained:-

- (a) the necessary wearing apparel and bedding of the defaulter his wife and children and his necessary cooking utensils;
- (b) such ornaments as may be on the person of a woman at the time of distress;
- (c) the tools of artisans;
- (d) books of accounts; and

(e) when the defaulter is an agriculturist, his implements of husbandry, seed-grain and such cattle including camel as may be necessary to enable him to earn his livelihood.

(3) The distress shall not be excessive, that is to say, the property distained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and, if any articles have been distained which, in the opinion of a person authorised by or under sub-section (2) of section 138 to sign a warrant should not have been so distained they shall forthwith be returned.

(4) The Officer shall, on seizing the property forthwith make an inventory thereof in the presence of not less than two respectable persons of the locality in which the distress is made and shall, before removing the same, give to the person in possession thereof at the time seizure a copy of the inventory signed by himself and such persons and a written notice in such form as the Board may, by regulation prescribe that the said property will be sold as pacified in such notice.

141. Sale Of Goods Under Warrant And Application Of Proceeds :-

(1) When the property seized is subject to speedy and natural decay, or when the expenses of keeping it in custody together with the amount to be recovered is likely to exceed its value, the Chairman or other officer by whom the warrant was signed shall at once give notice to the person from whose possession the property was seized to the effect that it will be sold at once and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

(2) If not sold at once under sub-section (1) the property settled or a sufficient portion thereof may, on the expiration of the time specified in the notice served by the officer executing the warrant be sold by public auction under the order of the Board, unless the warrant is suspended by the person who signed it or the sum due from the defaulter is paid together with all costs incidental to the notice, warrant distress and detention of the property.

(3) The surplus, if any, shall forthwith be remitted by money-order, less postal commission, to the person from whose possession the property was taken. If the amount so remitted is returned to the Board by the post office it shall be credited to the District Fund, notice of such credit being given at the same time to the said person, and if the same be claimed by written application to the

Board, within one year from the date of the service of the notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of service of such notice shall be the property of the Board.

142. Procedure In Case Of Execution Against Property Outside The Rural Area :-

(1) if no sufficient movable property belonging to a defaulter can be found within the rural area, the District Magistrate may, on the application of the Board, issue his warrant to an officer of his court.

(a) for the distress and sale of any movable property of effects belonging to a defaulter, within any other part of the jurisdiction of the Magistrate, or

(b) for the distress and sale of any movable property belonging to the defaulter within the jurisdiction of any other Magistrate exercising jurisdiction within Rajasthan.

(2) In the case of action being taken under clause (b) of sub-section (1), the other Magistrate shall endorse the warrant so issued and cause it to be executed and any amount recovered to be remitted to the Magistrate issuing the warrant, who shall remit the same to the Board.

143. Fees And Costs :-

Fees for-

(a) every notice issued under section 137;

(b) distress made under section 140 or section 142; and

(c) the costs of maintaining any livestock seized under the said sections;

shall be chargeable at the rates respectively specified in that behalf in rules made by the State Government and shall be included in the cost of recovery to be levied under section 138.

144. Savings :-

No distress or sale made under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error, defect or want of form in the bill, notice, warrant of distress, inventory or other proceeding relating thereto.

145. Alternative Power Of Bringing Suit :-

Instead of proceeding by distress and sale, or in case of failure to

realise thereby the whole or any part of the demand, the Board may sue the person liable to pay the same in any court of competent jurisdiction.

CHAPTER 8 FINANCE

146. District Fund :-

(1) There shall be for each district a District Fund and there shall be placed to the credit thereof all sums received by or on behalf of the Board.

(2) Except when it is otherwise specially provided the proceeds of all fines realised in prosecutions under this Act shall be credited to the District Fund.

(3) Nothing in this section shall affect any obligations of a Board arising from a trust legally imposed upon or accepted by it.

147. Power To Raise Loans :-

A Board shall be entitled, with the prior sanction of the State Government and subject to such rules as may be prescribed in this behalf, to raise loans in the open market by the issue of debentures.

148. Custody And Investment Of Fund :-

(1) The District Fund shall be kept in the Government treasury of the District or in the bank to which the Government treasury business has been made over.

(2) In places where there is no such treasury or bank the District Fund may be kept with a banker or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so kept as the State Government may in each case think sufficient.

(3) Nothing in the foregoing provisions of this section shall be deemed to preclude a Board from investing with the previous sanction of the State Government in any of the securities described in section 20 of the Indian Trusts Act, 1882, or placing on fixed deposit with any Bank approved by the State Government any portion of its Fund which is not required for immediate expenditure.

149. Property Vested In Board :-

Subject to any special reservation made by the State Government

all property of the nature specified in this section and situated within the District shall vest in and belong to the Board and shall with all other property which may become vested in the Board be under its direction management and control and shall be held and applied for the purposes of this Act, that is to say-

(a) all public building of every description which have been constructed or are maintained out of the district fund;

(b) all public roads which have been constructed or are maintained out of the district fund and the stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such roads;

(c) all land or other property transferred to the Board by the State Government or by gift, sale or otherwise for local public purposes.

150. Public Tanks And Wells Etc. :-

All tanks and wells and all adjacent land, building, materials and things connected therewith or appertaining thereto within the rural area of the district, not being private property and not being maintained or controlled by any Government or by a local authority other than the Board, shall vest in and belong to the Board.

151. Fees :-

With the previous sanction of the State Government a Board may fix and levy school fees, for the use of libraries, sarais and paraos, fees for the use of or benefits derived from, any of the works or institutions specified in clauses (c) and (e) of section 96, fees for the service of bulls and stallions and fees at fairs, agricultural shows and industrial exhibitions held under its authority or otherwise to which the public is allowed access and at which the Board provides sanitary and other facilities for the public and tolls for the use of bridges constructed, repaired or maintained under clause (a) of section 96 :

Provided that the Board shall not fix or levy fees for the use of paraos, sarais or other properties which are not vested in the Board.

152. Power Of Levying Certain Fees And Tolls :-

Subject to any rule made by the State Government in this behalf, a Board may impose in any market established, maintained or managed by the Board any one or more of the following fees or

tolls-

- (a) licence fees on brokers, commission agents, weighmen or measurers practicing their calling within such market;
- (b) tolls on vehicles other than a motor vehicle as defined in the Motor Vehicles Act, 1939 pack animals or porters bringing goods for sale into such market;
- (c) market fees for the right to expose goods for sale in such market or for the use of any building or structure therein;
- (d) fees on the registration of animals sold in such market.

153. Compulsory Acquisition Of Land :-

Where a Board for the purpose of exercising any power or performing any duty conferred or imposed upon it under this or any other enactment desires the State Government to acquire on its behalf, permanently or temporarily, any land, or any right in respect of land under the provisions of the law relating to compulsory acquisition of land in force for the time being, the State Government may at the request of the Board, acquire such land or such right under the aforesaid provisions, and on payment by the Board to the State Government of the compensation awarded thereunder and of the charges occurred by the State Government in connection with the proceedings, the land or right, as the case may be, shall vest in the Board.

154. Power Of Board To Manage And Control Property Entrusted To Its Management :-

Subject to the provisions of next section and to any condition imposed by the owner of the property, a Board may manage and control any property entrusted to its management and control.

155. Public Institutions :-

(1) The management, control and administration of every public institution maintained exclusively out of the district fund shall vest in the Board.

(2) Any other public institution may be vested in, or placed under the management, control and administration of the Board, provided that the extent of the independent authority of the Board in respect thereof may be prescribed by rule.

(3) All property, endowments and funds belonging to any public institution vesting in or placed under the management, control and

administration of a Board shall be held by the Board in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution became so vested or was so placed.

(4) Nothing in the foregoing provisions of the section shall be held to prevent the vesting of any trust property in the treasurer of Charitable Endowments under the Charitable Endowment Act, 1890.

156. Application Of Fund :-

The District Fund and all property vested in a Board shall be applied for the purposes, express or implied, for which by or under this or any other enactment, powers are conferred or duties or obligations are imposed upon the Board:

Provided that the Board shall not incur any expenditure for acquiring or renting land beyond the limits of the district or for constructing any work beyond such limits except-

- (a) with the sanction of the State Government, and
- (b) on such terms and conditions, as the State Government may impose:

Provided also that priority shall be given in the order set-forth below to the following liabilities and obligations of a Board-

- (a) liabilities and obligations arising from a trust legally imposed upon, or accepted by the Board,
- (b) the repayment of and the payment of interest on any loan raised under the provisions of section 147;
- (c) the payment of establishment charges, including such contributions as are referred to in sections 90 and 91;
- (d) any sum ordered to be paid from the District Fund under sub-section (3) of section 131, sub-section (2) of section 161, sub-section (3) of section 172 or sub-section (3) of section 191.

157. Contribution By Government In Certain Cases :-

(1) Whenever a Board undertakes any of the following works, namely-

- (a) the construction or repair of any public road or bridge under clause (a) of section 96; or
- (b) the establishment of a hospital, dispensary, aushadhalaya, maternity center, poor house, asylum, orphanage or veterinary hospital under clause (c) of the said section; or
- (c) the construction of a school house or building or the

establishment of a school or library or reading room under clause (d) of the said section;

the State Government shall contribute towards the expenses incurred by the Board in such work a sum equivalent to three-fourth of the total amount of such expenses, including supervision charges.

(2) If and when the management of any existing hospital, school, dispensary, aushadhalaya, maternity centre, poor house, asylum, orphanage, library or veterinary hospital is transferred by the State Government to a Board, the State Government shall make towards the expenses to be incurred in such management such sum by way of contribution and in accordance with such scale, as may from time to time be prescribed by the State Government by rules made in that behalf.

158. Provision For And Payment Of Contribution Money :-

(1) Whenever a Board proposes to undertake any of the works specified in sub-section (1) of section 157, it shall cause an estimate thereof to be prepared and submitted to the State Government latest in December every year so as to enable the latter, in case the proposal is sanctioned, to provide for the amount of contribution in the budget estimates of the financial year next following.

(2) The amount due as contribution by the State Government under section 157 shall be paid to a Board either in a lump sum or in monthly or quarterly installments, as the State Government may direct:

Provided that no part of the such amount shall be payable to a Board in advance.

159. Power To Transfer Property :-

(1) Subject to any restriction imposed by or under this Act a Board may be Special Resolution transfer by sale, mortgage, lease, gift, exchange or otherwise any property vested in it, not being property held by it in trust, the terms of which are inconsistent with, the right so to transfer.

(2) Notwithstanding anything contained in sub-section (1) a Board may, with the sanction of the State Government, transfer to Government any property vested in it, but not so as to affect any trust or public rights to which the property is subject.

(3) Every transfer under sub-section (1), other than a lease for a

term not exceeding one year, shall be made by instrument in writing sealed with the common seal of the Board and otherwise complying with all the conditions in respect of contracts imposed by or under this Act.

160. Payment Of Compensation From District Fund :-

A Board may make compensation out of its fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it, its officers or its servants under this or any other enactment, or vested in the State Government for the Director of Local Bodies or the District Magistrate under section 171, shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

161. Payment By Board For Special Police Protection At Fairs Etc. :-

(1) When special police protection is, requisitioned by the Board on the occasion of a fair, agricultural show, or industrial exhibition managed by it, the State Government may provided such protection and the Board shall pay the whole charge thereof or such portion of such charge, as the State Government considers equitably payable by it.

(2) If the sum charged is not paid, the Director of Local Bodies may make an order directing the person having the. custody of the District Fund to pay the expense from such fund.

162. Matters Governed By Rule :-

The following matters shall be governed by rules, namely-

(a) the authority on which money may be paid from the district fund;

(b) the conditions on which property may be acquired by a Board or on which the property vested in a Board may be transferred by sale, mortgage, lease, exchange, or otherwise, and

(c) any other matter relating to the fund or property of a Board in respect of which the Act makes no provision or insufficient provision and provision is, in the opinion of the State Government, necessary.

163. The Budget :-

(1) The Executive Committee shall prepare and lay before the Board at a meeting to be held in every year before such date as is fixed by the rule in this behalf, a complete account of its actual and expected receipts and expenditure for the year ending on the thirty first day of March next following such date, together with a budget estimate of its income and expenditure for the year commencing on the first day of April next following.

(2) The Board shall at the meeting referred to in sub-section(1) of this section, discuss and then by a special resolution-

(a) pass the budget as a whole; or

(b) modify the budget by omitting or reducing any particular item or items of expenditure which it may deem fit to omit or reduce; or

(c) reject the budget as a whole.

(3) (a) If the Board modifies the budget under clause (b) of sub-section (2) by omitting or reducing any item or items of expenditure or rejects the budget as a whole under clause (c) of sub-section (2), it shall remit the modified budget or rejected Budget, as the case may be to the Executive Committee for reconsideration.

(b) If the Executive Committee accepts as a whole the modifications made by the Board under clause (b) of sub-section (2) the budget as modified shall be deemed to have been passed on the date of the Boards resolution.

(c) If the budget has been rejected as a whole or if the Executive Committee does not accept as a whole the modification made by the Board, the said Committee shall re-submit to the Board either its original budget or amended budget.

(d) The Chairman shall lay such budget or amended budget before the Board and the Board shall discuss it and by special resolution either pass it as a whole or reject it as a whole.

(e) If the Board rejects the budget, as a whole, the Chairman shall submit to the State Government through the Director of Local Bodies, the original budget of the Executive Committee, the amended budget of the Executive Committee if any, and the budget as modified by the Board, if any, and the State Government may accept any such budget as a whole or with any such alterations, as it may think fit to make or may prepare a budget for the Board and the budget as accepted by the State Government shall be deemed to have been passed by the Board.

(f) If before such date, as may be fixed by rule in this behalf, the Board has not passed or has not been deemed to have passed a budget and the Chairman has not submitted any budget or budgets

under the provisions of clause (e), the State Government may call upon the Chairman to furnish such information, as it may require and may prepare a budget for the Board and such budget shall be deemed to have been passed by the Board.

(4) The Board may with the Consent of the Executive Committee vary or alter from time to time as circumstances may render desirable, a budget passed under clause (a) of sub-section (2) or deemed to have been passed under clause (b) of sub-section (3) and the State Government may vary or alter a budget deemed to have been passed under clause (e) or clause (f) of sub-section (3) and, where the Board and the Executive Committee disagree, a budget passed under clause (a) of sub-section (2) or deemed to have been passed under clause (b) of sub-section (3).

164. Revisions Of Budgets :-

As soon as may be after the first day of October, a revised budget for the year shall be framed and such revised budget shall, so far as may be subject to all the provisions applicable to a budget, made under section 163.

165. Minimum Closing Balance Shown In Budget :-

In framing a budget the Executive Committee shall provide for the maintenance of such minimum closing balance (if any) as the State Government may, by order, prescribe.

166. Power Of Government To Sanction Budget :-

(1) Every Board shall submit its budget and every alteration or revision thereof to the State Government through the Director of Local Bodies.

(2) The State Government may at any time within two months from the receipt of a budget or revised budget under sub-section (1)-

(a) approve the budget; or

(b) return it to the Board for amendment on the ground that it fails to make adequate provision for-

(i) the maintenance of such minimum closing balance, as may be prescribed, or

(ii) the appropriation of any sum allotted to the Board by the State Government for the purpose for which it was allotted, or

(iii) the repayment of loans or any other expenditure for which the

Board is legally liable or

(iv) any expenditure proposed in. the budget, or

(v) the continuance in future years of any recurring expenditure proposed in the budget.

(3) Any Board whose budget is returned for amendment under sub-section (2) shall forthwith amend it to the satisfaction of the State Government and shall re-submit the budget as amended to the State Government which may then approve it.

Explanation.- The Word "approve" occurring in sub-sections (2) and (3) does not include the power to disapprove.

167. Prohibition Of Expenditure In Excess Of Budget :-

(1) Where a budget or revised budget has been approved by the State Government under section 168, the Board shall not incur any expenditure under any of the heads of the budget, other than a head, providing for the refund of taxes, in excess of the amount passed under that head, without making provision for such excess by the variation or alteration of the budget.

(2) Where any expenditure under any head providing for the refund of taxes is incurred in excess of amount approved or sanctioned under that head, provision shall be made without delay for such expenditure by the variation or alteration of the budget.

168. Conduct Of Correspondence, Account Budget Etc. :-

The following matters shall be governed by rules namely-

(a) the intermediate office or officers, if any, through which correspondence between a Board and the State Government or officers of the State Government and representation by the Board addressed to the State Government shall pass;

(b) the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of the Board;

(c) the authority by whom and be conditions subject to which such plans and estimates may be sanctioned;

(d) the agency by which such plans and estimates shall be prepared and by which works shall be carried out;

(e) the accounts to be kept by Boards, the manner in which accounts shall be audited and published and the power of auditors in respect of disallowance and surcharge;

(f) the date before which a meeting shall be held for the sanction of the budget;

(g) the method and form to be adopted in the preparation of

budget; and

(h) the returns, statements and reports to be submitted by Boards.

CHAPTER 9 EXTERNAL CONTROL

169. Control Over Boards :-

(1) The Director of Local Bodies may-

(a) inspect or cause to be inspected any immovable property used or occupied by a Board or a Joint Committee or any work in progress under the direction of a Board of such Committee;

(b) by order in writing call for and inspect a book or document in the possession or under the control of a Board such Committee;

(c) by order in writing require a Board of such Committee to furnish such statements, accounts, reports or copies of documents relating to the proceedings or duties of the Board or Committee, as he thinks fit to call for, and

(d) record in writing or the consideration of a Board or such Committee any observations he thinks proper in regard to the proceedings or duties of the Board or Committee.

(2) Every officer appointed by the State Government in this behalf may, within the limit of his jurisdiction, exercise the powers conferred by sub-section (1) in respect of any matters affecting this department, and may inspect or cause to be inspected, the administration of a Board in respect of such matters.

170. Inspection Of Works And Institutions By Government Officers :-

A work or institution constructed or maintained, in whole or part, at the expense of a Board, and all registers, books, accounts or documents relating thereto shall at all times be open to inspection by such officers, as the State Government appoints in this behalf.

171. Power To Suspend Action Under The Act :-

(1) The Director of Local Bodies or the District Magistrate, may, within the limits of his jurisdiction, by order in writing, prohibit the execution or further execution of a resolution or order passed or made under this or any other enactment by a Board or Committee of a Board or a Joint Committee or any officer or servant of a Board of Joint Committee, if in his opinion such resolution or order is of a nature to cause or tend to cause obstruction, annoyance or injury to the public or to any class or body of persons lawfully employed

or danger to human life, death or safety or a riot or affray, and may prohibit the doing or continuance by any person of any act in pursuance of or under cover of such resolution or order.

(2) Where an order is made under sub-section (1), a copy thereof, with a statement of the reasons for making it, shall forthwith be forwarded to the State Government which may, after calling for an explanation from the Board and considering the explanation (if any) made by it, rescind, modify or confirm the order.

(3) Where the execution or further execution of a resolution or order is prohibited by an order made under sub-section (1) and continuing in force, it shall be the duty of the Board, or Committee of the Board or a Joint Committee, officer or servant of the Board or a Committee or a Joint Committee, if so required by the authority making the order under the said sub-section to take any action which it would have been entitled to take, if the resolution or order had never been made or passed and which is necessary for preventing any person from doing or continuing to do anything under cover of the resolution or order of which the further execution is prohibited.

172. Powers Of Government In Case Of Default Of Board :-

(1) If, at any time upon representation made or otherwise, it appears to the State Government that a Board or a Committee of a Board or a Joint Committee has made default in performing a duty imposed on it by or under this or any other enactment the State Government may be order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the State Government may appoint the District Magistrate or any other officer authorised in this behalf by the State Government to perform it and may direct that the expense (if any) of performing the duty shall be paid by the Board within such time as may be fixed by the District Magistrate of such other officer authorised as aforesaid.

(3) If the expense is not so paid the District Magistrate or other officer so authorised may, with the previous sanction of the State Government, make an order directing the person having the custody of the District Fund to pay the expense from such Fund.

173. Power Of Government To Dissolve Or Supersede Board :-

If at any time upon representation made or otherwise it appears to the State Government that a Board persists in making default in the performance of any duty or duties imposed on it by or under this or any other enactment, or in exceeding or abusing its powers, the State Government may, after calling for an explanation from the Board and considering any objection made by it to action being taken under this section, by an order published with the reasons for making it in the Raj as than Gazette, either dissolve the Board or supersede it for a period to be specified in the order.

174. Consequences Of Dissolution Of Board :-

When a Board is dissolved by an order under section 173-

- (a) all members of the Board including the Chairman shall, on a date to be specified in the order, vacate their offices as such, but, without prejudice to their eligibility for election or co-option under clause (b), and
- (b) election shall be held or co-options made or both, as the case may be, on a date prior to the date mentioned in clause (a) to be specified in the said order for the purposes of reconstituting the said Board.

175. Consequences Of Supersession Of Board :-

When the Board is superseded by an order under section 173

- (a) all members of the Board, including the Chairman shall, on a date to be specified in the order vacate their offices as such, but without prejudice to their eligibility for election or co-option under clause (d); -
- (b) during the supersession of the Board such person or persons not being the members or Chairman of the Board so superseded as the State Government appoints in that behalf may exercise and shall perform, so far as may be, the powers and duties of the Board, and shall be deemed the Board for all purposes;
- (c) during such supersession, all property vested in the Board shall, pending or in default of an appointment of a person or persons under clause (b), vest in the State Government; and
- (d) before the expiry of the period of supersession, elections shall be held or co-options made or both, as the case may be, for the purpose or reconstituting the Board.

CHAPTER 10 RULES, REGULATIONS AND BYE-LAWS

176. Power Of Government To Make Rules :-

(1) The State Government shall make rules consistent with this Act in respect of the matters described in sections 25, 124, 162 and 168.

(2) The State Government may make rules consistent with this Act-

(a) providing for any matter for which power to make provision is conferred, expressly or by implication, on the State Government by this or any other enactment in force at the Commencement of this Act, and

(b) generally for the guidance of a Board or any Committee of a Board or a Joint Committee or any Government officer in any matter connected with the carrying out of the provisions of this Act.

177. Power To Make Regulations As To Conduct Of Business Etc. :-

(1) A Board may, by special resolution, make regulations consistent with this Act and with any rule and with any regulation made by the State Government under sub-section (2), as to all or any of the following matters-

(a) the time and place of its meetings;

(b) the manner of convening meetings and of giving notice thereof;

(c) the conduct of proceedings including the asking of question by members at meetings and the adjournment of meetings;

(d) the establishment of Committees, other than Advisory Committees, for any purpose, and the determination of all matters relating to the constitution and procedure of such Committee.

(e) the avoidance of any entry shown in the third column of the Third Schedule;

(f) the delegation of powers, duties or functions to-

(i) the Chairman of the Board,

(ii) a Committee constituted under clause (d),

(iii) a Chairman of such Committee,

(iv) the Secretary or any other servant of the Board,

(v) any Government servant who is employed as civil surgeon, medical officer incharge of a hospital or dispensary or medical officer of health;

(g) the absentee or other allownacees of the servants employed by a Board;

(h) the amount and nature of the security to be furnished by a servant of a Board from whom it is deemed expedient to require security;

- (i) the grant of leave to servants of a Board, and the remuneration to be paid to the persons, if any, appointed to act for them whilst on leave;
 - (j) the period of service of all servants of a Board and the conditions under, which such servants, or any of them, shall receive gratuities or compassionate allowances on retirement or on their becoming disabled through the execution of their duty, and the amount of such gratuities or compassionate allowances and the conditions under which any gratuities or compassionate allowances may be paid to the surviving relatives of any such servants whose death has been caused through the execution of their duty;
 - (k) the payment of contributions at such rates and subject to such conditions as may be prescribed in such regulations, to a pension or provident fund established by the Board, or with the approval of the Board, by the said servants;
 - (l) the conditions subject to which sums due to a Board may be written off as irrecoverable and the conditions subject to which the whole or any part of a fee chargeable for distrees may be remitted;
 - (m) all matters similar to those set forth in clauses (e) to (l) and not otherwise provided for in this sub-sections; and
 - (n) all matters similar to those set forth in clauses (a) to (d) and not otherwise provided for in this sub-section.
- (2) The State Government may, if it thinks fit, make regulations consistent with this Act in respect of any of the matters specified in clauses (e) to (m) of sub-section (1) and any regulation so made shall have the effect of rescinding any regulation made by the Board under the said sub-section in respect of the same matter or inconsistent therewith.

178. Power Of Board To Make Bye-Laws :-

- (1) A Board by special resolution may and where required by the State Government shall, make bye-laws applicable to the whole or any part of the rural area of the district, consistent with this Act and with any rule, for the purpose of promoting or maintaining the health, safety and convenience of the inhabitants of such area and for the furtherance of the administration of the district under this Act.
- (2) In particular, and without prejudice to the generality of the power conferred by sub-section (1), a Board may, in exercise of the said power, make any bye-laws described in the list below-
- (a) regulating the erection, re-erection or material alteration of any

building which abuts on or is adjacent to any public road or place, or property vested in the State Government or the Board;

(b) regulating the conditions on which permission may be given for the temporary occupation of, or the erection of temporary structure on, or for projections over, any public road or place or property vested in the State Government or the Board;

(c) regulating sanitation, conservancy and drainage;

(d) protecting from pollution and purifying all sources of water used for drinking or bathing purpose;

(e) prohibiting the removal or use for drinking purposes of any water from any stream, well, tank or other source where such removal or use causes, or is likely to cause, disease or injury to health and preventing such removal or use by the filling in of any well, tank or other receptacle or by any other method that may be considered advisable;

(f) prohibiting the deposit or storage of manure, refuse, carcasses of animals or other offensive matter in a manner prejudicial to the public health, comfort or convenience;

(g) regulating the disposal of corpses by burning or burial;

(h) regulating the excavation of earth and the filling up of excavation and depressions injurious to health or offensive to the neighborhood;

(i) regulating the removal of noxious vegetation;

(j) regulating the disposal or destruction of materials likely to convey infection;

(k) regulating slaughter houses and offensive, dangerous or obnoxious trades, calling or practices and prescribing fees to defray the expenditure incurred by a Board for this purpose;

(l) regulating maternity centre, poor houses, orphanages, libraries, asylums, veterinary hospitals, markets, staging houses, inspection houses, public parks and gardens encamping grounds, sarais and paraos and other public institutions;

(m) regulating fairs, agricultural shows and industrial exhibitions held under fee authority of a Board or otherwise which the public is allowed access or at which the Board provides sanitary and other facilities for the public;

(n) prohibiting the obstruction of any streams, channels or drains under the control of the Board and providing for the removal of any such obstructions;

(o) for demolishing, removing or securing dangerous buildings, trees or places;

(p) providing for the destruction of unclaimed, diseased or rabid

dogs and noxious animals;

(q) providing for the regulation or prohibition of any description of traffic on any public road where such regulation or prohibition appears to the Board to be necessary;

(r) prohibiting or regulating any act which occasions, or is likely to occasion, a public nuisance, for the prohibition or regulation of which no provision is made else where by or under this Act;

(s) providing for the registration of births and deaths and the taking of a census and for the compulsory supply of such information as may be necessary to make such registration or census effective;

(t) for the protection from injury or interference of anything within the district being the property of the Government or of the Board or being under the control of the Board;

(u) prescribing conditions for the inspection of the minute books and assessment lists of the Board;

(v) Prohibiting the discharge of the water of any sink, drain, steam-engine or boiler or of any filthy, offensive or injurious matter into any river, tank or other source of water supply or into any specified portion thereof ordinarily used for drinking or bathing purposes;

(w) providing for the inspection of weights and measures.

179. Infringement Of Rules And Bye-Laws :-

In making a rule the State Government and in making a bye-law the Board with the sanction of the State Government may direct that a breach of it shall be punishable with fine which may extend to one hundred rupees and, when the breach is a continuing breach, with a further fine which may extend to two rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

180. Previous Publication Of Rules Etc. Made By Government :-

(1) The power of the State Government to make rules or regulations under this Chapter is subject to the condition of the rules or regulations being made after previous publication and of their not taking effect until they have been published in the Rajasthan Gazette.

(2) Any rule or regulation made by the State Government may be general for all districts or for all districts not expressly excepted from its operation or may be special for any one or more than one

district as the State Government directs.

181. Confirmation Etc. Of Regulations And Bye-Laws Made By Board :-

(1) The power of a Board to make regulations under clauses (e) to (m) of sub-section (1) of section 177 shall be subject to the conditions of the regulations not taking effect until they have been confirmed by the State Government.

(2) The power of a Board to make bye-laws shall be subject to the condition of the bye-laws being made after previous publication and of their not taking effect until they have been confirmed by the State Government and published in the Rajasthan Gazette.

(3) The State Government in confirming a bye-law or regulation may make any change in its form that appears necessary.

(4) No alteration or rescission of a regulation made under clauses (e) to (m) of sub-section (1) of section 177 or of any bye-law by a Board shall have effect unless and until it has been confirmed by the State Government.

(5) The State Government, may, after previous publication of its intention rescind any regulation or bye-law which it has confirmed and thereupon the regulation or bye-law shall cease to have effect.

CHAPTER 11 PROCEDURE

182. Fixation Of Reasonable Time For Compliance :-

Where any notice issued under any section of this Act or under any rule or bye-law requires an act to be done for which no time is fixed by such section or rule or bye-law, the notice shall specify a reasonable time for doing the same; and it shall rest with the Court to determine whether the time so specified was a reasonable time within the meaning of this section.

183. Service Of Notice :-

(1) Every notice or bill issued or prepared under any section of this Act or under any rule or bye-law shall, unless it is in such section or rule or bye-law otherwise expressly provided be served or presented-

(a) by giving or tendering the notice or bill, or sending it by post, to the person to whom it is addressed; or

(b) if such person is not found, then by leaving the notice or bill at his last known place of abode if within the jurisdiction of the Board

or by giving or tendering the notice or bill to some adult male member or servant of his family, or by causing the notice or bill to be fixed on some conspicuous part of the building or land (if any) to which the notice or bill relates.

(2) When a notice under this Act or under a rule or a bye-law is required or permitted by or under this Act or under a rule or a bye-law to be served upon an owner or occupier of a building or land the services thereof in cases not otherwise specially provided for in this Act, shall be effected either-

(a) by giving or tendering the notice, or sending it by post to the owner or occupier or, if there be more owners or occupiers than one, to any one of them, or

(b) if no such owner or occupier is found, then by giving or tendering the notice to an adult male member or servant of his family, or causing the notice to be fixed on the door or on some conspicuous part of the building or land to which the same relates.

(3) Whenever the person on whom a notice or bill is to be served is minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

184. Defective Form :-

No notice or bill shall be invalid for defect of form.

185. Disobedience To Notice Issued To An Individual :-

If a notice has been given under the provisions of this Act or under a rule or bye-law to a person requiring him to execute a work in respect of any property, movable or immovable, public or private, or to provide or do or refrain from doing anything within a time specified in the notice, and if such a person fails to comply with such a notice, then-

(a) the Board may cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the manner provided in Chapter VII; and further;

(b) the said person shall be liable on conviction before a Magistrate, to a fine which may extend to one hundred rupees, and in case of a continuing breach, to a further fine which may extend to two rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

186. Authority Of Prosecution :-

Unless otherwise expressly provided, no Court shall take cognizance of any of the offences punishable under this Act or under any rule or bye-law, except on the complaint of, or upon information received from, the Board or some person authorised by the Board by general or special order made in this behalf.

187. Power To Compound Offences :-

(1) The Chairman of a Board may, either before or after the institution of proceedings, compound an offence against this Act or a rule or bye-law except the offences against any rules made under section 176 with reference to the matters specified in section 25 provided that no offence shall be compoundable which is constituted by failure to comply with a written notice issued by the Board, or on behalf of the Board, unless and until the notice has been complied with in so far as compliance is possible.

(2) When an offence has been compounded the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of the offence so compounded.

(3) Sums paid by way of composition under this section shall be credited to the District Board fund.

188. Compensation For Damage To Property Vested In The Board :-

If through an act, neglect or default on account whereof a person has incurred a penalty imposed by or under this Act any damage to the property of the Board has been caused, the person incurring such penalty shall be liable to make good such damage as well as to pay such penalty, and the amount of damage shall in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such amount on demand the same shall be levied by distress and such Magistrate shall issue his warrant accordingly.

189. Powers And Duties Of Police In Respect Of Offences And Assistance To Authorities Of Board :-

Every Police officer shall give immediate information to the Board of an offence coming to his knowledge which has been committed against this Act or any other enactment wherein or whereunder provision is made for the fine being credited to the District Fund, or

against any rule made thereunder and shall be bound to assist all members, officers and servants of the Board in the exercise of their lawful authority.

190. Appeals From Order Of Board :-

(1) Any person aggrieved by any order or direction made by a Board under the powers conferred upon it by section 100 or under a bye-law made under clause (k) of sub-section (2) of section 178 may within thirty days from the date of such direction or order, exclusive of the time requisite for obtaining a copy thereof, appeal to such officer as the State Government may appoint for the purpose of hearing such appeals or any of them.

(2) The appellate authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal.

(3) No appeal shall be dismissed or allowed in part or whole unless reasonable opportunity of showing cause or being heard has been given to the parties.

191. Costs :-

(1) The Court deciding the appeal shall have power to award costs at its discretion.

(2) Costs awarded under this section to the Board shall be recoverable by the Board as if they were arrears of a tax due from the appellant.

(3) If the Board fails to pay any costs awarded to an appellant under this section within ten days after the date of the communication of the order for payment thereof, the court awarding the costs may order the person having the custody of the balance of the District Fund to pay the amount.

192. Finality Of Order Of Appellate Authority :-

(1) No order or direction referred to in section 192 shall be questioned in any other manner or by any other authority than is provided therein.

(2) The order of the appellate authority confirming, setting aside or modifying any such order or direction shall be final:

Provided, first, that it shall be lawful for the appellate authority, upon application and after giving notice to the other party to review any order passed by him in appeal by a further order passed within three months from the date of his original order:

Provided secondly, that in case any order or direction referred to in section 190 infringes the civil right of any person, he shall be entitled to question the said order or direction in any civil court having jurisdiction in the matter.

193. Suspension Of Prosecution In Certain Cases :-

When an order of the kind specified in section 190 is subject to appeal and an appeal has been instituted against it or a civil suit has been filed concerning the subject matter of any order or direction made under section 190, all proceedings to enforce such orders and all prosecution for a breach thereof may, by order of the appellate authority, or the court in which a civil suit has been filed be suspended pending the decision of the appeal or the civil suit and, if such order is set aside on appeal disobedience there to shall not be deemed to be an offence.

194. Disputes As To Compensation Payable By Board :-

(1) Should a dispute arise touching the amount of compensation which the Board is required by this Act to pay it shall be settled in such manner as the parties may agree, or, in default of agreement, by the Collector upon application made to him by the Board or the person claiming compensation.

(2) Any decision of the Collector awarding compensation shall be subject to a right of the applicant for compensation to require reference to the District Judge in accordance with the procedure prescribed for such references in the law relating to compulsory acquisition of land for the time being in force.

(3) In cases in which compensation is claimed in respect of land, the Collector and the District Judge shall, as far as may be, observe the procedure prescribed by the said law for proceedings in respect of compensation for the acquisition of land acquired for public purposes.

195. Decision Of Disputes Between Local Authorities :-

(1) Should dispute arise between a Board and any other local authority on any matter in which they are jointly interested, such dispute shall be referred to the State Government whose decision shall be final.

(2) The State Government may regulate by rule made under section 179 the relations to be observed between Boards and other

local authorities in any matter in which they are jointly interested.

196. Suits Against Boards Or Its Officers :-

(1) No suit shall be instituted against a Board or against a member, officer or servant of a Board, in respect of an act done or purporting to have been done in its or his official capacity until the expiration of two months next after notice in writing has been in the case of a Board, left at its office, and in the case of a member, officer or servant delivered to him or left at his office or place of abode, explicitly stating the cause of action, the nature of the relief sought, the amount of compensation claimed, and the name and Dace of abode of the intending plaintiff, and the plaint shall contain a statement the such notice has been so delivered or left.

(2) If the Board, member, officer or servant, has, before action is commenced, tendered sufficient amends to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered and shall also pay all costs incurred by the defendant after such tender.

(3) No action such as is described in sub-section (1) shall, unless it is an action for the recovery of immovable property or for a declaration of title thereto, be commenced otherwise than within on year next after the accrual of the cause of action.

(4) Nothing in sub-section (1) shall be construed to apply to a suit where in the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the commencement of the suit or proceeding.

197. Prohibiting Temporary Injunctions By Civil Courts :-

No Civil Court shall in the course of any suit grant any temporary injunction or make any interim order-

(a) restraining any person from exercising the powers or performing the functions or duties of a member, Chairman, Vice-Chairman, officer or servant of a Board or of a Committee of a Board on the ground that such person has not been duly elected, co-opted or appointed as such member, Chairman, Vice-Chairman, officer or servant, or

(b) restraining any person or persons or any Board or Committee of a Board from holding any election or form holding any election in any particular manner.

CHAPTER 12 SUPPLEMENTARY

198. Delegation Of Powers By The Government :-

The State Government may, by notification, delegate to the Director of Local Bodies 1[XXX]2 [or to the Collector in respect of the Board for his district], any one or more of the powers vested in it by this Act.

1 Omitted by item (6) of the Schedule to Rajasthan Act No.8 of 1962, published in the Rajasthan Gazette, Part IV-A, Extraordinary, dated 23.4.1962

2 Added by section 8 of Rajasthan Act No. 11 of 1956, published in the Rajasthan Gazette, Extraordinary, Part IV-A, dated 16.4.1956

199. Faculty For Inspection Of Minute Books And Assessment Lists :-

The Minute books of the Board and the assessment lists of the Board shall be open to inspection free of charge by any tax-payer or elector under conditions to be prescribed by bye-laws in this behalf.

200. Provision For Publicity Of Rules, Regulations And Bye-Laws :-

Books containing every rule, regulation and bye-law shall be kept in the offices of the Board and shall be open, during the ordinary hours of business, to inspection free of charge by any person and shall be for sale to the public at such offices at a reasonable price to be specified by bye-laws in this behalf.

201. Mode Of Proof Of Records Of Boards :-

A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of a Board shall, if duly certified by the legal keeper thereof or other person authorised in this behalf, be received as prima facie evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transaction therein recorded in every case where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters.

202. Restriction On The Summoning Of Servants Of Boards To Produce Documents :-

No officer or servant of a Board shall in any legal proceeding to

which a Board is not a party be required to produce any register or document, the contents of which can be proved under the preceding section by a certified copy or to appear as a witness to prove the matters and transaction recorded therein unless by order of the Court made for special cause.

203. Inspection Of Works And Registers Of Boards By Members :-

Any member of a Board may inspect any work or institution, constructed or maintained, in whole or part, at the expense of the Board and, with the previous sanction of the Chairman any register, book, accounts or other documents in the office of the Board.

204. Saving As To Railways Act :-

Nothing in this Act shall affect any provision of the Indian Railways Act, 1890 or any rules made thereunder.

SCHEDULE 1

FIRST SCHEDULE

1.	The	Jaipur	District	Boards	Act
.....	.....	.....	.....	1947	.....
2.	The	Bikaner	District	Boards	Act
.....	.....	.....	.....	1931	.....
3.	The Ajmer Rural Boards Regulation VI of 1886 in its application to Bhim Area..... 1886				

SCHEDULE 2

THE SECOND SCHEDULE

THE POWERS AND FUNCTIONS OF A BOARD

[Sections 65 (1) and 66 (1) (a)]

Section		Power or duty	Remarks
7.		To co-opt members of the Board.	
8.		To direct that a casual vacancy be left unfilled till the next ordinary election.	
28.		To allow remuneration to member,	Shall be exercised by the Executive Committee.
30.	(1)	(a) To Accept as satisfactory the explanation of a member for absence from meetings.	
32.		To institute a suit against a member	Shall be exercised by the Executive Committee.
33.	(2)	(f) 1 To fix the amount upto which a member may be interested in occasional sales to the Board.	

44.		To require the Chairman to furnish reports etc.	
46.		To elect or accept the resignation of a Vice-Chairman,	
58.	(5)	To modify or cancel a resolution.	
59	(1)	To appoint and remove members of the Executive Committee other than the Chairman.	
59.	(2)	To appoint and remove member of Committees.	
59.	(3)	To establish and appoint the members of Advisory Committees.	
60.		To appoint person other than members of the Board to Committees.	
61.		To fill up vacancies in Committees.	
62.	(1)	To appoint the Chairman of a Committee.	
64.		To call for returns, etc. from a Committee,	Shall be exercised by the Executive Committee.
65.		To delegate powers and duties to Tehsil Committees.	Shall be exercised by the Executive Committee.
65.	(2)	To allot funds to Tehsil Committees.	Shall be exercised by the Executive Committee.
66.		To appoint Joint Committees and to vary or rescind any written instrument by virtue of which a Joint Committee has been appointed.	Shall be exercised by the Executive Committee.
67.	(1)	To sanction contracts for which budget provision does not exist, or involving a value exceeding such amount as may be fixed by rule.	
67.	(2)	To empower a Committee or officer or servant & (3) of Board to sanction other contracts,	Shall be exercised by the Executive Committee.
68.	(2)	(b) To empower a person to execute a contract	Shall be exercised by the Executive Committee.
71.		To delegate powers and duties conferred or imposed on a Board,	
74.		To pass a resolution for the withdrawal of a Secretary.	
75.		To appoint officers whose appointment is obligatory.	May be delegated to Executive Committee
76		To appoint a person to officiate as	Shall be exercised by the

70.		an officer to whom section 75 applies.	Executive Committee.
80.		To require the Secretary etc. to furnish return etc.	
83.		To determine the number and salaries of staff in addition to obligatory minimum.	Shall be exercised by the Executive Committee.
88.	(a)	To prohibit the employment of temporary servants for any particular work.	Shall be exercised by the Executive Committee.
91.	(2)	To establish a provident fund.	
91.	(3)	To grant a gratuity or compassionate allowance. (4) and or to grant or purchase an annuity. And (5)	
97.	(j)	To declare expenditure to be an appropriate charge on the District Fund.	
99.		To co-operate with other local authorities.	Shall be exercised by the Executive Committee.
100.		To issue a notice for the removal or alteration of a projection when compensation is payable.	Shall be exercised by the Executive Committee.
102.		To make, alter, divert or close a public road, to provide building sites thereon, to take steps to acquire land for such purposes and to sell or dispose of land so acquired.	Shall be exercised by the Executive Committee.
113.		To impose a tax	
117.		To frame proposals for a tax.	Shall be exercised by the Executive Committee.
118.		To pass orders on objections and to modify proposals etc.	May be delegated.
121.		To direct the imposition of a tax.	May be delegated.
123.		To abolish or alter a tax.	
125.	(1)	To exempt from taxation.	
126.		To submit an explanation to the State Government and to remove defects in a tax.	Shall be exercised by the Executive Committee.
148.		To invest or place any portion of the District Fund in deposit.	Shall be exercised by the Executive Committee.
151.		To fix fees.	Shall be exercised by the Executive Committee.
152.		To impose fees or tolls in public markets	May be delegated.
		To request the State Government	Shall be exercised by the

153.		to acquire land.	Executive Committee.
154.		To undertake the management or control of property entrusted to the Board.	Shall be exercised by the Executive Committee.
155.		To manage, control and administer and hold in trust the funds of public institutions.	Shall be exercised by the Executive Committee.
159.		To transfer any property vested in the Board.	
160.		To make compensation out of the District Fund.	
164.		To discuss and pass or reject a budget as a whole or reduce or omit any item or items of expenditure.	May be delegated.
177.		To make regulations.	
178.		To make bye-laws.	
179.		To direct that breach of bye-law shall be punishable with fines.	

General:-Any power, duty or function which any rule requires to be exercised, performed or discharged by the Board itself by means of resolution and which the Executive Committee is not authorised to exercise, perform or discharge.

SCHEDULE 3

THE THIRD SCHEDULE

SCHEDULED POWERS OF SECRETARY

[Sections 77 (b) and 78 (a)]

Section		Power or duty	Remarks
85.		Power to appoint, grant leave of absence, to punish, dismiss, transfer and control servants of the Board on a monthly salary of Rs. 40/- or less.	
91.	(1).	To pay leave allowance to officer or servant,	
100.	(m part)	To issue a notice for the removal of a projection part), in case where no compensation is payable	Appeasable.
101.		To issue a notice for the removal of accidental obstructions	
104.	(1).	To require private wells, etc. to be cleaned.	
108.		To apply to the Collector to recover rent of land.	
110.		To charge fees for the use or occupation of immovable property vested in or entrusted	

		to the management of the Board and to levy or recover such charges.	
111.		To charge fees for licenses, sanctions and permissions.	
127.		To call for information affecting liability to taxation	
135.		To present bills for taxes or other dues.	
137.		To cause a notice of demand to be served.	
141	(1)&(2)	To sell goods distained.	
141	(3).	To receive applications for a refund and to make a refund.	
189.		To receive information from a Police Officer.	