

THE PANJAB DISTRICT BOARDS ACT, 1883¹

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THE PUNJAB DISTRICT BOARDS ACT, 1883

ACT NO. 20 OF 1883

[12th October, 1883.]

An Act to make better provision for local self-government in the Districts of the Panjab.

WHEREAS it is expedient to amend the law in force in the territories administered by the Lieutenant-Governor of the Panjab for the levy and expenditure of rates on land; and

Whereas it is also expedient to provide for the constitution of district boards and local boards in those territories, and to define and regulate the powers to be exercised by those boards;

It is hereby enacted as follows:—

CHAPTER I

PRELIMINARY

1. Short title.—(1) This Act may be called the Panjab District Boards Act, 1883.

Extent.—(2) It shall extend only to the territories for the time being administered by the Lieutenant-Governor of the Panjab; and

Commencement.—(3) It shall come into force in each district on such date as the Local Government, by notification, directs.

2. Repeal of Act V of 1878.—From the date on which this Act comes into force in any district, the Panjab Local Rates Act, 1878 (V of 1878), shall be repealed throughout that district. But all rates imposed, sums credited to the Local Government, and notifications published under that Act, shall, so far as may be, be deemed to have been respectively imposed, credited and published under this Act.

3. Definitions.—In this Act, unless there is something repugnant in the subject or context,—

(1) “Land” means land assessed to the land-revenue, and includes land whereof the land-revenue has been wholly, or in part, released, compounded for, redeemed or assigned.

(2) “Land-revenue” includes trini or grazing-dues levied for grazing on Government lands under section 48 of the Panjab Laws Act, 1872 (IV of 1872).

(3) “Landholder” means any person responsible for the payment of the land-revenue, if any, assessed on land. It also includes the proprietor of land the land-revenue of which has been wholly, or in part, released, compounded for, redeemed or assigned.

(4) “Annual value” means—

(a) double the land-revenue for the time being assessed on any land, whether the assessment is leviable or not ; or

(b) where the land-revenue has been permanently assessed, or has been wholly or in part compounded for or redeemed, double the amount which, but for such permanent assessment, composition or redemption, would have been leviable; or

(c) where no land-revenue has been assessed, double the amount which would have been assessed if the average village-rate had been applied:

Provided that, in any tract in which, under the settlement for the time being in force, the improvement of the land due to canal irrigation has been excluded from account in assessing the land-revenue, and a rate has been imposed in respect of such improvement, that rate shall be added to the land-revenue for the purpose of computing the annual value.

(5) “Financial year” means the year commencing on the first day of April.

(6) “Prescribed day” means such day as the Local Government may, from time to time, prescribe.

¹[(6A) "Punjab" means the territories which, immediately before the 1st November, 1956, were comprised in the State with the same name];

(7) "Notification" means a notification published in the official Gazette.

(8) "Notified" means notified in the official Gazette.

(9) "Deputy Commissioner" means the Deputy Commissioner of a district, and includes any officer specially appointed by the Local Government to perform the functions of a Deputy Commissioner under this Act.

4. Power exercisable from time to time.—All powers conferred by this Act may be exercised from time to time as occasion requires.

CHAPTER II

OF THE LOCAL RATE ON LAND

5. The local rate.—(1) All land shall be subject to the payment of a rate, to be called the local rate, not exceeding one rupee for every rupee of its annual value.

(2) The proportion which the local rate shall bear to the annual value of land shall, except as provided in sub-section (3), be fixed for each district by the Local Government by notification.

(3) The Local Government may, by notification, delegate to the district board, subject to such restrictions or conditions as it thinks fit, its powers under sub-section (2), and may, by notification, cancel or vary any such notification.

6. Road, school and post cesses to merge in the rate.—From such date as may be notified in respect of each district by the Local Government, all authorized rates and cesses for the maintenance of roads, schools and the district-post shall merge in and become part of the local rate, and no rate or cess other than the local rate shall be thereafter leviable for those purposes.

7. Liability for local rate.—The landholder shall be liable for the local rate subject to the following provisos, namely:—

(1) where the landholder pays the land-revenue in kind to any assignee of revenue or any village-headman, the assignee of revenue or village-headman shall be liable for the payment of the local rate instead of the landholder, and no demand shall be made by any such assignee or village-headman on the landholder in respect of the payment of the rate; and

(2) where the Government has, under any lease current at the time when this Act comes into force, paid the local rate on land, it shall continue to pay the rate during the currency of the lease.

8. Power to recover a share of the rate from occupancy tenant.—When a local rate is payable by a landholder in respect of lands held by a tenant with a right of occupancy holding at a favourable rent, the landholder may realize from the tenant a share of the rate, bearing the same proportion to the whole rate as the excess of the annual value over the rent paid by the tenant bears to half the annual value.

9. Appropriation of proceeds of local rate.—Four-fifths of the net proceeds of the local rate levied in each district, after deducting the expenses of collection, shall, except as provided in section 68, be allotted to the district board established for that district under this Act.

The remaining one-fifth shall be carried to the credit of the Local Government, and may—

(a) be allotted by that Government to any district board established under this Act ; or

(b) be applied by that Government to provide in the territories to which this Act extends, or any part thereof, for any of the matters on which district boards may expend the funds at their disposal under this Act :

Provided that the Local Government may direct that the whole or any portion of the net proceeds of the local rate levied within the limits of any municipality or military cantonment, after deducting the

1. Ins. by the Adaptation of Laws (No. 2) Order, 1956.

expenses collection, shall be carried to the credit of the municipal fund, or made available for the purpose of public improvement in the cantonment or for carrying out therein any rules made under section 25 of the Cantonments Act, 1880 (III of 11880), as the case may be.

CHAPTER III

OF DISTRICT AND LOCAL BOARDS

A.—*Constitution of District and Local Boards.*

10. Establishment of district and local boards.—(1) The Local Government shall, by notification establish a district board for each district.

(2) The Local Government may, by notification, establish a local board or local boards within the limits of any district, and may cancel or vary any such notification.

(3) A district board shall have authority throughout the district for which it is established, and a local board shall have authority throughout such portion of the district in which it is established, as the Local Government may, by notification, direct:

Provided that a board shall not have authority over any portion of a district which is for the time being included in a military cantonment or a municipality.

11. Number and appointment or election of members.—(1) A district board or local board shall consist of such number of members, not less than six, as the Local Government may fix in this behalf.

(2) The members may be appointed by the Local Government either by name or by official designation, or may be elected in accordance with rules made by the Local Government under this Act, or some may be appointed and some elected, as the Local Government directs:

Provided that—

(a) when the Local Government has directed that all or any proportion of the members shall be elected, it shall not thereafter direct that they shall be appointed, unless a majority of the electors declare that they so desire, ^{1***};

(b) ^{2***} unless salaried officers of the Government are elected, not less than two-thirds of the members of every board shall be persons other than salaried officers of the Government; and

(c) not less than one-half of the members of the board shall be landholders in the district.

(3) When, under a direction issued under sub-section (2), any places on a board are required to be filled by election, and a sufficient number of members is not elected, the Local Government may fill those places by appointment.

12. Term of office of members.—(1) A member of a district board or local board, when appointed by virtue of an office, shall, unless and until the Local Government otherwise directs, continue to be a member of the board while he continues to hold that office.

(2) The term of office of all other elected and appointed members respectively of a district board or local board shall be fixed by the Local Government by rules made under this Act, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(3) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

13. Resignation of members.—A member of a local board or of a district board may resign by notifying in writing his intention to do so to ³[Commissioner]; and, on the acceptance by ³[Commissioner] of such resignation, the member shall be deemed to have vacated his office.

1. The words “or the Governor General in Council, for some reason affecting the public interests, sanctions the direction,” omitted by Act 38 of 1920, s. 2 and the First Schedule

2. The words “except with the approval of the Governor General in Council or” omitted by s. 2 and the First Schedule, *ibid.*

3. Subs. by Act 4 of 1914, s. 2 and the Schedule, for “the local Government”

14. Powers of the Local Government as to removal of members.—The Local Government may remove any member of a district board or local board—

(a) if he refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Local Government, a defect of character which unfits him to be a member ;

(b) if he has been declared by notification to be disqualified for employment in the public service;

(c) if he, being a member of a local board, without an excuse sufficient in the opinion of the Local Government, neglects for more than three consecutive months to be present at the meetings of that board, or, being a member of the district board, without such sufficient excuse, neglects for more than six consecutive months to be present at the meetings of that board;

(d) if his continuance in office is, in the opinion of the Local Government, dangerous to the public peace or order ; or,

(e) when he is a salaried officer of the Government, if his continuance in office is; in the opinion of the Local Government, unnecessary or undesirable.

15. Filling of casual vacancies.—(1) When the place of an elected member of a local board or district board becomes vacant by the resignation or removal of the member or by his death, a new member shall be chosen in accordance with the rules made by the Local Government under this Act to fill the place :

Provided that the Local Government may direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a member of a local board or district board appointed by name becomes vacant as aforesaid, the Local Government may, if it thinks fit, appoint a new member to fill the place.

(3) A person chosen or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

16. Incorporation of district boards.—Every district board shall be a body corporate by the name of the district board of its district, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to any rules made by the Local Government under this Act, to transfer any such property held by it, and to contract and do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

17. Time for district and local boards coming into existence.—The several district boards and local boards constituted under this Act shall come into existence at such time as the Local Government may, by notification, fix in this behalf.

18. Chairman.—(1) A member of every district board or local board shall be elected or appointed to be chairman of the board, and shall hold office for such term, not exceeding three years, as the Local Government may, by a rule made under this Act, fix.

(2) The Local Government shall determine, as regards each board or as regards any class of boards, whether the chairman shall be a person appointed by virtue of his office or by name or be elected.

19. Vice-chairman.—(1) A district board or local board may elect one of its members to be vice-chairman.

(2) A vice-chairman so elected shall hold office for such term as the board may, by rule, fix.

B.—Duties of District and Local Boards

20. Duties of district board.—(1) The following matters shall, subject to such exceptions and conditions as the Local Government may make and impose, be under the control and administration of each district board within the area subject to its authority :—

(a) the management of all property vested in the district board ;

(b) the construction, repair and maintenance of public roads and other means of communication;

(c) the establishment, management, maintenance and visiting of public hospitals, dispensaries, sarais and schools, and the construction and repair of all buildings connected with these institutions;

(d) the training of teachers and the establishment of scholarships ;

(e) the supply, storage and preservation from pollution of water for drinking, cooking and bathing purposes ; and.

(f) the planting and preservation of trees.

(2) The Local Government may direct that any of the following matters shall, subject to such exceptions and conditions as it may make and impose, be under the control and administration of a district board Within the area subject to its authority :—

(g) the management of any property vested in Her Majesty ;

(h) the establishment, maintenance, visiting and management of markets, rest-houses, encamping-grounds and other public institutions, and the construction and repair of all buildings connected with these institutions ;

(i) the construction and repair of embankments, and the supply, storage and control of water for agricultural purposes ;

(j) the preservation and reclamation of soil, and the drainage and reclamation of swamps ;

(k) the construction, repair and maintenance of famine preventive works, and the establishment and maintenance of such relief-works, relief-houses and other measures in time of famine or scarcity as may be entrusted to the charge of the board by the Local Government ;

(l) the registration of births, marriages and deaths ;

(m) fairs and agricultural shows and industrial exhibitions ;

(n) the establishment and management of pounds, including, where the Cattle-trespass Act 1871 (1 of 1871), is in force, such functions of the Local Government and the Magistrate of the district under that Act as may be transferred to the board by the Local Government ;

(o) the management of such public ferries as may be entrusted to the charge of the board under section 7A of the Northern India Ferries Act, 1878, as amended by this Act

(p) any other local works or measures likely to promote the health, comfort, convenience and interests of the public or the agricultural or industrial prosperity of the country; and

(q) any other matters which the Local Government may declare to be fit and proper matters to be taken under the control and administration of the board.

(3) The Local Government may cancel or modify any direction given by it under sub-section (2).

(4) A district board shall, so far as the funds at its disposal permit, make due provision for all matters placed under its control or administration by or under this section.

21. Duties of local board.—(1) The Local Government, or, subject to the control of the Local Government, a district board, may direct that, within the area subject to the authority of a local

board, any matter placed under the control and administration of the district board by or under section 20 shall be transferred to the control and administration of the local board.

(2) A local board, as the agent of, and subject to the control of, the district board, shall, so far as the funds at its disposal permit, make due provision for all matters transferred to its control and administration under sub-section (1).

(3) It shall be the duty of the district board to enforce the responsibility imposed on a local board by sub-section (2).

22. Limits on expenditure of local board.—Except as otherwise provided by this Act, a local board shall not incur expenses or undertake liabilities expenditure to any amount exceeding the limit imposed by of local board the district board of its district.

23. Power for district board to provide for performance of duty in default of local board.—(1) If a local board makes default in the performance of any duty imposed on it by or under this Act, the district board may, by order in writing, fix a period of board of its district.

(2) If the duty is not performed within that period, the district board may appoint some person to perform it, and may provide for the expenses of, and incidental to, its performance out of the funds appropriated to or for the purposes of the local board.

C.—Joint Committees.

24. Joint committees.—A district board may concur with any other district board, or with any municipal committee or with any cantonment authority, or with more than one such board, committee or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and for delegating to any such joint committee any power which might be exercised by either or nay of the boards, committees or authorities concerned, and in framing or modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

D.—Conduct of Business.

25. Record and publication of proceedings.—(1) Minutes of the proceedings at each meeting of a district or local board shall be drawn up and recorded in a book to be kept for the purpose, and shall be signed by the chairman of the meeting or of the next ensuing meeting, and shall be published in such manner as the Local Government may, from time to time, direct, and shall, at all reasonable times and without charge, be open to the inspection of any inhabitant of the district who pays any rate or tax under this Act.

(2) A copy of every resolution passed by a local board at a meeting shall, within three days from the date of the meeting, be forwarded to the district board and to the Deputy Commissioner.

(3) A copy of every resolution passed by a district board at a meeting shall, within three days from the date of the meeting, be forwarded to the Deputy Commissioner.

26. Power to make rules as to business and affairs.—Every district board, and every local board with the sanction of the district board, may make rules as to—

(a) the time and place of its meetings and the manner in which notice of meetings shall be given ;

(b) the conduct of proceedings at meetings and the adjournment of meetings;

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

(d) the division of duties amongst its members ;

(e) the powers to be exercised by sub-committees or members to whom particular duties have been assigned;

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

(g) the duties, appointment, leave, suspension and removal of the officers and servants of the board;

(h) the term for which the vice-chairman shall hold office, and

(i) other similar matters :

Provided that every rule made under this section must be consistent with this Act and with any rules made by the Local Government under this Act, and shall be published in such manner as the Local Government may direct.

E.—Officers and Servants.

27. Employment of officers and servants.—(1) Subject to the provisions of this Act and to any rules which may be made under this Act in servants this behalf, every district board may employ and pay such officers and servants as may be necessary and proper for the efficient execution of its duties and of the duties of the local boards acting under it :

Provided that if, at any time, in the opinion of the Deputy Commissioner,—

(a) the number of persons employed by a board under this section, or the remuneration assigned by the board to those persons, or to any of them, is excessive, or

(b) any such person is unfit for his employment, the board shall, on the requirement of the Deputy Commissioner, reduce the number, or remuneration, of those persons, or, as the -case may be, dismiss the unfit person.

(2) The Commissioner of the division, whose decision shall be final.

28. Pensions of Government officials serving boards.—In the case of a Government official, a district board may—

(1) if his services are wholly lent to it, contribute to his pension or gratuity and leave-allowances in accordance with the rules of the ¹[Civil Service Regulations] for the time being in force ; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

29. Pensions of servants of boards.—In the case of an officer or servant, not being a Government official referred to in section 28, a district board may—

(1) grant him leave-allowances and, if he is employed under the district committee when this Act comes into force and not entitled to pension, or if his monthly pay is less than ten rupees, a gratuity ; and

(2) if empowered in this behalf by the Local Government—

(a) subscribe in his behalf for pension or gratuity and leave-allowances under the rules of the Government Civil Pension and Leave Codes for the time being in force ; or

(b) purchase for him from the Government or otherwise an annuity on his retirement :

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the ¹[Civil Service Regulations] for the time being in force, the servant would be entitled if the service had been service under the Government.

F.—Taxation and Finance.

30. Powers of taxation conferred on district boards.—Subject to any general rules or special orders which the ²[Local Government] may make in this behalf, a district board may impose, in manner prescribed by section 31, such taxes as may be approved by the Local Government:

Provided that no such tax shall be imposed in respect of any property subject to the local rate.

31. Procedure in imposing taxes.—(1) A district board may resolve, at a meeting, convened and constituted in such manner as the Local Government may prescribe, to propose the imposition of any tax under section 30.

1. Subs. by Act 12 of 1891, s. 2 and the Second Schedule, for “Government Civil Pension and Leave Codes”.

2. Subs. by Act 38 of 1920, s. 2 and the First Schedule, for “Governor General in Council”.

(2) When a resolution has been passed under subsection (1), the board shall publish a notice defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any person likely to be directly affected by the proposed tax, and objecting to the same, may, within thirty days from the publication of the notice, send his objection in writing to the board ; and the board shall, at a meeting convened and constituted as aforesaid, take his objection into consideration.

(4) If no objection is sent within the said period of thirty days, or if the objections received, having been considered as aforesaid, are deemed insufficient, the board may submit its proposals to the Local Government, with the objections (if any) which have been sent in and with its decision thereon.

(5) The Local Government, on receiving proposals under sub-section (4), may sanction the same, or refuse to sanction them, or return them to the board for further consideration.

(6) When the proposals of a district board in respect of a tax have been sanctioned by the Local Government, the board may, at a meeting convened and constituted as aforesaid, direct the imposition of the tax in accordance with those proposals:

Provided that, in *giving* such direction, the board shall fix a date not less than one month from the date of the meeting on which the tax shall come into force.

(7) Every direction under sub-section (6) shall be notified, and the notification shall be conclusive evidence that the tax has been imposed in accordance with law.

32. Reduction and abolition of tax.—The Local Government may, by notification, and the district board may, with the sanction of the Local Government, by a resolution passed at a meeting convened and constituted as the Local Government may prescribe, abolish or reduce any tax imposed under sections 30 and 31

33. Levy of fees.—With the previous sanction of the Local Government, or of such officer as the Local Government may authorize in this behalf, a district board or local board may fix and levy school-fees and fees for the use of, or benefits derived from, any of the works specified in section 20, clauses (c), (e), (h), (i) and KB, and fees at fairs, agricultural shows and industrial exhibitions held under its authority.

34. Additional funds to be provided by the Government.—When the control and administration of any matter is by or under this Act transferred to a district board, and at the time of the transfer the cost of that control and administration is defrayed from provincial revenue, the Local Government shall, from time to time, allot to the district board such funds, .or place at the disposal of the board such sources of income, as may, in the opinion of the Local Government and of the board, be sufficient for maintaining the control and administration of the said matter in the state of efficiency existing at the date of transfer.

35. District fund.—There Shall be formed for each district a fund, to be called the district fund, and there shall lie placed to the credit thereof—

(a) the balance (if any) of the allotments made for the district under section 7 of the Panjab Local Bates Act, 1878 (V of 1887), and of the road and school ceases, which may be available for expenditure in the district on the day on which the district board comes into existence;

(b) all proceeds of rates allotted to the district board under section 9;

(c) the proceeds of all taxes imposed in the district under sections 30 and 31;

(d) the amount of all fees levied by the district board or by local boards in the district under section 33;

(e) all funds allotted to the district board and the income arising from 'all sources of income placed at its disposal under section 34;

(f) all rents and profits accruing from property vested in the district board or managed by the district board or a local board in the district;

(g) all sums contributed to the fund by Government or by any committee, board or private person;

(h) all sums received by the district board or by a local board in the district in the discharge of functions exercised by it under this Act; and

(i) the proceeds of all sources of income which the Local Government may order to be placed at the disposal of the district board :

Provided that the Local Government may revoke any order made under clause (i).

36. Vesting custody and investment of district fund.—(1) The district fund shall be vested in the district board, and the balance standing at the credit of the fund shall be kept in the Government treasury or sub-treasury or in the bank to which the Government treasury business has been made over, unless the Local Government in any cases otherwise permits.

(2) Subject to such rules as the ¹[Local Government, subject to the control of the] Governor General in Council may make in this behalf, the district board may, with the previous sanction of the Local Government, invest any portion of the district fund in securities of the Government of India or such other securities as the ¹[Local Government, subject to the control of the] Governor General in Council may approve in this behalf, and vary such investments for others of the same nature, or dispose of them. The income resulting from the securities, and the proceeds of the sale of the same, shall be credited to the district fund.

37. Application of district fund.—(1) The district fund shall be charged with the payment of the expenses of the district-post, the payment of the expenses of pauper lunatics sent to public asylums from the area under the authority of the district board, the expenses incurred in auditing the accounts of the district boards and local boards, and such portion of the cost of the Provincial Departments for education, sanitation, vaccination, medical relief and public works as may be held by the Local Government to be equitably debitable to the district board in return for services rendered to the board by those Departments.

(2) Subject to the charges specified in sub-section (1), and to such rules as the Local Government may make with respect to the priority to be given to the several duties of the board or otherwise, the district fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the matters specified in sections 20, 27, 28 and 29, and to the provision of grants-in-aid to educational and medical institutions, within the area subject to the authority of the district board, and, with the sanction of the Commissioner, outside that area when such application of the fund is for the benefit of the inhabitants of that area.

38. Works or undertakings benefiting several districts.—In the case of works or undertakings which undertakings benefit more districts than one, when the district boards cannot agree, the Commissioner or Commissioners of the division or divisions, or, when the districts are in different divisions and the Commissioners cannot agree, the Local Government, may determine what proportion of the expenses of the work or undertaking shall be borne by each of the district funds of the districts benefited thereby ; and such proportion shall be payable out of the several district funds accordingly.

39. Annual estimates of income and expenditure of district boards.—(1) Every district board shall appoint a finance committee consisting of not less than three of its members.

(2) Every district board shall, on or before a board prescribed day in each year, hold a meeting at which the finance committee shall submit to the board an estimate of the income and expenditure of the board for the next financial year, in such form as the Local Government may, by a rule made under this Act, prescribe.

(3) The board shall consider the estimate, and may provisionally approve of it with or without modification.

(4) The board shall, on or before a prescribed day, cause copies of the estimate, as provisionally approved by it, to be sent to the Deputy Commissioner.

(5) The Deputy Commissioner shall, on or before a, prescribed day, signify in writing to the board his approval or disapproval of the estimate. When he disapproves of the estimate, he shall state the nature of

1. Ins. by s. 2 and the Schedule.

his objection. The board shall then consider the matter, and either modify the estimate, so as to remove the objection, or refer it through the Deputy Commissioner to the Commissioner of the division. If the Commissioner concurs in the objection, he shall make such modification in the estimate as may, in his judgment, be necessary to remove the objection in whole or in part. If he does not concur in the objection, he shall pass the estimate, and his order shall be final and binding on the board.

(6) When the Deputy Commissioner has signified his approval of an estimate, or the board has modified an estimate so as to remove the Deputy Commissioner's objections, or when the Commissioner has passed orders as provided in sub-section (5), no expenditure which is not provided for in the estimate as approved or modified shall be incurred during the year to which the estimate relates without the previous sanction of the Deputy Commissioner.

(7) When the Deputy Commissioner is a member of the district board, the Commissioner and the Local Government shall take the place of the Deputy Commissioner and the Commissioner respectively for the purposes of this section.

40. Accounts of district boards.—Accounts of the receipts and expenditure of every district board shall be made up periodically to such days and in such form as the Local Government prescribes, and shall be examined and audited as soon as may be after they are so made up by such persons as the Local Government appoints in this behalf.

41. Estimates and accounts of local boards.—(1) Every local board shall submit annually to the district board of its district, on or before such date as the district board may appoint in this behalf, a statement of the requirements, and an estimate of the probable expenditure, of the local board for the coming financial year, and shall submit, as often as the district board may require, accounts of its receipts and expenditure.

(2) The district board shall signify in writing to the local board its approval or disapproval of an estimate submitted under this section, and powers similar to those conferred on the Deputy Commissioner and Commissioner by section 39, clauses, (5) and (6), shall be exercised, in regard to the estimate, by the district board and the Deputy Commissioner, or (when the Deputy Commissioner is a member of the district board) the Commissioner, respectively

Provided that, during the currency of any financial year, the Deputy Commissioner may sanction transfers of provision within the estimate finally approved, when inconvenience or undue delay would be caused by a previous reference to the district board.

(3) The district board shall make arrangements, subject to the approval of the Deputy Commissioner, for the examination and audit of accounts submitted to it under this section, and may arrange for the publication of such accounts.

42. Inspection of estimates and accounts.—Every district board shall cause a copy of every annual estimate provisionally or finally approved under section 39, and of every account made up under section 40, to be kept at its office; and any person paying rates or taxes under this Act may, at all reasonable times, inspect any such estimate or account without payment of any fee.

43. Publication of abstract of accounts.—A statement of the accounts of a district board for each financial year, showing the income of the district fund under each head of receipt, the charges for establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the fund remaining unspent at the end of the year, shall be prepared by the board in such form as the Local Government prescribes; and an abstract of the same shall be published in the English and Vernacular official Gazettes, or in such other manner as the Local Government may direct.

G.—Control.

44. Control of Commissioner and Deputy Commissioner over boards and joint committees.—(1) The Commissioner of the division, or the Deputy Commissioner of the district when he is not a member of the district board, may—

(a) enter on and inspect, or cause to be entered on and inspected, any immoveable property within the limits of the division or district respectively occupied by any local board, district board or joint

committee, or any work in progress within those limits under the direction of any such board or committee;

(b) by order in writing call for and inspect any document in the possession or under the control of any such board or committee having authority within those limits;

(c) by order in writing require any such board or committee to furnish such statements, accounts, reports and copies of documents relating to the proceedings or duties of the board or committee, as he may think fit to call for; and

(d) record in writing, for the consideration of any such board or committee, any observations he may think proper in regard to the proceedings or duties of the board or committee.

(2) If any difference of opinion arises between officers exercising the powers conferred by sub-section (1), it shall be referred—

(a) if it arises between two or more Deputy Commissioners in the same division—to the Commissioner ; and

(b) if it arises between two or more Deputy Commissioners in different divisions or between two or more Commissioners—to the Local Government;

and the decision thereon of the Commissioner or of the Local Government, as the case may be, shall be final.

45. Power to suspend action.—The Commissioner of the division or the Deputy Commissioner of the district may, by order in writing, suspend, within the division or district respectively, the execution of any resolution or order of a district board or local board or joint committee, or prohibit the doing of any act within the said limits which is about to be done, or is being done, in pursuance of or under cover of this Act, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body or persons.

46. Extraordinary powers of Deputy Commissioner in case of emergency.—(1) In cases of emergency, the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a district board or local board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the district board.

(2) if the expense is not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the district fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance in priority to all other charges against the same.

47. Power to provide for performance of duties in case of default of board.—(1) When the Commissioner, after due enquiry, is satisfied that a district board has made default in performing any duty imposed upon it by or under this Act, he may, by an order in writing, fix a period for the performance of that duty, and, if it is not performed within the period so fixed, he may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, by the board to that person.

(2) If the expense is not so paid, the Commissioner may make an order directing the person having the custody of the balance of the district fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance in priority to all other charges against the same.

48. Power to invest other officers with.—When the control and administration of any public work is by or under this Act transferred to a district board, and at the time of the transfer the cost of that control and administration is defrayed from provincial revenue, the Local Government may invest any officer with respect to that work with the powers of a Commissioner under section 44 or section 47, or with the powers of a Deputy Commissioner under section 46.

49. Report of action under preceding sections.—When the Commissioner makes any order under section 45 or section 47, he shall forthwith forward to the Local Government, and when the Deputy

Commissioner makes any order under section 45 or section 46, or an officer empowered under section 48 makes any order under section 46 or section 47, he shall forthwith forward to the Commissioner, for submission to the Local Government, a copy of the order, with a statement of the reasons for making it, and with such explanation, if any, as the board or committee concerned may wish to offer. The Local Government may thereupon confirm, modify or rescind the order.

50. Powers of Local Government and its officers over boards.—(1) It shall be the duty of the Local Government and of all Commissioners and Deputy Commissioners acting under its orders to require that the proceedings of district boards and local boards shall be in conformity with law and with the rules in force thereunder.

(2) The Local Government may exercise all powers necessary for the purpose of sub-section (1), and may, amongst other things, by order in writing, annul any proceeding which it considers not to be in conformity with law and with the said rules.

(3) The Commissioner of the division and the Deputy Commissioner of the district may, within their jurisdiction, for the same purpose, exercise such powers as may be conferred upon them by rules made in this behalf by the Local Government.

51. Power of Local Government to supersede, in case of incompetency, persistent default or abuse of powers.—If a district board or local board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this or any other Act, or exceeds or abuses its powers, the Local Government may, ^{1***} in Council, by notification, in which the reasons for so doing shall be stated, declare the board to be superseded:

Provided that, in case of public emergency, the notification may be issued without the previous approval of the Governor General in Council, but shall be immediately reported to the Governor General in Council and shall be subject to his orders.

52. Consequences of supersession.—When a district board or local board is superseded under section 51, the following consequences shall ensue:—

(a) All members of the board shall from the date of the notification vacate their offices as such members:

(b) All powers and duties of the board may, until the board is re-constituted, be exercised and performed by such person as the Local Government appoints in that behalf:

(c) Where a district board is superseded, all property vested in it shall, until it is re-constituted, vest in Tier Majesty.

53. Constitution of new board, and transfer of functions of superseded local boards.—(1) When a district board is superseded, the Local Government shall, as soon as in its judgment conveniently may be, constitute another district board in its place.

(2) When a local board is superseded, the Local Government may either constitute another local board in its place, or transfer its functions to the district board or, by a notification under section 10, to any other local board.

54. Disputes.—If any dispute, for the decision of which this Act does not otherwise provide, arises between two or more boards constituted under this Act, or between a municipal committee or cantonment authority and any such board, the matter shall be referred—

(a) to the Deputy Commissioner, if the local authorities concerned are in the same district;

(b) to the Commissioner or Commissioners of the division or divisions, if the local authorities concerned are in different districts ; and

(c) to the Local Government, if the local authorities concerned are in different divisions and the Commissioners of those divisions cannot agree.

1. The words “with the previous approval of the Governor General in Council” omitted by Act 4 of 1914, s. 2 and the Schedule.

(2) The decision of the authority to which any dispute is referred under this section shall be final.

(3) If, in the case mentioned in clause (a), the Deputy Commissioner is a member of one of the boards or committees concerned, his functions under this section shall be discharged by the Commissioner.

(4) “Local authority” in this section means a district board, local board, municipal committee or cantonment authority.

55. Power of the Governor General in Council and the local Government to make rules.—So far as may be consistent with the provisions of this Act—

(1) the Governor General in Council may—

(a) make general rules or special orders for the regulation of taxation under section 30; and

¹[(b) regulation the powers of district boards to make vary and dispose of investments;]

(2) the Local Government may, for any district or local board, or any class of such boards, make rules for ²[Rules made under clause (2)(b) shall be subject to the control of the Governor General in Council]—

(c) dividing boards into classes, and fixing the powers of boards of each class ;

(d) determining the mode and time of appointment or election of members of boards, the term of office, allowances (if any), and the qualifications and disqualifications of such members, and the qualifications and disqualifications of voters, and generally for regulating all elections under this Act;

(e) regulating the powers of boards to transfer property;

(f) regulating the powers of boards to contract and do other things necessary for the purposes of their constitution and the mode of executing contracts;

(g) determining the intermediate offices, if any, through which correspondence between boards or members of boards and the Local Government or its officers shall pass;

(h) determining the language in which business shall be transacted;

(i) the employment, payment, suspension and removal of officers and servants under section 27;

(j) the apportionment of the district fund between the general purposes of the district and the purposes of particular parts of the district;

(k) the application of district funds;

(l) the form of estimates of income and expenditure under section 39;

(m) the form of accounts and the manner of periodical audit under section 40;

(n) the publication of abstracts of accounts under section 43;

(o) the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of boards, and as to the authority by which, and the conditions Subject to which, such plans and estimates may be sanctioned;

(p) the powers of supervision to be exercised by Commissioners and Deputy Commissioners under section 50 ;

(q) the conduct of proceedings of boards, including the fixing of a quorum, the appointment or election of a chairman, and the term of office of a chairman and vice-chairman;

(r) the appointment and payment of auditors of the accounts of boards; and

1. Ins. by Act 4 of 1914, s. 2 and the Schedule.

2. Added by s. 2 and the Schedule, *ibid.*

(s) the guidance of district boards when suits or other proceedings are intended to be or have been instituted by or against them in Civil Courts; and

(t) generally determining the relations between district boards and local boards, and guiding boards and Government officers in all matters connected with the carrying out of the provisions of this Act.

All such rules and alterations of rules shall be notified, and no rules or alteration of rules under clause (2) (d) shall come into operation until three months-after-they have been notified ¹[Rules made under clause (2)(b) shall be subject to the control of the Governor General in Council].

H.—Regulations.

56. Power to make regulations.—(1) Every district board or local board empowered in this behalf by the Local Government may make regulations for carrying out all or any of the purposes of this Act.

(2) A regulation made under this section shall not have effect until it has been confirmed by the Local Government and published in such manner and for such time as the Local Government may direct.

57. Penalty for infringement of regulations.—(1) In making any regulation under section 56, a board may direct that a breach of the same shall be punished with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day during which the breach is continued after the offender has been convicted of such breach.

(2) In default of payment of any fine imposed under this section, the defaulter shall be liable to simple imprisonment for a term which may extend to eight days:

58. Prosecutions.—(1) Prosecutions under this Act for breach of regulations may be instituted by any board, or by any person authorized by the board in this behalf.

(2) A Judge or Magistrate shall not be deemed to be within the meaning of section 555 of the Code of Criminal Procedure a party to, or personally interested in, any case under this section merely because he is a member of the board.

I.—Supplemental and Exceptional Provisions.

59. Liability of members of boards.—Every person shall be liable for the loss, waste Liability of or misapplication of any money or other property members of belonging to the district board, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of a local board or of the district board, and a suit for compensation for the same may be instituted against him in such Court as the Local Government directs, by the district board with the sanction of the Commissioner, or by the Secretary of State for India in Council.

60. Procedure for making rules and regulation.—(1) The Local Government, before making Procedure any rules under section 55 or section 67, and a district or local hoard, before making any regulations rules and regulations, under section 56, shall publish, in such manner as the Local Government may deem sufficient for giving information to persons interested, a draft of the proposed rules or regulations, together with a notice specifying a date on or after which the draft will be taken into consideration; and shall, before making the rules or regulations, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every such rule or regulation shall be published in the official Gazette in English and in such other language as the Local Government directs, and such publication shall be conclusive evidence that the rule or regulation has been made as required by this section.

61. Acquisition of land.—Where any land is required for the purposes of this Act, the Local Government may, at the request of a district board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870 (10 of 1870); and, on the payment by the board of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the board.

1. Added by Act 4 of 1914, s. 2 and the Schedule.

62. Penalty on member, officer or servant being interested in contracts made with a board or joint committee.—(1) If any member, officer or servant of a district or local board or joint committee appointed under this Act is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that board or joint committee, he shall be deemed to have committed an offence under the Indian Penal Code, section 168.

(2) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested, in any contract entered into between the company and a board or committee; but he shall not take part in any proceedings of the board or committee relating to any such contract.

63. Saving for Act 11 of 1879.—Nothing in this Act shall affect the Local Authorities Loans Act, 1879 (11 of 1879).

64. General powers of Local Government and Commissioners.—In all matters connected with this Act, the Local Government shall have and exercise over Commissioners and Deputy Commissioners, and Commissioners shall have and exercise over Deputy Commissioners,, the same authority and control as they respectively have and. exercise over them in the general and revenue administration.

65. Contract of local committees.—Every contract entered into, whether in its own name or in the name of the Government, by the, committee appointed in a district under section 11 of the Panjab. Local Rates Act, 1878, may be enforced by and against the district board constituted for that district under this Act, in like manner as it might have been by and against the committee if this Act had not been passed.

66. Government officers serving under committees to continue under board.—A Government officer employed under the committee appointed in a district as aforesaid at the time when a district board comes into existence for the district under section 17 of this Act shall be deemed to be similarly employed by the board, and shall not be dismissed from that employment without the sanction of the Local Government.

67. Power of Local Government to except local area from operation of Act.—(1) If the circumstances of any district or part of a district are, in the opinion of the Local Government, such that all or any of the provisions of this chapter are unsuited thereto, the Local Government may, by notification in the official Gazette, except the district or part from the operation of those provisions; and thereupon those provisions shall not apply to the excepted district or part until again applied thereto by a like notification.

(2) While any notification under this section is in force, the Local Government may make rules to provide for any matter dealt with by the provisions to which the notification applies.

68. Committee to be constituted for district wholly excepted from Act.—When a district is excepted, under section 67, from all the provisions of this chapter, a committee shall, except where the Local Government for special reasons otherwise directs, be constituted for the control and administration in that district of the matters mentioned in section 20, or of such of them as the Local Government may, from time to time, specify; and the Local Government shall, from time to time, determine the manner in which the members of the committee shall be appointed and removed, define the functions and authority of the committee, and place at its disposal, subject to such control as the Local Government thinks fit,—

(a) the balance standing at the credit of the district fund at the time when the district is excepted or, as the case may be, the balance of the allotments made for the district under section 7 of the Panjab Local Rates Act, 1878 (5 of 1878), and of the road and school cesses, which may be available for expenditure in the district at that time;

(b) all proceeds of rates which, but for the district being excepted, would be allotted to the district board under section 9 of this Act; and

(c) such other sources of income mentioned in section 35 of this Act as the Local Government thinks fit:

Provided that not less than one-half of the members of the committee shall be persons who own landed property or reside or carry on trade or business in the district and are not servants of the Government.

69. Power to direct that Act 20 of 1856 shall cease to be in force.—(1) When any local area in which Act 20 of 1856 (*An Act to make better provision for the appointment and maintenance of Police Chaukidars in Cities, Towns, Stations, Suburbs and Bazars in the Presidency of Fort William in Bengal*) is in force is included in any local area over which a district board established under this Act has authority, the Local Government may, by notification, direct that that Act shall cease to be in force in the local area BO included, and that every panchayat constituted under that Act for that local area shall cease to exist.

(2) When a direction is issued under this section in respect of any local area in which the said Act 20 of 1856 is in force, the amount, if any, then available under section 36 of that Act for purposes of improvement in that local area shall be expended therein by the Deputy Commissioner for such purposes.

CHAPTER IV

SUPPLEMENTAL PROVISIONS AS TO TAXATION

70. Recovery of rates.—All rates and taxes imposed under this Act, and all arrears of such rates and taxes, may be recovered as if they were arrears of land-revenue.

71. Local rate or tax how to be assessed and collected.—(1) The Local Government may, by notification, determine the persons by whom the local rate or any tax imposed under this Act shall be assessed and collected, and make rules for the assessment and collection of the rate or tax, and direct in what manner persons employed in the assessment or collection shall be remunerated.

(2) The provisions of section 60 shall apply to all rules made under this section.

72. Appeals.—(1) In matters connected with the assessment and collection of any rate or tax leviable under this Act, an appeal shall lie from the order of any person authorized under this Act to make assessments or collections to such person as the Local Government appoints:

Provided that the appeal shall be presented within 30 days from the date of the order.

(2) The order passed on an appeal under this section shall be final.

73. Instalments of rates and taxes.—(1) The Local Government may, by notification, prescribe by what instalments and at what times any rate or tax leviable under this Act shall be, payable:

Provided that every instalment of the local rate leviable under section 5 shall be payable with an instalment of the land-revenue.

(2) In any local area subject to the authority of a district board the Local Government may, by notification, delegate to the board, subject to such conditions as it thinks fit, its powers under this section.

74. Power of Local Government to exempt from taxation.—The Local Government may, by notification, remit or reduce any rate or tax imposed under this Act, or exempt any person or class of persons, or any description of property, wholly or in any part, from liability to any such rate or tax, and cancel any such remission, reduction or exemption.

75. Power to direct measurements.—When measurements are necessary for the assessment of the local rate or of any tax imposed under this Act, the Local Government may, by notification, direct such measurements to be made.

76. Suits relating to rates and taxes under this Act cognizable by Courts having cognizance of suits for rent.—Suits for the recovery from co-sharers, tenants or others of any sum on account of any rate or tax imposed under this Act, and suits on account of illegal exaction of any such rate or tax, or for settlement of accounts connected therewith, shall, unless the Local Government otherwise directs, be cognizable by the Courts which for the time being have cognizance of suits for rent due on land.

77. Confirmation and recovery of existing rates.—All rates for the maintenance of roads, schools or the district-post, for the payment of which provision has been made in any settlement-record previous to the passing of this Act, or which have been habitually levied by Government, shall be deemed to have been and to be legally imposed, and to have been and to be legally recoverable as if they were arrears of land-revenue payable directly to Government and due on the land in respect of which they are payable.

[CHAPTER V AMENDMENT OF THE NORTHERN INDIA FERRIES ACT, 1878.] *Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and the Schedule.*

78. [*Amendment of the Northern India Ferries Act.*] *Rep. by s. 2 and the Schedule, ibid.*

79. [*Further amendment.*] *Rep. by s. 2 and the Schedule, ibid.*
