

**358.** Whoever assaults or uses criminal force to any person on grave and sudden provocation given by that person, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

*Explanation.*—The last section is subject to the same explanation as section 352.

*Note.*—If a defaulter, being annoyed by a lawful distraint under section 41 of the Village Self-Government Act, assaults the chaukidar or other person making the distraint, the case may be reported to the police and on conviction by a Magistrate, the defaulter will be liable to imprisonment which may extend to 2 years, or to fine, or to both. (Cf. sec. 353, I. P. C.). If bodily hurt is caused, the imprisonment may extend to 10 years, (cf. sec. 333, I. P. C.)

**403.** Whoever dishonestly misappropriates or converts to his own use any movable property, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

*Explanation 1.*—A dishonest misappropriation for a time only is a misappropriation within the meaning of this section.

*Explanation 2.*—A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, and is not guilty of an offence; but he is guilty of the offence above defined, if he appropriates it to his own use, when he knows or has the means of discovering the owner, or before he has used reasonable means to discover and give notice to the owner and has kept the property a reasonable time to enable the owner to claim it.

What are reasonable means or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it: It is sufficient if, at the time of appropriating it, he does not believe it to be his own property, or in good faith believes that the real owner cannot be found.

**426.** Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

*Notes 1.*—"Mischief" is defined as follows:—

Whoever intending, or knowing that he is likely, to cause loss or damage to the public or to any person causes by unlawful means the destruction of any property (no matter to whom it may belong) or any such change in any property or in the situation thereof as destroys or diminishes its value or utility or affects it injuriously, commits "mischief."

2. If cattle trespass in a field the owner cannot be convicted of committing mischief unless he has driven them, or caused them to enter the field knowing that by so doing he is likely to cause damage. Mere neglect to prevent cattle from straying is not punishable under this section.
3. If any person causes his own cattle or cattle or which he is in charge to trespass in a field intending to cause damage, he is punishable on conviction under this section and, if he is sentenced to fine, the fine may be recovered by sale of all or any of the cattle, (cf. sec. 25 Cattle Trespass Act.)
4. An unlawful removal of goods from a cart or boat and putting them on the ground, constitutes mischief.

**428.** Whoever commits mischief by killing, poisoning, maiming or rendering useless any animal or animals of the value of ten rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

*Note.*—If the animal is a cow, bull, ox, calf, pony or any animal worth Rs. 50 or more, the case falls under section 429 Indian Penal Code and is not triable by a union bench, (cf. 1 L. R. 22 Cal. 457.)

**430.** Whoever commits mischief by doing any act which causes, or which he knows to be likely to cause,

a diminution of the supply of water for agricultural purposes, or for food or drink for human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

*Note.*—This section applies to tanks and irrigation channels.

**447.** Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

*Notes 1.*—Criminal trespass is defined in section 441, Indian Penal Code as follows :—

“Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property,

or, having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with intent to commit an offence is said to commit “criminal trespass.”

2. If the property into which the offender enters or remains is a building, tent or vessel used as human dwelling or a building used as a place of worship or as a place for the custody of property, the offence committed is “house-trespass” and the mere introduction of any part of the criminal trespasser’s body is sufficient to constitute house trespass (sec. 442, Indian Penal Code).
3. If the house-trespasser has taken precautions to conceal the fact of his entrance, he commits “lurking house-trespass” and if he enters or leaves the house through a passage opened or unfastened by him or his confederate for the purpose or through a passage not intended for human entrance or to which he has obtained access by scaling a wall or building or by using criminal force or committing an assault, he commits “house-breaking,” (sec. 445, I. P. C.). Cases of “lurking house trespass” and of “house-breaking” are not triable by a union bench.
4. To decide whether criminal trespass has been committed it is most important to determine whether or not the intention of the trespasser was to intimidate, insult, annoy the person in possession or to commit an offence. A person who trespasses under a *bona fide* claim of right does not commit criminal trespass even if the person in possession is annoyed by his action. If the trespasser enters the property of another intending to intimidate, insult or annoy him, or to commit an

offence, then only is he guilty of criminal trespass. In this connection an offence is defined as anything punishable under the Penal Code or punishable under any special or local law with imprisonment for six months or upwards (sec 40, I. P. C.) Thus, mere proof that a person has cultivated waste land without permission would not justify a conviction for criminal trespass, nor would a conviction under this section be justified if a person accompanying a peon of a Munsiff's Court entered a house at the peon's request to bring out property alleged to belong to the judgment-debtor (14 W. R., Cr. 25). But where a servant entered the land of one of his master's tenants and prevented him from cutting his crop, and there was nothing to show that the servant acted with a *bona fide* intention of lawfully distraining the crop, a conviction for criminal trespass was upheld (7 Cal. 26).

**448.** Whoever commits house-trespass shall be punished with imprisonment of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

*Note.*—See Note 2 under Section 447.

**504.** Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

*Note.*—It is immaterial whether the peace is actually broken or not provided that the provocation is such as would, under ordinary circumstances, induce a breach of the peace.

**506.** Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both ;

and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or transportation, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of

either description for a term which may extend to seven years, or with fine, or with both.

*Notes 1.*—Criminal intimidation is defined in Section 503 as follows:—

“Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of anyone in whom that the person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation,” and it is explained that “a threat to injure the reputation of any deceased person in whom the person threatened is interested is within this section.”

2. A threat to burn a person's house unless he desists from prosecuting a suit is criminal intimidation, so also is a threat to bring a false charge; but the threat must be so far definite that the person to whom it is addressed understand whether it is his person or his property or his reputation to which injury is threatened. For example such a vague threat as *ami tomke dekhzba*, (“I will show you,”) conveys no precise meaning and would not constitute criminal intimidation, except under special circumstance which would show what meaning the words were intended to convey.

509. Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

*Note.*—Before convicting under this section, the bench must be satisfied that the intention of the accused was to insult the modesty of the woman concerned.

510. Whoever, in a state of intoxication, appears in any public place, or in any place which it is a trespass in him to enter, and there conducts himself in such a manner as to cause annoyance to any person, shall be punished with simple imprisonment for a term which may extend to twenty-four hours, or with fine which may extend to ten rupees, or with both.

## UNDER THE POLICE ACT, 1861.

**34.** Any person who, on any road or in any street or thoroughfare within the limits of any town to which this section shall be specially extended by the local Government, commits any of the following offences to the obstruction, inconvenience, annoyance, risk, danger, or damage of the residents and passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment with or without hard labour not exceeding eight days; and it shall be lawful for any Police Officer to take into custody, without a warrant, any person who, within his view, commits any of such offences, namely:—

*Punishment for certain offences on roads, &c.*

*Power of Police officers.*

*First.*—Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains, or breaks any horse or other cattle;

*Slaughtering cattle, furious riding, &c.*

*Second.*—Any person who want only or cruelty beats, abuses, or tortures any animal;

*Cruelty to animals.*

*Third.*—Any person who keeps and cattle or conveyance of any kind standing longer than is required for loading or unloading, or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public;

*Obstructing passengers.*

*Fourth.*—Any person who exposes any goods for sale.

*Exposing goods for sale.*

*Fifth.*—Any person who throws or lays down any dirt, filth, rubbish, or any stones or building materials; or who

*Throwing dirt into street.*

constructs any cowshed, stable, or the like ; or who causes any offensive matter to run from any house, factory, dung-heap, or the like ;

*Sixth.*—Any person who is found drunk or riotous,  
*Being drunk or riotous.* or who is incapable of taking care of himself ;

*Seventh.*—Any person who wilfully and indecently  
*Indecent exposure of person.* exposes his person or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose ;

*Eighth.*—Any person who neglects to fence in, or  
*Neglect to protect dangerous places.* duly to protect, any well, tank, or other dangerous place or structure.

*Note.*—This section will not be in force in any area until the Local Government has extended it to that area.

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RULES UNDER THE BENGAL VILLAGE  
SELF-GOVT. ACT.

*For Rules regarding the election of Members and Presidents of Union Boards, see page 156.*

*For Rules regarding Meetings of Union Boards see page 164.*

**Rules regarding the powers to be exercised by the President or Vice-President of a Union Board.**

**N. B.**—*None of the following rules apply to dafadars and chaukidars.*

*Notification—No. 1030 L.S.-G.—The 29th March 1920.*

—In exercise of the powers conferred by clause (d) of sub-section (2) of section 101 of the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919), the Governor in Council is pleased to make the following rules :—

1. The President shall, for the transaction of the business connected with the Act, or for the purpose of making any order authorised thereby, exercise all the powers vested in the Union Board by the Act and the rules thereunder : provided that the President shall not act in opposition to, or in contravention of, any order of the Board passed at a meeting and shall not exercise any power which by any rule under the Act, is directed to be exercised by the Union Board at a meeting.
2. The President shall have custody of the common seal of the Union Board.
3. The President is empowered to enter, with the sanction of the Union Board, into contracts relating to works and expenditure sanctioned by the Board.



4. Subject to any resolution which the Union Board may from time to time pass, the general powers of control and administration, which are vested or may be vested in the Board under Part I, Chapter IV, of the Act, shall be exercised by the President.

5. The general superintendence and control of the establishment maintained by the Union Board shall vest in, and be exercised by the President.

6. Subject to the scale of establishment laid down by the Union Board and approved by the Local Board the President may appoint and dismiss all officers and servants of the Board: provided that all appointments and dismissals must be reported to the next ordinary meeting of the Board for confirmation. Before any officer is removed or dismissed, the charge against him shall be reduced to writing and communicated to him, and his reply, if any, shall be recorded.

7. The President may suspend any officer or servant of the Board for misconduct or incompetence: provided that the matter shall be laid before the Board for orders at their next ordinary meeting.

8. The President may, with sanction of the Union Board, give one month's notice or one month's pay in lieu of notice, to any person employed by the Board whose services may no longer be required. He may also order the forfeiture of a month's salary of any officer or servant of the Board who may withdraw from the duties of his office without having given previous notice for the period of one month.

9. The President shall have power to inflict for neglect of duty a fine not exceeding one quarter of a month's salary upon any officer or servant of the Union Board: provided that the order of the President inflicting a fine on an officer or servant drawing Rs. 10 per mensem or upwards shall be submitted for the confirmation of the Board at their next ordinary meeting.

10. Casual leave for a period not exceeding seven days at any one time, or fifteen days in twelve months, and sick leave or leave on urgent private affairs for any period not exceeding one month, may be granted by the President, with or without pay and with or without the appointment of a substitute, to any officer or servant of the Board. All leave other than casual leave granted by the President shall be subject to confirmation by the Board.

11. The President shall call on all officers and servants of the Union Board, who may be required by the Board to do so, to furnish such security as the Board may from time to time fix.

12. The powers of the Vice-President shall be such as the President may by an order in writing delegate to him from time to time. Such powers may at any time be withdrawn or modified by an order similarly made: provided that nothing done by the Vice-President with the express or implied consent of the President shall be invalid for want of, or defect of, such written order.

13. In the absence or illness of the President, the Vice-President, if so authorised by the Union Board at a meeting, shall exercise all the powers of the President.

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**Rules regarding the control, appointment discipline, etc., of dafadars and chaukidars.**

*Notification.—No. 2197 P. 7.—The 21st May 1920.—*

In exercise of the powers conferred by sub-section (1) and clauses (g), (h) and (i) of sub-section (2) of section 101 of the Bengal Village Self-Government Act, 1919, (Bengal Act V of 1919), the Governor in Council is pleased to make the following rules:—

In these rules (1) "district magistrate" means the district magistrate or the authority to whom he may, under section 47 of the Act, read with schedule III, have delegated the powers referred to in column 1 of the said schedule;

(2) "Act" means the Bengal Village Self-Government Act, 1919.

**Powers and duties of union boards in regard to the control of dafadars and chaukidars.**

**I.—APPOINTMENT OF DAFADARS AND CHAUKIDARS.**

1. When a vacancy exists in the post of dafadar or chaukidar, the board shall at once report the fact to the district magistrate through the circle officer, and to the officer in charge of the police-station in which the union is situated, and shall, *within a reasonable time*, submit a nomination roll in form A containing all the information prescribed therein. The nomination shall be made by the board at a meeting.

2. When he appoints a dafadar or chaukidar, the district magistrate shall inform the board through the circle officer and shall forward a *sanad* in form B for delivery to the dafadar or chaukidar.

**II.—DISMISSAL OF DAFADARS AND CHAUKIDARS.**

3. When the board at a meeting considers that a dafadar or chaukidar should be dismissed, it shall submit a statement of the case to the circle officer, who

will forward it to the district magistrate with his comments. The statement submitted by the board shall furnish the following information in full detail :—

- (a) the nature and particulars of the misconduct or neglect complained of ;
- (b) the explanation of the defendant ;
- (c) details of his previous punishments and rewards ; and
- (d) the finding and the recommendations of the board.

4. When he dismisses, or sanctions the dismissal of a dafadar or chaukidar, the district magistrate shall record a proceeding and send a copy thereof to the board.

### III.—DISCIPLINE OF DAFADARS AND CHAUKIDARS.

5. The board shall, subject to the control of the district magistrate, allocate to each chaukidar a reasonable beat and, if there is more than one dafadar, determine the dafadar under whom he shall serve ; a dafadar's beat embraces the beats of the chaukidars placed under him.

6. The board may, with the sanction of the district magistrate, require dafadars and chaukidars to appear at muster parades at the board's office at regular intervals. Such parades shall not be held more than once a fortnight. The board shall keep a record of attendance at such parades.

7. The board at a meeting may formally censure or reprimand a dafadar or chaukidar by way of punishment.

8. When the board fines a dafadar or chaukidar it shall do so at a meeting ; and shall record a proceeding giving details of the misconduct or neglect complained of, the explanation of the defendant, and the amount of fine imposed.

9. When the district magistrate fines a dafadar or chaukidar, he shall record a proceeding and send a copy of it to the board through the circle officer.

10. When the board at a meeting considers that a dafadar or chaukidar should be fined more than a quarter of one month's salary, it shall follow the procedure in rule 3 and submit the proceedings to the circle officer, who will forward it to district magistrate with his comments.

11. The board at a meeting may recommend to the district magistrate the withdrawal from a dafadar or chaukidar of good conduct badges or stripes. Such recommendation shall be accompanied by the full report referred to in rule 10, and shall be submitted to the circle officer, who, will forward it to the district magistrate with his comments.

12. The district magistrate may suspend any dafadar or chaukidar against whom the board has drawn up proceedings or in respect of whom he himself has initiated proceedings. Such suspensions shall be reported to the board, and the board shall thereupon make arrangements for a substitute.

13. The board at a meeting may recommend rewards of the following kinds :—

- (a) rewards in cash ;
- (b) rewards in the form of good conduct stripes or badges ;
- (c) gratuities on retirement.

14. When the board at a meeting considers that a dafadar or chaukidar should be rewarded, it shall submit a statement of the case to the circle officer, who will forward it to the district magistrate with his comments. The statement submitted by the board shall furnish the following information in full detail :—

- (a) particulars of the work for which a reward is recommended ;

- (b) particulars of the reward recommended; and
- (c) the previous rewards and punishments of the dafadar or chaukidar in question.

15. When he sanctions a reward to a dafadar or chaukidar, the district magistrate shall record an order and forward a copy thereof to the board. Arrangements shall be made for the payment or grant of the reward at the earliest possible pay parade held after the said sanction.

16. Cash rewards and the cost of good conduct stripes or badges shall be paid out of the district chaukidari reward fund.

#### IV.—PAYMENT OF SALARIES AND REWARDS TO DAFADARS AND CHAUKIDARS AND REALISATION OF FINES.

17. Dafadars and chaukidars shall be paid, at regular intervals to be prescribed by the district magistrate, the pay due to them to the end of the preceding month. The dates of pay parades shall be fixed by the district magistrate and communicated by him to the board. These matters shall be determined by the district magistrate after consideration of the views of the board.

18. The board shall cause to be prepared before each date fixed for payment a register in form C showing the names of dafadars and chaukidars to be paid, the rate and amount of salary due to each, the period for which payment is to be made, and the amount of fine, if any, to be deducted from the salary of each.

19. Upon the date fixed all dafadars and chaukidars shall attend the board's office, and the president shall arrange for the distribution of their pay to them there.

20. The pay parade shall be conducted by the president of the board or, when he is incapable of conducting it, by any other member of the board, hereinafter referred to as the presiding member, deputed by the president in this behalf.

21. The presiding member shall in the first place ascertain whether any salary is owing to any dafadar or chaukidar for the period preceding that under payment, and shall first pay off any such salary which he finds to be due. Having done this, he shall then proceed to make payment for the current period.

22. All payments shall be made in cash and in full; and no payment shall be made to any payee for less than the sum due to him in respect of the period for which salaries are being paid. No admission of a payee of having received any pay in advance shall be accepted.

23. The amount of fine due from a dafadar or chaukidar shall be realised from him by the presiding member immediately after the payment of the salary due to him. No fine shall be realised otherwise than at the time of payment of salary.

24. All payments (less the amount of fine realised and all realisations of fine shall be noted in the acquittance rolls of the payees, which shall be kept in form D, and shall be then and there signed and dated by the presiding member.

25. All such payments and realisations shall likewise be entered then and there by the presiding member in the board's payment register in Form C.

26. If any dafadar or chaukidar is not paid, the fact and the grounds for non-payment shall be noted against his name in the remarks column of the payment register by the presiding member.

27. If any dafadar or chaukidar is absent from the pay parade, the amount due to him shall be kept in deposit in the board's office and paid to him in the presence of a member of the board on the first convenient opportunity. That member shall attest the payment in the payee's acquittance roll and in the payment register.

28. After paying their salaries to all the dafadars and chaukidars present, the presiding member shall

distribute any rewards which have been sent to the board for distribution.

29. As soon as the pay parade is over, the board shall send to the nearest treasury for credit to the district chaukidari reward fund the total amount realised as fine accompanied by a chalan in triplicate for the sum total of the fines realised, upon which shall be endorsed the details of the realisations made. Of the two copies of the chalan which will be returned by the treasury, one copy shall be forwarded to the circle officer and one filed in the board's office.

30. As soon as the pay parade is over, the board shall send to the circle officer a report of the proceedings in Form E.

#### V.—PAYMENT OF COST OF EQUIPMENT OF DAFADARS AND CHAUKIDARS.

31. The annual cost of equipment for dafadars and chaukidars (including conveyance charges for the same) shall be fixed by the district magistrate after consideration of the views of the board.

32. The circle officer shall send to the board a fortnight before the last pay parade in the first quarter a statement in Form F.

33. The board shall pay the cost of equipment of chaukidars and dafadars to the circle officer in quarterly instalment. All such payment shall be in full in respect of every dafadar or chaukidar without exception. They shall be made not later than the day following the last pay parade in each quarter. The circle officer shall grant receipts for the same to the board in Form G.

34. The circle officer, when he receives a consignment of equipment, shall forward it to the board concerned with an invoice in Form H, in which Part I shall be filled up and signed by the circle officer and the board shall distribute the equipment at the next pay parade. When distribution has been completed, the



union board shall fill up Part II and return the invoice (Form H) to the circle officer.

# VI.—DUTIES OF DAFADARS AND CHAUKIDARS.

35. Each dafadar and chaukidar shall receive from the board, on his appointment, a vernacular copy of instructions explaining his powers and duties.

36. The duties of the chaukidar shall include the following :—

- (a) he shall patrol regularly the beat allotted to him by the board in accordance with their orders and be present in that beat throughout the night, unless ordered by the board to patrol elsewhere in the union ;
- (b) he shall attend at the police-station at such muster parades as may be prescribed by the district magistrate ;
- (c) he shall carry out all lawful orders of any dafadar of the union to which he belongs ;
- (d) he shall to the best of his ability assist the police in the execution of their duties, and shall carry out all lawful orders issued by the police in their execution of such duties ;
- (e) if unable, owing to sickness or for any other sufficient reason, to perform any of his duties, he shall immediately report the fact to the dafadar under whom he is serving.

37. A chaukidar shall not be taken away from his beat for miscellaneous or other work except in cases of special urgency or when he is required to guard or escort a prisoner. His employment by the police, by the board, by any member of the board or by any other authority as a private servant or in a menial capacity is strictly forbidden.

38. The duties of the dafadar shall include the following :—

- (a) he shall to the best of his ability assist the police in the prevention of crime and the maintenance of order, and shall perform such duties as the district magistrate may prescribe to that end;
- (b) he shall keep a bound note-book to be supplied by the board and enter therein such information as the district magistrate may prescribe;
- (c) if so required by the district magistrate he shall keep a diary in the following form:—

Date.	Villages visited.	Remarks.—Movements of strangers, bad characters, etc.

and shall submit this diary to the officer in charge of the police-station whenever such officer calls for it;

- (d) he shall periodically patrol the villages of the union or of his beat both by night and by day;
- (e) he shall be responsible for seeing that the chaukidars subordinate to him perform their duties properly, and shall explain any negligence of duty on their part which he may reasonably have been expected to check;
- (f) he shall pay surprise visits to, at least two of the chaukidars' beats on, at least four nights during the week, and shall see that the chaukidars are alert and performing their duties;
- (g) he shall attend all muster parades whether at the police station or at the board's office.

He shall there report all cases of misconduct in chaukidars subordinate to him, explain the causes of absence of any chaukidar who is absent, and see that all those present are dressed in proper uniform ;

(h) when chaukidar subordinate to him is unable, on account of sickness or other sufficient reason, to perform his duties, he shall inform the board promptly and shall see that a substitute is appointed ;

(i) he shall be specially responsible for reporting to the police the information referred to in sub-sections (iv), (v), (vi) and (viii) of section 23 (1) of the Act, viz. :—

(i) arrests by private persons ;

(ii) the movements of all bad characters within the union ;

(iii) the arrival of suspicious characters in the neighbourhood ;

(iv) any local information which any police-officer may require ; as also for giving timely information regarding—

(1) the movement of strangers of wandering gangs within the union ;

(2) the occurrence of a breach of the peace or the likelihood thereof ;

whenever directed by the board to do so, he shall report to the board all action taken by a chaukidar or himself under these heads ;

(j) he shall be specially diligent in the arresting of absconders and in obtaining for the police all available information regarding them.

39. A dasadar shall not ordinarily be employed on work which would carry him outside the union to which he belongs or outside the beat to which, if he be one of several dasadars, he has been allotted.

# VII.—SERVICE OF PROCESSES BY DAFADARS AND CHAUKIDARS.

40. Dafadars and chaukidars shall serve processes issued by union benches and union courts in accordance with rules issued under section 101 (2) (r). They shall also serve the following processes:—

## (i) *Revenue*—

All processes other than warrants for making arrests or warrants for distraint and sale of property.

## (ii) *Criminal*—

All processes other than warrants for making arrests or warrants for making searches or warrants for distraint and sale of property:

Provided that any court may at any time cause a process to be served by the process-serving agency attached to it, instead of sending it to the union board for service by a dafadar or chaukidar.

41. Processes to be served by dafadars or chaukidars shall be sent direct to the president of the board. The president shall determine by which dafadar or chaukidar each process shall be served, and shall endorse upon each the name of the dafadar or chaukidar who is to serve it. The president shall make over to the dafadar the processes to be served by him as well as those to be served by chaukidars under him; and the dafadar shall make over to the chaukidars those which they are to serve. Similarly, after service, the dafadar shall make all processes over to the president; and the president shall return them to the issuing authority.

42. The president shall maintain a register of processes sent to him for service in Form I.

43. Each dafadar shall appear before the president at such times as may be appointed for the purpose of taking over processes; and shall make over without delay to the chaukidars concerned those which are endorsed to them for service.

All processes shall be served and returned as quickly as possible.

44. For each process served a fee of 2 annas shall be paid to the union fund, the cost being met from the budget of the collector or the district magistrate concerned.

At the end of each month the nazir in the collector's or magistrate's office will draw bills union by union, cash them and send the amount to each board concerned.

45. All dafadars and chaukidars shall be public servants for the purposes of section 68 (2) of the Code of Criminal Procedure.

46. All dafadars and chaukidars shall be supplied by the board with a copy in vernacular of instructions showing how processes should be served.

## FORM A.

(Vide rule 1.)

*Nomination roll for the post of  $\frac{\text{dafadar}}{\text{chaukidar}}$  in union.*\_\_\_\_\_

*Police-station*\_\_\_\_\_

1. Name of nominee.
2. Father's name.
3. Caste.
4. Age.
5. How employed since attaining majority?
6. Physical condition.
7. Residence.
8. Is the nominee related to the late incumbent?
9. Is his character good?

10. Are any of his relations bad characters?  
If so, give details.
11. Can he read and write (more than his name only)?
12. Thumb prints of nominee.

*Signature of President of the Union Board.*

## FORM B.

(Vide rule 2.)

*Sanad of appointment of a  $\frac{\text{dafadar}}{\text{chaukidar}}$  under section 20 (1)  
of Bengal Act V of 1919.*

caste, , son of  
, village  
Police-station , district  
outpost  
at present resident of village  
police-station , district  
outpost  
is hereby appointed, under the provisions of section 20  
(1) of Bengal Act V of 1919, to be a  $\frac{\text{dafadar}}{\text{chaukidar}}$  in union  
police-station , district  
outpost

*Dated*

*The* \_\_\_\_\_ 19 .

*District Magistrate.*

*Subdivisional Magistrate.*

*Superintendent of Police.*

*Circle Officer.*

# FORM C.

(Vide rules 18, 25, 26 and 27.)

## Register of payment of dafadars and chaukidars.

(A separate page to be maintained for each payee.)

Serial number of dafadar or chaukidar.	Name of dafadar or chaukidar.	Rate of pay per month.	Period.	Fines imposed.	Amount paid as salary.	Fines realised.	Initial of presiding member and date of payment.	Remarks.

# FORM D.

(Vide rules 24 and 27.)

Acquittance roll of dafadar  
chaukidar.

Month.	Date of payment.	Amount paid as salary.	Fine realised.	Initials of presiding member.	Remarks.

## FORM E. (Vide rule 30.)

*Salaries of chaukidars and dafadars of  
for the  $\frac{\text{month}}{\text{quarter}}$  of*

*union in police-station*

Date of payment.	Name of presiding member.	Number of chaukidars (including dafadars) on the roll.	Number paid in full.	Names of those not paid owing to absence.	Names of those not paid for other reason	Statement of reasons for non-payments shown in columns 5 and 6.	REWARDS DISTRIBUTED.		Details of mutation in the names of dafadars and chaukidars since the preceding pay parade.
							Names.	Amount.	
1	2	3	4	5	6	7	8	9	10

## FORM F. (Vide rule 32.)

CIRCLE.

*Register showing demands, collections and balances of Chaukidari  
Uniform Fund for the year.*

Name of police-station.	Number and name of union.	Number of dafadars in the union.	Number of chaukidars in the union.	Total annual demand for full equipment of chaukidars.	One quarter of the amount in column 5 being the amount payable quarterly.
1	2	3	4	5	6



FORM G. (*Vide* rule 33.)

*Receipt for payment of cost of chaukidari uniform.*

To be kept in the circle office.

To be made over to the union board.

1. Serial number.
2. Number & name of union.
3. Demand for the quarter.
4. For which quarter paid.
5. Amount paid (in figures and words).
6. Date of payment.
7. Signature of circle officer.

1. Serial number.
2. Number & name of union.
3. Demand for the quarter.
4. For which quarter paid.
5. Amount paid (in figures and words).
6. Date of payment.
7. Signature of circle officer.

FORM H. (*Vide* rule 34.)

PART I.

To

The President \_\_\_\_\_ Union Board.

SIR,

HEREWITH the undermentioned equipment for distribution to the dafadars and chaukidars of your union. Please note all issues in Part II of this form and when distribution has been completed return Part II to me with your signature.

*Circle Officer.*

Chaukidars.

Haversacks.  
Pagris.  
Jumpers.  
Cross-belts.  
Leather belts.  
Brass badges.

Dafadars.

Haversacks.  
Pagris.  
Jumpers.  
Cross-belts.  
Leather belts.  
Brass badges.  
Lanterns.

PART II.

To

The Circle Officer \_\_\_\_\_

SIR,

THE articles mentioned in Part I above have been issued as noted below\* :—

*President,* \_\_\_\_\_

*Union Board.* \_\_\_\_\_

\* *Vide* page 200.

Date of issue.	Name and beat number.	CHAUKIDARS.						DATADARS.					
		Havassacks.	Pagris.	Jumpers.	Cross-belts.	Leather belts.	Brass badges.	Havassacks.	Pagris.	Jumpers.	Cross-belts.	Leather belts.	Brass badges.

N.B.—The totals of Part II should tally with Part I.

# FORM I. (Vide rule 42)

## Register of processes received for service.

Serial No.	Number entered on process by issuing authority.	Nature of process.	Name of person on whom, and village where process is to be served.	Date of receipt by president.	Name of datadar or chaukidar to whom it is endorsed for service.	Date of making over to datadar.	Date of return by datadar.	Date fixed for return of process to issuing authority.	Date of despatch to issuing authority.	Method of service.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12

### Account Rules for Union Boards.

*Notification No. 1918 L. S.-G.—The 24th June 1920.—*

In exercise of the powers conferred by clauses (f) and (m) of sub-section (2) of section 101 of the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919), the Governor in Council is pleased to make the following rules:—

#### BUDGET ESTIMATE.

1. The union board shall annually submit to the district board through the local board, on or before such date as the district board may appoint, an estimate in Form No. 1 of the probable receipts and expenditure of the union board for the ensuing Bengali year, for sanction of items other than those relating to dafadars and chaukidars.

An extract from the estimate relating to dafadars and chaukidars shall be submitted to the District Magistrate for sanction. A copy of the extract shall also be submitted to the Sub-divisional Magistrate through the circle officer.

2. No expenditure shall be incurred in excess of the budget under any head without the previous sanction of the district board or the District Magistrate, as the case may be, and no re-appropriation from one sub-head to another under the same head shall be made without the sanction of the union board at a meeting: provided that if urgent need occurs the president may re-appropriate a sum not exceeding Rs. 10 from one sub-head to another under the same head. The president shall inform the union board at the next meeting and obtain its approval.

#### CUSTODY OF UNION FUND.

3. The union fund shall either remain in the custody of the president or be deposited in the name of the

union board in the Savings Bank of the nearest post-office; or in the case of union boards at head-quarters of sub-divisions, the president may open an account in the local treasury or sub-treasury to which he shall credit the receipts of the union fund. In the last-named case a pass-book and a cheque-book shall be supplied to the president, the treasury officer being directed to pass cheques issued by the president. The cheque-book shall remain in the custody of the president.

#### CASH-BOOK.

4. All receipts and payments of a union board not having an account with the local treasury or sub-treasury shall be recorded in a cash-book in Form No. 2 on the same day that the money is received or paid, and, in the case of union boards having an account with the local treasury or sub-treasury, all receipts shall be recorded in a cash-book in Form No. 3 and promptly remitted to such treasury or sub-treasury, and payments shall be entered in the cash-book as soon as cheques are signed by the president. The amount of cheques received in payment of contributions shall be entered in the cash-book after encashment, but if the union board has an account at the treasury or sub-treasury, the cheques in payment of contributions from the provincial and district funds shall be credited to the union board by *per contra* debit to these funds and shall be included in the cash-book when the credits appear in the pass-book.

#### ASSESSMENT AND COLLECTION OF UNION RATE.

5. For the collection of the rate imposed under section 37 of the Act, the following accounts shall be kept:—

A.—Collection register (Form No. 4).

B.—Daily collection book (Form No. 5).

Columns 2 and 4 of the collection register shall be filled in at the beginning of the year and columns 1 and

3 as soon as the current year's assessments are determined.

6. The collecting member or officer shall enter the amount at once with necessary details in the daily collection book (Form No. 5). The register of daily collections and the counterfoils of receipts shall be taken to the president, with the collections, on the first day of every month and also on any day when the collecting member or officer has Rs. 25 or more in hand and shall be produced at any other time when the president may so order. The collections shall be made over to the president for credit to the union fund and his receipt taken in the daily collection book. From this book the collections shall be posted the next day in the collection register. The amount shall be entered in the column for the quarter in which, and not that for which, it is realized.

#### RENT OF POUNDS AND FERRIES.

7. A register in Form No. 6 shall be maintained for watching recoveries of pound and ferry rents and accounting for them.

8. The lessees of pounds and ferries shall be required, at least 15 days before the period of the lease begins, to place their signatures in column 9 against their names and to pay in advance at least one quarter of a year's rent.

9. The register shall be opened by bringing forward all arrears due from lessees whose leases have terminated and have not been renewed. The entries shall be filled in from the previous year's account and made serially, one below the other in column 6, grouped according to the year for which the arrears are due. In the case of such expired leases columns 7 to 9 need not be filled in. The demands for current leases and the dates on which payments on account of them are due

shall be entered in columns 7 and 8, respectively. Every entry in columns 6 and 7 shall be verified by the president, who shall put his initials with date in column 10 against each entry.

10. All realizations and their dates shall be entered in columns 11 and 12, respectively, and all sums so realized shall be credited direct to "Pound receipts" in column 5 or "Ferry receipts" in column 6 of the cash-book. The entries in column 11 shall be compared by the president with the cash-book and he shall place his initials in column 15.

11. When a lease is cancelled for any reason and the pound or ferry resold or abolished, the demands up to date shall be worked out and compared with the collections up to date.

#### RECEIPTS.

12. For all sums received by the union board except those on account of the union rate, a receipt in Form No. 7 duly signed by the president shall be granted to the payee.

#### REMISSIONS.

13. No remission shall be sanctioned except by the union board at a meeting.

#### PAYMENT OF CLAIMS.

14. Every bill or other claim for payment from the union fund shall show full details of the charges, shall be signed by the persons to whom the money is actually due and shall, except in the case of advances paid under rule 15, bear a certificate that the work billed for has actually been completed. When the work is carried out under the supervision of an officer of the district or local board, the certificate should be signed by that officer. In other cases it should be signed by a

member of the union board authorised by the board to do so on its behalf in each case. At the time of making payment in cash or of issuing a cheque, the president shall take a receipt, stamped if necessary, from the payee, and endorse the bill with words "Paid Rs. \_\_\_\_\_ only (Rupees \_\_\_\_\_)"

\_\_\_\_\_ in cash by cheque No. \_\_\_\_\_," the amounts being written in words as well as in figures. The endorsement shall be dated and signed by the president and shall bear the number of the voucher as in the cash-book. Payments to illiterate persons shall be attested by a competent witness in addition to the paying officer.

#### ADVANCES.

[NOTE.—Union board works may be carried out either by a contractor under the supervision of a member or officer of the union board or of an officer of the district or local board, or directly by a member of the union board, provided that such member except with the sanction of the local board, does not directly or indirectly participate in the profits of the work or is not concerned or does not participate in any contract connected with the work.]

15. If any work is to be carried out by a member of a union board or by a contractor under the supervision of a member of a union board, advances may be paid, with the sanction of the union board, either to such member or to the contractor. The person to whom an advance is paid shall keep proper accounts of the amount advanced, and shall submit an account duly supported by vouchers to the union board within three months from the date of the advance. No fresh advances shall be paid until the previous advance is adjusted.

16. As soon as an advance is paid under rule 15 the president shall enter it as a payment under the head "Advances," on the payment side, of the cash-book (Form No. 3 or 2 according as the union board has an account with the local treasury or not), and make the necessary entries in the payment side (columns 15, 16, 17 and 29 in Form No. 2, or columns 19, 20, 21, 22 and

34 in Form No. 3, as the case may be). The payment orders shall be used as vouchers and numbered serially and the serial numbers entered in the payment side (column 17 of Form No. 2 or column 21 of Form No. 3). The advance shall also be entered in columns 1 to 4 on the debit side of the advance register (Form No. 8), and for each person to whom advances are given a separate account shall be opened in the register. Advances paid to the same person for more than one work shall be entered as separate entires, both in the cash-book and in the advance register. When advances are recovered either in cash or by work-bills, necessary entries shall be made in columns 6 to 9 on the credit side of the advance register. If the advance is recovered in cash, it shall be entered as "Advance recovered" on the receipt side of the cash-book (Form No. 2 or 3). If, however, the recovery is made by work-bill, the amount shall, in the first instance, be posted in the adjustment register (Form No. 9), not only in column 4 as a credit, but also under the appropriate head on the payment side (columns 6 to 11). The totals of the adjustment register for the month shall be posted under the appropriate heads of the cash-book (columns 20 to 26 of the payment side of Form No. 2, or columns 25 to 31 of the same side of Form No. 3, as the case may be).

#### ANNUAL ACCOUNTS.

17. As soon as possible after the close of the year the annual account of the union board showing the total receipts and payments during the year under the several heads of accounts with opening and closing balances shall be prepared in a form similar to the cash-book, but omitting columns 1, 2, 3, 15, 16 and 17 in case of Form No. 2, and columns 1, 2, 3, 16, 17, 18, 19, 20, 21 and 22 in case of Form No. 3. This account shall be submitted to the district board after actual counting of the closing balance and comparison with the treasury



or Savings Bank pass-book. A copy of it shall also be submitted to the district magistrate.

18. An abstract of annual expenditure, prepared in Form No. 10 together with a statement of the charges for chaukidars and dafadars and other establishment (if any), shall be published, not later than one month after the close of the year to which it relates, by posting up a copy signed by the members of the union board at the office of the union board or in any neighbouring *hāt* which is generally frequented by the villagers belonging to the union.

#### AUDIT OF ACCOUNTS.

19. At least once a year a complete audit of the union board's accounts shall be carried out within the union by the circle officer.

#### REGISTER OF LANDS AND PUBLIC RIGHTS OF WAY.

20. A proper record of all lands, including roads, lands on roadsides, sites of buildings, tanks, etc., in the possession of the union board either as owner or controller shall be kept in Form No. 11. If any plot of land shown in the register is sold or otherwise transferred from the possession of the union board, the entry for it shall be struck off and the facts in connection with the transfer or sale stated in the column for remarks under the initials of the president. The register shall be annually examined by the president and attested with his signature and date.

All public rights of way, by land or water, should be entered in this register. If a path over which the public has a right of way has not been formally acquired by the Government or a local authority, an entry shall be made in columns 7, 11 and 12. In every case the numbers of the plots in the most recent settlement or other authoritative maps shall be entered in column 12. Care should be taken to include all plots covered by the land to which the entry relates.

## UNION BOARD

[Vide

## Budget estimates of probable receipts and expenditure of the Union

Receipts.	Actuals (of previous year).	Sanctioned estimates (of current year).	Budget estimates (of ensuing year).
1	2	3	4
Opening balance ... ..			
Pound receipts ... ..			
Ferry receipts ... ..			
Union rate—			
(i) under section 37 (a) ... ..			
(ii) under section 37(b)* ... ..			
(iii) 10 per cent. of (i) and (ii) for collection expenses and losses due to non-realisation.			
Rents of chaukidari chakran lands ...			
Contributions—			
From Government ... ..			
" District Board ... ..			
" Others sources ... ..			
Miscellaneous receipts—			
Fees and fines under section 34 ...			
Penalties under section 41 ... ..			
Fines under section 72 and others receipts of the Union Bench.			
Fees under section 90 and other receipts of the Union Court.			
Others ... ..			
Etc. ... ..			
Total ... ..			

\* The particular works for which the rate is to be levied should be specified.

FORM No. 1.

Rule 1.]

Board of \_\_\_\_\_ for the Bengali year \_\_\_\_\_.

Expenditure.	Actuals (of previous year).	Sanctioned estimates (of current year).	Budget estimates (of ensuing year).	REMARKS.
5	6	7	8	9
Dafadars and chaukidars—				
Salaries ... ..				
Equipment .. ..				
Other establishment ... ..				
Collection charges ... ..				
Construction of following roads—				
(a) ... ..				
(b) ... ..				
Repair of following roads—				
(a) ... ..				
(b) ... ..				
Improvement of drainage of ...				
Improvement of water-supply as per details below.				
Conservancy as per details below ...				
Other sanitary measures as per details below.				
Schools ... ..				
Dispensaries ... ..				
Etc. ... ..				
Closing balance ...				
Total ...				





## UNION BOARD FORM No. 3. [Vide Rule 4.]

Cash-book of the Union Board of \_\_\_\_\_ for the month of \_\_\_\_\_

## RECEIPTS.

Date of receipts.	From whom received.*	* Serial No. of receipts in the receipt book.	Opening balance.	Pound receipts.	Ferry receipts.	Union rate under section 37.	Rents on chaukidari chakran lands.	Contributions.	Receipts of Union Bench.	Receipts of Union Court.	Miscellaneous receipts.	Advances recovered.	Total.	Total amount remitted to treasury.	Date of remittance.	Number of treasury chalan.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
			Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.			
Total receipts																	

\* Enter "Collecting member or officer (with his name) when payment is made by him and give the serial number of receipts granted to assessee in column 3. The total covering these receipts will only be entered in column 7.

Memorandum—Balances as per cash-book ... .. Rs. A. P.

Add—Cheque uncashed ... ..

No. dated \_\_\_\_\_

Deduct—Amounts not remitted to treasury Balance as per cash-book.

UNION BOARD FORM No. 3. [Vide Rule 4.]

Cash-book of the Union Board of \_\_\_\_\_ for the month of \_\_\_\_\_

PAYMENTS.

Date of payment.	To whom paid.	Number of vouchers.	Number of cheque.	Establishment.	Dafadars and chaukidars.	Construction of roads.	Repair of roads.	Improvement of drainage.	Sanitation.	Conservancy.	Improvement of water supply.	+	Expenditure of Union Bench.	Expenditure of Union Court.	Advances.	Closing balance.	Total.	REMARKS.	
19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	
				Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.						
	Total payments.																		

† The is for any miscellaneous which it may be necessary to classify separately. Other columns may also be added, if necessary.

Memorandum—Balances as per cash-book

Add—Cheque uncashed

No. dated

Deduct—Amounts not remitted to treasury Balance as per cash-book.

Rs. A. P.

...

...

...

...

...

...

...

## UNION BOARD FORM No. 4.

[Vide Rule 5.]

Collection Register for the year \_\_\_\_\_ B.S.

\_\_\_\_\_ Union Board.

Serial number in the Assessment Register.	Name of the Assessee.	DEMAND.			COLLECTIONS.										REMARKS.	
		Assessment for current year.	Arrears.	Total.	1st quarter.	2nd quarter.		3rd quarter.		4th quarter.		Total.	Remissions.	Balances.		
						Date.	Amount.	Date.	Amount.	Date.	Amount.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
		Rs.	Rs.	Rs.		Rs.		Rs.		Rs.		Rs.	Rs.	Rs.	Rs.	



UNION BOARD FORM No. 5.

[Vide Rule 5]

Daily Collection Book.

Union Board.

Date. তারিখ।	Name. নাম।	Serial number of receipt. রসিদের ক্রমিক নম্বর	Amount paid. যত টাকা দেওয়া হইল।	Total credited in cash-book. মোট টাকা যোগ করা বহিতে জমা হইল।	Receipt of President for the amount. টাকার জর প্রেসিডেন্টের রসিদ।
1.	2	3	4	5	6
			Rs. A. P.	Rs. A. P.	

## UNION BOARD FORM No. 6.

[Vide Rule 7.]

Register of pound and ferry rents for \_\_\_\_\_ B.S.

\_\_\_\_\_ Union Board.

Name of pound or ferry.	Situation.	PERIOD OF LEASE.		Name of lessee.	Arrear.	INSTALMENTS DUE.		Lessee's signature, with date.	President's signature.	PAYMENTS.		Remissions.	Balance.	President's initials.
		From—	To—			Amount.	Date.			Amount.	Date.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
					Rs.	Rs.				Rs.		Rs.	Rs.	

Union Committee Form

No. 7.

[Vide Rule 12]

MISCELLANEOUS RECEIPT.

ইউনিয়ন বোর্ড

রসিদের ক্রমিক নম্বর

র নিকট হইতে

বাবত

টাকা আনা পাই

আদায় হইল।

মং টাকা আনা

পাই।

সন

তারিখ

প্রেসিডেন্টের স্বাক্ষর।

MISCELLANEOUS RECEIPT.

ইউনিয়ন বোর্ড

রসিদের ক্রমিক নম্বর

র নিকট হইতে

বাবত

টাকা আনা পাই

আদায় হইল।

মং টাকা আনা পাই।

সন

তারিখ

প্রেসিডেন্টের স্বাক্ষর।





## UNION BOARD FORM No. 10.\*

[Vide Rule 18.]

Expenditure incurred by the Union Board of \_\_\_\_\_ in work  
done during the year \_\_\_\_\_ B.S.

Name of work.	Name of payee †	Amount paid.	REMARKS.
1	2	3	4
		P S. A. P.	
Pound ... ..			
Ferry ... ..			
Roads—			
(1) (Name) ... ..			
(2) ... ..			
Drainage of—			
(1) ... ..			
(2) ... ..			
Water-supply—			
(1) ... ..			
(2) ... ..			
Conservancy ... ..			
Other sanitary measures ... ..			
School—			
(1) ... ..			
(2) ... ..			
Dispensary ... ..			
Etc. ... ..			

\* N.B.—This form will be bi-lingual in English and the vernacular.

† Only the name of the member or contractor who carried out the work or any part of it should be stated.



## Rules regarding Assessment and Collection of the Union Rate.

*Notification.*—No. 1998 L.S.G.—The 3rd July 1920.—

In exercise of the powers conferred by clauses (k) and (l) of sub-section (2) of section 101 of the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919), the Governor in Council is pleased to make the following rules :—

### ASSESSMENT AND IMPOSITION OF THE UNION RATE.

1. After preparing the annual budget estimate in Account Form No. 1 and not less than two months and a half before the first day of the year to which the budget relates, the union board at a meeting shall proceed to assess the union rate provided in the estimate according to the circumstances and the property within the union of the persons liable to assessment.

2. The union board shall first prepare, village by village and in Form No. 1, a list of all persons owning or occupying buildings in the union, either permanently or temporarily, showing their trade, business, etc., and their estimated annual income within the union. All such persons shall be included in the list, even if some are subsequently exempted.

3. The board shall determine the total assessable income of the person concerned after considering his debts and liabilities, if any.

4. Government or any local authority or company owning or occupying buildings in the union may be assessed in consideration of the value of the total property which the Government or such authority or company may possess within the Union :

Provided that the total amount of the rate annually payable by Government or such authority or company



to the union board shall not exceed the maximum of Rs. 84.

NOTE.—Railway companies are not liable to payment of the union rate until they are notified as liable under section 135, Indian Railways Act.

5. A person liable to pay the rate, but not living in the union, shall be assessed only on the land which he actually holds, or on the income which he may actually derive from property or business in the union.

6. The assessment list prepared as aforesaid shall be approved by the union board at a meeting and so much of it as appertains to each village in the union shall be published in a conspicuous place in that village at least two months before the commencement of the year.

7. The union board at a meeting shall hear and decide any objections to the assessment list made within three weeks after the publication of the list. A note shall be kept of such orders as are passed in the minute book of the board.

8. After the expiry of the period of three weeks mentioned in rule 7 the president of the union board shall send to the circle officer a duplicate copy of the assessment list together with a copy of the budget and a certificate stating the dates on and the places at which the assessment list was published.

9. Upon receipt of the assessment list, the circle officer shall see—

- (a) that the list has been signed by all the members and the publication has been certified ;
- (b) that the estimate of the union rate, as provided in the budget has been correctly arrived at ; and
- (c) that in estimating the rate the balance in hand from the previous year has been allowed for.

If the circle officer thinks that the assessment made is inequitable, or is in excess of the legal requirements for the year, or will fall short of them, he will report to the District Magistrate, who may direct the union board to revise the assessment, and the board shall prepare a revised list accordingly.

10. The assessment list after being checked by the circle officer, or the revised list, if any, prepared under rule 9, shall be published by the union board in the manner laid down in rule 6, if possible before the first day of the year and if not as soon as possible thereafter.

11. If any person mentioned in the assessment list ceases at any time after the publication thereof under rule 10 to occupy any building in respect of the occupation of which he has been assessed, or if the means and property in respect of which he has been so assessed are reduced, the union board at a meeting may exempt him from assessment or revise the same; and such exemption or revision shall take effect from such date as the board may direct.

12. The union board at a meeting may, at any time after the publication of the assessment list under rule 10 and after giving previous notice of not less than a week, assess any person who was without authority omitted from the list, or whose liability to assessment has accrued thereafter, and may enhance any assessment which may appear to it to be inadequate and to have been so made owing to mistake or fraud. Any assessment or enhancement made under this rule shall take effect from the beginning of the quarter in which such assessment or enhancement is made or from the date when the liability to assessment accrued, whichever may be later.

13. The union board may, at any time, after giving previous notice of not less than a week, substitute for any name mentioned in the assessment list the name of

any new owner or occupier of a building, and may assess the rate on such person, and such person shall be liable to pay such assessment from the first day of the quarter in which such person's name was substituted in the assessment list, or from the date on which the change of ownership or occupation occurred, whichever may be later.

#### METHOD AND TIME OF PAYMENT OF UNION RATE.

14. The union rate shall be payable in equal quarterly instalments. The instalment of the rate on account of each quarter shall be due on the first day of such quarter:

Provided that in the case of an assessment under rule 12 or rule 13, the first instalment shall be due on the date on which such assessment is made known to the assessee.

15. The union board at a meeting may appoint one or more persons, who may be members of the board, to receive and collect the rate. The rate may also be paid at the office of the union board. The board shall declare by notification to be posted up in its office at what hours the office shall be open for the receipt of money.

16. Every person liable to pay any sum assessed upon him under these rules shall, within fifteen days from the date on which the said sum becomes due, pay or tender such instalment to the person or member appointed in that behalf under rule 15 or at the office of the union board.

17. For all sums paid on account of the rate a receipt shall be given in Form No. 2.

NOTE.—An estimate shall be made of the number of receipt forms likely to be required for a year's consumption and the complete year's supply shall bear consecutive printed numbers and shall be stitched in books of 100 each. The president shall stamp every receipt with the seal of the union board and keep the books in his personal custody. He shall keep an account of the books he issues and see that they are returned as soon as they are used up. The surplus forms shall be destroyed at the end of the year.

### DISTRAINT AND SALE OF MOVABLE PROPERTY OF DEFAULTER.

18. Immediately after the 15th day from the date on which the instalment payable becomes due the union board shall prepare a list of the persons who may have failed to pay their respective instalment of the rate for such quarter, showing the amount due from each of such defaulters, and so much of it as appertains to each village shall be published in a conspicuous place in that village.

19. If any of the defaulters shall not, within 15 days of the publication of the list under rule 18, pay the sum due, or show to the union board sufficient cause for not paying the same, the president, or, if so directed by him, the vice-president, shall cause the chaukidar or any other person authorised in writing by the president or the vice-president to levy by the distraint and sale of a sufficient portion of the movable property of the defaulter, except plough-cattle and tools and implements of trade and agriculture, the amount of his arrear, together with a sum equal to half the amount of such arrear, by way of penalty:

Provided that when the movable property distrained is shown to the satisfaction of the union board to have been left in the building for repairs or safe custody in the ordinary course of business, it shall be released.

20. Distress shall be made by actual seizure of movable property and the officer charged with the execution of the distraint and sale shall be responsible for the due custody thereof.

21. Such officer shall give not less than ten days' previous notice of the sale and of the time and place thereof by beat of drum:

Provided that if the property distrained is of a perishable nature, it may be sold at once with the consent of the defaulter, or without such consent at any time after the expiry of six hours from the seizure.

22. If the sum due be not paid with the penalty referred to in rule 19 before the time fixed for the sale, the movable property seized shall be sold by auction at the time and place specified in the most public manner possible, and the proceeds shall be applied in the discharge of the sum due, including the penalty. Two members of the board shall be present at every such sale.

23. No property shall be sold to any member or servant of the union board.

24. The surplus sale proceeds shall be returned to the defaulter, or, in his absence, credited to the union fund to be paid thereafter on demand to any person who establishes his right to the satisfaction of the union board.

25. A record of all proceedings taken under rule 18, *et seq.*, shall be made and preserved in the minute book of the union board.

26. The union board shall cause a regular account to be kept of all distresses levied and sales made for the recovery of the union rate.

27. No instalment of the union rate shall be recovered by distress after the expiration of one year from the day on which the same shall have become due :—

**FORM NO. 1.**

**Assessment List.**

Serial No.	Name of owner or occupier of building.	Occupation (trade, business, etc.)	Estimated annual income within the union.	Description of property possessed.	Amount of tax payable quarterly	Grounds of exemption, if any.
1	2	3	4	5	6	7

## FORM NO. 2.

## RECEIPT FOR UNION RATE.

Counterfoil.]

Name of Union.

Name of Union

Serial No. in assessment  
listSerial No. in assessment  
listName of owner or occu-  
pier.

Name of owner or occupier

On account of for the year

On account of for the year

Total Rs. annas pies

Total Rs. annas pies

On account of penalties  
under section 41On account of penalties  
under section 41

Total Rs. annas pies

Total Rs. annas pies

*Dated the**Dated the**Collecting member or  
officer.**Collecting member or  
officer*

## Rules for the guidance of Union Benches and Union Court.

*Notification.—No. 4443J.—The 7th December 1920.—*

In exercise of the power conferred by sub-section (2) section 101 of the Bengal Village Self-Government Act, 1909 (Bengal Act V of 1919), the Governor in Council is pleased to make the following rules for the guidance of Union Benches and Union Court :—

### GENERAL.

1. The president of the union board, or, if he is not a member of the bench or court, a president elected by the members of the bench or court shall fix the time and place where the bench or court shall sit.

The bench or court shall sit at least on one fixed day in each week; if the date so fixed falls on a Government holiday, it shall sit on the next open day.

Two members of the bench or court shall form a quorum.

2. Subject to the control of the subdivisional officer, the president of the bench or court may give leave of absence to members of the bench or court and the subdivisional officer may give leave of absence to the president. If the president is absent, the remaining members of the bench or court shall elect a president to act in his absence.

3. The bench or court shall finish, if possible, the hearing of the case or suit in one day. If for any reason the case or suit is adjourned, it shall on the next day of hearing be heard, if possible, by the same members of the bench or court who heard it in part. If any of such members are unable to sit, it shall be heard *de novo*, provided that if two members are present who have heard it in part, it shall not be necessary to try the case or suit *de novo*.

4. Each court or bench shall have a seal inscribed with its name and shall use the same on all processes, warrants and orders issued by it.

The language of the court or bench and of all records and registers shall be Bengali.

The union board shall depute one or, if necessary, more than one chaukidar to attend each sitting of the union bench and of the union court and carry out the orders of the bench or court. The clerk of the union board shall attend each sitting of the union bench or of the union court.

The court or bench shall maintain such establishment as the union board may allow.

5. The bench or court may at any stage of the case or suit hold local enquiry in respect of any matter in dispute between the parties.

6. The parties shall ordinarily bring their own witnesses. The bench or court may send for any witness, or may issue a summons, if necessary, for his appearance or for the production of any document required by any party. The summons shall be in the form given in the schedule.

7. (a) Any person requiring a copy of a record or part of a record shall apply to the court or bench. The clerk of the court or bench, if any, or the clerk of the union board shall fix the fee at the rate of 150 English or 300 vernacular words for three annas. On the payment of this fee the copy shall be prepared.

(b) Of the three annas two annas shall be paid to the copyist and one anna to the union fund.

(c) For a certified copy a fee to be paid in stamps under article 24 of Schedule of the Stamp Act must be paid.



ARTICLE 24 OF SCHEDULE I OF THE INDIAN STAMP ACT (ACT II OF 1899).

DESCRIPTION OF INSTRUMENT.	PROPER STAMP DUTY.
COPY OR EXTRACT certified to be a true copy or extract by or by order of any public officer and not chargeable under the law for the time being in force relating to court-fees—	
(i) If the original was not chargeable with duty, or if the duty with which it was chargeable does not exceed one rupee.	Eight annas.
(ii) In any other case	One rupee.

(d) If a copy is required immediately, an additional fee of annas eight shall be paid. The additional fees shall be paid to the union fund.

8. (i) Every summons, warrant, or order issued by the bench or court and every recognisance bond taken by the bench shall be in writing, in the form given in the Schedule and shall be signed and sealed by the president of the bench or court or in his absence by a member of the bench.

(ii) Every summons requiring the attendance of any person before the bench or court, every warrant for the arrest of a person under section 72 (3) of the Bengal Village Self-Government Act of 1919, every order under section 99 of the Bengal Village Self-Government Act of 1919, and every notice issued by the bench or court shall be directed to the president of the union board within the limits of which union the person against whom the process is directed is living or, if he is resident in a municipal area, to the subdivisional officer.

(iii) The president of the union board shall make over such summons or notice to a chaukidar for service.

(iv) The president of the union board shall, in the case of a warrant, endorse the warrant with the name of a dafadar or chaukidar and the warrant shall then be served by such dafadar or chaukidar.

(v) On receipt of an order under section 99 of the Bengal Village Self-Government Act of 1919 for the realization of any sum, the president of the union board shall proceed to realize the said sum as if it were an arrear of rate imposed under section 37 of the Act.

(vi) All processes, notices and orders issued by the bench or court should be returned to the bench or court after service or execution and should be kept in a file.

9. All records and registers shall be preserved for three years.

#### BENCH.

1. The bench will take cognisance of offences on a petition made orally or in writing—

(a) at a sitting of the bench—

(b) to any member of the bench at a time other than when the bench is sitting.

2. When a petition is made orally to a member of the bench under rule 1(b), the member shall make a memorandum of the name and residence of the complainant and the accused and the nature of the charge. The member shall forward the petition if it is in writing, or his memorandum when the petition is made orally, to the president of the bench to be laid before the bench at its next sitting. The member shall give a receipt in the form prescribed in the Schedule and shall direct the petitioner to appear before the bench at its next sitting.

3. The bench shall examine on oath or solemn affirmation the person making a complaint under rule 1 (a) or 1(b) and after such examination shall deal with the case under section 68 or 70(1) of the Bengal Village Self-Government Act of 1919. If any person, having made a petition before a member of the bench under rule 1(b), fails to appear before the bench, the bench may dismiss the petition under section 69 of the above Act.

4. Necessary entries shall be made in the case register of all petitions made to member of the bench whether in court or otherwise.

5. If a case is transferred to the bench under the proviso of section 66 of the Bengal Village Self-Government Act, 1919, it shall be entered in the register and, if the accused is present, be taken up for trial or, if he is not present, the bench shall procure his attendance by summons or otherwise.

6. When the accused appears or is brought before the bench, the particulars of the offence of which he is accused shall be stated to him and he shall be asked if he has any cause to show why he should not be convicted.

7. If the accused admits that he has committed the offence of which he is accused and if he shows no sufficient cause why he should not be convicted, the bench shall convict him accordingly.

8. If the accused does not make such admission, the bench shall proceed to hear the complainant, if any, and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence. The president or with his permission another member of the bench may record a summary of the evidence.

9. (1) If the bench upon taking the evidence referred in rule 8 and examining the accused find the accused not guilty, they shall record an order of acquittal.

(2) If the bench find the accused guilty, they shall sentence the accused in accordance with section 72 of the Bengal Village Self-Government Act of 1919.

10. If a complainant, at any time before a final order is passed in any case, satisfies the bench that there are sufficient grounds for permitting him to withdraw his complaint, the bench may permit him to withdraw the same and shall thereupon acquit the accused.

11. Every order passed by the bench shall be recorded in the case register and shall be signed by each member of the bench engaged in hearing the case.

12. On the receipt of any fine, compensation, or penalty under a recognisance bond, the amount paid and the date of payment shall be entered in the fine register. At the close of each sitting the president shall send all fines realised to the president of the union board for credit to the union fund.

13. The following registers shall be maintained:—

(1) Case Register.

(2) Register of fines imposed, compensation awarded and penalty enforced.

(3) Register of applications for copies.

(4) A register of miscellaneous receipts and copying fees with counterfoils.

14. A quarterly return shall be made to the circle officer in the form prescribed.

15. (i) When it is proved to the satisfaction of the bench by which a bond under section 70(3) of the Bengal Village Self-Government Act of 1919 has been taken, that such bond has been forfeited, the bench may call upon the person bound by such bond to show cause why it should not be paid.

(ii) If sufficient cause is not shown, the bench may direct that the penalty be paid.

(iii) If the penalty is not paid, the bench may proceed to recover it under section 99 of the Bengal Village Self-Government Act, 1919.

(iv) The bench may in its discretion remit any portion of the penalty and enforce payment in part only.

## SCHEDULE.

### REGISTER OF CASES.

Left hand page.	Right hand page.
1. Serial number of the case.	(For Intermediate
2. The name and address of the complainant.	orders, synopsis
3. The name and address of the accused.	of the evidence
4. The substance of the charge.	and reasons for
5. Date of the commission of the offence.	decision if any.)
6. Date of the complaint.	
7. Date of the appearance of the accused.	
8. Remands with dates.	
9. Final order with date.	
10. Orders (with date) under section 72 (3).	

*Signatures of the members of the Bench.*

## SUMMONS AND WARRANT REGISTER.

1. Serial number of the case in the Case Register.
2. Name of the person against whom issued.
3. To whom issued.
4. Date of issue.
5. Returnable date fixed by the bench.
6. Actual date of return.
7. Writ money if any.
8. Remarks.

REGISTER OF FINES, COMPENSATION<sup>n</sup> AWARDED AND AMOUNTS DUE UNDER BOND.

1. Serial number.
2. Number of the case in the Case Register.
3. Amount of fine imposed, compensation awarded, or penalty exacted under recognisance bond.
4. Date of imposition.
5. Date of the issue of distress warrant, if any.
6. Amount and date of realization.
7. Date of credit to the union fund.
8. Receipt of the president of the union board.
9. Date of body warrant.
10. Date of execution of body warrant.
11. Remarks.

## REGISTER OF MISCELLANEOUS RECEIPTS AND COPYING FEES WITH COUNTERFOILS.

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1. Serial number.</li> <li>2. Name of the payer.</li> <li>3. Amount received and on what account received (in words and figures).</li> <li>4. Signature of the receiving officer.</li> <li>5. Date of credit to the union fund.</li> </ol> | <ol style="list-style-type: none"> <li>1. Serial number.</li> <li>2. Name of the payer.</li> <li>3. Amount received on what account received (in words and figures).</li> <li>4. Signature of the receiving officer.</li> </ol> |
|---|---|

V.—REGISTER OF APPLICATIONS FOR COPIES.

Serial No.	Name of applicant.	Date of application.	Nature of document of which copy is applied for, and No. and year of case in which filed.	WHETHER APPLICANT REQUIRES—		Amount to be paid.	Dated of payment.	Date on which copy was ready for delivery.	Date on which delivery was taken.	REMARKS.
				Certified copy.	Uncertified copy.					
1	2	3	4	5	6	7	8	9	10	11

NOTE 1.—The date to be entered in column 3 is the date of receipt of application.

NOTE 2.—In the column for remarks should be noted any copies which, though originally applied for and granted as "uncertified" are subsequently converted into "certified" copies.

VI.—PETITION RECEIPT.

Counterfoil.

No.  
Name of complainant.  
Date of appearance fixed.  
Signature.  
Date.

Receipt.

No.  
Name of complainant and accused.  
Date fixed for appearance before Bench.  
Signature.  
Date.

VII.—SUMMONS TO A WITNESS.

TO

of

Whereas complaint has been made before me that  
of  
has (or is suspected to have) committed the  
offences of (state the offence concisely with time and place)

and it appears to me that you are likely to give material evidence for the prosecution :  
defence.

You are hereby summoned to appear before this Bench on the                      day of                      at                      o'clock in the <sup>fore</sup><sub>alter</sub> noon to testify what you know concerning the matter of the said complaint, and not be depart thence without leave of the Bench ; and you are hereby warned that if you shall, without just excuse, neglect or refuse to appear on the said date, you will be liable to fine of twenty-five rupees.

Given under my hand and the seal of the Bench,  
this                      day of                      19   .

Seal.

(Signature)

*President of the Union Bench at*

#### VIII.—SUMMONS TO AN ACCUSED PERSON.

To

of

Whereas your attendance is necessary to answer to a charge of                      (state shortly the offence charged), you are hereby required to appear in person (or by agent, as the case may be) before the Union Bench on the                      day of                      19   . Herein fail not. Dated this                      day of                      19   .

Seal.

(Signature)

*President of the Union Bench at*



IX.—BOND TO ATTEND BEFORE A UNION BENCH IN ANSWER TO A CHARGE.

I (name) of being charged with the offence of and having been called upon to enter into my own recognisance to appear when required before the Bench do hereby bind myself to appear on the day of next or on such day as I may hereafter be required to attend to answer further to the said charge, and in case of my making default herein, I bind myself to forfeit to His Majesty the King-Emperor of India, the sum of Rupees

Dated this day of 19

Seal.

(Signature)

*President of the Union Bench at*

X.—WARRANT OF ARREST ON FAILURE TO PAY A FINE IMPOSED BY A UNION BENCH.

To

The President of the Union Board.

Whereas of has been convicted under section of the Indian Penal Code Act No. of and has been sentenced to pay or in default to undergo simple rigorous imprisonment for days and whereas the said fine has not been paid or realized :

You are hereby directed to arrest the said and to produce him before me. Herein fail not.

Dated this day of 19

Seal.

(Signature)

*President of the Union Bench at*

**XI.—WARRANT OF ARREST ON FAILURE TO PAY A SUM AWARDED AS COMPENSATION BY A UNION BENCH UNDER SECTION 72 (2) OF THE BENGAL VILLAGE SELF-GOVERNMENT ACT, 1919.**

To

The President of the

Union Board.

Whereas of was directed to pay to of a sum of Rupees as compensation for bringing a frivolous or vexatious case or in default to suffer simple imprisonment for a period of days; and whereas the said sum has not been paid or realized:

You are hereby directed to arrest the said and to produce him before me. Herein fail not.

Dated this

day of

19

Seal.

(Signature)

*President of the Union Bench at*

**XII.—WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT PASSED IN DEFAULT OF THE PAYMENT OF A FINE.**

To

The Superintendent of the jail at

Whereas on the day of 19 (name of prisoner) was convicted before this Union Bench of the offence of (mention the offence or offences concisely) under section (or sections) of the Indian Penal Code Act of ; and was sentenced to pay a fine of or in default to undergo rigorous simple imprisonment for days, and whereas the said fine has not been paid or realized.

This is to authorize and require you, the said Superintendent, to receive the said (name) into your custody, together with this warrant, and him safely to keep for the said period of days unless the said fine be sooner paid, and on the receipt thereof forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Bench, this day of 192

Seal.

(Signature)

*President of the Union Bench at*

XIII.—WARRANT OF IMPRISONMENT ON FAILURE TO PAY OR REALIZE AMENDS.

To

The Superintendent of the Jail at

Whereas (name and description) has brought against (name and description of the accused person) the complaint that (mention it concisely), and the same has been dismissed as frivolous (or vexatious) and the order of dismissal awards payment by the said (name of complainant) of the sum of rupees as amends; and whereas the said sum has not been paid by or recovered from the said (name of complainant) and an order has been made for his simple imprisonment in jail for the period of days in default of the payment or recovery of the said sum :

This is to authorize and require you, the said Superintendent, to receive the said (name) into

your custody, together with this warrant, and him safely to keep in the said jail for the said period of (term of imprisonment) , subject to the provisions of section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Bench  
this                      day of 19 .

Seal.

(Signature)

*President of the Union Bench at*

XIV.—ORDER TO LEVY A FINE  
AN AMOUNT DUE AS COMPENSATION  
AN AMOUNT DUE UNDER A BOND AS  
AN ARREAR OF RATE IMPOSED UNDER SECTION 37  
OF THE BENGAL VILLAGE SELF-GOVERNMENT ACT  
OF 1919.

To

The President of the Union Board at

Whereas of was on the day of

19 ' convicted before the Union Bench at  
order by

of the offence of (mention the offence concisely) and sentenced to  
pay a fine of Rupees to pay Rupees as compensation to  
of under section 72 (2) of the Bengal Village Self-Govern-  
ment Act, 1919 to pay Rupees under a bond.  
and whereas the said (name) has not paid the  
said sum or any part thereof:

This is to authorize and require you to realize the  
said sum as an arrear of rate imposed under section 37

of the Bengal Village Self-Government Act, 1919, and on realization to return this warrant with your endorsement certifying that you have realized the said sum.

Given under my hand and the seal of the Bench,  
this            day of            19   .

Seal.

(Signature)

*President of the Union Bench at*

# XV.—RETURN.

[To be submitted every quarter.]

1	2	3	4	5	6	7	8	9	10	11
Name of the Union Bench,	Quarter ending the	Total number of complaints received by the Bench including those pending from last quarter.	Number disposed of.	Number pending at the end of the quarter.	Number of cases dismissed before the appearance of the accused.	Number of cases resulting in—	Number of persons brought under-trial.	Number of cases disposed of during the quarter which were under-trial for—	Number of cases pending for more than three months.	REMARKS.
						(i) Conviction.	Convicted.	(i) One month.		
						(ii) Acquittal.	Acquitted.	(ii) Three months.		
							Number under trial			
							Total.			

## UNION COURTS.

1. Any person wishing to bring a suit before a union court may appear before the court on a day fixed for its sitting and present a petition orally or in writing. He shall at the same time produce any document on which he relies that is in his custody.

2. The court shall then enter in the register of suits the name and address of the plaintiff or plaintiffs, the name and address of the defendant or defendants, the nature of the claim, the date and place where the cause of action arose and the relief claimed. The court shall make a note of any document produced in the column of remarks.

3. The court shall then, after such examination of the petitioner as it considers necessary, proceed either under section 78 or under section 80 of the Bengal Village Self-Government Act, 1919.

4. If any defendant does not reside within the jurisdiction of the court, the summons may be served by registered acknowledgment post, the postage for which shall be paid by the plaintiff or it may be sent for service to the president of the union board in which the defendant resides.

5. If the defendant appears and applies for time either to proceed under section 11 of the Bengal Village Self-Government Act, 1919, or to produce evidence, the court shall fix a date for the hearing, but unless the defendant declares his intention to move for a transfer under section 81, he shall be called on to answer the petition at once either orally or in writing.

6. When both sides are ready with their witnesses the court shall proceed to hear the case.

7. The petitioner shall have the right to begin unless the defendant admits the facts alleged by the plaintiff and contends that either in point of law or on some additional facts alleged by the defendant the petitioner is not entitled to any part of the relief which he seeks, in which case the defendant shall have the right to begin.

8. The party having the right to begin shall state his case and produce his evidence in support of the issue which he is bound to prove.

The other party shall then state his case and produce his evidence (if any) and may then address the court generally on the whole case.

The party beginning may then reply generally on the whole case.

9. The president or, with his permission, another member of the court may make a memorandum of the substance of the evidence in the register of suits.

10. The court may at any time permit the petitioner to withdraw the suit or to abandon a part of his claim with liberty to bring a fresh suit in respect of the part so abandoned on such terms as to compensation to the defendant for expense and trouble incurred as the court may think fit.

On abandonment of the whole or part of a claim the plaintiff shall pay the fee under section 90 of the Bengal Village Self-Government Act, 1919, in respect of the amount of the claim abandoned.

If a suit be adjusted wholly or in part by any lawful agreement or compromise, such agreement or compromise shall be recorded and the court shall pass a decree in accordance therewith.

11. Decrees or orders of the court shall be entered in the register of suits and signed by all members of the Court hearing the case.

12. All money payable under a decree shall be paid as follows, namely:—

- (a) into the court whose duty it is to execute the decree, or
- (b) out of court to the decree-holder, or
- (c) otherwise as the court which made the decree directs.

Where any payment is made under clause (a), notice in writing or otherwise of such payment shall be given to the decree-holder.

13. Where any money payable under any decree is paid out of court or the decree is otherwise adjusted in whole or in part to the satisfaction of the decree-holder, the decree-holder shall certify such payment or adjustment to the court whose duty it is to execute the decree, and the court shall record the same accordingly after realizing the fees from him.

The judgment-debtor also may inform the court of such payment for adjustment within three months of the payment and apply to the court to issue a notice in writing or otherwise to the decree-holder to show cause on a day to be fixed by the court why such payment or adjustment should not be recorded as certified, and if after such notice the decree-holder falls to show cause why the payment or adjustment should not be recorded as certified, the court shall record the same accordingly after realizing the fees from the judgment-debtor.

A payment or adjustment which has not been certified or recorded as aforesaid shall not be recognized by any court executing the decree.

14. At any time within three years of the signing of the decree, the successful party may apply to the court for execution of the decree.

The court will then issue an order on the president of the union board who will proceed to realize the amount as if it were an arrear of rate imposed under section 37 of the Bengal Village Self-Government Act, 1919.

15. On realisation he shall report the fact to the Court which will note the same in its register and will hold in deposit the sum decreed to the party and will credit the sum realized as fees to the Union Fund.



16. After the expiry of one month from the date of a decree dismissing a suit or after the expiry of three months of any suit decreed, if the decreeholder takes no steps to recover his decree, the Courts shall proceed under section 99 of the Bengal Village Self-Government Act, 1919, to realize any fees due to it.

17. The certificate to be granted under section 91 of the Bengal Village Self-Government Act of 1919 shall be in the form given in the schedule.

18. On execution of such transferred decree, the Munsiff shall certify execution to the Court.

19. When the suit is restored under section 79 or re-opened under section 82 of the Bengal Village Self-Government Act, 1919, a note shall be made in the Register of Suits.

20. When a retrial is ordered under section 88 of the Bengal Village Self-Government Act, 1919, the suit shall be entered afresh in the Register of Suits.

21. If any Union Court ceases to have jurisdiction in any area, all suits arising from such area and pending in such Court shall be heard and determined, and all decrees passed by such Court in cases arising from such area and pending in such Court shall be heard and determined, and all decrees passed by such Court in cases arising from such area and remaining unexecuted shall be executed by the civil court which, if the suit were about to be instituted, would have jurisdiction to try it.

Such suits shall be tried and such decrees shall be executed as suits instituted in, and decrees passed by, such civil court.

22. The defendant may set off any amount legally due to him by the plaintiff for which he could bring a

suit in a Union Court. If such set-off is established, the decree shall be for any sum which finally appears to be due to either party.

23. The following register shall be kept :—

- (1) Register of Suits.
- (2) Register of Fees.
- (3) Counterfoil Receipt book.

## SCHEDULE.

### REGISTER OF SUITS.

Left hand page.	Right hand page.
1. Date of presentation of petition.	Intermediate orders, synopsis of evidence
2. Number of suit.	and reasons for decision if any.
3. Name and address of plaintiff.	
4. Name and address of defendant.	
5. Particulars of claim.	
6. Date when and place where the cause of action arose.	
7. Whether decided <i>ex-parte</i> or after contest, or on compromise or on rehearing.	
8. Decree or order with date.	
9. Date and particulars of execution.	
10. Remarks.	

UNION COURT OF.....

II.—Register of Fees.

For the Year.....

Serial No.	Number in Register of suits.	Date of decree.	FEES DUE.		Date of requisition to the president of the union board.	Date of realization.	Date of credit to union fund.	Receipt of president of union board.
			By whom payable.	Amounts.				
1	2	3	4	5	6	7	8	9

III.—Register of Applications for Copies.

Serial No.	Name of applicant.	Date of application.	Nature of document of which copy is applied for, and No. and year of case in which filed.	WHETHER APPLICANT REQUIRES—		Amount to be paid.	Date of payment.	Date on which copy was ready for delivery.	Date on which delivery was taken.	REMARKS.
				Certified copy.	Uncertified copy.					
1	2	3	4	5	6	7	8	9	10	11

NOTE 1.—The date to be entered in column 3 is the date of receipt of application.

NOTE 2.—In the column for remarks should be noted any copies which, though originally applied for and granted as "uncertified," are subsequently converted into "certified" copies.

## VI.—Counterfoil Receipt Register.

Union Court,

For the year

THIS TITLE WITH THE NAME OF THE UNION COURT  
SHOULD BE PRINTED ON THE OUTSIDE OF THE  
BOOK OF COUNTERFOILS.

*Union Court Receipt.*

No.  
Date  
Name of Payer  
On what account  
Amount

No. , dated  
Received from  
the sum of  
Rs.

(Signed)

President of  
Union Court.

President of  
Union Court.

## V.—SUMMONS TO WITNESS.

In the  
Suit No.

Union Court.  
of (year)

Petitioner

*VERSUS*

Defendant.

To (name, description and address)

You are hereby summoned to appear in person (or  
by agent in case of document) on      day of  
at      in the <sup>forenoon</sup><sub>afternoon</sub> to give evidence on behalf of  
the plaintiff [or the defendant] in the above-mentioned  
suit and to produce (here describe the document) and  
you are not to depart thence until you have been  
examined (or have produced the document) or unless  
you have obtained the leave of the Court; and you are  
hereby warned that if you shall without just excuse,  
neglect or refuse to appear on the said date you will be  
liable to a fine of twenty-five rupees under section  
(1) of the Village Self-Government Act of 1919.

Given under my hand and the seal of the Court  
this                      day

Signature

*President of the Union Court.*

Seal.

If the document is not wanted the necessary words  
may be scored through.

VI.—SUMMONS TO A DEFENDANT.

In the                      Union Court.

Suit No.

of

Petitioner

*versus*

Defendant.

To (name, description and address)

Whereas (name, description and address of the  
plaintiff) has instituted a suit in this Court against you  
(here state the particulars of the claim in the Register);  
you are hereby summoned to appear in this Court in  
person or by agent on the                      day of                      to  
answer the above-named plaintiff; you are hereby  
required to take notice that, in default of your  
appearance on the day before mentioned, the suit will be  
heard and determined in your absence.

Given under my hand and the seal of this Court  
this                      day

Signature

*President of the Union Court.*

Seal.

# VII.—WARRANT FOR REALIZATION OF DECREES AND FEES.

To the President of the Union Board

at

Whereas was ordered by the decree of this Court passed on the day of in suit No. of (year), to pay to the plaintiff the sum of Rs. and to pay fees amounting to noted in the margin, and whereas the said sum of Rs. has not been paid;

Decree	...
Principal	...
Interest	...
Fees under section 90 of the Village Self-Government Act of 1919.	

This is to authorize and require you to realize the said sum as an arrear of rate imposed under section 37 of the Bengal Village Self-Government Act of 1919, and on realization to return this warrant with your endorsement certifying

that you have realized the said sum.

Given under my hand and seal of this Court, this day of

Signature

*President of the Union Court.*

at

Seal

VIII.—CERTIFICATE OF NON-SATISFACTION OF DECREE.

In the Union Court.

Suit No. of (year)

Petitioner

*versus*

Defendant.

Certified that no (or partial, as the case may be, and if partial, state to what extent) satisfaction of the decree of this Court in Suit No. of can be effected by this Court. Given under my hand and seal of this Court, this day of

Signature ( )

President of the Union Court.

at

Seal.

IX.—

UNION COURT.

RESULT OF MISCELLANEOUS CASES DURING  
THE QUARTER ENDING

	Applica- tions re- maining from pre- ceding quarter.	Applica- tions made dur- ing the quarter.	Total of col- umns 2 and 3.	Applica- tions re- jected or dismiss- ed.	Applica- tions suc- cessful.	Pending at end of quarter.
1	2	3	4	5	6	7
Under section 79 Under section 82 Number applications						

X.—  
UNION COURT.  
RESULT OF CIVIL SUITS UNDER TRIAL DURING THE QUARTER ENDING

Class of Courts.	NUMBER OF SUITS BEFORE THE COURTS.					NUMBER OF SUITS DISPOSED OF												REMARKS.		
	Pending from last quarter.	Instituted* in	Remanded under section 88.	Revised under section 79 or 82.	Total for disposal.	Without trial.			Without contest.			On reference to arbitration.		Judgement for plaintiff in whole or part.		Judgement for defendant.	Total disposed of.		Pending at close of quarter.	Number of cases pending more than three months at the close of the quarter.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21