

Provided that no act of a Union Board or of its officers shall be deemed to be invalid by reason only that the number of members of the Board at the time of the performance of such act was less than the prescribed number.

15. (1) Every Union Board shall be presided over by a President, who shall be elected by the members of the Union Board from among their own number.  
Election of President.

(2) If any Union Board fails to elect a President within the period prescribed, the Chairman of the District Board shall appoint a member of the Union Board to be President.

16. Every Union Board may elect one of its members to be the Vice-President of the Board.  
Election of Vice President.

17. The term of office of a President or Vice-President of a Union Board shall be the residue of his term of office as a member.  
Term of office of President.

18. (1) A president of a Union Board may resign during his term of office by notifying in writing his intention to do so to the Chairman of the District Board and to the Union Board, and on such resignation being accepted by the Chairman shall be deemed to have vacated his office.  
Resignation of President.

(2) A Vice-President or a member of a Union Board may resign during his term of office by notifying in writing his intention to do so to the Union Board, and on such resignation being accepted by the Union Board shall be deemed to have vacated his office.

19. (1) If the President dies, resigns or is removed from his office under section 13, the Union Board shall, at a meeting within the period prescribed, elect from among its members a new President, and if the Union Board fails to elect a President within the prescribed period, the Chairman of the District Board shall appoint a new President.  
Casual vacancy in office of President and Vice-President.

(2) If the Vice-President dies, resigns or is removed, the Union Board may elect from among its own members a new Vice-President.

20. Every Union Board shall be a body corporate by the name of "the Union Board of (name of union)," and shall have perpetual succession and a common seal and shall by the same name sue and be sued, with power to acquire and hold property, both movable and immovable and, subject to any rules prescribed under this Act, to transfer any such property held by the Board and to contract and do all other things necessary for the purposes of this Act.  
Incorporation of Union Boards.

21. In any union in which the provisions of Part IV are not in force, the District Magistrate shall exercise all the powers conferred on the District Board or on the Chairman of the District Board by sections 8 (4), 13, 15 (2), 18 (1) and 19 (1).

### PART III.

#### Village police.

22. No provision contained in this Part shall apply to any union unless and until it has been expressly extended thereto by the Local Government by notification.

23. Subject to the control of the Commissioner, the District Magistrate shall from time to time determine after consideration of the proposals of the Union Board the number of dafadars, if any, and chaukidars to be employed within each union, the salaries to be paid to them and the nature and cost of their equipment.

24. The salaries and cost of equipment of dafadars and chaukidars shall be paid by the Union Board, and the dafadars and chaukidars shall receive their salaries and equipment at such time and place and in such manner as may be prescribed.

25. (1) The Union Board shall, when a vacancy exists, nominate a person to be a dafadar or a chaukidar under this Act, and the District Magistrate shall, if satisfied with such nomination, appoint such nominee.

Provided that, if the Union Board fails within a reasonable time to nominate a person to be a dafadar or a chaukidar, or if the District Magistrate is not satisfied with such nomination, the District Magistrate shall appoint any person whom he thinks fit to be a dafadar or chaukidar.

(2) The District Magistrate, or the Union Board with the sanction of the District Magistrate, may dismiss any dafadar or chaukidar.

26. (1) The Union Board may punish any dafadar or chaukidar who is guilty of any misconduct in his office or neglect of duty with a fine not exceeding one-quarter of a month's salary.

(2) The District Magistrate may revise any order passed by the Union Board under sub-section (1) and may punish any dafadar or chaukidar who is guilty of misconduct or neglect of duty with a fine not exceeding one month's salary.

**27.** (1) Every chaukidar shall exercise the following powers and perform the following duties :—  
Powers and duties of dafadars and chaukidars.

- (i) he shall give immediate information to the officer in charge at the police-station within the limits of which the union is situated and to the President of the Union Board, of every unnatural, suspicious, or sudden death which may occur, and of any offence specified in Schedule III which may be committed within the union, and he shall keep the police and the President of the Union Board informed of all disputes which are likely to lead to a riot or serious affray ;
- (ii) he shall arrest—
  - (a) all proclaimed offenders ;
  - (b) all persons whom he may find in the act of committing any offence specified in Schedule III ;
  - (c) any person against whom a hue and cry has been raised of his being concerned in any offence specified in Schedule III whether such offence has been or is being committed, within or outside his union ;
  - (d) any person in whose possession anything is found which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence with reference to such thing ; and
  - (e) any person who obstructs a police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody ;
- (iii) he shall, to the best of his ability, prevent, and he may interpose for the purpose of preventing, the commission of any offence specified in Schedule III ;
- (iv) he shall assist private persons in making such arrests as they may lawfully make, and he shall report such arrests without delay to the officer in charge of the aforesaid police-station ;
- (v) he shall observe and from time to time report to the said officer the movements of all bad characters within the union ;
- (vi) he shall report to the said officer the arrival of suspicious characters in the neighbourhood ;
- (vii) he shall report in such manner as may be prescribed by the District Magistrate the births and deaths which have occurred within the union ;

- (viii) he shall supply any local information which the District Magistrate or any police officer may require ;
- (ix) he shall obey the orders of the Union Board in regard to keeping watch within the union and in regard to other matters connected with his duties as chaukidar ;
- (x) he shall give immediate information to the Union Board of any encroachment on, or obstruction to, any road within the union and of any damage to any property under the control of the Union Board ;
- (xi) he shall assist the person collecting the union tax in making such collection ;
- (xii) he shall serve such processes upon persons resident within the union as may be prescribed by rules under this Act ; and
- (xiii) he shall carry out such other duties as may be entrusted to him from time to time in accordance with this Act or any rules made thereunder.

(2) Every dafadar shall exercise all the powers conferred on a chaukidar under sub-section (1) and shall perform such duties as may be imposed upon him by rules made under this Act.

28. Whenever a dafadar or chaukidar arrests any person under Procedure on arrest by section 27, he shall forthwith take the person by dafadar or chaukidar. so arrested to the police-station within the limits of which the union is situated :

Provided that, if the arrest is made at night, such person shall be so taken, as soon as convenient, on the following morning.

29. All fines realized from a dafadar or chaukidar under section 26 shall be credited to a district Chaukidari District Chaukidari Re- Reward Fund, the control over which shall ward Fund. rest with the District Magistrate.

30. (1) The Union Board shall impose yearly on the owners and occupiers of buildings within the union a tax equal to the amount required, after deduction of the contribution, if any, made by the Local Government in this behalf, for the salaries and equipment of the dafadars and chaukidars of the union together with a sum of not more than fifteen *per centum* above such amount to meet the expenses of collections and losses due to the non-realization of the tax from defaulters.



(2) The proceeds of the tax imposed under this section shall be credited to a fund to be called the "Union Chaukidari Fund".

31. (1) The tax imposed under the preceding section shall be an assessment according to the circumstances and the property within the union of the owners and occupiers of buildings :

Provided that in the Chota Nagpur Division every proprietor or tenure-holder who has *khas* cultivation within the union shall also be liable to assessment.

(2) The amount assessed on any person in any one year shall not exceed twelve rupees.

(3) Any person who in the opinion of the Union Board is too poor to pay half an anna a month shall be altogether exempt from the payment of the tax.

32. The assessment for the imposition of the tax under section 30 shall be made in accordance with rules prescribed under this Act and any person dissatisfied with the amount at which he has been assessed may, within such time as may be prescribed, apply to the Union Board, either orally or in writing, for a revision of the assessment, and the Union Board may amend the assessment or confirm the same.

33. The District Magistrate may, at any time, call for the papers containing the assessment of the tax imposed under section 30 and may, after such inquiry as may be necessary, pass such orders thereon as he may think proper.

34. The payment of the tax shall be made in accordance with rules prescribed under this Act and, in case of default of any such payment, the President of the Union Board, or, if so directed by him, the Vice-President, shall cause the *chaukidar* or any other person authorized 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, the amount of his arrear, together with a sum equal to half the amount of such arrear, by way of penalty.

35. (1) The distraint and sale of such movable property shall be conducted in accordance with rules prescribed under this Act.

What property may be distrained and sold for arrears,

(2) All goods and chattels, except plough cattle and tools and implements of trade and agriculture, found in or upon any building or land occupied by any defaulter, shall be deemed to be his property, and shall be liable to be distrained and sold for the recovery of the arrear and also the penalty due under section 34.

(3) If any of the goods and chattels liable to be distrained belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels for any damage he may sustain by reason of such distress or by reason of any payment he may make to avoid such distress or any sale under the same.

(4) The Local Government may, by rule, with respect to Union Boards generally or to any Union Board or class of Union Boards in particular, except any movable property from distraint and sale.

36. If the Union Board is unable to recover under section 35 the amount due for the arrear of the tax and the penalty, the District Magistrate may, on the application of the Union Board, issue his warrant to any officer of his court for the distress and sale of any movable property or effects belonging to the defaulter within any other part of his jurisdiction, or for the distress and sale of any movable property belonging to the defaulter within the jurisdiction of any other magistrate exercising jurisdiction within Bihar and Orissa; and such other magistrate shall endorse the warrant so issued and cause it to be executed, and the amount, if levied, to be remitted to the Magistrate issuing the warrant who shall remit the same to the Union Board.

37. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser on account of any defect, irregularity or want of form in any assessment, notice, summons, power, writing, inventory or other proceeding relating thereto, nor shall such person be deemed a trespasser from the commencement on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them, in any court of competent jurisdiction, subject to the provisions of section 92.

38. No arrears of any tax payable under this Act shall be recovered by distress after the expiration of fifteen months from the date on which the same shall have become due.

39. (1) If at any time in a union to which the provisions of this Part have been extended, the District Magistrate is satisfied that the whole or any portion of the salaries, or of the cost of equipment, of dafadars and chaukidars is in arrear, the District Magistrate may, after considering any objection that may be made by the Union Board, appoint such person or persons as he may consider necessary to realize any sum so due, together with the incidental cost (if any) of collecting it.

(2) Any person so appointed may realize any such sum and cost from the balance at the credit of the Union Chaukidari Fund or by the collection of the outstanding portion of the tax assessed by the Union Board, or, if the amount so collected is insufficient, by the imposition and collection of a supplementary assessment.

(3) A person so appointed shall exercise all the powers vested in the Union Board for the assessment and collection of the tax.

(4) The amount so collected under sub-section (2) shall be disbursed in the payment of the sum and the cost referred to in sub-section (1), and the balance, if any, shall be paid to the Union Chaukidari Fund.

40. Whenever in the Chota Nagpur Division any proprietor or Liability of certain pro- tenure-holder holds subject to the condition, ex- pressed or implied, of maintaining the chauki- dars within his estate or tenure, he shall be liable to pay to the Deputy Commissioner such sum as the Deputy Commissioner may determine, and the Deputy Commissioner shall pay the sum so determined to such Union Board or Boards and in accordance with such allocation as he may think fit.

## PART IV.

### Powers and Duties of Union Boards.

41. In any union in which the provisions of this Part are in force, Matters to be adminis- the following matters shall be under the adminis- tration of the Union Board, subject to the control of the District Board and subject to such rules, if any, as the Local Government may prescribe :—

- (a) the conservancy and sanitation, including drainage, of the local area, and the prevention of public nuisances therein ;—
- (b) the supply of water for domestic purposes within the local area ;—

- (c) the construction and maintenance of such roads, footpaths and bridges within the local area, not being private property and not being under the control of the Local Government, the District Board or the Local Board, as the Union Board may consider necessary, and of such roads, footpaths and bridges as may be transferred to the Union Board with its consent ;
- (d) the charge, maintenance and management of existing primary schools, if transferred to the Union Board by the District Board with the consent of the Union Board, and the establishment of new primary schools, including *tols*, *pathsalas* and *maktabs* ;
- (e) the maintenance of existing dispensaries, if transferred to the Union Board by the District Board with the consent of the Union Board, and the provision of other forms of medical relief of any kind ;
- (f) such functions as may be transferred to it by notifications under sections 31 of the Cattle Trespass Act, 1871, or under any Act ;
- (g) the management of any public ferry, if vested in the Union Board by an order under section 35 of the Bengal Ferries Act, 1885 ;
- (h) if required by the Local Government, the registration of births and deaths within the union under the provisions of the Bengal Births and Deaths Registration Act, 1873 ;
- (i) any other local work of public utility likely to promote the health, comfort, convenience or material prosperity of the public, including the development of agriculture and village industries, and not otherwise provided for in this Act.

42. The Commissioner, the District Magistrate, the Chairman of

the District Board and any officer or person  
 Power of inspection. authorized by them or by the Local Government shall have power at all times to inspect all the accounts, proceedings and records of a Union Board and to enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by, or any work in progress under the orders of, or any institution controlled by, a Union Board.

43. (1) The District Board may, after local inquiry, direct the

Union Board to take such action as the  
 Default by Union Board. District Board may deem necessary for carrying

out the duties entrusted to the Union Board under section 41, and may fix a period for the performance of the action.

(2) If the Union Board fails to take action in accordance with the orders of the District Board, the District Board may cause such action to be taken through its own agency and may recover the cost thereof from the Union Board :

Provided that the Union Board may appeal to the Local Government, or to such officer as the Local Government may direct, within thirty days of such order against such order ;

Provided further that no increase of the tax imposed under section 46 shall be made in consequence of such order without the sanction of the Local Government.

44. (1) The District Board, after considering the views of the Power to make by-laws. Union Board, may, subject to the control of the Local Government, frame by-laws for carrying out all or any of the purposes of this Act.

(2) In making any by-law under this section the District Board may provide that any breach thereof shall be punishable with a fine which may extend to twenty rupees. and in the case of a continuing breach with a further fine not exceeding one rupee for every day after the date of the first conviction during which the offender is proved to have persisted in the offence.

(3) By-laws made under this section shall have the force of law after confirmation by the Commissioner and after publication in such manner and for such period as the Local Government may direct.

45. The Union Board shall supply any local information which the District Magistrate or District Board may require, and in particular shall supply prompt information of any outbreak of epidemic disease in such manner and to such authorities as the Local Government may direct.

### UNION FUND.

46. The Union Board may impose a tax upon the owners and Imposition of union tax. occupiers of buildings within the union, provided that the proposal for the imposition of the tax has been considered by the Union Board at a meeting specially convened for the purpose and has been approved by not less than two-thirds of the total number of members of the Union Board.

47. The tax imposed by a Union Board under section 46 shall be an assessment according to the circumstances and the property within the union of the owners and occupiers of buildings :

Provided that—

- (a) the amount to be assessed on any person in any one year shall not exceed thirty rupees ; and
- (b) any person who, in the opinion of the Union Board, is too poor to pay the tax may altogether be exempted from assessment.

48. Sections 32 to 38 shall apply to the assessment, revision of Provisions applicable to assessment, payment and collection of the tax as assessment, &c. imposed under section 46, except that the power conferred on the District Magistrate by section 33 shall be exercised by the Chairman of the District Board.

49. (1) There shall be formed for each Union a fund to be called Union Fund. the "Union Fund", to which shall be credited—

- (a) all sums realized on account of the tax imposed under section 46 ;
  - (b) all sums directed by notification under section 31 of the Cattle Trespass Act, 1871, to be placed to the credit of the fund ;
  - (c) all sums realized by panchayats as fines, fees or costs under this Act ;
  - (d) all donations and contributions from the Local Government, the District Board or any private person ;
  - (e) all receipts in respect of public ferries within or on the boundary of the union which have been placed under the management of the Union Board, under the provisions of the Bengal Ferries Act, 1885 ;
  - (f) any sums transferred to the Union Board by an order under section 2.
- (2) The accounts of the Union Board shall be kept in accordance with such rules as may be prescribed.

50. Except as is otherwise provided in this Act, the Union Fund Application of Union Fund shall be applied to the payment of expenditure incurred by the Union Board or by the panchayats, in carrying out the purposes of this Act ;



Provided that the salaries of the establishment of the Union Board shall be the first charge upon the union fund ;

Provided also that all funds made over to the Union Board for a specific purpose shall be applied solely to that purpose.

51. The District Board may make to the Union Board such grants-Grants-in-aid to Union Boards. in-aid from the district fund, as they may think fit, to enable the Union Board to carry out the duties specified in section 41, and may attach to grants any conditions that may appear to the District Board to be desirable ;

Provided that—

(1) during first two years after the establishment of the Union Board the District Board shall make a suitable grant in-aid ;

(2) when any of the duties specified in clauses (c), (d) and (e) of section 41 have been transferred to the Union Board by the District Board, the District Board shall make grants-in-aid adequate for the performance of such duties, and the amount of any such grant shall not be reduced without the consent of the Union Board ;

(3) in the case of any Union Board which has imposed a tax under section 46 the District Board shall make a grant-in-aid which shall not be less than the amount of the tax realized in the previous year ; and

(4) in calculating the grant-in-aid under provisions (1) and (3) all sums transferred from the District Board to the Union Board under the Cattle-Trespass Act, 1871, or the Bengal Ferries Act, 1885, may be taken into account.

## PART V.

### Powers, duties and procedure of panchayats.

52. (1) The local limits of the jurisdiction of a panchayat Local jurisdiction of panchayats. established under clause (a) of section 6 shall be the whole area of the union constituted under section 5.

(2) The local limits of the jurisdiction of a panchayat established under clause (b) of section 6 or under section 7 shall be the whole area of the panchayati circle constituted under those sections.

53. (1) Notwithstanding anything contained in the Code of Criminal Criminal jurisdiction of panchayats. Procedure, 1898, a panchayat constituted under section 6 or 7 shall have jurisdiction concurrent with that of the criminal



court within the local limits of whose jurisdiction the panchayati circle is situated to take cognizance of and to try the following offences as well as abetments of and attempts to commit any such offence if committed within the local limits of its jurisdiction—

(a) Under the Indian Penal Code—

Offence	Section.
Committing affray ... ..	160
Refusing oath or affirmation when duly required by a public servant to make	178
Refusing to answer public servant authorized to question ... ..	179
Fouling the water of a public spring or reservoir ... ..	277
Negligent conduct with respect to any animal ... ..	289
Punishment for public nuisance in cases not otherwise provided for ...	290
Obscene acts and songs ... ..	294
Voluntarily causing hurt ... ..	323
Wrongfully restraining any person ... ..	341
Assault by the use of criminal force otherwise than on grave and sudden provocation ... ..	352
Theft, when the value of the property stolen in the opinion of the panchayat does not exceed fifty rupees ... ..	379
Dishonestly receiving stolen property knowing it to be stolen, when the value of the property in the opinion of the panchayat does not exceed fifty rupees	411
Mischief, when the damage or loss caused in the opinion of the panchayat does not exceed fifty rupees in value ... ..	420
Insult intended to provoke a breach of the peace ... ..	504
Uttering any word or making any gesture intending to insult the modesty of a woman, &c. ... ..	509
Appearing in a public place, &c., in a state of intoxication and causing annoyance to any person ... ..	510

(b) Under the Cattle Trespass Act, 1871—

Forcibly opposing the seizure of cattle or rescuing the same ...	25
Causing damage to land or crops or public roads by pigs ... ..	26
Failure of pound-keeper to perform duties ... ..	27

(c) Offences under this Act or under any rule or by-laws made thereunder or under enactments (other than the Indian Penal Code) which are punishable with fine only up to a limit of fifty rupees.

(d) Offences under section 34 of the Police Act, 1861.

(2) A panchayat may try any of the following offences if the case is transferred to the panchayat by the District Magistrate, Sub-divisional Magistrate or any other Magistrate empowered to transfer cases under section 192 of the Code of Criminal Procedure, 1898.

Under the Indian Penal Code—

Offence.	Section.
Danger or obstruction in public way ... ..	283
Dishonest misappropriation of movable property or converting it to one's own use, when the value of the property in the opinion of the Magistrate is not over fifty rupees ... ..	403
Mischief by killing, poisoning, maiming or rendering useless any animal of the value of ten rupees and upwards ... ..	428
Mischief by causing diminution of supply of water for agricultural purposes	430
Criminal intimidation ... ..	506
Criminal trespass ... ..	447
House trespass ... ..	448

Provided as follows—

(a) a Magistrate before whom a complaint of any offence cognizable by a panchayat is brought shall, unless reason to the contrary be shown to his satisfaction, transfer the complaint to the panchayat.

(b) the District Magistrate or Sub-divisional Magistrate may transfer any case from one panchayat to another or to any other court subordinate to him.

(3) Nothing in this section shall be deemed to authorize a panchayat to try any case in which a European British subject is concerned whether as complainant or accused.

54. No panchayat shall take cognizance of any offence

Certain persons not to be under section 379 or 411 of the Indian Penal Code in which the accused—  
 tried by panchayat for theft.

(a) has been previously convicted of an offence punishable under Chapter XVII of the Indian Penal Code with imprisonment of either description for a term of three years or upwards, or

(b) has been previously fined for theft by any panchayat, or

(c) is a registered member of criminal tribe under section 4 of the Criminal Tribes Act, 1911, or

(d) has been bound over to be of good behaviour in proceedings instituted under section 109 or section 110 of the Code of Criminal Procedure, 1898.

55. (1) A panchayat may sentence any offender convicted by it to

Punishment. a fine not exceeding fifty rupees or double the value of the damage or loss caused, which

ever is greater, or in default to imprisonment for a period not exceed-

ing fourteen days, provided that the panchayat may, in lieu of sentencing an offender convicted by it to a fine, pass the order "convicted and discharged with a warning".

(2) If a panchayat is satisfied after inquiry that a complaint made before it or transferred to it for trial is vexatious, or frivolous, the panchayat may order the complainant to pay to the accused such compensation not exceeding twenty-five rupees as it thinks fit, or in default may sentence the complainant to simple imprisonment for a period not exceeding seven days.

(3) If a fine is inflicted under sub-section (1), the panchayat may order the whole or any portion of the fine recovered to be applied—

- (a) in defraying expenses properly incurred in the case by the complainant ;
- (b) in compensation for any material damage or loss caused by the offence committed :

Provided that notwithstanding anything contained in the Indian Penal Code—

- (a) the fine imposed or compensation awarded by a panchayat shall not be realized from any person who has served his term of imprisonment in default ;
- (b) the person serving his term of imprisonment shall be forthwith released if the fine or compensation is paid before the expiry of the term of imprisonment.

36. Panchayats which are specially empowered by the Local Enhanced powers of Government in this behalf shall exercise the selected panchayats. following enhanced powers :—

- (a) to take cognizance of and to try cases under sections 379, 411 and 426 of the Indian Penal Code, when the value of the property stolen or of the amount of the damage or loss caused does not exceed one hundred rupees, and under such other sections of the Indian Penal Code as the Local Government may direct ;
- (b) to sentence any offender convicted before it to a fine not exceeding one hundred rupees or double the damage or loss caused, whichever is greater, or in default to imprisonment not exceeding one month.

57. (1) Notwithstanding anything contained in the Bengal, Agra Exclusive Civil jurisdic. and Assam Civil Courts Act, 1887, the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, and subject to the provisions of sections

60 and 61 a panchayat constituted under section 6 and 7 shall have jurisdiction to hear and determine the following classes of suits, namely :—

- (a) suits for money due on contracts,
- (b) suits for the recovery of movable property or the value of such property, and
- (c) suits for compensation for wrongfully taking or injuring movable property,

when the value of the suit does not exceed twenty-five rupees :

Provided that a panchayat which is specially empowered in this behalf by the Local Government may hear and determine such suits when the value of the suit exceeds twenty-five rupees, but does not exceed one hundred rupees.

(2) No court other than a panchayat shall take cognizance of any suit of the class or value specified in sub-section (1), unless and until the District Judge has passed an order under section 78 or unless and until the panchayat has passed an order under clause (c) of sub-section (2) of section 65.

58. Notwithstanding anything contained in the Bengal, Agra and Concurrent jurisdiction Assam Civil Courts Act, 1887, the Provincial of panchayats. Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, and subject to the provisions of sections 60 and 61 a panchayat and the ordinary civil court within the local limits of whose jurisdiction the panchayati circle is situated shall have concurrent jurisdiction to try—

(1) the classes of suits specified in section 57 when the value of the suit exceeds the limit fixed under that section but does not exceed two hundred rupees.

(2) suits for the recovery of the rent of immovable property when the value of the suit does not exceed twenty-five rupees, and

(3) if the Local Government shall by notification so direct, suits for the recovery of money or movable property other than those specified in section 57, and of higher value than that fixed under sub-section (1) of that section :

Provided as follows :—

- (a) in suits instituted before a panchayat if the defendant objects to the trial of the suit by the panchayat, the panchayat shall transfer the same to another panchayat with the consent of the parties, or direct the petitioner to the proper court ;

- (b) in suits instituted before the civil court, the court may, unless reason be shown to the contrary, transfer the suit to the panchayat for disposal.

59. (1) Notwithstanding anything contained in the Bengal, Agra Special powers of aboriginal Panchayats in Chota Nagpur. and Assam Civil Courts Act, 1887 the Provincial Small Cause Courts Act, 1887, and the Code of Civil Procedure, 1908, in any area in the Chota Nagpur Division in which a panchayat has been constituted under section 6 or 7, the Local Government may, by notification, direct that such panchayat, if three or more members thereof are members of a tribe which has been exempted from the operation of the provisions of the Indian Succession Act, 1865, by an order under section 332 of that Act, shall have jurisdiction, either exclusive of or concurrent with that of the ordinary civil court or of the Deputy Commissioner acting under section 74A of the Chota Nagpur Tenancy Act, 1908, within the local limits of whose jurisdiction the panchayati circle is situated, to try suits of such value as may be specified—

- (a) for succession to the property of a deceased member, or partition of property belonging to members of any such tribe, and
- (b) for succession to any secular or sacerdotal office (including any lands or other emoluments attached thereto) which is filled by tribal custom in any village or group of villages within the panchayati circle :

Provided as follows :—

- (a) no member of the panchayat who is not a member of the tribe or tribes concerned shall sit as a member of the panchayat for the trial of any such suit ;
- (b) no suit or application shall be entertained by any such panchayat concerning any matter which has been determined by the Deputy Commissioner under sub-section (3) of section 74A of the Chota Nagpur Tenancy Act, 1908.

(2) No such suit shall lie unless the property or office which is the subject matter of the suit is situated in or appertains to any village or group of villages within the panchayati circle.

(3) If the panchayat is unable to execute the decree in the exercise of the powers conferred by section 81 the panchayat shall send the decree for execution to the court which would have had exclusive jurisdiction to try the suit, but for the provisions of this section. Such court shall execute the decree in accordance with the provisions of the Code of Civil Procedure, 1908.

Certain suits not to be tried  
by panchayats.

60. No suit shall lie in any panchayat—

- (1) on a balance of partnership account, or
- (2) except under section 59 for a share or part of a share under an intestacy or for a legacy or part of a legacy under a will, or
- (3) by or against Government or public officers in their official capacity, or
- (4) by or against minors or persons of unsound mind, unless represented by a guardian recognized by the panchayat, or
- (5) for the assessment, enhancement, reduction, abatement, or apportionment of rent of immovable property, or
- (6) by a mortgagee of immovable property for the enforcement of the mortgage by foreclosure or sale of the property or otherwise, or by a mortgagor of immovable property for the redemption of the mortgage.

61. No suit, except under section 59 shall lie in any panchayat unless at least one of the defendants resides within the limits of its jurisdiction at the time of the institution of the suit, and the cause of action has arisen wholly or in part within those limits.

62. No suit shall be entertained by a panchayat after the expiration of three years from the date when the right to sue first accrued.

Provided that the period of limitation for suits specified in Schedule IV when instituted before a panchayat shall be the period prescribed in the same schedule in respect of such suits ;

Provided further that for a period of one year after the first establishment of a panchayat, if a suit in regard to which a panchayat has exclusive jurisdiction under section 57, is barred by the provisions of this section but is not barred by the Indian Limitation Act, 1908, the suit may be instituted before the ordinary civil court.

63. No panchayat shall try any suit in which the matter directly Resjudicata and pending suits. and substantially in dispute has been heard and decided by a court of competent jurisdiction in a former suit between the same parties, or between parties under whom they or any of them claim, or is pending for decision in the same court or in any other court in a previously instituted suit between the same parties or between parties under whom they or any of them claim.



64. A case or suit before a panchayat may be instituted by petition. How case or suit may be instituted. made orally, or in writing. If the petition is made orally, the panchayat shall record such particulars as may be prescribed, and in the case of suits, the stated value of the claim.

65. (1) If upon the face of the petition or on examining the petitioner, the panchayat is of opinion that the Power of panchayat to dismiss or to refuse to entertain petition. petition is frivolous, or vexatious, or that the suit is barred by limitation it shall dismiss the case or suit by an order in writing.

(2) If at any time it appears to the panchayat—

- (a) that it has no jurisdiction to try the case or suit ;
  - (b) that the offence is one for which the sentence which the panchayat is competent to pass would be inadequate ;
  - (c) that the case or suit is of such a nature or of such difficulty that it ought to be tried by a regular court,
- it shall direct the petitioner to the proper court.

(3) The panchayat may at any time for the purpose of trying any suit, with the consent of the parties thereto co-opt any person approved by the parties in this behalf ; and the person so co-opted shall for the aforesaid purpose be deemed to be a member of the panchayat.

66. If in any case or suit before a panchayat, the petitioner fails to appear on the date fixed or if in the opinion of the panchayat he shows negligence in prosecuting his case or suit, the panchayat may dismiss the case or suit for default, and such order of dismissal in a case shall operate as an acquittal :

Provided that a panchayat may restore a suit dismissed for default if, within fifteen days from the date of such dismissal, the plaintiff satisfies the panchayat that he was prevented by sufficient cause from appearing.

67. (1) If the petition be not dismissed, the panchayat shall by summons require the accused or the defendant to appear and answer the petition either orally or in writing. Proceedings preliminary to trial.

(2) Such summons shall ordinarily be served by any of the chaukidars of the panchayati circle, but the panchayat may in its discretion have it served by any other person.

(3) If the accused or the defendant resides at the time of the issue of the summons outside the panchayati circle, the panchayat may,



if it thinks fit, forward the summons to the nearest magistrate who shall cause it to be served as if it were a summons from his own court.

(4) If the accused fails to appear or cannot be found, the panchayat shall report the fact to the nearest magistrate who may issue a warrant with bail for the arrest of the accused, and may forward him, when appearing before him, for trial to the panchayat or release him on bail to appear before it.

68 If the accused appears and claims to be tried by a magistrate, the panchayat shall direct the complainant to file a complaint before the proper court.  
Objection by accused.

69. If the defendant fails to appear, and the panchayat is satisfied that he has received notice of the date fixed for the hearing, the panchayat may decide the suit *ex-parte* :  
*Ex parte* decision.

Provided that any defendant against whom a suit has been decided *ex-parte* may, within thirty days from the date of executing any process for enforcement of the decision, apply, orally or in writing to the panchayat to set aside the order ; and the panchayat, if satisfied that the defendant did not receive due notice of the date of hearing, or was prevented from appearing by any sufficient cause, shall set aside the decision and shall appoint a day for proceeding with the suit.

70. No decision or order of a panchayat shall be set aside under section 66 or section 69 unless notice in writing has been served by the panchayat on the opposite party.  
No order to be set aside without notice to opposite party.

71. (1) Subject to the provisions of clauses (3) and (4) of section 60 the panchayat shall add as parties to a suit any persons whose presence as parties it considers necessary for a proper decision thereof and shall enter the names of such parties in the register of suits, and the suit shall be tried as between the parties whose names are entered in the said register :  
Power of panchayat to determine necessary parties.

Provided that when any party is added notice shall be given to him and he shall be given an opportunity of appearing before the trial of the suit is proceeded with.

(2) In all cases where a new party appears under the proviso to sub-section (1) during the trial of a suit, he may require that the trial shall begin *de novo*.

(3) If the petitioner or defendant in any suit dies before a decree has been passed and the right to sue still accrues, the suit shall subject to the provisions of clause (4) of section 60, be proceeded with at the instance of, or against the legal representatives of the deceased petitioner or the deceased defendant, as the case may be.

72. The panchayat shall dispose of all cases or suits before it as Prompt disposal of cases. promptly as possible, and shall if possible try the case and pass orders on the day on which the accused appears or is brought before it, but if that is not possible shall release him on his executing a bond for a sum not exceeding twenty-five rupees to appear before the panchayat on any subsequent day or days to which the trial may be adjourned.

73. (1) Subject to the provisions of sub-sections (2), (3) and (4) Attendance of witnesses. of this section, and of section 88, a panchayat may, by summons, send for any person to appear and give evidence or to produce or cause the production of any document.

(2) No person who is exempt from personal appearance in court under section 133, sub-section (1) of the Code of Civil Procedure, 1908, shall be required to appear in person before a panchayat in a suit,

(3) A Panchayat shall refuse to summon a witness or to enforce a summons already issued against a witness, where, in the opinion of the panchayat, the attendance of the witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances, would be unreasonable.

(4) A panchayat shall not require any person living outside the panchayati circle to give evidence, or to produce a document, unless such a sum of money be paid to him as appears to the panchayat to be sufficient to defray his reasonable expenses.

(5) If any person whom a panchayat summons by written order to appear or give evidence, or to produce any document before it, wilfully fails to obey such summons the panchayat may take cognizance of such offence and may sentence any person convicted thereof to a fine not exceeding twenty-five rupees.

74. When in any case or suit the parties or their agents have Decision of panchayat. been heard and the evidence on both sides has been considered, the panchayat shall by written order pass such sentence or decree as may seem just, equitable and according to good conscience. In so doing it shall be bound by no laws of evidence or procedure other than the procedure prescribed by or under this Act. Every decree or order shall contain such particulars as may be prescribed by rules under this Act.

75. In the event of the members of a panchayat disagreeing, the Opinion of majority to decision of the majority shall prevail. Should prevail. the opinions be equally divided the Sarpanch shall have a second or casting vote.

76. Notwithstanding anything contained in this Act or in any other law for the time being in force, it shall be lawful for a panchayat to decide any case or suit within its jurisdiction in accordance with any compromise agreed to by the parties.

77. Notwithstanding anything contained in the Code of Criminal No appeal in criminal Procedure, 1898, there shall be no appeal by a cases, but power to order convicted person in any case tried by a retrial. panchayat :

Provided that the District Magistrate or Subdivisional Magistrate, if satisfied that a failure of justice has occurred, may of his own motion by an order in writing cancel or modify any order of conviction or compensation made by a panchayat or direct the re-trial of any case by a court of competent jurisdiction subordinate to him.

78. The decision of a panchayat in every suit shall be final as Decision of Panchayat in between the parties to the suit : civil suits to be final.

Provided that the District Judge may of his own motion cancel or modify the order of the panchayat or direct the re-trial of the suit by the same or any other panchayat, or by any other court subordinate to him, if he is satisfied that there has been a failure of justice.

79. A panchayat when inflicting a fine or in ordering the payment Payment by instalments. of a sum of money or the delivery of any movable property may direct that the money be paid or the movable property be delivered by instalments.

Payment of fees. 80. Notwithstanding anything contained in the Court-Fees Act, 1870,—

- (1) No fees shall be payable in criminal cases.
- (2) In suits the following fees shall be payable—
  - (i) if the value does not exceed five rupees, two annas ;
  - (ii) an additional fee of two annas for every additional five rupees or portion thereof.

(3) The fee shall be paid by the petitioner at the time of the institution of the suit.

(4) If the claim is decreed in full, the fee shall be realized from the defendant, together with the amount decreed, and paid to the petitioner.

(5) If the claim is decreed in part, a proportionate amount of the fee shall be realized from the defendant and paid to the petitioner.

81. All fees and fines imposed, and all sums due on bonds and all Realization of fees and sums decreed and compensation awarded, under fines, etc. this Act by a panchayat may be realized by the panchayat by the distraint and sale of movable property subject to the conditions and in the manner prescribed in sections 34, 35, 36 and 37 for realization of arrears of the tax.

82. All fees and fines realized under this Act shall be credited to Credit of fees and fines. the Union Fund of the union in which the panchayat is situated, or, if realized in an area in which Part IV is not in force to such fund as the Local Government may direct.

83. A panchayat shall sit on such dates and at such place or places Place of sitting of pan- within the limits of its jurisdiction as may be chayat. fixed by it with the approval of the District Magistrate.

Sarpanch of the panchayat. 84. (1) Each panchayat shall be presided over by a Sarpanch

(2) The President of the Union Board, if he is a member of the panchayat, shall be Sarpanch of the panchayat.

(3) If the President of the Union Board is not a member of the panchayat, the panchayat shall elect its own Sarpanch.

(4) If the Sarpanch is absent from a sitting of the panchayat the panchayat shall elect one of their number to be Sarpanch.

(5) No business shall be transacted at any sitting by the panchayat unless a member able to record the proceedings is present.

85. No member of a panchayat shall try any case or suit or other Member of Panchayat not to try case or suit in which he is personally interested. proceeding to or in which he is a party or personally interested.

*Explanation.*—A member of a panchayat shall not be deemed a party or personally interested within the meaning of this section in any case or suit by reason only that he is a member of the Union Board.

86. (1) The parties to cases triable by panchayat shall appear Appearance of parties. personally before such panchayat :

Provided that the panchayat if it sees reason so to do, may dispense with the personal attendance of an accused and permit him to appear by agent.

(2) The parties to suits triable by a panchayat may appear by agent.

“Agent” in sub-sections (1) and (2) means a full-time servant or a partner or a relative of the party whom the panchayat may admit as a fit person to represent a party, and who is authorized to appear and plead for such party ;

Provided that no advocate, legal practitioner or person declared to be a tout under section 36 of the Legal Practitioners Act, 1879, or person known to the panchayat to be a tout, shall be permitted to appear as an agent.

87. Notwithstanding anything contained in the Legal Practitioners Act, 1879, advocates or legal practitioners shall not be permitted to appear before a panchayat.

88. No woman shall, against her will, be compelled to appear in person before a panchayat as an accused or as a witness.

89. (1) The District Judge and the District Magistrate shall have Control by Local Government power at all times to inspect the proceedings and records of a panchayat.

(2) The Local Government, by an order in writing, may suspend or dissolve any panchayat constituted under section 6 or 7, and may remove any member of a panchayat for misconduct, incapacity, neglect of duty or other sufficient cause :

Provided that if a member of a panchayat is also a member of a Union Board, he will continue to be a member of such board unless an order has been passed by the District Board under section 13.

90. The Local Government shall prescribe—

- (a) the procedure to be followed by a panchayat in any case, suit or proceeding and in the enforcement of its decisions and orders ;
- (b) the method of forming a quorum, and
- (c) the records and registers to be maintained.

## PART VI.

## Miscellaneous.

91. (1) No member of a Union Board shall be personally liable for Liability of members. any contract made, or expense incurred, by or on behalf of the Board.

(2) Every member shall be personally liable for any wilful misapplication of money entrusted to the Union Board to which he shall knowingly have been a party, and he shall be liable to be sued for the same by the District Board.

92. No suit or other legal proceeding shall lie against a Union Board, Bar to suits. or any member or officer thereof acting under the direction of such Board, in respect of anything done lawfully and in good faith and with due care and attention under this Act or any rule made thereunder.

93. (1) No suit or any legal proceeding shall be brought against any Union Board or any of its members or No suit to be brought until after one month's notice of cause of action. officers, or any person acting under its direction, for anything done under this Act, until the expiration of one month next after notice in writing has been delivered or left at the office of such Board, and also (if the suit is intended to be brought against any member or officer of the said Board, or any person acting under its direction) at the place of abode of the person against whom such suit is intended to be brought, stating the cause of action and the name and place of abode of the person who intends to bring the suit; and unless such notice be proved, the court shall find for the defendant.

(2) Every such action shall be commenced within six months after the accrual of the cause of action, and not afterwards.

(3) If any Union Board or person to whom a notice under subsection (1) is given shall, before a suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

94. A judge or a magistrate shall not be deemed to be party to, or Membership not a bar to personally interested in, any case under this trial of cases. Act, within the meaning of section 556 of the Code of Criminal Procedure, 1898, merely because he is a member of the Union Board,

95. Every member of a Union Board or panchayat, and every Declaration of a member of a Union Board or panchayat to be a public servant. dafadar or chaukidar shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.



96. (1) The Local Government may, after previous publication, make rules to carry out the purposes of this Act.

Power of Local Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, the Local Government may make rules—

- (a) prescribing the qualifications of voters and members and regulating all elections of members of Union Boards and panchayats under this Act, and determining the authority to decide disputes regarding such elections ;
- (b) regulating an election of a President of a Union Board and an election to fill a casual vacancy in this office ;
- (c) regulating the power of Union Boards to transfer property ;
- (d) prescribing the powers to be exercised by the President or Vice-President of a Union Board ;
- (e) regulating the conduct of meetings of a Union Board and the method of forming a quorum ;
- (f) prescribing the accounts, registers, returns and records to be kept by Union Boards and panchayats ;
- (g) regulating the powers and duties of Union Boards in respect of the matters entrusted to their control ;
- (h) prescribing the method in which the assessment under section 31 or 47 is to be made and, under section 34, the method and time of payment of the tax ;
- (i) prescribing the method in which the distraint and sale of movable property is to be made, and the exception of movable property from distraint ;
- (j) prescribing the particulars of petitions to be entered in the registers of panchayats ;
- (k) regulating the procedure to be followed by panchayats and the method of forming a quorum ;
- (l) regulating the service of summons by panchayats ;
- (m) prescribing the fees to be charged by panchayats for copies of documents or records and the procedure to be followed in the supply of copies ;
- (n) prescribing the method of appointment and the duties of dafadars and chaukidars and the time and manner of the payment of their salaries and the cost of their equipment ;
- (o) prescribing the powers and duties of Union Boards in respect of the control to be exercised over dafadars and chaukidars within the union ; and
- (p) prescribing the processes to be served by dafadars or chaukidars and regulating the service of such processes.



## SCHEDULE I.

*Enactments repealed or amended when the provisions of  
Part IV are in force.*

[ See section 2. ]

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	I	The Bengal Ferries Act, 1885.	<p>For section 35, the following section shall be substituted, namely :—</p> <p>"35. It shall be lawful for the Local Government to order that any public ferry shall be managed by a local authority having jurisdiction over the area or any part of the area in which such ferry is situated, and such local authority shall have all the powers vested in the Magistrate of the district under this Act except the powers specified in sections 7, 17, and 32, and the Local Government may further order that all or any part of the proceeds of such ferry, and all or any part of the fines levied, and compensation received, under this Act in respect thereof be paid to such local authority : and thereupon such ferry shall be managed and such proceeds, fines and compensations shall be paid accordingly."</p>
1885	III	The Bengal Local Self-Government Act, of 1885.	<p>1. In Section 5 for the definition of "local authority" the following definition shall be substituted namely :—</p> <p>"local authority means any District Board, Local Board or Joint Committee constituted under this Act, or any Union Board constituted under the Bihar and Orissa Village Administration Act, 1922."</p> <p>2. In sections 18 and 18A, for the words "local board or union committee" the words "or local board" shall be substituted.</p> <p>3. Section 36 and the whole of Chapter II of Part I (sections 37 to 41) shall be repealed.</p> <p>4. At the end of clause (2) of section 52 the following shall be added, namely :—</p> <p>"except when levied by a panchayat appointed under the Bihar and Orissa Village Administration Act, 1922"</p> <p>5. For sub-clause (d) of clause <i>Seventhly</i> of section 53, the following sub-clause shall be substituted, namely :—</p> <p>"(d) any sums assigned by the District Board to a Local Board or to a Union Board constituted under the Bihar and Orissa Village Administration Act, 1922."</p>

*Schedule I—Enactments repealed or amended when the provisions  
of Part IV are in force.*

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1885	III— <i>contd.</i>	The Bengal Local Self- Government Act of 1885— <i>contd.</i>	<p>6. The whole of Chapter III of Part II (sections 56 to 58) shall be repealed.</p> <p>7. In section 62, after the words "under this Act" the words and figures "and to the provisions of the Bihar and Orissa Village Administration Act, 1922" shall be inserted.</p> <p>8. In section 73 the following words and figures shall be omitted, namely :—</p> <p align="center">"but subject to the provisions of Chapter III of Part III thereof."</p> <p>9. In section 89, the following words shall be inserted at the beginning of the section, namely :—</p> <p align="center">"Subject to the provisions of the Bihar and Orissa Village Administration Act, 1922."</p> <p>10. The whole of Chapter III of Part III (sections 104 to 119) shall be repealed.</p> <p>11. In section 130, the following shall be omitted, namely :—</p> <p>(i) in the first paragraph, the following :—"in respect of a Union Committee, by the District Board or the Local Board to which the Committee may have been declared, by an order under section 119, to be, for the purposes of the section, subordinate, and";</p> <p>(ii) the whole of the second and third paragraphs, namely :—"When a Local Board makes any order under this section, it shall forthwith submit to the District Board a copy of the order with a statement of its reasons for making it, and with any explanation which the Union Committee concerned may wish to offer. The District Board may thereupon confirm, modify or rescind the order" and</p> <p>(iii) in the first paragraph the words "or Union Committee".</p> <p>12. In section 131, the words "or Union Committee," occurring in two places, shall be omitted.</p> <p>13. In section 132, the following shall be omitted, namely :—</p> <p>(i) in the first paragraph, the words "or Union Committee," in the four places where they occur,</p>

*Schedule I—Enactments repealed or amended when the provisions of  
Part IV are in force.*

1	2	3	4
Year.	No.	Short title	Extent of repeal or amendment.
1885	III— <i>contd.</i>	The Bengal Local Self-Government Act of 1885— <i>contd.</i>	<p>(ii) in the second paragraph, the words "or committee," and</p> <p>(iii) the whole of the last paragraph.</p> <p>14. Section 133 shall be repealed.</p> <p>15. In section 138—</p> <p>(1) the following shall be omitted, namely :—</p> <p>(i) in the first paragraph, the words "or union committee";</p> <p>(ii) in clause (a) the following words, namely :— "and Committees";</p> <p>(iii) clauses (q) and (q1); and</p> <p>(iv) the whole of the last paragraph ;</p> <p>(2) in clause (t) for the words "District Boards, Local Boards and Union Committees" the words "District Boards and Local Boards" shall be substituted.</p> <p>16. In section 142, for the words "Local Board or Union Committee" the words "or Local Board" and for the words "Union Committee, Local Board or District Board" the words "District Board or Local Board" shall be substituted.</p> <p>17. In section 144, for the words "local authority" wherever they occur, the words "District Board or Local Board" shall be substituted.</p> <p>18. (1) In section 145, for the words "every local authority" the words "the District Board" and for the words "the District or Union funds respectively," the words "the District Fund" shall be substituted.</p> <p>19. In section 146, in the first paragraph, the words "or union committee" and, in the two places where they occur, the words "or committee" shall be repealed, and the word "or" shall be inserted after the words "district board."</p>
1919	I	The Bihar and Orissa Primary Education Act, 1919.	<p>(1) To sub-section (3) of section 2 the following shall be added at the end : "and in an area constituted a union under the Bihar and Orissa Village Administration Act, 1922, the Union Board of such union, subject to the control of the District Board."</p> <p>(2) To section 13 the following shall be added at the end : (iii) In a union constituted under the Bihar and Orissa Village Administration Act, 1922, be such percentage not exceeding fifty of the assessment imposed under section 46 of that Act as the local authority may fix and shall be recoverable in the same manner as if it were such assessment".</p>

## SCHEDULE II.

*Enactments repealed or amended when the provisions of  
Part III are in force.*

[See section 2 (2).]

1	2	3	4
Year.	No.	Short title.	Extent of repeal or amendment.
1870	VI	The Village Chaukidari Act, 1870.	The whole except the preamble and sections 1, 48 to 61 (Part II, 66, 67 and 69 and schedules C and D shall be repealed.
1871	I	The Bengal Village Chaukidari Act, 1871.	The whole shall be repealed.
1886	I	The Bengal Village Chaukidari (Amendment) Act, 1886.	The whole shall be repealed.
1892	I	The Bengal Village Chaukidari (Amendment) Act, 1892.	The whole shall be repealed.
1914	I	The Chota Nagpur Rural Police Act, 1914.	<p>(1) Sections 3 to 22 shall be repealed.</p> <p>(2) In sections 30, 31 and 32 the words "village policeman or" shall be omitted.</p> <p>(3) In section 37, for sub-section (2) there shall be substituted the following : (2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe forms for use under section 26.</p> <p>(4) The schedule shall be repealed.</p>

## SCHEDULE III.

*Offences to be reported by a chaukidar.*

(See section 27.)

Murder, culpable homicide, rape (when the offender is not the husband of the woman raped), dacoity, robbery, theft, mischief by fire, house-breaking, counterfeiting coins, causing grievous hurt, riot, administering stupefying drugs, kidnapping and all attempts, preparations and conspiracies to commit, and abetments of, the said offences.

## SCHEDULE IV.

*Period of Limitation for certain suits.*

(See section 62.)

Description of suit.	Period of Limitation.	Time from which period begins to run.
1. For the wages of a household servant, artisan or labourer.	One year ...	When the wages accrue due.
2. For the price of food or drink supplied by a keeper of a hotel, tavern or lodging-house.	Do. ...	When the food or drink is delivered.
3. For the price of lodging	Do. ...	When the price becomes payable.

# EXTENSION OF THE VILLAGE ADMINISTRATION ACT.

Name of district to which extended	Parts of the Act extended	No. and date of Government order by which extended.
Patna ...	I to VI.	B. & O. Govt. Notification No. 2363 L. S. G. R., dated 27. 8. 1924.
Gaya ...	I to VI.	Do. No. 2378 L.S.G R, dated 27. 8. 1924.
Shahabad ...	I to VI.	Do. No. 5118 L.S.G., dated 10. 5. 1924.
Saran ...	III to V.	Do. No. 1572 L.S.G.R., dated 30. 7. 1924, and No. 1301 L.S.G., dated 9. 2. 1925.
Mazaffarpur ...	III to V.	Do. No. 1297 L.S.G., dated 9. 2. 1925.
Darbhanga ...	III to V.	Do. No. 1304 L.S.G., dated 9. 2. 1925.
Purnea ...	I to VI.	Do. No. 1415 L.S.G., dated 11. 2. 1925.
Cuttack ...	III & IV.	Do. No. 1897 L.S.G.R. dated 14. 8. 1924.
Balasore ...	I to IV & VI.	Do. No. 5033 L.S.G., dated 5. 5. 1924.
Puri ...	I to IV & VI.	Do. No. 941 L.S.G., dated 24. 1. 1925.
Hazaribagh ...	I, II, IV & VI.	Do. No. 5036 L.S.G., dated 5. 5. 1924.
Palamau ...	I, II, IV & VI.	Do. No. 5036 L.S.G., dated 5. 5. 1924.

## RULES FRAMED UNDER THE BIHAR AND ORISSA VILLAGE ADMINISTRATION ACT.

Rules of business for Union Boards framed under clause (e) of sub-section 2, section 96, of the Bihar and Orissa Village Administration Act, 1922.

Notification No. 1045 L S-G. dated 23rd January 1923,—In exercise of the power conferred by clause (e) of sub-section 2, section 96 of the Bihar and Orissa Village Administration Act, 1922, read with section 25 of the Bihar and Orissa General Clauses Act, 1917 (Bihar and Orissa Act, I of 1917), the Government of Bihar and Orissa in the Ministry of Local Self-Government are pleased to make the following rules for union boards :—

### Meetings.

1. Meetings shall be held at the office of the Union Board or at such other place as the President may from time to time determine.

2. A meeting of the Union Board shall ordinarily be held once a month on a day to be fixed by the Union Board at a meeting :

Provided that if for any reason it is deemed inconvenient to hold any such meeting on the day thus fixed, the President may fix another day for that particular meeting.

3. The President may call a special meeting of the Union Board at any time and shall do so on the requisition of three members of the Union Board. If the President fails to call a meeting within 30 days after receiving such a requisition the members who signed the requisition may call the meeting in the manner prescribed in rules 4 and 6.

### Notices of Meetings.

4. At least 14 days' notice of a meeting to consider proposals for the imposition of a tax under section 46 of the Act and at least seven days' notice of all other meetings shall be given to every member.

5. Accidental failure of service of notice on any member shall not invalidate the proceedings of any meeting.

6. The notice shall set forth clearly and fully the business to be transacted at the meeting.

### Quorum and Adjournment of Proceedings at Meetings

7. Except for the consideration of proposals for the imposition of a tax under section 46 of the Act, a quorum shall consist of not less than one-third of the total number of members of the Union Board. If at a



meeting other than a meeting for the purpose aforesaid a quorum is not present the President shall adjourn the meeting until such other day as he thinks fit, of which not less than three days' notice shall be given to every member. At such adjourned meeting the members present whatever their number may be shall form a quorum.

8. At a meeting specially convened for the consideration of proposals for the imposition of a tax under section 46 of the Act, the quorum shall consist of not less than two-thirds of the total number of members of the Union Board.

9. The President or in his absence, the Vice-President (if any) shall preside at every meeting, and in the absence of both the President and the Vice-President, the members shall choose some one of their number to preside.

10. At ordinary meetings the business shall be conducted in the following order :—

- (a) The minutes of the last ordinary meeting and of any special meeting held since shall be read and, if approved as correctly entered, shall be signed by the President of such meeting.
- (b) Business postponed from the last ordinary meeting shall be considered.
- (c) A progress report of works shall be laid before the members.
- (d) Accounts and statements shall be considered and passed.
- (e) Motions and amendments duly moved and seconded shall be discussed.
- (f) Any other business set forth in the notice given under rule 6, shall be considered.

11. At a special meeting, only the business for which the meeting was called shall be considered.

12. At a meeting convened to consider proposals for the imposition of a tax under section 46 of the Act no business other than the proposals for the imposition of the tax shall be transacted.

13. Notwithstanding anything contained in rules 10 and 11, it shall be competent for the Union Board at a meeting to transact any business other than that set forth in the notice under rule 6, if the majority of the members present agree to do so.

14. Every motion and amendment duly moved must be seconded and until seconded, no debate thereon shall take place.

15. Every motion or amendment duly made and seconded and pressed to a division shall be reduced to writing and signed by the

proposer and seconder before being put to the vote. Every such resolution or amendment shall be recorded in full in the proceedings, together with the number and names of voters for and against it.

16. The President of the meeting may, for reasons to be recorded in writing and entered in the minutes of the proceedings—

(a) rule that a motion or amendment is illegal or out of order ;  
and

(b) make such alterations in a motion or amendment as shall in his opinion render it legal and in order :

and may in case (a) refuse to put the motion or amendment to the meeting and in case (b) refuse to put the motion or amendment to the meeting, unless and until the proposer and seconder accept and sign the alterations made, and the decision of the President shall be final.

17. After a motion has been moved and seconded an amendment may be moved at any stage of the debate thereon.

18. On the discussion being concluded, in the event of several amendments having been proposed, the president of the meeting shall put the amendments to the vote in the reverse of the order in which they were moved ; and when the amendments have been disposed of he shall put to the vote the original motion, or the motion, as amended, as the case may be.

19. All questions which may come before the meeting shall be decided by a majority of votes. In case of equality of votes the President of the meeting shall have a second or casting vote.

20. Voting by proxy is prohibited ; and no member shall vote upon any motion or amendment unless he be present in person at the time when it is put to the vote.

21. When any business of which notice has not been given is considered at a meeting the decision recorded or resolution adopted at such meeting shall be of no effect unless and until it is confirmed at the next succeeding ordinary meeting, or a special meeting, called expressly for the purpose.

22. It shall be competent to any member to move the adjournment of the debate or of the meeting. When such motion is seconded it shall be put to the vote. No motion for adjournment shall be admissible which proposes an adjournment beyond the next ordinary meeting.

23. The members shall be informed of the date of an adjourned meeting by a fresh notice.

24. An adjourned meeting is not competent to transact any business save that which the original meeting left unfinished.

### Miscellaneous.

25. Unless not less two-thirds of the members consent by signing a requisition, no subject once finally disposed of can be reconsidered within six months.

26. The minutes of proceedings shall be recorded in the vernacular.

27. The minutes of proceedings shall be entered in a book to be kept for the purpose and shall be signed by the President of the meeting and such book shall be open to the inspection of the public.

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## Union Board and Panchayat Election Rules under the Bihar and Orissa Village Administration Act, 1922.

Notification No. 2177-L.S.G. dated the 19th February 1923 :—In exercise of the powers conferred on them by clauses (a), (b), and (c), sub-section (2) of section 96 of the Bihar and Orissa Village Administration Act, 1922, the Government of Bihar and Orissa in the Ministry of Local Self-Government have been pleased to make the following rules for the election of members of union boards or of panchayati circles and of Presidents and Vice-Presidents of union boards :—

### Short Title.

1. (1) These rules may be called "The Union Board and Panchayat Election Rules."

### Definition.

2. (1) "The Act" means the Bihar and Orissa Village Administration Act, 1922.

(2) "Election Officer" means the District Magistrate or any person, other than a police officer, whom the District Magistrate may appoint by general or special order (as he is hereby authorized to do) to exercise all or any of the powers and perform all or any of the duties of an Election Officer under these rules.

### Preliminary.

3. The first election of a Union Board or of a panchayat under these rules shall take place within six months after the publication of a notification under section 5 (b) or section 7 (b) of the Act, directing the constitution of such Union Board or the establishment of such panchayat, as the case may be ;

Provided that the Local Government may at any time extend such period.

4. (1) The District Magistrate shall decide in what manner such union or panchayati circle shall be divided into electoral wards and the number of members to be returned for each of such wards :

Provided that a union may, if the District Magistrate so directs, and a panchayati circle shall ordinarily, consist of one electoral ward.

### Registration of Voters.

5. The Election Officer shall cause to be prepared for each union or panchayati circle, ward by ward, a register of persons qualified to vote. The register shall be prepared from the Chaukidari tax or union tax assessment list and after a local enquiry in the union or panchayati circle.

6. At least six weeks before the date fixed for an election a copy of the list of persons qualified to vote in each ward of any union or panchayati circle shall be published at a conspicuous place within such ward together with a notice stating the date by which and the name of the Election Officer to whom objections under rule 7 shall be submitted.

7. Any person whose name does not appear in the register and who claims the right to vote, and any person who considers that any name in the register ought to be omitted, may submit to the Election Officer appointed under rule 2 (2) an application to have his name inserted in, or the name of another person omitted from the register. All such applications shall state distinctly the grounds of the application and shall be made at least three weeks before the date fixed for the elections. They shall be enquired into by the Election Officer on a date to be previously intimated to the persons concerned. The decision of the Election Officer shall be final.

8. The register of voters as amended after the decision of claims and objections under rule 7 shall be considered to be the final register of persons entitled to vote at the election, and no person whose name does not appear in such register shall be permitted to vote.

### Candidates for Election.

9. (1) The District Magistrate shall, at least four weeks before the date fixed for the election issue notices calling for names of candidates for each ward. Such notices shall be published at every village within the ward and shall specify the Election Officer to whom the names of candidates shall be submitted under clause (2).

(2) Within two weeks from the date of publication of the notices, every person who is a candidate for election shall send his name in writing to the Election Officer supported by the signatures of not less than two voters.

10. The Election Officer shall ascertain whether all the candidates are duly qualified under sub-section (2) of section 9 of the Act ; and his decision on this point shall be final.

### **The manner of holding election.**

11. The Election Officer shall cause a list showing, ward by ward, the names of candidates who are duly qualified to be published in each ward in a conspicuous place and by beat of drum at least one week before the date fixed for the election. No candidate whose name does not appear in the list shall be eligible for election.

12. The election shall be held on such date or dates, at such time or times and at such place or places within the union or panchayati circle as may be fixed by the Election Officer, subject to rule 3. The place or places at which and the hours between which the voters will attend for the purpose of giving their votes shall be notified within the union or panchayati circle by the publication of notices and by beat of drum at the same time as the list of candidates is published under rule 11.

13. The elections for different wards in the union or panchayati circle shall be held either in succession or simultaneously. The Election Officer and such other person or persons, not being themselves candidates, as may be deputed by the Election Officer for the purpose, shall preside at such elections.

14. If the number of duly qualified candidates in any ward is not greater than the number of vacancies the Election Officer shall at the time of the publication of the list of candidates, under rule 11 declare such candidates to be duly elected.

15. The proceedings for the election for each ward shall commence by the presiding officer explaining the nature and objects of the meeting to the assembled voters. He shall then read out the list of candidates and state the number of vacancies for such ward.

16. The presiding officer shall then proceed to take a poll for each candidate, recording the number of votes given for each candidate with his own hand.

17. The votes of all duly registered voters who are present between the hours mentioned in the notice within the building or enclosure in

which the election is held shall be recorded. No voter shall be admitted within the building or enclosure after the expiry of the period mentioned in the notice.

18. No voter shall vote for more than one ward of the union or panchayati circle.

19. Each voter shall be entitled to vote for as many candidates as there are vacancies, but shall not give more than one vote for any candidate.

20. All persons wishing to vote must be present at the election. No vote by proxy or in writing shall be received.

21. No objection to a voter shall be entertained except on the ground that he is not the person under whose name as entered in the voters' register he claims to vote. Such objections shall be summarily decided by the presiding officer, whose decision shall be final.

22. When all the votes have been recorded under rule 17, the presiding officer shall then and there declare such candidates as have the largest number of votes to be duly elected. In the case of an equal number of votes being recorded in favour of two or more candidates all of whom cannot be returned, selection shall be made from such candidates by lot, in such manner as the presiding officer may deem fit. The candidate thus selected shall be declared to be duly returned.

23. If any candidate, having been duly elected under rule 22, informs the Election Officer at the time of the declaration of the poll under rule 22 that he declines to take office, the unsuccessful candidate, if any, who received the largest number of votes shall be declared to be duly elected.

24. If the number of candidates is less than the number of vacancies in any ward, the Election Officer shall immediately report the fact to the District Magistrate in the case of an election to a panchayat or to a Union Board of a union in which Part IV of the Act is not in force or to the Chairman of the District Board in the case of an election to a Union Board of a union in which Part IV of the Act is in force. The District Magistrate or the Chairman of the District Board, as the case may be, shall then decide whether the vacancies shall be filled by appointment or whether a further election shall be held. If it is decided that a further election shall be held, the District Magistrate shall fix a date for such election which shall be conducted in accordance with the procedure prescribed in rules 8 to 22, except that the names of candidates shall be received up to the time fixed for polling and shall not be pub-



lished as required by rule 11. For such election, the register of voters previously prepared shall hold good. If it is decided to fill the vacancies by appointment, this shall be done with the least possible delay and the Chairman of the District Board shall communicate the names of persons appointed by him to the District Magistrate.

### Miscellaneous.

25. Save as otherwise provided, all disputes arising under the preceding rules shall be decided by the District Magistrate.

26. Except as provided by rule 23 no election held under these rules shall be invalidated on any ground whatever.

27. The list of duly returned candidates shall be forwarded to the District Magistrate within a week after the election by the officer presiding at elections.

28. All costs incurred in the preparation of the register of voters, the publication of notices, the holding of election or taking any other necessary action under these rules shall be payable from the union fund, if any. In the case of newly created union board, in which no union fund has been formed the District Magistrate shall advance such sums as may be required ; and such sums shall ordinarily be recoverable from the union board within six months. In the case of an election to a panchayat the cost shall be borne by the Local Government

### Election of Members by the District Board.

29. (1) If the Local Government have directed under section 8 (3) of the Act, that the District Board shall elect members of the Union Board, the District Magistrate shall, as soon as the election has been completed in the union, request the Chairman of the District Board to call a meeting of the Board for the election of members. Such meeting shall be held not later than one month after the date of the order of the District Magistrate.

(2) The Chairman shall communicate the result of the election to the District Magistrate.

### Publication of the names of Members.

30. The District Magistrate shall publish the names of persons elected or appointed to the Union Board or panchayat in the *Bihar and Orissa Gazette* and shall forward a copy of the notification to the Commissioner, to the Chairman of the District Board and to all members of the Union Board or panchayat.

### Election of President of Union Board.

31. Within a week after the names of the members of a Union Board have been notified in the *Bihar and Orissa Gazette*, the District Magistrate shall send a copy of the notification to such person (not being one of the members) as the said Magistrate may select, with an order directing him to convene a meeting of the members for the purpose of electing a President from among them, within one month from the date of such order.

32. At such meeting one-half of the number of members shall be necessary to form a quorum ; if however, the board consists of an uneven number of members the quorum shall consist of not less than half, *e. g.*, if a board consists of 15 members the necessary quorum is 8 members. There shall be no election of a President unless a quorum is present.

33. The meeting shall be presided over by the person convening it under rule 31. The presiding officer shall ask the members to record their votes in writing, and each of the members voting shall hand to him a signed voting paper containing the name of the person for whom he votes. No member shall vote for more than one candidate.

34. The candidate for whom there is the largest number of votes shall be declared by the presiding officer to be the president of the Board. In the case of equality of votes selection shall be made from among the candidates having an equal number of votes, by lot in such manner as the presiding officer shall determine.

35. If the members fail to elect a President within one month of the Magistrate's order, or within such longer period as the District Magistrate may allow, the fact shall be reported to the District Magistrate, who shall then either ask the Chairman of the District Board to appoint, under section 15 (2) of the Act, one of the members to be the President or if the provision of Part IV of the Act are not in force in the Union shall himself appoint a President.

### Election of Vice-President.

36. After the President has thus been elected or appointed, as the case may be, the members shall, if they consider a Vice-President necessary, elect one of their own members to be the Vice-President in the same manner as that prescribed for the election of the President in rules 31 to 35, the newly elected or appointed President performing the functions of the presiding officer. In the event of equality of votes, the President shall have a second or casting vote,

### **Casual Vacancies.**

37. In the case of a casual vacancy occurring under section 14 of the Act on account of the removal, resignation or death of a member of a union board, the President shall forthwith report the fact to the District Magistrate who shall fix a date as soon as conveniently may be for holding a by-election to fill the vacancy. The foregoing rules shall apply, with such modification as may be deemed necessary by the District Magistrate, to such by-election.

Provided that it shall not be necessary to republish the register of voters required by rule 7, but opportunity shall be given to all persons to present applications in accordance with the provisions of rule 8.

38. When the office of President becomes vacant under section 19 the board shall elect a new President within 21 days of the date on which the vacancy occurred. In the case of the resignation of a President this date shall be deemed to be the date on which the Chairman of the District Board or the District Magistrate as the case may be, accepted the resignation under section 18 ; in the case of the removal of a President under section 13 this date shall be deemed to be the date of the orders of removal.

39. At a meeting held to elect a President, the Union Board shall elect one of their own member to preside, who shall not be himself a candidate for the office of President. The member presiding at the meeting shall have a second or casting vote.

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## Rules of procedure of Panchayats under the Bihar and Orissa Village Administration Act of 1922.

Notification No. 3649 L.S.G. dated the 3rd April 1923 :—In exercise of the power conferred by clauses (j), (k), (l) and (m) of sub-section 2, section 96 and clauses (a) and (c) of section 90 of the Bihar and Orissa Village Administration Act, 1922, the Government of Bihar and Orissa in the Ministry of Local Self-Government are pleased to make the following rules for the guidance of panchayats.

1. Two members of the panchayat shall form a quorum. Subject to the control of the Subdivisional Officer, the sarpanch may give leave of absence to members of the panchayat and the Sub-Divisional officer may give leave of absence to the sarpanch.

2. The panchayat 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. 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*.

3. The language of the panchayat and of all records and registers shall be the court language of the Subdivisional Magistrate's Court. If there be more than one such Court language, the Subdivisional Magistrate shall decide which shall be used by the panchayat.

4. The sarpanch or a member of the panchayat shall keep all the records and registers but the panchayat may with the approval of the District Magistrate appoint a clerk for this purpose.

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

6. The parties shall ordinarily bring their own witnesses. The panchayat 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, and it shall be served in the manner prescribed in section 67 for the service of a summons on an accused person or a defendant.

7. (a) Any person requiring a copy of a record or part of a record shall apply orally or in writing to the panchayat. The panchayat shall fix the fee at the rate of 150 English or 300 vernacular words for 3 annas. The amount of the fee shall be

communicated to the applicant on the day on which he applies. On payment of this fee the panchayat shall cause a copy to be prepared and it shall be supplied to the applicant not later than the third day from the date of payment of the fee,

(b) Of the three annas two annas shall be paid to the copyist and one anna to the union fund, if any; when there is no union fund it shall be credited to the panchayat 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 1 of the Indian Stamp Act (Act II of 1893).

Description of Instrument.	Proper stamp duty.
Copy or extract certified to be 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-fee	
(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.

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

(ii) All petitions shall be entered in the register of petitions in criminal cases or suits as the case may be, and should be kept in a file.

(iii) There should be separate file for the papers mentioned in (i) or (ii), and papers relating to criminal cases and to suits should not be kept in the same file.

9. (a) The following records and registers shall be maintained by a panchayat :

1. Proceedings book in Form I.
2. Register of suits in Form II.
3. Register of cases in Form III.
4. Register of application for copies in Form IV.
5. Register of petitions in Criminal cases in Form V.
6. Register of petitions in suits in Form VI.
7. Cash book in Form VII.
8. Counterfoil receipt book in Form VIII.
9. Counterfoil book of summonses to defendants or accused in Form IX.

10. Counterfoil book of summonses to witness in Form X.
11. Counterfoil book of warrants of arrest or sentence of imprisonment passed in default of the payment of a fine or of compensation in Form XI and XII.
12. Counterfoil book of distress warrants for realisation of unpaid fines or compensation, in respect of criminal cases and Civil Suits in Forms XIII and XIV (vide B. & O. Government Notification No. 5566-L. S. G. dated 17th May 1923).

- (b) Separate Registers shall be maintained for each calendar year.
- (c) All suits or cases which have not been completed at the end of a calendar year shall be brought forward in the register of the next year.
- (d) The records and registers mentioned above shall be kept by the sarpanch for one year after they have been closed and shall then be deposited in the Collector's record room.

### **Criminal Cases.**

10. The panchayat will take cognizance of offences on a petition made orally or in writing at a sitting of the bench.

11. The panchayat shall examine on oath or solemn affirmation the person making a complaint under the preceding rule and after such examination shall either dismiss the case or refer the petitioner to the proper court under section 65 or summon the accused under section 67.

12. The necessary entries shall be made in the register of cases (Form III) from time to time as the case proceeds.

13. If a case is transferred to the panchayat under the proviso to sub-section (2) of section 53 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 panchayat shall procure his attendance by summons or otherwise.

14. When the accused appears or is brought before the panchayat he shall be asked if he is guilty. If he claims to be tried by a Magistrate the panchayat shall in accordance with section 68 direct the complainant to the proper court. If he admits his guilt, the panchayat shall convict him and pass such sentence or order under section 55 as it thinks fit.

15. If the accused does not make such admission and does not claim to be tried by a Magistrate the panchayat shall proceed to hear the complaint, 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. A summary of the evidence of each witness will be recorded in the appropriate place in the register of cases.



16. (1) If the panchayat upon taking the evidence and examining the accused find the accused not guilty, it shall record an order of acquittal.

(2) If the panchayat find the accused guilty it shall convict him and pass such sentence or order under section 55 as it thinks fit.

17. Every order passed by the panchayat shall be recorded in the register of cases and each member engaged in the hearing on the day the order was passed shall sign or place his thumb impression below the order.

18. The final order in the register of cases shall state either—

(a) that the complaint has been dismissed under section 65 or section 66, or

(b) that the case has been compromised, or

(c) that the accused has been acquitted and if compensation has been awarded to the accused, the amount of such compensation, and the imprisonment in default of payment, or

(d) that the accused has pleaded guilty and been convicted, or

(e) that the accused has pleaded not guilty and been convicted after trial.

If the accused has been convicted, the final order shall state (1) the section of the Penal Code or other law under which he has been convicted and (2) the sentence or other order that has been passed under section 55 (1).

19. On receipt of any fine, compensation, or penalty under a recognizance bond, the amount paid and the date of payment shall be entered in the appropriate column of the cash book, and a receipt shall be given from the counterfoil receipt book to the person making the payment. At the close of each sitting the sarpanch in any areas in which there is a union shall send all fines and any penalty on a recognizance bond realized to the president of the union board for credit to the union fund; if there is no union board, all fines and penalties shall be kept by the sarpanch in such custody as the District Magistrate may direct. Any compensation realized from the complainant under section 55 (2) shall be kept by the sarpanch or in such custody as the District Magistrate may direct and shall be paid to the accused on his application. The accused shall give a receipt for the payment of the compensation in the appropriate column of the Cash Book.

20. When a person has been sentenced to imprisonment under section 55 (1) or section 55 (2) or section 56 (a) in default of payment of fine or compensation, if such fine or compensation be not paid or

realized within 10 days of the passing of the sentence or order, or within such further time, if any, as the panchayat may allow, the sarpanch may issue a warrant in form XI or XII as the case may be and shall cause the accused to be arrested and sent to the nearest Magistrate, who shall commit him to jail to serve his sentence.

21. (i) When it is proved to the satisfaction of the panchayat by which a bond under section 72 has been taken, that such bond has been forfeited owing to the non-appearance of the accused, the panchayat may call upon him to show cause why it should not be paid.

(ii) If sufficient cause is not shown, the panchayat may direct that the penalty or a part of it be paid, and if it is not paid, may proceed to recover it under section 81.

### Civil suits.

22. Any person wishing to bring a suit before a panchayat may appear before it 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.

23. The Panchayat shall, after such examination of the petitioner as it considers necessary, proceed either under section 65 or under section 67. If the suit is not dismissed under section 65, the plaintiff shall be told to have his witnesses present on the day fixed for the appearance of the defendant. The necessary entries shall be made in the register of suits (Form II) from time to time as the case proceeds.

24. On the date fixed by the summons for the appearance of the defendant, the panchayat shall examine the plaintiff and the defendant on oath or solemn affirmation. The defendant may file a written statement. If the merits of the case are disclosed by the examination of the plaintiff and the defendant and by the inspection of document (if any), or if neither party wishes to call any witnesses a decision may be passed forthwith. The plaintiff shall not be entitled to claim a postponement in order to produce his witnesses; but the defendant shall be entitled to one postponement for that purpose. Further postponement shall not be granted to either party except for good and sufficient cause; and when a postponement is granted for the convenience of a party, he may be required to pay the costs thereof to the opposite party,

After the parties or their agents have been heard and the evidence on both sides has been considered, the panchayat shall pass a decree in accordance with section 74.

An abstract of the evidence of each witness shall be made in the appropriate place in the register of suits.

25. Every order or decree passed by the panchayat shall be recorded in the register of suits and each member engaged in the hearing on the day the order is passed shall sign or place his thumb impression below the order.

26. Every decree so recorded shall contain the following particulars :—

- (a) if the suit is decreed in full or in part, the amount so decreed including the fees to be paid to the plaintiff under section 80 (4) (5) ; and if the money decreed is to be paid on the movable property decreed to be delivered, in instalments under section 79, the amount and dates of each instalment ;
- (b) if the decree is for the delivery of movable property, the value of the property as fixed by the panchayat ;
- (c) if the suit is dismissed, why it has been dismissed, whether as frivolous or vexatious or as barred by limitation (section 65), or for default (section 66) or after contest (section 74) ;
- (d) if the suit has been compromised, the terms of the compromise.

27. When a decree is passed for the payment of a sum of money or the delivery of any movable property, the panchayat shall fix a date for the payment or delivery in the presence of the panchayat. If the payment or delivery is made on that day in whole or in part, or if the decreeholder admits receipt in whole or part, the panchayat shall note the fact in the appropriate place in the register of suits.

28. If the amount of the decree is not paid, or the property is not delivered, on that day and if the party in whose favour the decree has been passed does not admit receipt of the amount or of the property, the panchayat, unless it sees good reason for allowing a further extension of time not exceeding one month, shall take immediate steps to realize the amount and in the case of property to be delivered the value thereof as stated in the decree, by the distraint and sale of movable property of the judgment-debtor in accordance with section 81, and in the manner prescribed in sections 34, 35, 36, and 37.

29. No amount realizable under a decree shall be recovered by distress and sale after the expiration of one year from the date of the decree ; or in the case of a decree for payment by instalments, after the expiration of one year from the date of the decree or six months from the date of the unpaid instalment, whichever period shall be longer. On a failure to pay an instalment, the balance unpaid under the decree shall become due at once.



FORM No. II.

Register of suits.

Names of Panchayat.      Serial number of suit.      Date of institution.

Nature of suit (money, recovery of movable property, compensation) and value of suit as stated by plaintiff.

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Name, father's name and residence of plaintiff with substance of his statement, his signature or thumb impression, and date.

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Name, father's name and residence of defendant with substance of his statement, his signature or thumb impression, and date.

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Names and residences of witnesses with abstract of their statements, signature or thumb impression and date.

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Brief reasons for decree of final order.

---

Decree or final order with date.

---

Mode in which the decree or final order was complied with.

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Remarks (e.g., note of documents filed in suit and of any orders passed before the final order or decree).

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FORM No. III.

Register of cases.

Name of Panchayat.      Serial number of case.      Date of institution.

Nature of case (e.g., theft, mischief, hurt, and in case of theft, receiving stolen property and mischief, the value of the property).

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Name, father's name and residence of complainant with substance of his statement, his signature or thumb impression, and date.

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Name, father's name and residence of accused with substance of his statement, his signature or thumb impression, and date.

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Name of witnesses with abstract of their statements, signatures or thumb impressions and date.

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Reasons for final order passed.

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Final order with date.

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Mode in which the order was complied with.

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Remarks (e.g., note of any documents produced, or of any orders passed before the final order).

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### Rules of Procedure of Panchayats.

[illegible]





FORM No. VIII.  
RECEIPT IN DUPLICATE.

(Number of receipt)

(1) Name of panchayat \_\_\_\_\_

(2) Serial No. of <sup>suit</sup><sub>case</sub> \_\_\_\_\_

(3) Date of payment \_\_\_\_\_

(4) Name of payer \_\_\_\_\_

Amount paid.  
Rs. a. p.

(1) Fees, section 80 (2) \_\_\_\_\_

(2) Fines, section 55 (1) and 56 (2) \_\_\_\_\_

(3) Compensation, section 55 (2) \_\_\_\_\_

(4) Miscellaneous \_\_\_\_\_

Total ...

FORM No. VIII.  
RECEIPT IN DUPLICATE.

(Number of receipt)

(1) Name of panchayat \_\_\_\_\_

(2) Serial No. of <sup>suit</sup><sub>case</sub> \_\_\_\_\_

(3) Date of payment \_\_\_\_\_

(4) Name of payer \_\_\_\_\_

Amount paid.  
Rs. a. p.

(1) Fees, section 80 (2) \_\_\_\_\_

(2) Fines, section 55 (1) and 56 (2) \_\_\_\_\_

(3) Compensation, section 55 (2) \_\_\_\_\_

(4) Miscellaneous \_\_\_\_\_

Total ...

FORM No. IX.

SUMMONS TO DEFENDANT OR  
ACCUSED.

Serial number of <sup>suit</sup><sub>case</sub> \_\_\_\_\_

Name of parties \_\_\_\_\_

Nature of <sup>claim</sup><sub>complaint</sub> \_\_\_\_\_

Date of institution \_\_\_\_\_

Whereas this <sup>suit</sup><sub>case</sub> will be placed  
before the panchayat of \_\_\_\_\_  
on (date and time) \_\_\_\_\_  
at (place) \_\_\_\_\_ you  
are hereby required to attend with  
your witnesses to defend your <sup>suit</sup><sub>case</sub>

Dated \_\_\_\_\_

Signature of the presiding panch.

FORM No. IX.

SUMMONS TO DEFENDANT OR ACCUSED.

Serial number of <sup>suit</sup><sub>case</sub> \_\_\_\_\_

Name of parties \_\_\_\_\_

Nature of <sup>claim</sup><sub>complaint</sub> \_\_\_\_\_

Date of institution \_\_\_\_\_

Whereas this <sup>suit</sup><sub>case</sub> will be placed before the  
panchayat of \_\_\_\_\_ on (date and time)  
\_\_\_\_\_ at (place) \_\_\_\_\_  
you \_\_\_\_\_ are hereby required to  
attend with your witnesses to defend your <sup>suit</sup><sub>case</sub>

Dated \_\_\_\_\_

Signature of the presiding panch.

FORM No. X.

SUMMONS TO WITNESS UNDER  
SECTION 40.

Serial number of <sup>suit</sup><sub>case</sub> \_\_\_\_\_

Name of parties \_\_\_\_\_

Nature of <sup>claim</sup><sub>complaint</sub> \_\_\_\_\_

Date of institution \_\_\_\_\_

Whereas you \_\_\_\_\_ have  
been summoned <sup>to give evidence</sup><sub>to produce the document mentioned below</sub>

in the <sup>suit</sup><sub>case</sub> you are hereby required  
<sup>to appear</sup><sub>to produce the document aforesaid</sub> before the panchayat

of \_\_\_\_\_ on (date and time)  
\_\_\_\_\_ at (place) \_\_\_\_\_

Dated \_\_\_\_\_

Signature of the presiding panch.

FORM No. X.

SUMMONS TO WITNESS UNDER SECTION 40.

Serial number of <sup>suit</sup><sub>case</sub> \_\_\_\_\_

Name of parties \_\_\_\_\_

Nature of <sup>claim</sup><sub>complaint</sub> \_\_\_\_\_

Date of institution \_\_\_\_\_

Whereas you \_\_\_\_\_ have been  
summoned <sup>to give evidence</sup><sub>to produce the document mentioned below</sub> in the above <sup>suit</sup><sub>case</sub>

you are hereby required

<sup>to appear</sup><sub>to produce the document aforesaid</sub> before the panchayat \_\_\_\_\_

on (date and time) \_\_\_\_\_ at (place) \_\_\_\_\_

Dated \_\_\_\_\_

Signature of the presiding panch.

FORM No. XI.

Warrant to arrest on failure to pay a fine imposed by a panchayat.

To

The President of the

Union Board

WHEREAS

of

has been convicted under section

of the Indian Penal Code of Act No. and has been sentenced to pay a fine of Rupees  
or in default to undergo simple 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 the nearest Magistrate. Herein fail not.

Dated this day of 19 .

(Signature.)

Sarpanch.

FORM No XII.

Warrant of arrest on failure to pay a sum awarded as compensation  
by a panchayat under section 55 (2).

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 the nearest Magistrate. Herein fail not.

Dated this day of 19 .

(Signature.)

Sarpanch.

## FORM No. XIII.

Order to levy <sup>a fine</sup> ~~an amount due as compensation~~ as an arrear of tax im-  
~~posed under section 30 of the Bihar and Orissa Village~~  
~~Administration Act of 1922.~~  
 posed under section 30 of the Bihar and Orissa Village  
 Administration Act of 1922.

To

The President of the Union Board at

WHEREAS of was

on the day of 19 convicted before the Panchayat at  
 ordered 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 55 (2) of the Bihar and Orissa Village Administration Act of  
 1922 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 tax imposed under section 30 of the Bihar and Orissa Village Adminis-  
 tration Act, 1922 and on realization to return this warrant with your  
 endorsement certifying that you have realized the said sum.

Dated this day of 19 .

(Signature.)

Sarpanch.



FORM No. XIV.

Order for realization of Decrees and fees as an arrear of tax imposed  
under section 30 of the Bihar and Orissa Village  
Administration Act, 1922.

To

The President of the Union Board

at

WHEREAS

was ordered

by the decree of this panchayat passed on the

day of

in suit No.

of (year), to pay to the plaintiff the sum of Rs.

and to pay

Decree.

fees amounting to

noted

Principal.

in the margin, and whereas the said

Interest.

Fees under section 80 of the Village  
Administration Act of 1922

sum of Rs.

has not

been paid ;

This is to authorize and require you to realise the said sum as an  
arrear of tax imposed under section 30 of the Village Administration Act  
of 1922, and on realization to return this warrant with your endorsement  
certifying that you have realized the said sum.

Dated this

day of

(Signature.)

Sarpanch.

## THE BIHAR AND ORISSA CHAUKIDARI RULES 1923, UNDER THE BIHAR AND ORISSA VILLAGE ADMINISTRATION ACT.

Notification No. 8271-L. S. G. dated the 10th September 1923.—In exercise of the power conferred by clauses (n) and (o) of sub-section (2) of section 96 of the Bihar and Orissa Village Administration Act, 1922 (Act III of 1922), the Government of Bihar and Orissa in the Ministry of Local Self-Government are pleased to make the following rules :—

1. These rules may be called the Bihar and Orissa Chaukidari Short title. Rules, 1923.

2. In these rules unless there is anything repugnant in the subject Definition. or context, all words and phrases have the meaning assigned to them by section 4 of the Bihar and Orissa Village Administration Act, 1922 (Act III of 1922), hereinafter referred to as "the Act "

### I.—Appointment of Dafadars and Chaukidars.

3. (1) When a vacancy occurs in the post of dafadar or chaukidar the union board shall at once report the fact to the District Magistrate and shall within one month 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) Candidates nominated for appointment should be strong, active and intelligent and, if possible, able to read and write ; they should not be less than 21 years of age.

(3) Candidates nominated for appointment as dafadars shall be resident within the union, and candidates nominated for appointment as chaukidars shall be resident within a village in their beat.

4. (1) Upon receipt of the nomination roll, the District Magistrate after making or causing to be made such enquiry, if any, as he may deem necessary shall appoint the nominee if he be found suitable. If he is not satisfied with the nomination, he shall either call on the union board to submit a fresh nomination within such time as he may fix or appoint any other person whom he thinks fit.

(2) If the union board fails to submit a nomination within the period of one month prescribed by rule 3, or to submit a fresh nomination within the time fixed under clause (1) of this rule, the District Magistrate shall appoint such person as he thinks fit.

5. When the District Magistrate appoints a dafadar or chaukidar he shall inform the union board and at the same time send to the board a sanad in form B for delivery to the person appointed. He shall also send intimation of the appointment to the Superintendent of Police.

## II.—Duties of Dafadars and Chaukidars.

6. The union board shall, subject to the control of the District Magistrate, allocate to each chaukidar a reasonable beat, a reasonable share of night duty 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.

7. The union 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 parade shall not be held more than once a fortnight. The board shall keep a record of attendance at such parades.

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

9. The duties of the chaukidar are those prescribed by section 27 of the Act and shall include the following :—

- (a) he shall patrol the beat allotted to him by the union board on such nights and between such hours as the board may order, unless ordered by the board or by a police officer 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 ; and in particular shall give to any police officer such reasonable assistance as he may require in the surveillance of bad characters.
- (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.

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. He shall not be employed by the police, by the union board, by any member of the board or by any other authority as a private servant or in a menial capacity.

10. 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 union 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 chaukidar's 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 office of the board. 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 a chaukidar subordinate to him is unable, on account of sickness or other sufficient reason, to perform his duties, he shall inform the board promptly, so that a substitute is appointed ;

- (i) he shall be specially responsible for reporting to the police the information referred to in clauses (iv), (v), (vi) and (viii) of section 27 (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 ; and
  - (iv) any local information which any police officer may require as also for giving timely information regarding—
    - (1) the movement of strangers or wandering gangs within the union ;
    - (2) the occurrence of a breach of the peace or the likelihood thereof ;

and whenever directed by the union 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.

11. A dafadar 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 dafadars, he has been allotted.

### III.—Punishment of dafadars and chaukidars.

12. (1) A dafadar or chaukidar may be punished for misconduct or neglect of duty by dismissal, fine, deprivation of good conduct badges or stripes, censure or reprimand.

(2) A dafadar or chaukidar may be discharged on the ground that he is incapable of discharging his duties or for other reasons.

13. Whenever the District Magistrate imposes a punishment on a dafadar or chaukidar, whether of his own motion or in accordance with the procedure prescribed in these rules, he shall send, a copy of his order to the union board and, if the punishment has been imposed on the recommendation of a police officer, also to the Superintendent of Police.

14. When the union board at a meeting considers that a dafadar or chaukidar should be discharged as incapable of performing his duties, or for any other reason, or should be dismissed for misconduct, or neglect of duty, it shall submit a statement of the case to the District Magistrate. The statement submitted by the board shall furnish the following information in full detail :—

- (a) the nature of the disability, or particulars of the misconduct or neglect alleged ;

- (b) the statement or explanation of the dafadar or chaukidar whose case is under consideration ;
- (c) in the case of complaint of misconduct or neglect, particulars of previous punishment and rewards ; and
- (d) the finding and recommendations of the union board.

15. (1) If the officer in charge of the police-station within which the union is situated considers that a dafadar or chaukidar should be suspended, discharged or dismissed, he shall report the case with his recommendation to the Superintendent of Police, and at the same time send an intimation to the union board that he has done so:

(2) The Superintendent of Police shall forward the report with his opinion to the District Magistrate.

(3) Before an order of dismissal or discharge is passed against a dafadar or chaukidar, he shall be given an opportunity of representing his case to the District Magistrate.

16. The union board at a meeting may formally censure or reprimand a dafadar or chaukidar and shall make an entry of such censure or reprimand in his service roll.

17. When the union 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 alleged, the explanation of the dafadar or chaukidar, and the amount of the fine imposed.

18. When the union board at a meeting considers that a dafadar or chaukidar should be fined more than a quarter of a month's pay, it shall follow the procedure laid down in rule 14.

19. The union 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 report referred to in rule 14 and shall be submitted to the District Magistrate.

20. The District Magistrate may suspend any dafadar or chaukidar against whom the union board has drawn up proceedings or in respect of whom he himself has initiated proceedings. Such suspension shall be reported to the union Board and to the officer in charge of the police-station in which the union is situated and the union board shall thereupon make arrangements for a substitute.

21. When the officer in charge of a police-station considers that any punishment less than dismissal should be awarded to a dafadar or chaukidar he shall submit a recommendation to this effect through the union



board and the Superintendent of Police to the District Magistrate. The board shall forward this recommendation with its comments.

#### IV.—Rewards to Dafadars and Chaukidars.

22. (1) The following rewards may be awarded to a dafadar or chaukidar :—

- (a) cash rewards ;
- (b) good conduct stripes (of red *salu* to be worn on the left fore-arm)
- (c) an oblong silver badge, in special circumstances, if a dafadar or chaukidar, at personal risk and with considerable effort—
- (i) arrests a murderer, dacoit, robber, professional thief or incendiary, or a person who has committed culpable homicide or caused grievous hurt ; or
- (ii) prevents, or intervenes for the purpose of preventing, murder, dacoity or riot ;
- (d) gratuities on retirement.

(2) Good conduct stripes shall be awarded after three cash rewards for good service and shall entitle the holder to a cash reward of not less than Rs. 12 and not more than Rs. 24 for each year during which the stripe is kept with a clean character roll. No dafadar or chaukidar shall be awarded more than three such stripes and the annual cash reward shall not exceed Rs. 24, even if more than one stripe has been awarded.

(3) The silver badge shall entitle the holder to an annual cash reward of Rs. 18 for each year during which it is held with a clean character roll.

23. (1) The District Magistrate may sanction any of the rewards specified in rule 22 either of his own motion or on the recommendation of a police-officer or of a criminal court or on the recommendation of the union board submitted in accordance with the procedure prescribed in rule 24.

(2) A copy of the order sanctioning the reward shall be forwarded forthwith to the union board, and the reward shall be paid or presented at the first pay parade after such sanction has been given.

(3) The expenditure on account of rewards shall be met from the district chaukidari reward fund.

24. When the union board at a meeting considers that a dafadar or chaukidar should be rewarded, it shall submit a statement of the case to the District Magistrate with its recommendation. 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.

#### **V.-Payment of salaries and rewards to dafadars and chaukidars and realization of fines.**

25. Dafadars and chaukidars shall be paid. at regular intervals to be fixed 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 union board. These matters shall be determined by the District Magistrate after consideration of the views of the board.

26. The union board shall cause to be prepared before each date fixed for payment an acquittance roll 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.

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

28. The pay parade shall be conducted by the president of the union 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.

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

30. 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.

31. The amount of fine due from a dafadar or chaukidar shall be realized from him by the presiding member at the time when the salary is paid. No fine shall be realized otherwise than at the time of payment of salary.

32. All payments and all realizations of fine shall be noted in the acquittance roll (form C) on which the thumb impression of the payee

shall be taken and which shall be signed and dated by the presiding member.

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

34. If any dafadar or chaukidar is absent from the pay parade, the amount due to him shall be kept in deposit in the office of the union board 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.

35. After paying their salaries to all the dafadars and chaukidars present, the presiding member shall distribute any rewards which have been sent to the union board for distribution.

36. As soon as the pay parade is over, the union board shall send to the nearest treasury for credit to the district chaukidari reward fund the total amount realized as fines accompanied by a chalan in triplicate for the sum total of the fines realized, upon which shall be endorsed the details of the realizations made. Of the two copies of the chalan which will be returned by the treasury, one copy shall be forwarded to the Sub-divisional Officer and one filed in the office of the board.

37. As soon as the pay parade is over, the union board shall send to the Subdivisional Officer a report of the proceedings in form D.

#### VI.—Payment of cost of equipment of dafadars and chaukidars.

38. 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 union board.

39. The Subdivisional Officer shall send to the union board a fortnight before the last pay parade of each quarter a statement in form E.

40. The union board shall pay the cost of equipment of dafadars and chaukidars to the Subdivisional Officer in quarterly instalments. All such payments 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 Sub-divisional Officer shall grant receipts for the same to the union board in form F.

41. The Subdivisional Officer, when he receives a consignment of equipment, shall forward it to the union board concerned with an invoice in form G, in which Part I shall be filled up and signed by the Subdivisional Officer and the board shall distribute the equipment at the next

pay parade. When distribution has been completed, the board shall fill up Part II and return the invoice (form G) to the Sub-divisional Officer.

### VII.—Delegation of powers.

42. The District Magistrate may, by an order in writing, delegate his powers of regarding or punishing dafadars and chaukidars to any officer subordinate to him and shall ordinarily delegate them concurrently to the Sub-divisional Officers within their respective sub-divisions and to the Superintendent of Police throughout the district. He may, and ordinarily shall, delegate to the Sub-divisional Officers the power to appoint dafadars and chaukidars within their respective subdivisions.

43. An appeal from any order of punishment passed by an officer to whom the powers of the District Magistrate have been delegated under rule 42 shall lie to the District Magistrate, if preferred, within thirty days of the date on which the order was communicated to the dafadar or chaukidar concerned.

#### FORM A.

#### (Rule 3.)

Nomination Roll for the post of dafadar in village \_\_\_\_\_, union \_\_\_\_\_  
chaukidar  
 police-station \_\_\_\_\_

1. Name of nominee.
2. Father's name.
3. Caste.
4. Age.
5. How employed since attaining majority.
6. Physical condition.
7. Does he reside within the beat or will he take up residence within the beat on appointment?
8. Is he related to the late incumbent?
9. Is his character good?
10. Are any of his relations of bad character?  
 If so, give details.
11. Can he read and write (more than his name only)?
12. Thumb impression of nominee.

*Signature of resident of the Union Board.*

## FORM B.

( Rule 5. )

Sanad of Appointment of a dafadar  
Chaukidar

, son of , caste , village , police-station , district , at present resident of village , police-station , district , is hereby appointed under the provision of section 25 of the Bihar and Orissa Village Administration Act, 1922 ( III of 1922 ), to be a dafadar  
chaukidar in village , union , police-station , district ,

Dated.

The 19 .

District Magistrate  
Sub-Divisional Magistrate

## Record of Rewards and Punishments.

( On back of sanad )

Reward.	Date.	Signature of President.	Punishment.	Date.	Signature of President.
1	2	3	4	5	6



FORM E.

(Rule 39.)

*Sub-division.*

Register showing demands on account of chaukidari equipment.

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

FORM F.

(Rule 40.)

Receipt for payment of cost of chaukidari uniform.

To be kept in the sub-divisional office.

1. Serial number.
2. Number and 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 Sub-divisional Officer.

To be made over to the union board.

1. Serial number.
2. Number and 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 Sub-divisional Officer.





## UNION BOARD ACCOUNT RULES.

Notification No. 11469-L. S. G. dated 18. 12. 1923 :—In exercise of the powers conferred by clauses (h) and (i) of sub-section (2) of section 96 of the Bihar and Orissa Village Administration Act (Act III of 1922), the Government of Bihar and Orissa in the Ministry of Local Self-Government are pleased to make the following rules :—

Short title.

1. These rules may be called the Union Board Account Rules.

2. In these rules unless there is anything repugnant in the subject Definitions. or context,—

(1) all words and phrases have the meaning assigned to them by section 4 of the Bihar and Orissa Village Administration Act, 1922 (Act III of 1922), hereinafter referred to as "the Act" ;

(2) "union chaukidari tax" means the tax imposed under section 30 of the Act ; and

(3) "union tax" means the tax imposed under section 46 of the Act.

3. In unions in which part III of the Act (Village Police) and part Union tax and union IV of the Act (Powers and Duties of Union chaukidari tax. Boards) are both in force, separate accounts shall be kept of the union chaukidari fund and the union fund but the assessment and collection of the chaukidari tax and the union tax shall be made as far as possible simultaneously and by the same agency.

### Assessment of Chaukidari Tax.

4. (1) Three months before the first day of the year, the union Bdget estimate. board shall meet and shall prepare a budget estimate of the amount required for the maintenance of the village police in the following form :—

	Rs.
Pay of <i>dafadars</i> at Rs. ... ..	
Pay of <i>chaukidars</i> at Rs. ... ..	
Annual cost of equipment of <i>dafadars</i> at Rs. ...	
Lantern oil allowance of <i>dafadars</i> ... ..	
Annual cost of equipment of <i>chaukidars</i> at Rs. ...	
Total Rs. ...	

<i>Deduct</i> assessment payable on resumed <i>chakran</i> lands (if any)		Rs.
	Balance ...	_____
<i>Add</i> 15 per cent. on above for cost of collections and loss due to non-realization.		_____
<i>Deduct</i> expected surplus of previous year ...		_____
Total amount to be raised by taxation ...		_____

(2) A copy of the budget estimate shall be submitted without delay to the Subdivisional Officer who shall examine it with a view to seeing that—

- (a) the budget estimate of requirements has been correctly arrived at ;
- (b) the balance in hand from the previous year (if any) has been included, and
- (c) that the amount obtained from assessment of resumed *chakran* lands (if any) has been provided.

(3) If the Subdivisional Officer finds the budget estimate to be correct, he shall sanction the estimate ; if he finds the budget estimate defective in any of the particulars specified in sub-rule (2), he shall return it to the union board with such modifications as may be necessary.

(4) The orders of the Subdivisional Officer sanctioning or modifying the budget estimate shall be communicated to the union board within fourteen days of the receipt of the said estimate and the budget estimate as sanctioned or modified by the Subdivisional Officer shall be the final budget estimate of the union board.

5. (1) The union board shall cause to be prepared an assessment list in Form A of all owners and occupiers of buildings (including *kacharis* for the collection of rent), and in the Chota Nagpur Division, of all proprietors or tenure-holders having *khas* cultivation, within the union.

(2) The list shall contain the names of all persons liable to taxation even though they are subsequently exempted from assessment. [Care should be taken to see that all private servants, traders, shop-keepers, money-lenders, and workmen such as dhobis, black-smiths, carpenters, &c., are included.]

(3) The names entered in the list shall bear one serial number for the whole union and the names of all assesseees of one village or *tola* shall be entered together.

(4) The union board at a meeting shall check the estimates of income as inserted in column (4) and shall then proceed to assess the tax and make the necessary entry in column 6.

(5) In making the assessment the wealthier men should be assessed to the full limit of their capacity within the legal limit, then the less wealthy and so on in gradation down to the poor, who should be exempted altogether.

(6) All assessments should be as far as possible, in multiples of two annas so as to facilitate accounts and collections.

(7) The assessment list shall then be signed by all members of the union board present at the meeting.

6. The assessment list prepared under rule 5 shall be published at least fifteen days before the beginning of the year to which it refers and the union board shall cause a copy of the entries relating to each village in the union to be published in a conspicuous place in the village and if possible, shall cause the entries to be read out in the village.

7. (1) At the time of the publication of the list under rule 6, the union board shall cause to be proclaimed the date on which and the place at which a meeting will be held, for disposing of objections. Such date shall not be less than fifteen days from the date of the publication of the list.

(2) Any person objecting to the amount at which he has been assessed shall present an objection in writing to the President of the union board on or before the date fixed for hearing objections under clause (1) of this rule, or shall appear personally before the union board and state his objections on the said date.

(3) On the date fixed under clause (1) of this rule or any subsequent date to which the meeting may be adjourned, the union board at a meeting shall hear and determine all objections that have been filed. A record shall be kept of all objections filed and of all orders passed thereon in the minute book of the union board.

(4) No objection filed either orally or in writing after the date fixed under clause (1) of this rule shall be received unless good cause is shown to the satisfaction of the union board for extending the time allowed.

8. All modifications of assessment made by the union board when disposing of objections shall be entered in the assessment list and signed by the President or Vice-President. The assessment list as finally approved by the union

board shall be kept in the custody of the President and shall be used for the purpose of making collections. (As corrected by B. & O. Government Notification No. 4745 L. S. G., dated 26th April 1924).

9. The assessment list having been once prepared in the manner prescribed it is ordinarily not necessary for the union board to make a general revision each year.

Annual revision of assessment.

10. In any year in which a general revision of assessment is not made, the following procedure shall be followed by the union board :—

- (a) The union board shall prepare a budget estimate in the manner and at the time prescribed in rule 4 and shall submit it to the Sub-divisional Officer.
- (b) The union board shall then examine the assessment list with a view to seeing what increases or reductions of assessment are necessary and shall prepare a supplementary assessment list in Form B showing all additions to and reductions from the original assessment list.
- (c) The supplementary assessment list shall be published in the manner prescribed in rule 6 and any objections to the supplementary assessment list shall be dealt with in the manner prescribed in rule 7. Objections may also be filed at this time by persons whose assessment has not been altered and shall be dealt with in the manner prescribed in rule 7.
- (d) After the disposal of objections under sub-rule (c), the President or Vice-President shall cause necessary corrections to be made in the assessment list and shall attest all such corrections with his signature.
- (e) The supplementary assessment list shall be filed with the original assessment list and shall be kept in the custody of the President.

11. (1) Notwithstanding anything contained in the preceding rules, the union board at a meeting may at any time alter or amend the assessment list in any of the following ways :—

Alteration of assessment list.

- (a) by entering the name of any person which has been omitted by oversight or fraud or whose liability to assessment has accrued since the general revision or annual revision of the list ;

(b) by enhancing the assessment of any person which may appear to it to be inadequate and to have been so made by mistake or fraud ; and

(c) by substituting for any name mentioned in the assessment list the name of any new owner or occupier of any building.

(2) No new assessment and no enhancement shall come into effect unless the assessee has been given previous notice and unless any objection filed by him within a week of the receipt of the notice has been disposed of by the union board.

(3) Any assessment or enhancement of assessment made under this rule shall take effect, subject to the provision of clause 2, from the beginning of the half-year in which such assessment is made.

### Assessment of Union Tax.

12. After deciding to impose a union tax and after fixing the amount to be raised by such tax in accordance with the provisions of section 46 of the Act, and not less than two months before the date with effect from which the tax will be imposed, the union board at a meeting shall then proceed to make the assessment in the following way :—

First assessment of union tax.

- (a) In unions in which Part III of the Act is not in force, the union board shall make the assessment of the union tax, publish the assessment list and dispose of objections in the manner prescribed in rules 5 to 8.
- (b) In unions in which Part III of the Act is in force and if the union board is making for the first time an assessment of both the chaukidari tax and the union tax, the union board shall make the assessment of both the chaukidari tax and the union tax simultaneously and shall enter in columns 6 and 7 of the assessment list the amount payable by each assessee as chaukidari tax and union tax, respectively. The assessment list showing the amount payable for each tax shall then be published in the manner prescribed in rule 6 and objections shall be disposed of in the manner prescribed in rule 7.
- (c) In unions in which Part III of the Act is in force and the union board has previous to the imposition of the union tax assessed the chaukidari tax, the union board shall examine the assessment list for the chaukidari tax and insert in column 7 the amount payable as union tax. The assessment list shall then be published in the manner prescribed in rule

6 and objections shall be disposed of in the manner prescribed in rule 7.

13. In subsequent years the union board at a meeting shall revise the assessment in the manner prescribed in rule 10 and may from time to time alter or amend the assessment list in the manner prescribed in rule 11.

### Collection of Union Chaukidari Tax and Union Tax.

14. The union board at a meeting shall appoint one or more persons to collect the union chaukidari tax and the union tax. The person or persons so appointed hereinafter referred to as the collecting member, may be either a member or members of the board or such other person or persons as the union board may deem fit.

15. (1) For the collection of the union chaukidari tax the collecting member shall be allowed to retain such percentage of the total amount collected or such tax as the union board at a meeting may determine :

Provided that —

- (i) the percentage shall not exceed 10 per cent. of the total amount collected,
- (ii) the collecting member shall meet the incidental expenses of collection from the said percentage.

(2) For the collection of the union tax the collecting member shall receive such remuneration as the union board at a meeting may determine, subject to the sanction of the Chairman of the district board.

16. The union chaukidari tax and the union tax shall be payable in advance in half-yearly or quarterly instalments as the union board, with the approval of the Subdivisional Officer, may decide, and every such instalment shall be deemed to be due on the first day of the half-year or quarter, as the case may be, in respect of which it is payable.

17. Every person liable to pay any sum assessed upon him as union chaukidari tax or union tax shall within fifteen days after the day upon which such instalment becomes due pay or tender such instalment to the collecting member. The collecting member shall grant a receipt in Form E for all payments made to him and shall at the time of granting



the receipt make an entry in register C (collection register) and register D (daily collection register).

18. Immediately after the tenth day of each half-year or quarter, as the case may be, the collecting member shall prepare or cause to be prepared a list of the persons who have failed to pay their respective instalments of the union *chaukidari* tax or the union tax for such period showing the amount due from each of such defaulters and shall cause the list to be published in a conspicuous part of the village in which the defaulters reside.

19. (1) After the publication of the list prescribed in rule 18, the Issue of distress warrant. President of the union board shall issue a distress warrant (Form F) authorizing the *chaukidar*, or such other person as may be named therein, 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 arrears together with a sum equal to half the amount of such arrears, by way of penalty.

(2) The President by an order in writing may delegate his powers under this rule to the Vice-President or to the collecting member, if the latter is also a member of the union board.

20. The person authorized by a distress warrant under rule 19 shall Manner of executing distress: seize such movable property of the defaulter as he shall deem sufficient and shall make a list of all property so seized and shall at the same time give notice by beat of drum of the time and place when such movable property shall be sold, provided that the time of sale shall not be less than two days nor more than five days from the time of the proclamation thereof.

21. (1) All property seized under rule 20 shall be kept in the custody of the *chaukidar* or such other person as the President of the union board shall, by general or special order, authorize in this behalf.

(2) If the defaulters shall not within the time specified by the notice prescribed by rule 20 pay the amount of the arrears and of the penalty due from him, the movable property detained or such portion of it as may be necessary shall be sold by public auction at the time and place specified in the said notice and the proceeds shall be applied in discharge of the arrears or penalty. One member of the union board shall be present at every sale, held under this rule.

22. The person authorized to levy the tax by distraint and sale shall Grant of receipt. after the sale grant the defaulter a receipt in



the usual form and shall return to the person in possession of the movable property at the time of the seizure any property not sold and the surplus sale proceeds, if any.

23. The person authorized to levy the tax by distraint and sale shall keep a record of all such proceedings in a register (Form G) and the said record shall be signed by the member of the union board present at the sale.

Note.—Under section 38 of the Act, no instalment of the union *chaukidari* tax or union tax shall be recovered by distress after the expiration of fifteen months from the date on which the same shall have become due.

24. A register of distress warrants issued and disposed of shall be maintained in Form I by each union board with a view to watch the disposal of such warrants.

25. If any person whose name has been entered in the list of defaulters disputes his liability to pay the amount mentioned in the list or any portion thereof, he may apply to the union board either orally or in writing, stating the grounds of his objection. The union board at a meeting shall consider the objection and pass such order thereon as it may deem proper.

26. Whenever from the circumstances of the case the levy of the union *chaukidari* tax or union tax would be productive of excessive hardship to the person liable to pay the same, the union board at the meeting may reduce the amount payable or may remit the same. The union board at a meeting may also remit any amount which has been found to be irrecoverable.

### Union Chaukidari fund.

27. (1) The union *chaukidari* fund shall be kept in the custody of the President of the union board who shall maintain a register of receipts and disbursements in Form J; or if the subdivisonal officer so directs, shall be deposited in the name of the union board in the savings bank of the nearest post office.

(2) The collecting member shall bring the collection register, the daily collection register and the counterfoil receipts together with all sums collected by him to the President on the first day of every month and also on any day on which the collecting member has in hand such sum as may be fixed by the President in this behalf. The President shall examine and check the collection registers and the counterfoil receipts, shall receive the sums collected for credit to the union *chaukidari* fund, shall sign the daily collection register in token of receipt and shall make an entry of the amount received in the register of receipts and disbursements.

## Union Fund.

28. The union fund shall be kept in the custody of the President of Custody of union fund. the union board or, if the district board so directs, shall be deposited in the name of the union board in the Savings Bank of the nearest post office except in cases where the union board has been permitted to open a personal ledger account with the treasury or sub-treasury.

29. (1) In the case of union boards which have no account with any Cash Book. treasury the receipts and payments of the union board should be entered in a cash book in Form I on the same day on which money is remitted or paid.

(2) Cheques received from the district board in payment of contributions from the district fund or remitting the net income of pounds or ferries shall not be entered in the cash book but in a register of cheques in Form IA until they have been realised in cash.

(3) In the case of union boards having an account with the treasury or sub-treasury all receipts shall be promptly entered in the cash book in Form II and shall be promptly remitted to the treasury or sub-treasury and payments shall be entered in the cash book as soon as cheques have been signed by the President. In this case cheques in payment of contributions from district fund shall be credited to the union fund by *per contra* debit to that fund and shall be included in the cash book when the amount is credited in the pass-book.

30. The collecting member shall bring the register of daily collection Payment of collections to President. tions and the counterfoil receipts with all sums collected by him to the President on the first day of the month and also on any day on which the collecting member has in hand such sum as the President may fix in this behalf. The President shall examine and check the collection registers and the counterfoil receipts, shall receive the sums collected for credit to the union fund, shall sign the daily collection register in token of receipt and shall also make an entry of the amount received in the cash book.

31. In unions in which panchayats have been constituted, the Payment of receipts of sarpanch shall on the first day of the month panchayats, bring the cash book of the panchayat to the President of the union board and shall make over to him all fines or fees or penalties shown in the cash book of the panchayat. The President shall give a receipt in the cash book of the panchayat and shall enter the amount received in the appropriate column of the union cash book. The sarpanch shall not make

over to the President any amount in his hand which represents compensation payable to the parties. If the *sarpanch* himself is President of the union board, he shall similarly on the first day of the month transfer the sums realized by the panchayat to the credit of the union board and shall give a certificate to the effect that the transfer has been made in the cash book of the panchayat.

**32.** (1) Every bill or other claim for payment from the union fund shall show full details of the charge, shall be signed by the person to whom the money is due and shall except in the case of advances under rule 34 bear a certificate that the work billed for has been actually completed. When the work is carried out under the supervision of an officer of the district or local board, the certificate shall be signed by that officer. In other cases it should be signed by a member of the union board authorized by the board to do so on its behalf in each case.

(2) 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 the words Paid "Rs. (Rupees ) only <sup>in cash</sup> <sub>by cheque</sub>", the amount being written in words as well as in figures. The endorsement should be dated and signed by the President and shall bear the number of the voucher as in the cash book. If the payee is illiterate, the payment shall be attested by a competent witness in addition to the paying officer.

**33.** For all sums received by the union board except those on account of the union tax, a receipt in form E duly signed by the President shall be granted to the payer. (As corrected by B. and O. Government Notification No. 4745 L. S. G., dated 26th April 1924).

[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].

**34.** 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.

35. As soon as an advance is paid under rule 34 the President shall enter it as a payment under the head "Advances", on the payment side of the cash book (Form II or I according as the union board has an account with the local treasury or not) and make the necessary entries in the payment side (columns 13, 14, 15 and 25 in Form I or columns 17, 18, 19, 20 and 29 in Form II, 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 15 of Form I or column 19 of Form II.) The advance shall also be entered in columns 1 to 4 on the debit side of the advance register (Form III), 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 entries, 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 I or II). If however, the recovery is made by work-bill, the amount shall, in the first instance, be posted in the adjustment register (Form IV), 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 17 to 23 of the payment side of the Form I or columns 22 to 28 of the same side of Form II, as the case may be).

36. A list of outstanding advances in Form IIIA shall be prepared by each union board every quarter of the year for scrutiny by the President who should see that no item of advance is outstanding too long.

37. 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 budget estimate (Form V). This account shall be approved by the union board at the meeting and shall be submitted to the district board after actual counting of the closing balance and comparison with the treasury or Savings Bank pass-book.

38. An abstract of annual expenditure, prepared in such form as the district board may direct 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 President at the office of the union board or in any neighbouring *hat* which is generally frequented by the villagers belonging to the union.

39. The union board shall annually submit to the district board, on or before such date as the district board may appoint, a Budget estimate in Form V for sanction.

40. No expenditure shall be incurred by the union board in excess of the amount provided under any head in the budget as sanctioned by the district board, without the previous sanction of the district board.

41. At least once a year a complete audit of the union board's accounts shall be carried out within the union by an officer or member of the district board.

42. A proper record of all lands, including roads, lands on roadsides, sites of buildings, tanks &c., in the possession of the union board either as owner or controller shall be kept in Form VI. 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.

43. All public rights of way, by land or water, should be entered in this register (Form VI). 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.

44. A Stock Account of Receipt Forms shall be kept in Form H in which all receipts and issues should be posted. Issues for the purpose of destruction should also be recorded in this register. If any entire book of unused forms is returned, it should be entered in the stock register as a receipt.

## FORM A.

[Rule 5 (1)].

*Assessment List.*

Union.

Village.

Serial No.	Name of owner or occupier of house or kachari.	Profession, trade or business	Estimated annual income.	Area of holding.	Amount of chaukidari tax assessed.	Amount of Union Tax assessed.
1	2	3	4	5	6	7

## FORM B.

[Rule 10 (2)].

*Supplementary Assessment List.*

Serial No.	Name of owner or occupier of house or kachari.	Profession, trade or business	Estimated Annual income.	Amount of chowkidari tax previously assessed.	Amount of chaukidari tax now assessed	Amount of Union tax previously assessed.	Amount of Union tax now assessed	Reason of reduction or addition
1	2	3	4	5	6	7	8	9

## FORM C.

[Rule 17].

*Collection Register for the Union Board.*

NOTE.—A separate collection register shall be maintained for the chaukidari tax and the union tax in union where both taxes are in force. A new collection register shall be opened at the beginning of the year; columns 1, 2 and 4 shall be filled up from the assessment list and from the supplementary assessment list and column 3 from the collection register of the previous year.

Serial No. in assessment list.	Name of assessee.	Demand.			Collections.						Total.	Remission.	Balance.	Remarks.
		Arrears.	Current.	Total.	Arrears.		1st half year. 2nd half year.							
					Date and No. of receipt.	Amount.	Date and No. of receipt.	Amount.	Date and No. of receipt.	Amount.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
		Rs.	Rs.	Rs.		Rs.		Rs.		Rs.	Rs.	Rs.	s.	

## FORM D.

[Rule 17].

*Daily Collection Register Union Board.*

Date.	Name of payer.	Serial No. of receipt.	Amount paid.	Total credited to cash book.	Receipt of President.
1	2	3	4	5	6
			Rs. a. p.	Rs. a. p.	



FORM E.  
[Rule 17].

Union            Tax Receipt (counterfoil).  
Chaukidari

No. of receipt

Date of payment

Union

Village

Name of assessee

Serial No. in collection register

Amount paid      Rs.      As.

Particular of amount paid

Arrears

Current tax

Penalty

Total

*Signature of collecting member.*

FORM E.  
[Rule 17].

Union            Tax Receipt (counterfoil).  
Chaukidari

No of receipt

Date of payment

Union

Village

Name of assessee

Serial No. in collection register

Amount paid      Rs.      As.

Particular of amount paid

Arrears

Current tax

Penalty

Total

*Signature of collecting member.*



## FORM H.

[Rule 44.]

*Stock Register of Receipt Forms.*

Date of receipt.	From whom received.	Number received		To whom issued.	Number issued.		Signature of recipient.	Balance.		Remark.
		From	To		From	To		From	To	
1	2	3	4	5	6	7	8	9	10	11

## FORM I.

[Rule 24].

*Register showing the issue and disposal of distress warrants by the  
 ———— Union Board during the year ————.*

No and date of the warrant.	The person to whom issued.	Name and address of the defaulter in respect of whom the warrant issued.	Date of the disposal of the warrant.	Date of receipt of undisposed of warrants, if any.	Remarks.
1	2	3	4	5	6

## FORM J.

(Rule 27.)

*Register showing the receipts and disbursements from the Chaukidari  
 Fur' of ———— Union Board during the year ————*

Date.	Name of payer.	Serial No of receipt.	Source of income.	Total receipt.	Total expenditure.	Details of expenditure.	Initial of the President.	Remarks.
1	2	3	4	5	6	7	8	9

## FORM I.

[Rules 29 (1)].

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

RECEIPTS.										PAYMENTS.										REMARKS.												
From whom received <sup>a</sup>		Serial No. of receipt in the receipt book.		To whom paid.										Total	Closing balance.	Advances.	Improvement of water-supply.	Conservancy.	Sanitation.	Improvement of drainage.	Repair of roads.	Construction of roads.	Establishment.	Number of vouchers.	Total	Remarks.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27						
TOTAL RECEIPTS		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	TOTAL PAYMENTS										Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.

\* Enter "Collecting member or officer (with his name)" when payment is made by him and give the serial numbers of the receipts granted to assesses in column 3. The total covering the receipts will only be entered in column 4.

† This is for any miscellaneous charges which it may be necessary to classify. Other columns may also be added if necessary.



## FORM II.

[Rule 29 (3).]

for the month of \_\_\_\_\_

Cash book of the Union Board of \_\_\_\_\_

## RECEIPTS.

## PAYMENTS.

Date of receipt.	From whom received. <sup>a</sup>	Serial No. of receipts in the receipt book.		Opening balance.		Pound receipts.		Penny receipts.		Union tax.		Contribution.		Receipts of Panchayat.		Miscellaneous receipts.		Advances recovered.		Total.		Total amount remitted to treasury.		Date of remittance.		Number of treasury chitans.		Remarks.		Date of payment.		To whom paid.		Number of vouchers.		Number of cheques.		Establishment.		Construction of roads.		Repair of roads.		Improvement of drainage.		Sanitation.		Conservancy.		Improvement of water-supply.		Advances.		Closing balance.		Total.		REMARKS.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
		3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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<sup>a</sup>Enter "Collecting number or officer (with his name)" when payment is made by him and give serial no. of receipt, grant of to assessor in column 2. The total covering these receipts will only be entered in column 7.

<sup>b</sup>This is for any miscellaneous charges which it may be necessary to classify separately. Other columns may also be added if necessary.

## Memorandum.

Balances as per cash-book	Rs.	A.	P.
Add—Cheques un-cashed	...	...	...
No. dated	...	...	...
Deduct—Amounts not remitted to treasury	...	...	...
Balance as per Cash-book	...	...	...







## FORM No. V.

## [RULE 37.]

Statement of receipts and expenditure of the Union Board of \_\_\_\_\_ for the year \_\_\_\_\_.

Budget estimates of probable receipts and expenditure of the Union Board of \_\_\_\_\_ for the year \_\_\_\_\_.

Receipts.	Actuals (of previous year).	Sanctioned estimates (of current year).	Budget estimates (of ensuing year).	Expenditure.	Actuals (of previous year).	Sanctioned estimates (of current year).	Budget estimates (of ensuing year).	REMARKS.
1	2	3	4	5	6	7	8	9
Opening balance ...				Establishment ...				
Pound receipts ...				Collection charges ...				
Ferry receipts ...				Construction of following roads—				
Union tax ...				(a) .. ...				
Receipts from panchayats ...				(b) .. ...				
Contributions—				Repair of following roads—				
From Government ..				(a) ... ..				
„ District Board				(b) ... ..				
„ Other sources				Improvement of drainage				
Miscellaneous receipts				Improvement of water-supply as per details below.				
				Conservancy as per details below				
				Other sanitary measures as per details below				
				Schools ...				
				Dispensaries ...				
				Miscellaneous ...				
				Closing balance ...				
Total ...				Total ..				

NOTE.—When this form is used for the annual statement, only columns 2 and 6 will be filled in.

FORM VI.  
[RULE 42.]

*Register of lands and public rights of way.*

	1	Serial number.
	2	Area in aeres.
	3	Description and situation.
	4	For what purpose held.
	5	Formally acquired under the law.
	6	Rented.
	6	Free of rent.
	8	Placed under the control of the Union Board.
	9	Date when formally acquired, or when taken up on rent or free of rent, or when placed under the control of Union Board.
Rs. a. p.	10	If rented, amount of annual rent.
	11	If not formally acquired, terms on which held.
	12	Reference to title-deeds, maps, etc.
	13	Remarks and initials of President.

## THE BIHAR AND ORISSA FOOD AND DRUGS ADULTERATION ACT, 1919.

*Bihar and Orissa Act II of 1919.*

( As amended by Bihar and Orissa Act IV of 1923. )

An act to make provision in the Province of Bihar and Orissa for preventing the adulteration of food and drugs :

Whereas it is expedient to make provision in the Province of Bihar and Orissa for preventing the adulteration of food and drugs ;

It is hereby enacted as follows :—

1. (1) This Act may be called the Bihar and Orissa Prevention of Short title and extent. Adulteration Act, 1919.

(2) This section extends to the whole of Bihar and Orissa ; the rest of this Act extends only to such areas as the Local Government may by notification direct.

(3) A notification under this section may extend the rest of this Act to any specified area in respect of any specified food or drug or generally in respect of all food or drugs.

Definitions.

2. In this Act unless there is something repugnant in the subject or context.—

(1) "Food" means any article used for food or drink by man other than drugs or water, and includes any article which ordinarily enters into or is used in the composition or preparation of human food, and also includes flavouring matters and condiments ;

(1a) "Drug" includes medicine for internal or external use, other than a proprietary medicine, and every substance which the Local Government may declare to be a drug for the purposes of this Act, together with every preparation and admixture of the same ;

(2) "Chemical Examiner" means the Chemical Examiner to Government, and includes an Additional Chemical Examiner and also an Assistant Chemical Examiner to Government ;

(3) "Local authority" means in the case of a municipality constituted under the provisions of the Bihar and Orissa Municipal Act, 1922, or of the Central Provinces Municipal Act, 1903, the Municipal commissioners, in the case of a place declared under section 3 of the Cantonment Act, 1910, to be a cantonment, the cantonment authority, and in the case of any other area such authority or officer as the Local Government may appoint in this behalf ;