



The Bengal Village Self-Government Act, 1919

Act 5 of 1919

Keyword(s):

Building, Circle Officer, Dafadar, District Board, District Magistrate, Local Board, Road, Subdivisional Magistrate, Tout

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Bengal Act V of 1919¹

(The Bengal Village Self-Government Act, 1919.)²

SUPPLEMENTED	Ben. Act XX of 1935.
			Ben. Act VII of 1930. Ben. Act V of 1931. Ben. Act IX of 1932. Ben. Act XVIII of 1932. Ben. Act VIII of 1935. Ben. Act XIV of 1936. Ben. Act I of 1939. Ben. Act V of 1942. West Ben. Act X of 1947. West Ben. Act XXVI of 1950. West Ben. Act XII of 1960.
AMENDED	
			The Government of India (Adaptation of Indian Laws) Order, 1937. The Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948. The Adaptation of Laws Or- der, 1950.
ADAPTED	

(28th May, 1919.)

An Act to develop self-government in the rural areas of Bengal.

WHEREAS it is expedient to develop the system of self-government in the rural areas of Bengal ;

¹This Act should be read with section 4 and Sch. I of the West Bengal *Panchayat Act, 1957* (West Ben. Act I of 1957).

In terms of the provisions of sub-section (3) of section 3 read with Schedule III of the West Bengal Transferred Territories (Assimilation of Laws) Act, 1958 (West Ben. Act XIX of 1958), this Act shall not extend to, or come into force in, the territories transferred from the State of Bihar to the State of West Bengal by s. 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956 XL of 1956).

²For Statement of Objects and Reasons. see the *Calcutta Gazette* of 1918, Pt. IV, pages 117 and 118, and for Proceedings in Council. see *ibid*, Pt. IV-A, pages 665-672 and 1188-1193, and see the *Calcutta Gazette* of 1919, Pt. IV-A, pages 30-34, 127-146, 315-316 and 688-912.

(Part I.—Chapter I.—Preliminary.—Section 1.)

AND WHEREAS the sanction of the Governor General has been obtained under section 79, sub-section (2) and sub-section (3) of the Government of India Act, 1915, to the passing of this Act.

5 & 6 Geo.
V, c. 61.

It is hereby enacted as follows :—

PART I
CHAPTER I
Preliminary.

Short title,
local extent
and
commence-
ment.

1. (1) This Act may be called the Bengal Village Self-Government Act, 1919.

(2) It extends to the whole of ¹[West Bengal], except the town of Calcutta and any area which has been or may hereafter be constituted a municipality, under the provisions of the Bengal Municipal Act, [1932]².

Ben. Act
XV of
1932.

(3) It shall come into force in such districts or such parts of districts and on such date as the ³[State Government] may, by notification, direct, and the ³[State Government] may, by notification, withdraw this Act from any district or part of a district.

Explanation.—The words “the town of Calcutta” mean ⁴[subject to the inclusion of any local area under section 543] of the Calcutta Municipal Act, 1923⁵, and subject to the provisions of section 147 of the Calcutta Improvement Act, 1911, the area described in schedule I to the Calcutta Municipal Act, 1923⁵ :

Ben. Act III
of 1923.

Ben. Act V
of 1911.

Provided that this Act shall not come into force in any cantonment⁶ * * *

¹The words “West Bengal” were substituted for the word “Bengal” by paragraph (2) of Article 3 of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

²The figures “1932” were substituted for the figures “1884” by s. 2 and the First Sch. of the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939).

³The words “Provincial Government” were originally substituted for the words “Local Government” by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word “State” was substituted for the word “Provincial” by paragraph 4(1) of the Adaptation of Laws Order, 1950.

⁴These words and figures were substituted for the words and figures “subject to the exclusion or inclusion of any local area by notification under section 637” by s. 2 of, and the First Schedule to, the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939). This reference should now be construed as a reference to section 592 of the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951).

⁵The figures “1923” were substituted for the figures “1899” by s. 2 and the First Sch. of the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939). The Calcutta Municipal Act, 1923 (Ben. Act III of 1923), was repealed and re-enacted by the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951) which was again repealed and re-enacted by the Calcutta Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980) and this reference should now be construed as a reference to the latter Act.

⁶The words “without the sanction of the Governor General in Council previously obtained” in the proviso to section 1 were omitted by para. 3 of, and Schedule IV to, the Government of India (Adaptation of Indian Laws) Order, 1937.

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(Part I.—Chapter I.—Preliminary.—Sections 2—4.)

2. (1) When any local area is declared to be a union under section 5, the enactments specified in Schedule I shall, from the date of election or appointment of the first president of the union board of that union, be repealed or amended to the extent and in the manner mentioned in the fourth column thereof :

Repeal and amendment of certain enactments; saving of certain provisions.

Provided that until a new assessment is made under this Act, any assessment, rate or tax which was in force in such area under the provisions of the Bengal Local Self-Government Act of 1885, in so far as they relate to union committees, and of the Village Chaukidari Act, 1870, shall continue to be in force and all sums due on account of such rate or tax shall be realized under the provisions of this Act, and shall be credited to the union fund, and may be expended by the union board by which they are realized.

Ben. Act III of 1885.
Ben. Act VI of 1870.

(2) When, in consequence of the repeal of the enactments referred to in sub-section (1), any *panchayat* or union committee ceases to exist, all the properties, funds and dues which are vested in such *panchayat* or union committee shall be vested in such union board or boards, and in accordance with such allocation, as may be determined by the District Magistrate, whose orders thereon shall be final.

3. When the provisions of this Act are withdrawn from any district or part of a district under section 1, sub-section (3), the enactments specified in Schedule I shall be deemed to be revived in such district or part to the extent to which they were modified by that schedule, from the date of the publication of the notification of withdrawal :

Effect on certain enactments when Act is withdrawn.

Provided that all assessments for the imposition of rates under section 37 shall continue to be in force until a new assessment is made in accordance with the provisions of the Village Chaukidari Act, 1870, and all properties, funds and other dues vested in any union board within such district or part of a district shall be vested in such local authorities, *panchayats* or persons and in such manner as may be determined by the District Magistrate, whose orders thereon shall be final.

4. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(1) "building" includes a hut and shed ;

(2) "circle officer" means any person who may be appointed by the ¹[State Government] to exercise the powers and perform the duties of a circle officer under this Act ;

¹See foot-note 3 on page 576. *ante*.

(Part I.—Chapter I.—Preliminary.—Section 4.)

- (3) "dafadar" means a head chaukidar ;
- (4) "district board" means a district board established under the Bengal Local Self-Government Act of 1885 ;
- (5) "District Magistrate" includes an Additional District Magistrate ;
- (6) "local board" means a local board established under the Bengal Local Self-Government Act of 1885, as amended by this Act ;
- (7) "notification" means a notification published in the '*Official Gazette*' ;
- (8) "road" means any road, street or passage, whether a thoroughfare or not, over which the public have a right of way ;
- (9) "Subdivisional Magistrate" means any Magistrate in charge of a subdivision of a district ²[and includes an Additional Subdivisional Magistrate] ;
- ³(9a) "tout" means a person who habitually frequents the precincts of a union bench or union court except—
- (a) for the purpose of his own case, suit or proceedings before such bench or court, or
- (b) as an agent of a party authorised to appear under section 97 ;
- (10) "year" means a year beginning on the first day of April or on such other date as may hereafter be fixed for any union board by the '*[State Government]*' by notification ; and
- (11) the expressions "non-bailable offence," "cognizable offence," "complaint," "offence," "officer in charge of a police-station" and "police-station," have the same meaning as in section 4 of the Code of Criminal Procedure, 1898, and the expressions "decree," "legal representative" and "movable property," have the same meaning as in section 2 of the Code of Civil Procedure, 1908.

Ben. Act of
III of 1885.Act V of
1898.Act V of
1908.

¹The words "*Official Gazette*" were substituted for the words "*Calcutta Gazette*" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937.

²These words were added by s. 2 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

³Clause (9a) was inserted by s. 13 of the Bengal Touts Act, 1942 (Ben. Act V of 1942).

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(Part I.—Chapter II—Union Boards.—Sections 5—7.)

CHAPTER II
Union Boards.

5. When this Act has come into force in any district or part of a district, the ¹[State Government] may, after consideration of the views of the district board and the local boards, ²[if any], by notification, divide that district or part into as many local areas as may to ³[it] seem expedient, and may, by notification, declare every such local area to be a union for the purposes of this Act.

Power of State Government to declare local areas to be unions.

6. (1) The ¹[State Government] shall, by notification, establish a union board for every union constituted under section 5, and shall fix the number of members of each union board :

Establishment and constitution of union board.

Provided that the number of members of a union board shall not be less than six or more than nine.

(2) The members shall be elected within such time and in such manner as may be prescribed by rules under section 101.

* * * * *

⁵(4) If on the date fixed for the election, the electors of any union board fail to elect any member or members the vacancy or vacancies shall be filled by another election. If for any reason no member or members are elected at such second election, the vacancy or vacancies shall be filled by appointment by the District Magistrate ; and any person so appointed shall be deemed to be a duly elected member :

Provided that no person who is not entitled to be elected as a member of the union board under section 7 shall be so appointed.

7. (1) Every ⁶* * person of the full age of twenty-one years and having a place of residence within the union,—

Qualifications of voters and members of union board.

¹See foot-note 3 on page 576, ante.

²The words "if any" were inserted by s. 11 of the Bengal Local Self-Government (Amendment) Act, 1936 (Ben. Act XIV of 1936).

³This word was substituted for the word "them" by paragraph 5(2) of the Government of India (Adaptation of Indian Laws) Order, 1937.

⁴Sub-section (3) including the proviso was omitted by s. 2 (a) of the Bengal Village Self-Government (West Bengal Amendment) Act, 1947 (West Ben. Act X of 1947).

⁵This sub-section was substituted for the original sub-section, by s. 2(b), *ibid.*

⁶The word "male" was omitted by s. 2 of the Bengal Village Self-Government (West Bengal Amendment) Act, 1950 (West Ben. Act XXVI of 1950).

(Part I.—Chapter II.—Union Boards.—Section 7.)

- (i) who, during the year immediately preceding the election, has paid a sum of not less than ¹[eight *annas*] as cess under the Cess Act, 1880, in respect of lands situated wholly or in part in such union, or
- (ii) who, during the year immediately preceding such election, has been assessed at and paid a sum of not less than ²[six *annas*] for the purposes of the union rate payable under this Act, or in the case of a first election under this Act, as *chaukidari-tax*, or
- (iii) who is a member of a joint undivided family, which, during the year immediately preceding the election, has paid a sum of not less than ³[eight *annas*] as such cess ⁴[or than six *annas* as such] rate or tax, or⁵
- ⁵(iv) who is a graduate or licentiate of any university or has passed the matriculation examination of the Calcutta University or a corresponding standard of the same or any other university ⁶[or the school final examination of the Board of Secondary Education, West Bengal, or of any other such Board or the annual examination of Class X of a school recognised by the Board of Secondary Education, West Bengal, or of any other such Board], or the high school examination of the board of intermediate and secondary education, Dacca, or the senior or junior *madrash* examinations under the old or the reformed scheme, or the Sanskrit title examination of the Calcutta Sanskrit Association, or the middle English or the middle vernacular examinations ⁷[or the annual examination of Class VI of a school recognised by the Board of Secondary Education, West Bengal] or is a registered medical practitioner under the

Ben. Act IX
of 1880.

¹The words "eight *annas*" were substituted for the words "one rupee" by s. 3(1) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

²The words "six *annas*" were substituted for the words "one rupee" by s. 3(2). *ibid.*

³The words "eight *annas*" were substituted for the words "one rupee" by s. 3(3)(a), *ibid.*

⁴These words were inserted by s. 3(3)(b), *ibid.*

⁵The word "or" at the end of sub-clause (iii) of section 7(1) and this sub-clause (iv) were inserted by s. 3(4), *ibid.*

⁶These words were inserted by s. 2(1) of the Bengal Village Self-Government (Amendment) Act, 1960 (West Ben. Act XII of 1960).

⁷These words were inserted by s. 2(2), *ibid.*

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(Part I.—Chapter II.—Union Boards.—Section 7.)

Ben. Act VI
of 1914.

Bengal Medical Act, 1914, or holds a certificate authorising him to practise as a pleader or as a *muktear* or as a revenue agent,

shall be entitled to vote at an election of members of the union board :

Provided that only one member of a joint undivided family qualified under clause (iii) and nominated by the other qualified members of that family shall be entitled to vote on its behalf at any such election.

(2) Every person who is entitled to vote at an election of members of the union board and is resident within the union, shall be entitled to be a member of the union board if duly elected thereto.

¹*Explanation.*—A person shall be deemed to be “resident” within a union within the meaning of sub-section (2) if he has within the limits of such union a place of residence which he visits from time to time or in which he ordinarily resides for not less than three months a year. No person may be so resident within the limits of more than one union at the same time.

²(3) When a local board is abolished under section 36A of the Bengal Local Self-Government Act of 1885, sub-section (1) shall, in its application to the area which was under the authority of the local board at the time of its abolition, be subject to the following modifications, namely :—

- (i) in clause (i) for the words “the year immediately preceding the election” the words “such period of twelve months as may be prescribed by rules under section 101” shall be substituted ;
- (ii) in clauses (ii) and (iii) for the words ³[“the year immediately preceding such election” and the words “the year immediately preceding the election” respectively] the words “the period aforesaid” shall be substituted ; and
- (iii) after the words “election of members of the union board” the words “if his name is included in the electoral roll” shall be inserted.

¹This *Explanation* was substituted for the original *Explanation* by s. 3(5) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

²Sub-section (3) of section 7 was inserted by s. 12 of the Bengal Local self-Government (Amendment) Act, 1936 (Ben. Act XIV of 1936), and is in force in areas in which section 12 of the said Act is in force.

³These words were substituted for the words “the year immediately preceding the election” by s. 2 of, and the First Schedule to, the Bengal Repealing and Amending Act, 1938 (Ben. Act I of 1939.)

Ben. Act III
of 1885.

(Part I.—Chapter II.—Union Boards.—Sections 8, 9, 9A, 10 and 10A.)

President of
union
board.

8. (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.

(2) If any union board fails to elect a president within the period prescribed by rules under section 101, the district board shall appoint a member of the board to be the president.

Vice-
president of
union board.

9. Every union board may elect one of its members to be the vice-president of the board.

Leave of
absence to
president or
vice-
president of
union board.

¹9A. A union board may grant leave of absence to its president or vice-president for any period not exceeding three months in any one year and may elect one of its members to act as president or vice-president during such absence.

Disqualifi-
cation of
certain
persons
from voting
at election
of, or being
members
of, union
boards.

10. Notwithstanding anything contained in this Act, no person who is not ²[a citizen of India] shall be qualified to vote at an election of, or to be a candidate for election as a member of, a union board, nor shall such person be [appointed]³ to be a member of such board :

Provided that the ⁴[State Government] may, by notification, exempt from the provisions of this section any person or class of persons who are not ⁵[citizens of India].

Disqualifi-
cations
from being
a member
of a union
board.

⁶10A. A person shall not be eligible for election or appointment as a member of a union board if such person—

- (a) is an officer or servant of the union board, or
- (b) has been ordered to execute a bond in pursuance of proceedings under section 110 of the Code of Criminal Procedure, 1898, or has been convicted by a criminal court of any offence which in the opinion of the ⁴[State Government]

Act V of
1898.

¹Section 9A was inserted by s. 2 of the Bengal Village Self-Government (Amendment) Act, 1931 (Ben. Act V of 1931).

²The words "an Acceding State" were originally substituted for the words "any State in India" by paragraph (1) of Article 3 of, and the Schedule to, the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, and thereafter these words within square brackets were substituted for the words "a British subject or a subject of an Acceding State" by paragraph 3 of, and the Eleventh Schedule to, the Adaptation of Laws Order, 1950.

³The word "appointed" was substituted for the word "nominated" by s. 4 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

⁴See foot-note 3 on page 576, *ante*.

⁵The words "an Acceding State" were originally substituted for the words "any State in India" by paragraph (1) of Article 3 of, and the Schedule to, the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948, and thereafter these words within square brackets were substituted for the words "British subjects or subjects of an Acceding State" by paragraph 3 of, and the Eleventh Schedule to, the Adaptation of Laws Order, 1950.

⁶Section 10A was inserted by s. 5 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

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(Part I.—Chapter II.—Union Boards.—Sections 11, 12.)

involves moral turpitude and which carries with it a sentence of transportation or imprisonment for a period of more than six months, unless the offence for which he was convicted has been pardoned or five years have expired from the date of the expiration of the period specified in the bond, or of the sentence, as the case may be :

Provided that, on application made by a person disqualified under clause (b), the ¹[State Government] may remove the disqualification by an order made in this behalf.

11. The term of office of a member of a union board shall be ²[four years] from the date on which the District Magistrate shall declare the board to be duly constituted, but shall include any period which may elapse between the expiration of the said ³[four years] and the date of the first meeting, at which a quorum is present, of the newly elected ^{3* * *} members after the next general election for the union board :

Term of office of members.

⁴Provided that the tenure of office of the former president of the union board shall continue until a new president is elected or appointed under section 8.

12. (1) The district board may remove any member of a union board from his office—

Power to remove members.

- (a) who is convicted of any non-bailable offence ; or
- (b) who refuses to act, or becomes incapable of acting, or is declared to be insolvent ; or
- (c) who has been declared by notification to be disqualified for employment in the public service ; or
- (d) who, without an excuse sufficient in the opinion of the district board, absents himself from six consecutive meetings of the union board ; or
- (e) who has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, if two-thirds of the total number of the members of the union board at a meeting recommend his removal.

¹See foot-note 3 on page 576, ante.

²These words were substituted for the words "three years" by s. 6(1) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

³The words "and appointed" were omitted by s. 3 of the Bengal Village Self-Government (West Bengal Amendment) Act, 1947 (West Ben. Act X of 1947).

⁴This proviso was added by s. 6(2) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

(Part I.—Chapter II.—Union Boards.—Sections 13—16.)

(2) No person who has been removed from his office under clause (a) or clause (c) of sub-section (1) shall be eligible for re-election or re-appointment ¹[for the purpose of sub-section (4) of section 6].

Filling of casual vacancies.

13. When the place of ²[a member] of a union board becomes vacant by his removal, resignation or death, a new member shall be elected ³* * * in the manner prescribed by rules under section 101, and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred :

Provided that no act of the 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.

Term of office of president or vice-president.

14. 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 of the union board.

Resignation of president, vice-president or member.

15. (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.

(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.

Removal of president or vice-president.

16. (1) The district board may remove a president of a union board from his office—

- (i) if he is convicted of any non-bailable offence ; or
- (ii) if he refuses to act, or becomes incapable of acting, or is declared insolvent ; or
- (iii) if he is guilty of misconduct or persistent negligence in the discharge of his duties as president of the union board or of any disgraceful conduct, and two-thirds of the total number of the members of the union board at a meeting recommend his removal.

(2) A union board may, on the recommendation of two-thirds of the total number of the members of the board at a meeting, remove its vice-president from his office—

¹These words, figures and brackets were added by s. 4 of the Bengal Village Self-Government (West Bengal Amendment) Act, 1947 (West Ben. Act X of 1947).

²These words were substituted for the words "an elected or appointed member" by s. 5(a), *ibid.*

³The words "or appointed" were omitted by s. 5(b), *ibid.*

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(Part I.—Chapter II.—Union Boards.—Sections 17, 17A—17C.)

- (i) if he is convicted of any non-bailable offence ; or
- (ii) if he refuses to act, or becomes incapable of acting, or is declared insolvent ; or
- (iii) if he is guilty of misconduct or persistent negligence in the discharge of his duties as vice-president, or of any disgraceful conduct.

17. (1) If a president of a union board dies, resigns or is removed, the union board shall, at a meeting, within a period prescribed by rules under section 101, elect from among its members ¹[another person to be] president.

Filling of casual vacancy in office of president or vice-president.

(2) If any union board fails to elect ¹[another person to be] president within the prescribed period, the district board shall appoint ²[from among members of the union board] ¹[another person to be] president.

(3) If a vice-president of a union board dies, resigns or is removed, the union board may, at a meeting, elect from among its members ¹[another person to be] vice-president.

³17A. No election of a member of a union board shall be called in question in any court, and no court shall grant an injunction—

Bar to interference by courts in election matters.

- (i) to postpone the election of a member of a union board, or
- (ii) to prohibit a person, declared to have been duly elected under this Act, from taking part in the proceedings of a union board of which he has been elected a member, or

(iii) to prohibit the members formally elected or appointed ⁴[under sub-section (4) of section 6] for a union board from entering upon their duties.

³17B. If any dispute arises as to the election of a member of a union board, the matter shall be referred to the District Magistrate who shall decide the same after giving notice to the parties concerned and after taking such evidence as may be produced. The order of the District Magistrate shall, within thirty days from the date thereof, be subject to revision by the Commissioner whose decision shall be final and shall not be questioned in any court.

Election disputes.

³17C. No act done or proceeding taken under this Act shall be questioned on the ground merely of—

Validation of acts and proceedings.

¹These words were substituted for the words "a new" by s. 7(1) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

²These words were inserted by s. 7(2), *ibid.*

³Sections 17A, 17B and 17C were inserted by s. 8, *ibid.*

⁴These words, figures and brackets were inserted by s. 6 of the Bengal Village Self-Government (West Bengal Amendment) Act, 1947 (West Ben. Act X of 1947).

(Part I.—Chapter II.—Union Boards.—Sections 18, 19.—Chapter III.—Dafadars and Chaukidars.—Sections 20, 21.)

7. (a) the existence of any vacancy in, or any defect in the constitution of, the union board, or
 (b) any defect or irregularity not affecting the merits of the case.

Incorporation of union boards.

18. 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 said name sue and be sued, with power to acquire or hold property, both movable and immovable, and, subject to any rules made under section 101, to transfer any such property held by the board and to contract and do all other things necessary for the purposes of this Act.

Works constructed by a union board to vest in the board.

19. Every road, building or other work constructed by a union board from the union fund shall be vested in the union board by which it has been constructed.

CHAPTER III

Dafadars and Chaukidars.

Appointment and dismissal of dafadars and chaukidars.

20. (1) The union board shall, when a vacancy exists, nominate a person to be a dafadar or a chaukidar under this Act, and the [State Government] 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 [State Government] is not satisfied with such nomination, the [State Government] shall appoint any person, whom ²[it] thinks fit, to be a dafadar or a chaukidar.

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

Numbers and salaries of dafadars and chaukidars.

21. (1) The number of dafadars and chaukidars to be employed in a union, the salary to be paid to them and the nature and cost of their equipment shall be determined from time to time by the District Magistrate after consideration of the views of the union board.

(2) The salaries and the cost of equipment of dafadars and chaukidars shall be paid by the union board, and the dafadars and chaukidars shall

¹The words "Provincial Government" were originally substituted for the words "District Magistrate" by para. 3 and Sch. IV of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by para. 4(1) of the Adaptation of Laws Order, 1950.

²The word "it" was substituted for the word "he" by paragraph 5(2) of the Government of India (Adaptation of Indian Laws) Order, 1937.

of 1919.]

(Part I.—Chapter III.—Dafadars and Chaukidars.—
Sections 22, 23.)

receive their salaries and equipment at such times and in such manner as may be prescribed by rules under section 101.

22. Any dafadar or chaukidar who is guilty of any wilful misconduct in his office, or neglect of his duty, such misconduct or neglect not being of so grave a character as in the opinion of the District Magistrate or the union board, as the case may be, to require his dismissal, shall be liable to be punished by the District Magistrate with fine not exceeding the amount of one month's salary or by the union board with fine not exceeding one quarter of a month's salary.

Power to
fine
dafadars
and
chaukidars.

23. (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 of 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 II 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 may, without an order from a Magistrate and without a warrant, arrest—

- (a) any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists of his having been so concerned ;
- (b) any person having in his possession, without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking ;
- (c) any person who has been proclaimed as an offender either under the Code of Criminal Procedure, 1898, or by order of the ¹[State Government] ;
- (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 ;
- (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 ;

Act V of
1898.

¹See foot-note 3 on page 576, ante.

(Part I.—Chapter III.—Dafadars and Chankidars.—Section 23.)

¹(f) any person reasonably suspected of being a deserter from ²[the Indian] Army, Navy or Air Force ; and

(g) any released convict committing a breach of any rule made under section 565, sub-section (3), of the Code of Criminal Procedure, 1898 ;

Act V of
1898.

(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 II ;

(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 ;

³(viii) he shall give immediate information to the union board of the outbreak of any epidemic disease among men or cattle ;

(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 offence under sub-section (4) of section 30 and of any encroachment on, or obstruction to, any road or waterway 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 rate in making such collection ;

(xii) he shall serve such processes upon persons resident within the union as may be prescribed by rules under section 101 ; and

(xiii) he shall carry out such other duties as may be entrusted to him from time to time in accordance with the Act or any rules made hereunder.

¹Sub-clause (f) was substituted for the original sub-clause by s. 9(1) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

²The words "the Indian" were substituted for the words "His Majesty's" by paragraph 3 of, and the Eleventh Schedule to, the Adaptation of Laws Order, 1950.

³Clause (viii) was inserted by s. 9(2) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

of 1919.]

(Part I.—Chapter III.—Dafadars and Chaukidars.—Sections 24, 25.— Chapter IV.— Power and duties of union boards.—Section 26.)

(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 section 101.

24. Whenever a dafadar or chaukidar arrests any person under section 23, he shall forthwith take the person so arrested to the police-station within the limits of which the union is situated :

Procedure on arrest by dafadar or chaukidar.

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

25. All fines realized from a dafadar or chaukidar under section 22 of this Act shall be credited to a district chaukidari reward fund, the control over which shall rest with the District Magistrate.

Fines to be credited to district chaukidari reward fund.

CHAPTER IV

Powers and duties of union boards.

26. Every union board—

(1) (a) shall take such action as is necessary to secure the due performance by the dafadars and chaukidars of the union of the duties imposed on them under this Act, and shall exercise a general control over them ;

Duties of union boards.

(b) shall provide, as far as possible, for the sanitation and conservancy of the union and for the prevention of public nuisances therein ;

(c) shall make special arrangements for the sanitation and conservancy of fairs and *melas* held within the union ;

(d) shall have control of all drains and other conservancy works within the union which are not under the control of any other authority ;

(e) shall execute all works that are necessary for the preservation of public health and for improving the sanitation, conservancy or drainage of the union ;

(f) shall supply any local information which the District Magistrate or the district board or local board may require ; and

(g) shall perform all such other acts as may be necessary to carry out the purposes of this Act ;

I of 1871.

(2) shall perform such functions as may be transferred to it by notification under section 31 of the Cattle-trespass Act, 1871 ;

Ben. Act IV of 1873.

(3) if required to do so by the District Magistrate, shall provide for the registration of births and deaths within the union under the provisions of the Bengal Births and Deaths Registration Act, 1873 ;

(Part I.—Chapter IV.—Powers and duties of union boards.—
Sections 26A, 26B.)

(4) shall cause such processes as may be received by the union board for service to be duly served by a dafadar or chaukidar in accordance with rules under section 101 ;¹*

²(4a) may undertake and carry out any work necessary for the prevention and scientific treatment of cattle diseases or for the improvement of the breed and health of cattle, and may employ the staff requisite for such purposes ;³*

⁴(4b) may undertake and carry out measures for the improvement and development of cottage industries and may employ the staff requisite for such purpose :

⁵(4c) may undertake and carry out measures for the furtherance of public health within the union and may, subject to any rules made under section 101, employ the staff requisite for such purpose, and may, for such purpose, join with any other union board or boards in the same district in the manner provided in section 32AA ; and

(5) may undertake and carry out any other local work of public utility likely to promote health, comfort or convenience of the public, and not otherwise provided for in this Act⁶[and may employ the staff requisite for such purposes].

Reports of epidemic diseases among men or cattle.

⁶26A. The union board shall immediately on receipt of information of the outbreak of any epidemic disease among men or cattle send simultaneous reports of such information to the district health officer and to the local sanitary inspector of the district board or to the local veterinary assistant surgeon, as the case may be.

Power of union boards to grant rewards for information of the outbreak of any epidemic diseases among men or cattle.

⁶26B. The union board may, with the approval of the chairman of the district board and subject to any rules made under section 101, grant rewards to medical practitioners or other persons for giving prompt information to the union board of the outbreak of any epidemic disease among men or cattle.

¹The word "and" was omitted by s. 3(a) of the Bengal Village Self-Government (Amendment) Act, 1931 (Ben. Act V of 1931).

²Clause (4a) was inserted by s. (3)(a), *ibid.*

³The word "and" was omitted by s. 10 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935.)

⁴Clauses (4b) and (4c) were inserted by s. 10, *ibid.*

⁵These words were inserted by s. 3(b) of the Bengal Village Self-Government (Amendment) Act, 1931 (Ben. Act V of 1931).

⁶Section 26A and 26B were inserted by s. 11 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

of 1919.]

(Part I.—Chapter IV.—Powers and duties of union boards.—Section 27.)

27. (1) If it appears necessary to improve the sanitary condition of the union or any part thereof—

Power of union board as to sanitation, conservancy and drainage.

(a) the union board may, or, under the orders of the district board, shall—

- (i) cause huts or privies to be removed either wholly or in part ;
- (ii) cause private drains to be constructed, altered or removed ;
- (iii) cause public drains to be constructed, altered or removed ;
- (iv) cause—

any well, pool, ditch, tank, pit or pond, or any place containing or used for the collection of any drainage, filth or stagnant water, which appears to be injurious to health or offensive to the neighbourhood or in any other respects a nuisance, to be filled up, cleansed or deepened or the water to be drained off or removed therefrom, or such other action to be taken therewith as may be deemed necessary ;

- (v) cause any land, which by reason of thick vegetation, undergrowth or jungle appears to be in a state injurious to health or offensive to the neighbourhood or to form an impediment to efficient ventilation, to be cleared of such vegetation, undergrowth or jungle ;
- (vi) cause burning ghats and burial grounds to be established ; and
- (vii) cause such other improvements to be made as are necessary to improve the sanitary condition of such union or part ; and

(b) the union board may, by written notice, require, within a reasonable period to be specified therein,—

- (i) the owner or occupier of any hut, or the owner of any privy to remove such hut or privy either wholly or in part ; or
- (ii) the owner or occupier of any building to construct private drains therefor or to alter or remove private drains thereof ; or
- (iii) the owner or occupier of any land or building to which any such well, pool, ditch, tank, pit, pond or place as is referred to in clause (a) (iv) pertains, or if any such land as is referred to in clause (a) (v), to do anything which the union board is itself empowered to do under either of those clauses.

(Part I.—Chapter IV.—Powers and duties of union boards.—Section 28.)

(2) If any work required by any such notice is not executed within the period specified in the notice, the union board may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in clause (b) of sub-section (1), as if it were an arrear of rate imposed under section 37.

(3) An appeal shall lie against every notice issued under clause (b) of sub-section (1), to the chairman of the district board, who, after giving the owner and occupier full opportunity of adducing evidence and of being heard, may make an order cancelling, modifying or confirming the said notice. Such appeal shall be filed within fifteen days from the date of service of the notice.

¹(4) Without prejudice to the provisions of sub-section (2), if any person fails without sufficient reason to comply with a notice issued under clause (b) of sub-section (1) or, in the case of an appeal under sub-section (3), with an order modifying or confirming such a notice within a reasonable period to be specified in such notice or order, as the case may be, he shall be punished with a fine which may extend to twenty-five rupees and to a further fine which may extend to five rupees for each day after conviction during which he so fails.

Power of union board as to cleansing of unions.

28. (1) A union board may employ an establishment for the cleansing of the union or any part thereof.

(2) Where no such establishment is employed by a union board, the board may, by written notice, require owners or occupiers of land in the union to cleanse such land to the satisfaction of the board within a reasonable period, to be specified in the notice.

(3) If any person on whom notice has been served under sub-section (2) fails to comply with the requisition contained in the notice, the union board shall, unless reasonable cause to the contrary is shown,—

- (a) cause the land to be cleansed, and
- (b) recover from such person such portion of the cost of such cleansing as the union board may direct, as if it were an arrear of rate imposed under section 37.

(4) An appeal shall lie against every notice issued under sub-section (2) to the chairman of the local board, ²[or, where there is no

¹Sub-section (4) was added by s. 12 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

²These words were inserted by s. 13 of the Bengal Local Self-Government (Amendment) Act, 1936 (Ben. Act XIV of 1936). This amendment is in force in the areas in which section 13 of Ben. Act XIV of 1936 is in force.

of 1919.]

(Part I.—Chapter IV.—Powers and duties of union boards.—Section 29.)

local board, to the chairman of the district board,] who, after giving the owner and occupier full opportunity of adducing evidence and of being heard, may make an order cancelling, modifying or confirming the said notice. Such appeal shall be filed within fifteen days from the date of service of the notice.

¹(5) Without prejudice to the provisions of sub-section (3), if any person fails without sufficient reason to comply with a notice issued under sub-section (2), or, in the case of an appeal under sub-section (4), with an order modifying or confirming such a notice within a reasonable period to be specified in such notice or order as the case may be, he shall be punished with a fine which may extend to twenty-five rupees and to a further fine which may extend to five rupees for each day after conviction during which he so fails.

29. (1) The union board may, subject to rules made under section 101, by written order,—

- (a) direct, in accordance with a scheme approved by the local board ²[or, where there is no local board, by the district board,] for any part of the union, that no building, wall or platform shall be erected, re-erected or added to in advance of an alignment to be prescribed by the union board and demarcated on the ground; and
- (b) prescribe, in accordance with the said scheme, the space which shall intervene between any new or enlarged building and the building next adjacent and between any new or enlarged building and any road in the union.

(2) Where any building, wall or platform has been placed in contravention of an order passed by the union board under sub-section (1), the union board may apply to the District Magistrate and such Magistrate may make an order—

- (i) directing either that the work done, or so much of the same as has been executed in contravention of the order passed under sub-section (1), be demolished by the owner of the building, wall or platform, or that it be altered by him to the satisfaction of the union board, within such time as may be fixed by the District Magistrate; or

Power of union board to control erection of buildings, etc.

¹This sub-section was added by s. 13 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

²These words were inserted by s. 14 of the Bengal Local Self-Government (Amendment) Act, 1936 (Ben. Act XIV of 1936). It is in force in the areas in which section 14 of Ben. Act XIV of 1936 is in force.

(Part I.—Chapter IV.—Powers and duties of union boards.—Section 30.)

- (ii) directing that the work done, or so much of the same as has been executed in contravention of the order passed under sub-section (1), be demolished or altered by the union board at the expense of the owner within such time as may be fixed by the District Magistrate :

Provided that the Magistrate shall not make any such order without giving the owner full opportunity of adducing evidence and of being heard.

(3) If any person to whom a direction to demolish or alter any building, wall or platform, is given under clause (i) of sub-section (2), fails to obey the same, he shall be liable to a fine which may extend, in the case of a masonry building, wall or platform, to one hundred rupees, and, in the case of any other building, wall or platform, to twenty rupees, and to a further fine which may extend, in the case of a masonry building, wall or platform, to ten rupees and in the case of any other building, wall or platform, to two rupees for each day during which, after the period fixed by the District Magistrate, he fails to obey the direction to demolish or alter the building, wall or platform.

Power of union board to provide for proper water-supply.

30. (1) A union board may provide the union or any part thereof, with a supply of water, proper and sufficient, for public and private purposes ; and, for such purposes, may, or, under the orders of the district board, shall,—

- (a) construct, repair and maintain tanks or wells, and clear out streams or water-courses ;
- (b) with the sanction of the ¹[State Government] and subject to such rules as may be made under section 101, construct, repair and maintain water works ;
- (c) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the union ;
- (d) with consent of the owner thereof, utilize, cleanse or repair any tank, well, stream, or water-course within the union, or provide facilities for obtaining water therefrom ;
- (e) contract with any person for a supply of water ; or
- (f) do any other acts necessary for carrying out the purposes of this section.

(2) The union board may, by order published at such places as it may think fit, set apart for the supply to the public of water for drinking

¹See foot-note 3 on page 576. *ante*.

of 1919.]

(Part I.—Chapter IV.—Powers and duties of union boards.—Sections 31, 31A.)

or culinary purposes any tank, well, stream or water-course in respect of which action has been taken under clause (a), (c) or (d) of sub-section (1), subject to any rights which the owner referred to in clause (d) of that sub-section may retain with the consent of the board.

(3) The union board may, by order published at such places as it may think fit, prohibit all bathing, washing of clothes and animals, or other acts calculated to pollute the water of any tank, well, stream, or water-course set apart for drinking or culinary purposes under sub-section (2).

(4) Any person who disobeys an order issued under sub-section (3), shall be punished with fine which may extend to twenty-five rupees.

31. The union board shall have control of all roads, bridges and waterways within the union, not being private property and not being under the control of the ¹[State Government] or the district board or local board, and may do all things necessary for the maintenance and repair thereof, and may—

Powers of union board as to roads, bridges and water ways.

- (a) lay out and make new roads ;
- (b) construct new bridges ;
- (c) divert, discontinue or close any road or bridge ;
- (d) widen, open, enlarge or otherwise improve any road or bridge ;
- (e) deepen or otherwise improve water-ways ;^{2*}
- (f) provide for the lighting of any road or public place within the union ; and²
- ³(g) with the sanction of the commissioner, undertake small irrigation projects.

⁴31A. The union board may grant a stipend to any student having a place of residence within the union who is pursuing his studies in any—

Stipends.

- (i) middle English school,
- (ii) high English school, or
- (iii) other secondary school,

which holds agricultural classes, and who attends such classes or in any technical or agricultural school.

¹See foot-note 3 on page 576, *ante*.

²The word "and" in clause (c) was transposed at the end of clause (f) by s. 2(1) of the Bengal Village Self-Government (Amendment) Act, 1932 (Ben. Act IX of 1932).

³Clause (g) was inserted by s. 2(2), *ibid*.

⁴Section 31A was inserted by s. 14 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

(Part I.—Chapter IV.—Powers and duties of union boards.—Sections 32, 32A.)

Establishment of primary schools and dispensaries.

¹32. ²[(1)]. The union board may, subject to any rules made under section 101, ³[make grants to primary schools], establish primary school or dispensaries, or assume charge of existing primary schools or dispensaries and shall repair, maintain and manage any primary school or dispensary under its charge.

⁴(2) The union board may, subject to any rules made under section 101, make grants to—

- (a) any dispensary under public or private management, or
- (b) any library or reading room maintained for the public benefit and open to the public, and on the managing authority of which the union board is represented.

⁵32A. ⁶(1) Subject to the provisions of the Bengal (Rural) Primary Education Act, 1930, and to the control of the district school board constituted under that Act, the union board may establish primary schools or assume charge of existing primary schools and shall repair, maintain and manage any primary school under its charge.

Establishment of dispensaries.

Establishment and management of primary schools.

Ben. Act VII of 1930.

¹This sub-section (1) of section 32 is in force in this form in areas in which the Bengal (Rural) Primary Education Act, 1930 (Ben. Act VII of 1930), is not in force.

²Section 32 was renumbered as sub-section (1) of section 32 by s. 4 of the Bengal Village Self-Government (Amendment) Act, 1931 (Ben. Act V of 1931).

³These words were inserted by s. 15 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

⁴This sub-section (1) of section 32 is in force in this form in areas in which the Bengal (Rural) Primary Education Act, 1930 (Ben. Act VII of 1930), is in force.

⁵The words "primary school or" and "primary schools or" in section 32(1) were omitted by s. 67 and the Schedule, *ibid*.

⁶This sub-section (2) was substituted for the sub-section (2) which was added by the Bengal Village Self-Government (Amendment) Act, 1931 (Ben. Act V of 1931), by s. 3 of the Bengal Village Self-Government (Amendment) Act, 1932 (Ben. Act IX of 1932).

⁷Section 32A was inserted by s. 67 of, and the Schedule to, the Bengal (Rural) Primary Education Act, 1930 (Ben. Act VII of 1930), and is in force in areas where the said Act is in force.

⁸Section 32A was renumbered as sub-section (1) of section 32A and sub-section (2) was added by s. 16 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

of 1919.]

(Part I.—Chapter IV.—Powers and duties of union boards.—Sections 32AA, 33 and 34.)

Ben. Act
VII of
1930.

¹(2) The union board may, subject to any rules made under section 101, and to the control of the district school board constituted under the Bengal (Rural) Primary Education Act, 1930, make grants to primary schools which are recognised under section 54 of the said Act.

²32AA. A union board may, with the previous sanction of the district board and subject to any rules made under section 101, join with any other union board or boards in the same district in constituting out of their respective bodies a joint committee for any purpose in which they are jointly interested and in delegating to any such joint committee any power which might be exercised by either or any of the boards concerned.

Joint committees.

33. The district board or local board may, from time to time, with the consent of the union board, make over to a union board, subject to such conditions as they may deem necessary, the management of any institution or the execution of any work or duty within the area over which the union board has control ; and thereupon such union board shall do all things necessary for the management of the institution or the execution of the work or duty :

Transfer of certain duties from the district or local board to a union board.

Provided that the fund necessary for the management of the institution and the execution of the work or duty shall be placed by the district board or local board at the disposal of the union board.

³34. (1) No place within a union shall be used without a license granted by the union board (which shall be renewable annually) for any trade or business declared by the ⁴[State Government] by notification to be offensive or dangerous.

Prohibition of certain offensive and dangerous trades without licenses.

(2) In every notification under sub-section (1) the ⁴[State Government] shall specify the maximum amount of fees which may be levied by a union board for a license in respect of any trade or business declared in such notification to be offensive or dangerous.

¹See foot-note 8 on page 596, ante.

²This section 32AA was inserted by s. 5 of the Bengal Village Self-Government (Amendment) Act, 1931 (Ben. Act V of 1931).

³This section 34 was substituted for the original section by s. 17 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

⁴See foot-note 3 on page 576, ante.

(Part I.—Chapter IV.—Powers and duties of union boards.—Section 35.)

(3) Subject to the approval of the District Magistrate, the union board may levy in respect of any license granted by it under sub-section (1) a fee not exceeding the maximum amount specified under sub-section (2), and may impose such conditions in respect of such license as may be considered necessary.

(4) Whoever, in any union, uses without a license any place for the purpose of any trade or business declared under sub-section (1) to be offensive or dangerous, or fails to comply with any condition subject to which a license is granted under that sub-section, shall be punished with a fine which may extend to twenty-five rupees, and to a further fine which may extend to five rupees for each day after conviction during which he continues so to offend.

(5) The union board, upon the conviction of any person for failing to comply with any condition of a license granted under sub-section (1), may suspend or cancel such license.

(6) An appeal shall lie to the District Magistrate against every order by a union board refusing, suspending or cancelling a license, or imposing conditions in respect of a license within thirty days from the date of such order, and the decision of the District Magistrate thereon shall be final.

Power of entry.

35. The union board, or any member, officer or servant thereof, may enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or execute any work for the purposes of, or in pursuance of ¹* * * *
section ²[26], 27, 28, 29, 30, 31, 32, 33 or 34 :

Provided as follows :—

- (a) no such entry shall be made between sunset and sunrise ;
- (b) no dwelling-house shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours' previous written notice signed by the president or vice-president of the intention to make such entry ; and
- (c) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

¹The words, brackets and figures "clause (1) of section 26 or" were omitted by s. 18(1) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

²The figures "26" were inserted by s. 18(2), *ibid.*

of 1919.]

of 1919.]

(Part I.—Chapter IV.—Powers and duties of union boards.—Section 36.—Chapter V.—Union Fund.—Section 37.)

36. ¹[Subject to the approval] of the local board, ²[or where there is no local board, of the district board,] a union board may appoint such staff of officers and servants as it may consider necessary to carry out its duties under this Act, and may fix the salaries to be paid to such staff :

Appoin
ment of
establis
ment fo
union bo
board.

³Provided that no member of a union board shall be appointed to be an officer or servant of such union board.

CHAPTER V

Union Fund.

37. The union board shall impose yearly on ⁴[persons who are owners or occupiers or owners and occupiers] of buildings, within the union, a rate amounting to—

Imposi
of unio
rate.

(a) the sum required, after deduction of the contribution, if any, made by the ⁵[State Government] in this behalf, for the salaries and equipment of the dafadars and chaukidars and the salaries of the establishment of the union board, and

(b) the sum estimated to be required to meet the expenses of the board in carrying out any of the other purposes of this Act, if such estimate has been approved by ⁶[more than half] the total number of the members of the board at a meeting specially convened for the purpose,

together with ten *per cent.* above such sums to meet the expenses of collections and the losses due to non-realization of the rate from defaulter.

¹These words were substituted for the words "With the approval" by s. 19 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

²These words were inserted by s. 15 of the Bengal Local Self-Government (Amendment) Act, 1936 (Ben. Act XIV of 1936). This amendment is in force in the areas in which section 15 of Ben. Act XIV of 1936 is in force.

³This proviso was added to section 36 by s. 19 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

⁴These words were substituted for the words "the owners or occupiers" by s. 20(1). *ibid.*

⁵See foot-note 3 on page 576. *ante.*

⁶These words were substituted for the words "not less than two-thirds of" by s. 20(2) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

(A

(Part I.—Chapter V.—Union Fund.—Section 46.—Chapter VI.—General provisions relating to union boards.—Sections 47, 48.)

Nature of assessment.

Provided always that in the case of any union board which has imposed a rate under clause (b) of section 37 the district board shall make a suitable grant-in-aid.

Union fund.

46. ¹(1) All sums realized under sections 41 and 42 and all other receipts of the union board, including any donation or contribution from a private person, but not including any sum realized as a fine or as a fee, shall be paid into a fund to be called "the union fund" the accounts of which shall be kept in accordance with rules under section 101.

Procedure of assessment and revision thereof by the union board.

¹(1a) All sums realized as fines or fees under this Act and all sums received by the union bench or union court shall form part of the revenues of the ²[State].

Power of District Magistrate to revise assessment.

(2) Except as is otherwise provided in this Act, the expenses incurred by the union board, the union bench, or the union court in carrying out the purposes of this Act, including such reasonable compensation as the board may think fit to pay under section 61, shall be paid out of the union fund :

Arrear to be recovered by distraint and sale of movable property of defaulter.

Provided that the salaries and cost of equipment of dafadars and chaukidars and the salaries of the establishment of the union board shall be the first charge upon the union fund :

Provided also that all sums made over to a union board for any specific purposes shall be applied solely to that purpose.

CHAPTER VI

General provisions relating to union boards.

Delegation.

What property may be distrained and sold for arrears.

Delegation of District Magistrate's powers and duties.

47. The District Magistrate may, by an order in writing, delegate the powers or duties specified in the first column of schedule III to the officers mentioned in the second column thereof.

Disputes.

Disputes between union boards.

48. (1) If a dispute arises between two or more union boards which are subordinate to the same local board, the matter shall be referred to such local board ; and the decision of the local board thereon shall be final and binding.

¹Sub-sections (1) and (1a) of section 46 were substituted for the original sub-section (1) by para. 3 and Schedule IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

²The word "State" was substituted for the word "Province" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

of 1919.]

(Part I.—Chapter VI.—General provisions relating to union boards.—Sections 49, 50.)

¹(2) If a dispute arises between two or more union boards, which are within the same district but which are subordinate to different local boards, the matters shall be referred to the district board ; and the decision of such district board thereon shall be final and binding.

²(2) If a dispute arises in any case to which the provisions of sub-section (1) are not applicable between two or more union boards which are within the same district the matter shall be referred to the district board ; and the decision of the district board thereon shall be final and binding.

49. If a dispute arises between a municipal authority and a union board within the same district, the matter shall be referred to the District Magistrate ; and the decision of the District Magistrate thereon shall be final and binding :

Disputes between a municipal authority and a union board.

Provided that, if the District Magistrate is a member of the municipal authority concerned, his functions under this section shall be discharged by the Commissioner.

Control.

Local board to superintend the administration of union boards.

³50. Subject to the control of the district board, a local board shall superintend the administration of union boards within the areas under the authority of the local board, except in matters relating to dafadars and chaukidars.

⁴50. A district board shall superintend the administration of union boards within the area under the authority of the district board, except in matters relating to dafadars and chaukidars :

District board or local board to superintend the administration of union boards.

Provided that, where there is a local board, the local board shall, subject to the control of the district board, exercise such superintendence over the administration of union boards within the area under the authority of the local board.

¹Sub-section (2) of section 48 is in force in this form in areas in which section 16 of the Bengal Local Self-Government (Amendment) Act, 1936 (Ben. Act XIV of 1936), is not in force.

²Sub-section (2) of section 48 is in force in this form in areas in which section 16 of the said Ben. Act XIV of 1936 is in force.

³Section 50 is in force in this form in areas in which section 17 of the Bengal Local Self-Government (Amendment) Act, 1936 (Ben. Act XIV of 1936), is not in force.

⁴Section 50 is in force in this form in areas in which section 17 of the said Ben. Act XIV of 1936 is in force.

(Part I.—Chapter VI.—General provisions relating to union boards.—Sections 51—55.)

Supervision of union boards by Commissioners and other officers.

51. (1) It shall be the duty of all Commissioners, District Magistrates, Sub-Divisional Magistrates, circle officers and chairmen of district boards and local boards to see that the proceedings of union boards are in conformity with law and with the rules in force thereunder.

(2) The Commissioner may, by order in writing, annul any proceeding which he considers not to be in conformity with law and with the said rules, and may do all things necessary to secure such conformity.

Inspection of union board record.

52. Every union board shall at all times permit the Commissioner, the District Magistrate, the chairman of the district board or local board, or any other person authorized by them or by the ¹[State Government], to have access to all its books, proceedings and records.

Inspection of work or property of union board.

53. The Commissioner, the District Magistrate, the chairman of the district board and local board, and any other person authorized by them or by the ¹[State Government] shall have power at all times 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.

Special provision in case of non-payment of chaukidars and staff.

54. (1) If at any time the District Magistrate is satisfied that the whole or any portion of the salaries, or of the cost of equipment, of dafadars and chaukidars, or of the salaries of the establishment of a union board, is in arrear, the District Magistrate may 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 either from the balance at the credit of the union fund or by the collection of any outstanding portion of the union rate as 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 union rate.

(4) The amount 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 fund.

Power to provide for performance of duties under section 27 or 30 in case of default by a union board.

55. (1) When a union board makes default in performing any duty imposed on it by the district board under section 27 or section 30, the district board may fix a period for the performance of that duty.

(2) If any such duty is not performed within the period fixed under sub-section (1), the district board may appoint such person or persons,

¹See foot-note 3 on page 576. ante.

of 1919.]

(Part I.—Chapter VI.—General provisions relating to union boards.—Sections 55A, 56 and 57.)

as they consider necessary to perform it, and may direct that the expense of performing it, together with a reasonable remuneration to such person or persons, shall be forthwith paid by the union board.

¹55A. If the Commissioner, after consideration of the views of the District Magistrate and the district board, is of opinion that a union board is not competent to perform, or persistently makes default in the performance of, the duties imposed upon it by or under this or any other Act, or exceeds or abuses its powers, the Commissioner may, with the approval of the ²[State Government] by an order in writing specifying the reasons for so doing, direct that a fresh general election shall be held, ³* * * * * immediately of persons to be members of the union board; and from the date on which the District Magistrate shall declare the board to be duly reconstituted the former members of the board shall, unless they are re-elected or re-appointed ⁴[for the purpose of sub-section (4) of section 6], vacate their offices.

Power to dissolve a union board.

56. (1) If the Commissioner, after consideration of the views of the District Magistrate and the district board, is of opinion that a union board is not competent to perform, or persistently makes default in the performance of, the duty imposed upon it by, or under, this or any other Act, or exceeds or abuses its powers, the Commissioner may ⁵[with the approval of the ²State Government], by an order in writing specifying the reason for so doing, either—

Power to remove the president or supersede a union board.

- (a) remove the president of the union board from his office both as president and as member; or
- (b) supersede the board for a period to be specified in the order.

(2) Every such order shall be published locally in such manner as may be prescribed by rules under section 101.

57. (1) When a union board is superseded under section 56, sub-section (1), the following consequences shall ensue:—

Consequences of supersession.

- (a) all members constituting the board shall, as from the date of the order, vacate their offices as such members;

¹Section 55A was inserted by s. 25 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

²See foot-note 3 on page 576, *ante*.

³The words, "and fresh appointments shall be made" were omitted by s. 7(a) of the Bengal Village Self-Government (West Bengal Amendment) Act, 1947 (West Ben. Act X of 1947).

⁴The words, figures and brackets "for the purpose of sub-section (4) of section 6" were inserted by s. 7(b), *ibid*.

⁵These words were inserted by s. 4 of the Bengal Village Self-Government (Amendment) Act, 1932 (Ben. Act IX of 1932).

(Part I.—Chapter VI.—General provisions relating to union boards.—Sections 58—60.)

- (b) all powers and duties of the union board shall, during the period of supersession, be exercised and performed by such local authority, person or persons, and in such manner as the Commissioner may direct ; and
- (c) all property vested in the union board shall, during that period, vest in such local authority, person or persons, and in such manner, as the Commissioner may direct.

(2) On the expiration of the period of supersession the union board shall be re-established by re-election or re-appointment in the manner provided in section 6.

Power to suspend action of union board.

58. The District Magistrate, or the district board, may, by an order in writing, suspend the execution of any order or resolution of a union board within the jurisdiction of such Magistrate or district board, or the doing of any act which is about to be done, or is being done, by such union board, if in the opinion of the District Magistrate or the district board the execution of the resolution or order, or the doing of the act, is likely to cause injury, or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace.

Order of Magistrate or district board under section 58 to be reported to the Commissioner.

59. When the District Magistrate or the district board makes any order under section 58, the Magistrate or board, as the case may be, shall forthwith submit to the Commissioner a copy of the order, with a statement of the reasons for making it and with any explanation which the union board concerned may wish to offer, and the Commissioner may thereupon confirm, modify or rescind the order.

Miscellaneous.

Penalty on member, officer or servant being interested in a contract made with a union board.

60. (1) If any member of a union board otherwise than with the sanction of the local board, or if any officer or servant maintained by or employed under the union board, participates or agrees to participate in the profits of any work done by the union board or is concerned or participates in the profits of any contract entered into with the board, he shall be liable on conviction before a criminal court to a fine which may extend to five hundred rupees :

Provided that the penalty herein prescribed shall not be deemed to apply by reason only of a person—

- (a) having a share in any joint-stock company which shall contract with, or be employed by, or on behalf of, the union board ; or
- (b) having a share or interest in any newspaper in which any advertisement relating to the affairs of the union board may be inserted ; or

of 1919.]

(Part I.—Chapter VI.—General provisions relating to union boards.—Sections 61—64.)

11 of 1912.

- (c) holding a debenture or being otherwise concerned in any loan raised by, or on behalf of, the union board ; or
- (d) being a member of a society registered under the Co-operative Societies Act, 1912¹, which enters into any contract with the union board.

(2) Nevertheless it shall not be lawful for a person having any share or interest, such as is described in clauses (a) and (b) of the proviso to sub-section (1), to act as a member of the union board in any matter relating to a contract or agreement between the union board and such company or the manager or publisher of such newspaper.

(3) Nothing in this section shall apply to the payment of fees to a legal practitioner for services rendered by him in his professional capacity.

61. Every union board may make compensation to any person sustaining any damage by reason of the exercise of any of the powers conferred by this Act.

Power to make compensation for damage.

62. (1) No member of a union board shall be personally liable for any contract made, or expense incurred, by or on behalf of the board.

Liability of members.

(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.

63. No suit or other legal proceeding shall lie against a union board, 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 hereunder.

Bar to suits.

64. (1) No suit or other legal proceeding shall be brought against any union board or any of its members or 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.

No suit to be brought until after one month's notice of cause of action.

¹Now the Bengal Co-operative Societies Act, 1940 (Ben. Act XXI of 1940), vide section 5 thereof.

(Part II.—Chapter VII.—Union benches and union courts.—Sections 65, 66.)

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

(3) If any union board or person to whom a notice under sub-section (1) is given shall, before a suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

PART II

CHAPTER VII

Union benches and union courts.

Union benches.

Constitution
of union
bench.

65. Whenever a union board has been established for any union, the¹[State Government] may, by notification, appoint any two or more of the members of the board to be a union bench, during their term of office as members of the board, for the trial, in the whole or any part of the union, of the offences specified in schedule IV, if committed within the limits of its jurisdiction²[or if the case is transferred to the bench by a District Magistrate or Sub-Divisional Magistrate].

Jurisdiction
of union
bench.

66. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the union bench shall have jurisdiction concurrent with that of the criminal court within the local limits of whose jurisdiction the union is situated, for the trial of all offences specified in schedule IV, part A, and the union bench may try any offence specified in schedule IV, part B, if the case is transferred to the bench by a District Magistrate, Sub-Divisional Magistrate or any other Magistrate empowered to receive petitions under section 190 of the Code of Criminal Procedure, 1898 :

Act V of
1898.

Provided as follows :—

- (a) a Magistrate before whom a complaint of an offence cognizable by a union bench is brought may transfer the complaint to the union bench ;
- (b) the District Magistrate or Sub-Divisional Magistrate may transfer any case from one union bench to another or to any other court subordinate to him ;

¹See foot-note 3 on page 576, *ante*.

²These words were added by s. 26 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

of 1919.]

(Part II.—Chapter VII.—Union benches and union courts.—Sections 67—70.)

- ¹(c) the District Magistrate or Sub-Divisional Magistrate may, with the consent of the parties, transfer any case cognizable by a union bench, if the place of residence of the complainant is situated in a union for which there is no union bench, to any union bench situated at a distance from such place of residence convenient in the opinion of the Magistrate, for the parties and witnesses.

67. A case before a union bench may be instituted by petition made orally or in writing to a member of the union bench. If the petition is made orally, the member shall record the name of the petitioner, the name of the person against whom the petition is brought, the nature of the offence and such other particulars, if any, as may be prescribed by rules under section 101, and shall direct the petitioner to appear before the bench.

How case may be instituted.

68. (1) If upon the face of the petition, or on examining the petitioner, the union bench is of opinion that the petition is frivolous, vexatious or untrue, it shall dismiss the case by order in writing.

Power of bench to dismiss or to refuse to entertain petition.

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

- (a) that it has no jurisdiction to try the case, or
(b) that the offence is one for which the sentence which the bench is competent to pass would be inadequate, or
(c) that the case is one which should not be tried by the bench, it shall direct the petitioner to the proper court.

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

Dismissal of case for default.

70. (1) If the petition be not dismissed the union bench shall, subject to the provisions of section 98, by summons or otherwise, require the accused to appear and answer the petition.

Proceedings preliminary to trial.

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

(3) The union bench shall, if possible, try the case on the day on which the accused appears or is brought before it ; but if that is not

¹Clause (c) of the proviso to section 66 was added by s. 27 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

(Part II.—Chapter VII.—Union benches and union courts.—Sections 71, 72.)

possible, the union bench shall release him on his executing a bond for a sum not exceeding twenty-five rupees to appear before the bench on any subsequent day or days to which the trial may be adjourned.

Bar to appeal from or revision of the order of union bench ; but power to order retrial.

71. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, there shall be no appeal by a convicted person in any case tried by a union bench :

Act V of 1898.

Provided that the District Magistrate or Sub-Divisional Magistrate, if satisfied that a failure of justice has occurred, may, of his own motion, or on the application of the parties concerned, cancel or modify any order of conviction or of compensation made by a union bench or direct the retrial of any case by a court of competent jurisdiction subordinate to him.

Power of union bench to impose fine or to award compensation.

72. (1) A union bench shall record its decision in writing, and may sentence an offender convicted by it to pay a fine not exceeding twenty-five rupees or in default to imprisonment for a period not exceeding seven days :

¹Provided that the²[State Government] may, by notification, direct that any union bench mentioned therein may sentence any offender convicted by it to pay a fine not exceeding fifty rupees or in default to imprisonment for a period not exceeding fourteen days.

³(1a) When a union bench imposes a fine under sub-section (1), it may, when passing the order, direct that the whole or any part of the fine recovered shall be applied in payment of compensation for any loss or injury caused by the offence.

(2) If a union bench is satisfied that a complaint made before it or transferred to it for trial is vexatious or frivolous, the bench may order the complainant to pay to the accused such compensation, not exceeding twenty-five⁴[or, in the case of a union bench empowered under the proviso to sub-section (1), fifty] rupees in all, as it thinks fit, or in default may sentence the complainant to simple imprisonment for a period not exceeding seven⁵[or, in the case of a union bench empowered under the proviso to sub-section (1), fourteen] days.

¹This proviso was added by s. 28(1) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

²See foot-note 3 on page 576, *ante*.

³Sub-section (1a) was inserted by s. 28(2) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

⁴These words, brackets and figure were inserted by s. 28(3)(a), *ibid*.

⁵These words, brackets and figure were inserted by s. 28(3)(b), *ibid*.

of 1919.]

(Part II.—Chapter VII.—Union benches and union courts.—Section 72A.)

(3) When a person has been sentenced to imprisonment under sub-section (1) or sub-section (2) in default of such payment, if such fine or compensation be not paid or realized within ten days of the passing of the sentence or order, or within such further time, if any, as the bench may allow, the bench may cause him to be arrested and may commit him to the nearest jail to serve his sentence :

Act XLV of 1860.

Provided that, notwithstanding anything contained in the Indian Penal Code,—

- (a) the fine imposed or compensation awarded by a union bench shall not be realized from any person who has served his term of imprisonment under this section ;
- (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 :

Provided also that no woman shall be sentenced to imprisonment in default of payment of fine or compensation.

¹(4) * * * * *

²72A. When any person is convicted by a union bench of an offence punishable under sub-section (1) of section 72 and no previous conviction is proved against him, if it appears to the said bench that, regard being had to the age, character and antecedents of the offender and to the circumstances in which the offence was committed, it is expedient—

Power of union bench to release certain offenders after admonition or on probation of good conduct.

- (a) that the offender should be released after due admonition, the union bench may, instead of sentencing him to any punishment, release him after due admonition ; or
- (b) that the offender should be released on probation of good conduct, the union bench may, notwithstanding anything contained in the Code of Criminal Procedure, 1898, instead of sentencing him at once to any punishment, direct that he be released on his executing a bond for a sum not exceeding fifty rupees to appear and receive sentence when called upon during such period (not exceeding one year) as the union bench may direct; and in the meantime to keep the peace and be of good behaviour.

Act V of 1898.

¹Sub-section (4) was omitted by para. 3 of, and Schedule IV to, the Government of India (Adaptation of Indian Laws) Order, 1937.

²Sections 72A and 72B were inserted by s. 29 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

(Part II.—Chapter VII.—Union benches and union courts.—Sections 72B and 73—75.)

Power of union¹ bench to permit compounding of offences.

72B. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the union bench may allow the parties to compound any offence tried by such bench.

Act V of 1898.

Union courts.

Constitution of union court.

73. Whenever a union board has been established for a union the ²[State Government] may, by notification, appoint any two or more of the members of the board to be a union court during their term of office as members of the board, for the trial, in the whole or any part of the union, of all or any of the classes of civil suits specified in section 74.

Jurisdiction of union court.

74. Notwithstanding anything contained in the Bengal, Agra 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 75 and 76, the union court and the ordinary civil court, within the local limits of whose jurisdiction the union is situated, shall have concurrent jurisdiction to try the following classes of suits, namely :—

XII of 1887.
IX of 1887.
Act V of 1908.

- (a) suits for money due on contracts,
- (b) suits for the recovery of movable property or the value of such property, ³*
- (c) suits for compensation for wrongfully taking or injuring movable property, ⁴[and
- (d) suits for damages by cattle-trespass],

when the value of the suit does not exceed two hundred rupees :

Provided that, on the application of any defendant made in accordance with the provisions of section 81, the court of small causes or court of the munsif, within the local limits of whose jurisdiction the union is situated,—

- (i) may withdraw the suit when its value does not exceed twenty-five rupees, and
- (ii) shall withdraw the suit when its value exceeds twenty-five rupees,

from a union court for trial by itself.

Certain suits not to be tried by union court.

75. No suit shall lie in any union court—

- (1) on a balance of partnership account,
- (2) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will,

¹See foot-note 2 on page 611, *ante*.

²See foot-note 3 on page 576, *ante*.

³The word "and" in clause (b) was omitted by s. 30(1) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

⁴The word "and" and clause (d) were inserted by s. 30(2), *ibid*.

of 1919.]

(Part II.—Chapter VII.—Union benches and union courts.—Sections 76—81.)

- (3) by or ¹[against the Government] or public officers in their official capacity,
- (4) by or against minors or persons of unsound mind,
- (5) for the assessment, enhancement, reduction, abatement, apportionment or recovery 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.

76. No suit shall lie in any union court, 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.

Local limits of jurisdiction of union court.

77. (1) A suit before a union court may be instituted by petition made orally or in writing. If the petition is made orally, the court shall record such particulars as may be prescribed by rules under section 101.

How suit may be instituted.

(2) The plaintiff on instituting his suit shall state the value of the claim.

78. (1) If at any time the union court is of opinion that the suit is barred by limitation the court shall dismiss the suit by order in writing.

Action to be taken if suit not triable by a union court.

(2) If at any time it appears to the court that it has no jurisdiction to entertain the suit, the court shall direct the petitioner to the proper court.

79. If in any suit before a union court the plaintiff fails to appear on the day fixed, or, if in the opinion of the court, he shows negligence in prosecuting his suit, the court may dismiss the suit for default :

Dismissal of suit for default.

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

80. If on receiving the petition the union court is satisfied that the trial of the suit may be proceeded with, it shall, by summons or otherwise, require the defendant to appear and answer the suit either orally or in writing.

Summons to defendant to appear and answer.

81. If, before ²[any evidence is taken in] the suit, the defendant notifies to the union court that he has applied or that he intends to apply

Postponement of application for transfer.

¹The words "against the Crown" were originally substituted for the words "against Government" by para. 3 of, and Schedule IV to, the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "Government" was substituted for the word "Crown" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

²These words were substituted for the words "the commencement of the hearing of" by s. 31 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

(Part II.—Chapter VII.—Union benches and union courts.—Sections 82—86.)

under the proviso to section 74 for the transfer of the suit to the court of small causes or the court of the munsif, the union court shall postpone the trial in such a manner as will afford a reasonable time for the application being made and an order being obtained thereon.

Ex parte
decision.

82. If the defendant fails to appear, and the union court is satisfied that he has received notice of the date fixed for the hearing, the court may decide the suit *ex parte* :

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 union court to set aside the order ; and the court, 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.

No order to
be set aside
without
notice to
opposite
party.

83. No decision or order of a union court shall be set aside under section 79 or section 82 unless notice in writing has been served by the union court on the opposite party.

Power of
union court
to
determine
necessary
parties.

84. (1) Subject to the provisions of clauses (3) and (4) of section 75 the union court 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 :

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 subsection (1) during the trial of a suit, he may require that the trial shall begin *de novo*.

Certain
suits not to
be tried by
union court.

85. No union court shall proceed with the trial of any suit in which the matter directly and substantially in dispute 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, or has been heard and finally decided in a suit between the same parties, or between parties under whom they or any of them claim.

Decision of
union court.

86. When the parties or their agents have been heard and the evidence on both sides considered, the union court shall, by written

of 1919.]

(Part II.—Chapter VII.—Union benches and union courts.—Sections 87—90.)

order, pass such decree as may seem just, equitable and according to good conscience, stating in the decree the amounts payable as fees under section 90, and the amount, if any, paid to witnesses under section 96, sub-section (3), and the persons by whom such amounts are payable.

87. A union court in ordering the payment 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.

Instalments.

88. The decision of a union court in every suit shall be final as between the parties to the suit :

Decision of union court to be final : but power to order retrial.

Provided that the district judge may, on the application of any party to the suit made within thirty days of the decree of the union court, cancel or modify the order of the union court or direct a retrial of the suit by the same or any other union court or by any other court subordinate to him if he is satisfied that there has been a failure of justice.

89. If the plaintiff or defendant in any suit dies before the suit has been decided, the suit may, subject to the provisions of clause (4) of section 75, be proceeded with at the instance of, or against, the legal representatives of the deceased plaintiff or defendant, as the case may be.

Death of parties.

90. (1) In all suits instituted in a union court a fee of one *anna* in the rupee shall be payable in advance by the plaintiff on the amount of the claim up to twenty-five rupees, and of half-an-*anna* for every rupee of the claim above twenty-five rupees, and such fees ²* * *

Fees.

* * * shall not be paid to either party :

Provided that, if any suit is transferred from a union court under section 74, no further fee shall be payable on this account in the court to which the suit is transferred, ³* * * * * and thereafter the provision of sub-section (2) shall, so far

¹This section 90 was substituted for the original section by s. 32 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

²The words "shall, on receipt, be credited to the union fund and" were omitted by para. 3 of. and Schedule IV to. the Government of India (Adaptation of Indian Laws) Order, 1937.

³The words and figures "and the fee already paid by the plaintiff shall, notwithstanding anything contained in section 46, be paid from the union fund to the Local Government" in the proviso to section 90(1), were omitted. *ibid.*

(Part II.—Chapter VII.—Union benches and union courts.—Sections 91, 91A.)

as may be, apply to the proceedings in the court to which the suit is transferred.

(2) If the claim is decreed in full, an amount equal to the fee shall be realized from the judgment-debtor together with the amount decreed.

(3) If the claim is decreed in part, an amount equal to a proportionate part of the fee shall be realized from the judgment-debtor together with amount decreed.

(4) Any amount realized under sub-section (2) or sub-section (3) shall be paid to the decree-holder.

Execution of decree.

91. (1) If the union court granting a decree is unable to effect satisfaction thereof, it shall grant the decree-holder a certificate to that effect stating the amount due to him and the amount due on account of fees under section 90.

(2) Any decree-holder wishing to execute a decree of a union court may apply to the court of the munsif within the local limits of whose jurisdiction the union is situated and shall present with his application a certified copy of the order of the union court; but no application for execution shall be entertained by the munsif—

- (a) unless the union court has certified that it is unable to effect satisfaction of the decree, and
- (b) unless the application is made after the expiry of three months from the date of the decree.

(3) In executing a decree of a union court a munsif shall have the same powers and follow the same procedure as if he were executing a decree passed by himself. * * * *

* * * *

Limitation for execution of decree or order.

²91A. An application for execution of a decree of union court made after the expiry of three years from the date of the decree or of any order under section 88 modifying any such decree, shall be dismissed, although limitation has not been pleaded :

Provided that, where the application is made for execution of a decree or order to enforce payment of a sum or money or delivery of any movable property which the decree or order directs to be made at a certain date, the application may be made within three years from that date.

¹The words "but any amount realized on account of fees under section 90 shall be credited to the Local Government" were omitted by para. 3 of, and Schedule IV to, the Government of India (Adaptation of Indian Laws) Orders, 1937.

²Section 91A was inserted by s. 2 of the Bengal Village Self-Government (Second Amendment) Act, 1932 (Ben. Act XVIII of 1932).

of 1919.]

(Part II.—Chapter VII.—Union benches and union courts.—Sections 92—95.)

92. [Sums realised in part satisfaction of demand to be distributed rateably.]—Rep. by s. 33 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

General provisions relating to union benches and union courts.

93. (1) The provisions of—

- (a) the Court-fees Act, 1870,
- (b) the Code of Criminal Procedure, 1898, excepting Chapter XXXIII, and
- (c) the Code of Civil Procedure, 1908,

shall not apply to any trial, suit or proceeding before a union bench or a union court.

(2) The procedure to be followed by a union bench or a union court in any trial, suit or proceeding and in the enforcement of its decisions and orders, and in the method of forming a quorum shall, subject to the provisions of this Act, be in accordance with rules prescribed under section 101.

94. (1) The union bench and the union court shall be presided over by the president of the union board, if he is a member of the bench or court.

(2) If the president of the union board is absent from a sitting of the union bench or court, or if he is not a member of the bench or court, the bench or court, as the case may be, shall elect its own president.

(3) In case of difference of opinion among the members of the bench or court the decision or order of the bench or court shall follow the opinion of the majority of the members present and voting.

(4) In case of an equality of votes, the person presiding over the bench or court shall have a second or casting vote.

95. No union bench or union court shall try any case or suit or other proceeding to or in which the local union board or any member thereof is a party or is interested.

Procedure by union benches and union courts.

Persons who are to preside over union bench or union court.

Union bench or union court not to try case or suit in which the local union board or any member is interested.

VII of 1870. Act V of 1898. Act V of 1908.

¹This section was substituted for the original section by s. 34 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

(Part II.—Chapter VII.—Union benches and union courts.—Sections 96, 97.)

Attendance of witnesses.

96. (1) Subject to the provisions of section 98, a union bench or a union court may, by summons or otherwise, send for any person to appear and give evidence or to produce or cause the production of any document :

Provided that 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 union court.

Act V of 1908.

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

(3) A union bench or a union court shall not require any person living outside the union to give evidence, unless such a sum of money be paid to him as appears to the bench or court to be sufficient to defray his travelling and other expenses in passing to and from the bench or court and for one day's attendance.

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

Appearance of parties before union bench or union court.

97. (1) The parties to cases triable by a union bench shall appear personally before such bench :

Provided that the union bench, 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 union court may appear by agent.

"Agent" in sub-section (1) and (2) means a full-time servant or a partner or a relative of the party, whom the union bench or union court may admit as a fit person to represent a party, and who is authorised to appear and plead for such party.

(2a) Notwithstanding anything contained in sub-section (1) or sub-section (2) no person whose name is included in a list of touts prepared and published under sub-section (1) of section 98A shall be

¹Sub-section (2a) was inserted by s. 14 of the Bengal Touts Act, 1942 (Ben. Act V of 1942).

of 1919.]

(Part II.—Chapter VII.—Union benches and union courts.—Sections 98 and 98A—98D.)

permitted to appear as an agent of a party before a union bench or union court.

XVIII of 1879.

(3) Notwithstanding anything contained in the Legal Practitioners Act, 1879, legal practitioners shall not be permitted to practise before a union bench or a union court.

98. No woman shall, against her will, be compelled to appear in person before a union bench as an accused, or before a union bench or union court as a witness.

Appearance of women.

98A. (1) Every Sub-Divisional Magistrate may, as regards the union benches or union courts within his own jurisdiction, frame and publish lists of persons proved to his satisfaction by evidence of general repute or otherwise, to be touts, and may, from time to time, alter and amend such lists.

Power to frame and publish lists of touts.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) Where the name of any person is included in a list framed and published under this section, such person may, within thirty days of the publication of the list in which his name first appears, apply in writing to the District Magistrate for the removal of his name from such list; and the orders of the District Magistrate, passed after such inquiry (if any) as he considers necessary, on such application shall be final.

98B. A union bench or union court may report to the Sub-Divisional Magistrate the name of any person alleged or suspected to be a tout for inclusion in a list of touts referred to in sub-section (1) of section 98A, and the Sub-Divisional Magistrate may take such action on the report as he thinks fit.

Report to Sub-Divisional Magistrate against suspected touts.

98C. A copy of a list of touts referred to in sub-section (1) of section 98A shall be kept hung up in every union bench and union court in the subdivision to which the same relates.

Hanging up of lists of touts in a union bench or union court.

98D. Every person whose name is included in a list of touts referred to in sub-section (1) of section 98A, if found within the precincts of any union bench or union court without a written permission from the said bench or court, shall be deemed to be acting as a tout for the purposes of section 98F:

Presumption as to touts.

Provided that this section shall not apply where such person is a party to any case, suit or proceedings before such bench or court or has been directed to appear by any process of such bench or court.

¹Sections 98A, 98B, 98C, 98D, 98E and 98F were inserted by s. 15 of the Bengal Touts Act, 1942 (Ben. Act V of 1942).

(Part II.—Chapter VII.—Union benches and union courts.
—Sections 98E, 98F, 99, 100, 100A and 100B.)

Complaint to Sub-Divisional Magistrate against touts found within precincts of a union bench or union court.

198E. Any union bench or union court may make a complaint in writing to the Sub-Divisional Magistrate regarding any person included in a list of touts referred to in sub-section (1) of section 98A who enters or is found within the precincts of such union bench or union court and the Sub-Divisional Magistrate may thereupon take such action as he thinks fit.

Penalty.

198F. Any person who acts as a tout whilst his name is included in a list of touts referred to in sub-section (1) of section 98A shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees or with both.

Realization of fees, fines, etc.

99. All fees and fines imposed and all sums due on bonds and all sums decreed and compensation awarded under this Act by a union bench or union court may be realized under the orders of the union bench or union court, as the case may be, in the same manner as an arrear of rate imposed under section 37.

Registers and records.

100. Every union bench and union court shall maintain such registers and records and submit such returns as may be prescribed by rules under section 101.

Resignation of a member of union bench or union court.

100A. A member of a union bench or union court may resign during his term of office by notifying in writing his intention to do so to the District Magistrate and, on such resignation being accepted by the District Magistrate, shall be deemed to have vacated his office.

Casual vacancies.

100B. When the place of a member of a union bench or union court becomes vacant by his resignation or otherwise a new member shall be appointed by the ¹[State Government] in the manner provided by section 65 or section 73, as the case may be, and shall hold office so long as the member whose place he fills would have been entitled to hold office if such vacancy had not occurred :

Provided that the ¹[State Government] may with regard to union boards generally or to any union board or class of union boards and subject to such conditions or restrictions as it may deem fit to impose, by notification, delegate to the Commissioner the powers of appointment of the ¹[State Government] under this section :

Provided also that no act of the union bench or union court shall be deemed to be invalid by reason only that the number of members of the

¹See foot-note 1 on page 619, ante.

²Sections 100A to 100D were inserted by s. 35 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

of 1919.]

(Part II.—Chapter VII.—Union benches and union courts.—
Sections.— 100C, 100D.— Part III.— Chapter VIII. —
Miscellaneous.—Section 101.)

union bench or union court at the time of the performance of such act was less than the prescribed number.

¹100C. The ²[State Government] may with regard to union boards generally or to any union board or class of union boards and subject to such conditions or restrictions as it may deem fit to impose, by notification, delegate to the commissioner the power to reconstitute a union bench under section 65 or a union court under section 73.

Delegation of powers by the State Government.

¹100D. (1) The commissioner may, subject to the approval of the ²[State Government] by an order in writing, at any time, for good and sufficient reason to be stated in such order, remove a member of a union bench or union court.

Removal of a member of union bench and union court.

(2) Before removing a member under sub-section (1) the commissioner shall allow the member concerned an opportunity of being heard.

PART III
CHAPTER VIII
Miscellaneous.

101. (1) The ²[State Government] may, after previous publication, make rules to carry out the purposes of this Act.

Power of State Government to make rules.

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

(a) determining the manner and time of election of members of union boards, the action to be taken under section 6, sub-section (4), in the case of the failure of an election, the registration of voters and candidates and the manner in which the votes shall be taken, and generally regulating all elections under this Act ;

³(aa) prescribing the period of twelve months referred to in sub-section (3) of section 7 ;

(b) fixing the time within which the elections of the president of a union board shall be held, and the time within which an election to fill a casual vacancy in such office shall be held ;

¹See foot-note 2 on page 620, ante.

²See foot-note 3 on page 576, ante.

³The words "appointment or" were omitted by s. 8 of the Bengal Village Self-Government (West Bengal Amendment) Act, 1947 (West Bengal Act X of 1947).

⁴The words "and determining the authority who shall decide disputes relating to such elections" were omitted by s. 36(a) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

⁵This new clause (aa) was inserted by s. 18 of the Bengal Local Self-Government (Amendment) Act, 1936 (Ben. Act XIV of 1936) and is in force in areas in which the said section 18 is in force.

(Part III.—Chapter VIII.—Miscellaneous.—Section 101.)

- (c) regulating the powers 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 union boards and the method of forming a quorum ;
 - (f) prescribing the registers and records to be maintained and the returns to be submitted by union boards, union benches and union courts ;
 - (g) regulating the powers and duties of union boards in regard to the control to be exercised by them over dafadars and chaukidars within the union ;
 - (h) prescribing the duties of dafadars and chaukidars, and fixing the time and manner of the payment by the union board of the salaries of dafadars and chaukidars, and the cost of their equipment ;
 - (i) prescribing the process to be served by dafadars or chaukidars, and regulating the service of such processes ;
- ¹(j) regulating the powers and duties of union boards in regard to sanitation, conservancy, drainage, buildings, roads, bridges and water-supply under sections 26, 27, 28, 29, 30, 31 and 35, and in regard to *schools* and dispensaries,⁴[libraries and reading rooms] under section 32 ;
- ²(j) regulating the powers and duties of union boards in regard to sanitation, conservancy, drainage, buildings, roads, bridges and water-supply under sections 26, 27, 28, 29, 30, 31 and 35, and in regard to ³* * * * *
* * * * *
* dispensaries,⁴[libraries and reading rooms] under section 32 ;

¹This clause (j) is in force in this form in areas in which the Bengal (Rural) Primary Education Act, 1930 (Ben. Act VII of 1930), is not in force.

²This clause (j) is in force in this form in areas in which the said Ben. Act VII of 1930 is in force.

³The words "schools and" in clause (j) were omitted by s. 67 of, and the Schedule to, the said Ben. Act VII of 1930.

⁴These words were inserted by s. 5 of the Bengal Village Self-Government (Amendment) Act, 1932 (Ben. Act IX of 1932).

of 1919.]

(Part III.—Chapter VIII.—Miscellaneous.—Section 101.)

- ¹(jj) regulating the manner of constituting a joint committee under section 32AA, the proceedings of such joint committee, the conduct of its correspondence and the method of keeping its accounts ;
- ²(jj1) prescribing the pay and qualifications of staff required for the furtherance of public health under section 26 ;
- ²(jj2) regulating the powers of the union board to grant rewards under section 26B ;
- (k) for the making of an assessment by the union board under section 39, for imposing the rate under section 37, and prescribing under section 41 the method and time of payment of such rate ;
- (l) for the conduct of the distraint and sale of movable property of defaulters under section 42 ;
- (m) prescribing the method in which the accounts of the union fund shall be kept and audited ;
- (n) regulating the realization and disbursement, under section 54, of the amount required to meet the arrears therein specified ;
- (o) prescribing the manner in which orders under section 56 shall be published ;
- (p) prescribing the particulars of petitions under sections 67 and 77 which shall be entered in the registers of union benches and union courts ;
- (q) regulating the procedure to be followed by a union bench or a union court in the institution, trial and disposal of criminal cases and civil suits, and prescribing the method of forming a quorum ;
- ³(qq) regulating the procedure for the transfer of criminal cases from union benches and of civil suits from union court and for the retrial of civil suits under the proviso to section 88 ;
- (r) regulating the issue, service or execution of summonses and other processes by union benches or union courts, and the issue and service of notices by union boards ;

¹Clause (jj) was inserted by s. 6 of the Bengal Village Self-Government (Amendment) Act, 1931 (Ben. Act V of 1931).

²Clauses (jj1) and (jj2) were inserted by s. 36(b) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

³Clause (qq) was inserted by s. 36(c) of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).

(Part III.—Chapter VIII.—Miscellaneous.—Sections 101A, 102 and 103.—Schedule I.—Enactments repealed or amended.)

- (s) determining the procedure for the execution of decrees, orders and sentences of union courts and union benches ;
- (t) regulating the transfer by union benches or union courts of summonses and other processes to ordinary courts for their service or execution by such courts ; and
- (u) prescribing the fees to be levied by union benches and union courts for copies of documents, and determining the procedure to be followed in furnishing such copies.

(3) The rules made under sub-section (2) shall be published in such manner as the ¹[State Government] may direct.

Power of union board to make by-laws.

101A. (1) A union board, empowered in this behalf by the Commissioner on the recommendation of the district board, may make by-laws not inconsistent with those of the district board for carrying out the purposes specified in sub-clauses (b), (c) and (d) of clause (1) of section 26 and for the prevention of encroachments on village roads ; and any such by-law may provide that breach of it shall be punishable with a fine not exceeding fifty rupees.

(2) By-laws made under this section shall have the force of law when confirmed by the Commissioner and published in such manner and for such time as the Commissioner may direct.

Members of union board, etc., not to bid for or buy property sold.

102. No member of union board, union bench or union court, or other, or officer having any duty to perform in connection with any sale under this Act, shall directly or indirectly bid for or acquire any interest in any property sold at such sale.

Membership not a bar to trial of cases.

103. A judge or a Magistrate shall not be deemed to be a party to, or personally interested in, any case under this Act, within the meaning of section 556 of the Code of Criminal Procedure, 1898, merely because he is a member of the union board.

Act V of 1898.

SCHEDULE I

Enactments repealed or amended.

[Not printed here. The repeals and amendments have been shown in the principal Acts.]

¹See foot-note 3 on page 57b. ante.

²Section 101A was inserted by s. 7 of the Bengal Village Self-Government (Amendment) Act, 1931 (Ben. Act V of 1931).

of 1919.]

(Schedule II.—Offences to be reported by a *chaukidar*.—Schedule III.—Powers and duties which may be delegated by the District Magistrate.)

SCHEDULE II

Offences to be reported by a *chaukidar*.

(See section 23.)

Murder, culpable homicide, rape (when the offender is not the husband of the women raped), dacoity, robbery, theft, mischief by fire, house-breaking, counter-feiting currency notes, coins or stamps, possessing instruments or materials for the purposes of such counterfeiting, causing grievous hurt, riot, administering stupefying drugs, kidnapping, personating public servants, manufacturing, selling or possessing arms without a license and going armed without a license, and all attempts, preparations and conspiracies to commit, and abetments or, the said offences.

SCHEDULE III

Powers and duties which may be delegated by the District Magistrate.

(See section 47.)

Powers and duties. 1	To whom may be delegated. 2
1. ¹ [Appointment and] dismissal of <i>dafadars</i> and <i>chaukidars</i> under section 20.	Sub-Divisional Magistrate, superintendent of police or circle officer.
2. Fining of <i>dafadars</i> and <i>chaukidars</i> under section 22.	Ditto.
3. Requiring <i>chaukidar</i> to supply local information under section 23 (viii).	Sub-Divisional Magistrate.
4. Calling for assessment papers and passing of orders thereon, under section 40.	Ditto.
5. Issue of warrant under section 43 for distraint and sale of property of absentees for satisfaction of union rate.	Ditto.

¹These words "Appointment and" are necessary in view of the adaptation made in section 20(1) by the Government of India (Adaptation of Indian Laws) Order, 1937.

(Schedule IV.—Offences triable by a union bench.)

SCHEDULE IV

Offences triable by a union bench.

(See sections 65 and 66.)

Part A.

1. Offences under sections 24, 26 and 27 of the Cattle-trespass Act, 1871. I of 1871.
2. Offences under enactments ¹[(other than the Indian Penal Code and this Act)] or any rules or by-laws made thereunder which are punishable with fine only up to a limit of twenty-five rupees. Act XLV of 1860.
3. Offences under section 34 of the Police Act, 1861. V of 1861.
4. Offences under the Bengal Ferries Act, 1885, except those under sections 28 and 30. Ben. Act I of 1885.
5. Offences under the following sections of the Indian Penal Code, namely:—sections 160, 178, 179, 269, 277, 289, 290, 294, 323, 334, 341, 352, 358, 426, 447, 448, 504, and 510; and when the value of the property in the opinion of the union bench is not over twenty rupees, sections 379 and 411.

Part B.

Offences under the following sections of the Indian Penal Code, namely:—sections 283, 428, 430, 506, 509; and when the value of the property in the opinion of the Magistrate is not over twenty rupees, section 403.

¹These brackets and words within square brackets in item 2 were substituted for the brackets and words "(other than the Indian Penal Code)" by s. 37 of the Bengal Village Self-Government (Amendment) Act, 1935 (Ben. Act VIII of 1935).