

THE CENTRAL PROVINCES LOCAL SELF-
GOVERNMENT ACT, 1883.

CONTENTS.

PREAMBLE.

Preliminary.

SECTIONS.

1. Short title.
Local extent.
Commencement.
2. Definitions.
Formation of Local Administrative Areas.
3. Aggregation of villages in circles and groups for purposes of local self-government.
Constitution of Local Administrative Bodies.
4. Establishment of local boards for groups and of district councils for districts.
5. Constitution of local board.
6. Constitution of district council.
7. Power to set aside election or remove member in case of conviction of offence.
8. Incorporation of district council.
Duties of District Councils and Local Boards.
9. Matters to be administered by board and council.
Relations of Local Boards to District Councils.
10. Duties of local board.
11. Reports, estimates and accounts to be submitted by board to council.
12. Limits on expenditure of local board.
13. Power for council to reverse or vary resolution of board.
14. Power for council to provide for performance of duty in default of board.
15. Power to declare local boards independent.
School Committees.
16. Appointment of school committees.

Joint

2 *Central Provinces Local Self-government.* [ACT I

SECTIONS.

Joint Committees.

17. Joint committee of two or more local boards.
18. Joint committee of two or more district councils.

Conduct of Business.

19. Chairman.
20. Regulations as to meetings and proceedings.

Officers and Servants.

21. Employment of officers and servants.

Vesting of Property.

22. Power to vest property in district council.

Finance.

23. Constitution, custody and application of district fund.
24. Annual estimates of income and expenditure.
25. Annual accounts and audit.
26. Inspection of estimates and accounts.
27. Publication of abstract of accounts.

Control.

28. Deputy Commissioner's power of supervision.
29. Power to suspend execution of orders, &c.
30. Extraordinary powers of Deputy Commissioner in case of emergency.
31. Power to provide for performance of duties in default of district council.
32. Power to supersede council or board in case of incompetency, default or abuse of powers.
33. Powers of Commissioner.

Rules.

34. Power of Chief Commissioner to make rules as to district councils, local boards and school committees.
35. Procedure for making rules under section 34.

Exceptional Provision.

36. Power under special circumstances to except districts from operation of Act.

Supplemental Provisions.

37. Acquisition of land.
38. Penalty on member, officer or servant being interested in contracts made with council, board or committee.

39. Publication

SECTIONS.

- 39. Publication of rules and orders.
- 40. Time for councils and boards coming into existence.

Rates payable under Settlement-record.

- 41. Confirmation and recovery of existing rates and accounts of same.
- 42. Powers of Chief Commissioner with respect to rates.

Amendment of the Northern India Ferries Act, 1878.

- 43. New section to follow section 7 of Act XVII of 1878.
- 44. Amendment of sections 6 and 17 of same Act.

ACT No. I OF 1883.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 12th January, 1883.)

An Act to make better provision for local self-government in the Central Provinces.

Preamble.

WHEREAS provision has been made by the Central Provinces Land-revenue Act, 1881, for the appointment of mukaddams for the several villages in the territories administered by the Chief Commissioner of the Central Provinces; and

XVIII of 1881.

Whereas provision has been made in the settlement-records of the districts in those territories for the levy of rates for the maintenance of roads, schools and the district post, and it is proposed that the Government shall, from time to time, assign certain sums, or the income accruing from certain sources, for expenditure on objects tending to promote the welfare and improvement of the inhabitants of each of those districts;

It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be called the Central Provinces Local Self-government Act, 1883.

Local extent.

It shall extend only to the territories for the time being administered by the Chief Commissioner of the Central Provinces; and

Commence-
ment.

it shall come into force at once.

Definitions.

2. In this Act—

“Assistant Commissioner” includes an Extra Assistant

Assistant Commissioner in any district where there is no Assistant Commissioner :

“ Financial year ” means the year commencing on the first day of April :

“ Village ” includes any tract of land which, at the last settlement of that land, has been recognized as a village, or which the Chief Commissioner may, from time to time, declare to be a village for the purposes of the Central Provinces Land-revenue Act, 1881 ; and

“ Mukaddam ” means the executive headman of a village appointed under that Act.

XVIII of
1881.

Formation of Local Administrative Areas.

3. (1) The Chief Commissioner shall, by order in writing, for the purposes of the local self-government of each district, aggregate the several villages thereof in circles and the circles in groups.

Aggregation of villages in circles and groups for purposes of local self-government.

(2) There shall be excluded from the circles and groups formed under this section such portions of the district as are for the time being included in the limits of a military cantonment or of a town having a municipal committee.

(3) The Chief Commissioner may, from time to time, by order in writing, vary any order made under this section.

Constitution of Local Administrative Bodies.

4. There shall be established for each group of circles a local board having authority over that group, and for each district a district council having authority over the entire district, except such portions thereof as are for the time being included in the limits of a military cantonment or of a town having a municipal committee.

Establishment of local boards for groups and of district councils for districts.

5. The local board for a group of circles shall consist of—

Constitution of local board.

(a) representative members, one or more for each circle, being the mukaddam or mukaddams of a village or villages within that circle ;

(b) representatives,

6 *Central Provinces Local Self-government.* [ACT I

- (b) representatives, one or more, of mercantile classes or professions, resident within the area comprised in the group, and elected by, or appointed on behalf of, those classes or professions ; and
- (c) such person or persons, if any, not exceeding in number one-third of the board, as the Chief Commissioner may from time to time appoint.

Constitution
of district
council.

6. The district council of a district shall consist of—

- (a) representatives of groups of circles within the district, one or more for each group, being a member or members of, and elected by, the local board for that group ;
- (b) representatives, one or more, of mercantile classes or professions, resident within the district, and elected by, or appointed on behalf of, those classes or professions ; and
- (c) such person or persons, if any, not exceeding in number one-third of the council, as the Chief Commissioner may from time to time appoint.

Power to set
aside election
or remove
member in
case of con-
viction of
offence.

7. (1) If a person convicted by a criminal Court of an offence the commission of which in the opinion of the Chief Commissioner shows him to be unfit to be a member of a local board or district council is elected as such member, the Chief Commissioner may declare his election void.

(2) If a member of such a board or council is so convicted of any such offence, the Chief Commissioner may declare his office to be vacant.

Incorporation
of district
council.

8. Every district council shall be a body corporate by the name of the district council of its district, shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immovable, to transfer any moveable property, and, with the previous approval in writing of the Deputy Commissioner, any immovable property, held

by

by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Duties of District Councils and Local Boards.

9. The following matters shall, subject to such exceptions as the Chief Commissioner may, from time to time, by order in writing make, be under the control and administration of the district council and of the local boards within the areas subject respectively to their authority:—

Matters to be administered by board and council.

- (a) The construction, repair and maintenance of roads and other means of communication :
- (b) The management, maintenance and visiting of schools, hospitals, dispensaries, markets, rest-houses, saráís and other public institutions, and the construction and repair of all buildings connected with these institutions :
- (c) The construction and repair of public wells, tanks and water-works, the supply of water from them and from other sources, and the preservation from pollution of water for drinking and cooking purposes :
- (d) The planting and preservation of trees on public ground :
- (e) The establishment and maintenance of relief-works in time of famine or scarcity :
- (f) The establishment and management of pounds, including, where the Cattle-trespass Act, 1871, is in operation, all the functions of the Local Government and the Magistrate of the district under sections four, five, six, seven, twelve, fourteen and seventeen, and clause (a) of section eighteen, of that Act :
- (g) The management of such public ferries as may be entrusted to their charge under section 7A of the Northern India Ferries Act, 1878, as amended by this Act :

of 1871.

II of
8.

(h) Any

- (h) Any other local works or measures likely to promote the health, comfort or convenience of the public, and
- (i) The maintenance of any building, or other property, vested under this Act in the district council.

Relations of Local Boards to District Councils.

Duties of local board.

10. (1) A local board as the agent of, and subject to the control of, the district council, shall, within the area subject to its authority, have the control and administration of, and be responsible for, all the matters specified in section nine except such of those matters as the district council may think fit to take under its direct control and administration, and such as the Chief Commissioner may have excepted by order under section nine.

(2) It shall be the duty of the district council to enforce the responsibility imposed on a local board by sub-section (1).

Reports, estimates and accounts to be submitted by board to council.

11. Every local board shall submit annually to the district council of its district, on or before such date as the council may appoint in this behalf, a statement of the requirements, and an estimate of the probable expenditure, of the board for the coming financial year, and a report of its proceedings, and an account of its receipts and expenditure for the past financial year, and shall also submit to the council such other reports, if any, as the council may, from time to time, require.

Limits on expenditure of local board.

12. A local board shall not incur expenses or undertake liabilities, to any amount exceeding the limit imposed by the district council of its district.

Power for council to reverse or vary resolution of board. Power for council to provide for performance of duty in default of board.

13. A district council may, by a majority of two-thirds of its whole number, reverse or vary any resolution of a local board for an area within its district.

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

(2) If

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

15. (1) The Chief Commissioner may from time to time, by notification in the official Gazette, declare any local board established under this Act to be an independent board, and may in like manner cancel such notification.

Power to declare local boards independent.

(2) A local board so declared shall, while the notification is in force, so far as may be, have within the area subject to its authority, the powers, and perform the duties, of a district council under this Act, and shall cease to be the agent of, and under the control of, the district council.

School Committees.

16. (1) Every district council, and every local board as the agent of, and subject to the control of, its district council, may from time to time appoint school committees for the several schools under its control and administration, and shall, as far as may be practicable, conduct the management of any school for which such a committee has been appointed through that committee.

Appointment of school committees.

(2) All school committees existing within the area subject to the authority of any district council or local board at the time that council or board comes into existence shall be deemed to have been appointed under this section.

Joint Committees.

17. (1) A local board may, from time to time, concur with any other local board or boards for an area or areas in the same district, in appointing, out of their respective bodies, joint committees for any purpose in which they are jointly interested, and in delegating to any such committee any power which might be exercised by either or any of the local boards,
and

Joint Committee of two or more local boards.

and in framing and modifying regulations as to the proceedings of any such joint committee.

(2) If any dispute arises between two or more local boards acting under this section, the decision thereon of the district council of their district shall be final.

Joint com-
mittee of two
or more dis-
trict councils.

18. (1) A district council may, from time to time, concur with any other district council or district councils in appointing, out of their respective bodies, joint committees for any purpose in respect of which they are jointly interested, and in delegating to any such committee any power which might be exercised by any or either of the district councils, and in framing and modifying regulations as to the proceedings of any such joint committee.

(2) If any dispute arises between two or more district councils acting under this section, the decision thereon of the Commissioner, if the councils are in the same division, or, if they are not in the same division, of the Chief Commissioner, shall be final.

Conduct of Business.

Chairman.

19. (1) Every district council and local board shall, from time to time, elect one of its members to be chairman for one financial year at all meetings at which he is present.

(2) If the chairman so elected dies, resigns or becomes incapable of acting, the council or board shall elect another of its members to be chairman for the period during which the person so dying, resigning or becoming incapable would have been entitled to continue in office, and no longer.

(3) An election under the foregoing provisions of this section shall not be valid until it is approved, in the case of the chairman of a local board, by the Commissioner of the division, and, in the case of the chairman of a district council, by the Chief Commissioner.

(4) If when any meeting is held the office of chairman is vacant or the chairman is absent from
the

the meeting, the members present shall appoint one of their number to be chairman thereat.

20. (1) Every district council and local board may, from time to time, make regulations as to the time and place of its meetings, the conduct of proceedings at meetings, and the appointment, powers and proceedings of committees :

Regulations as to meetings and proceedings.

(2) Provided that every regulation made under this section must be consistent with this Act and with any rules made by the Chief Commissioner under this Act.

Officers and Servants.

21. (1) Every district council may employ such officers and servants as may be necessary and proper for the efficient execution of its duties and may assign to them such pay, leave allowances, gratuities and pensions as it thinks fit.

Employment of officers and servants.

(2) A local board may employ such officers and servants, and may assign to them such pay, leave allowances, gratuities and pensions, as the district council of its district thinks requisite and sufficient.

(3) In the case of an officer lent by the Government, the council or board may contribute to any leave allowance, gratuity or pension, which he may become entitled to in accordance with the rules for the time being in force.

(4) If, in the opinion of the Commissioner,

(a) the number of persons employed by a council or board under this section, or the pay, allowances, gratuities or pensions assigned by the council or board to those persons, or to any particular person, is or are excessive, or

(b) any such person is unfit for his employment,

the council or board shall, on the requirement of the Commissioner, reduce the number or remuneration, or, as the case may be, dismiss the unfit person.

Vesting

Vesting of Property.

Power to vest property in district council.

22. The Chief Commissioner may, from time to time, by notification in the official Gazette, direct that any property, moveable or immovable, which is vested in Her Majesty and is situate in the Central Provinces, shall vest in any district council; and thereupon that property shall vest in that council for the purposes of this Act, subject to all rights over, and all debts, liabilities and obligations (if any) affecting, that property.

Finance.

Constitution, custody and application of district fund.

23. (1) There shall be formed for each district a fund to be called the district fund, and there shall be placed to the credit thereof—

- (a) the net proceeds (after deducting the expenses of collection) of all rates levied in accordance with settlement-records in that district for the maintenance of roads or schools;
- (b) such portion (if any) of the surplus of the rates so levied for the maintenance of the district post as the Chief Commissioner may from time to time assign in this behalf;
- (c) the surplus accruing in that district under section eighteen of the Cattle-trespass Act, 1871; I of 18
- (d) the proceeds of public ferries payable into the district fund of that district under section 7A of the Northern India Ferries Act, 1878, as amended by this Act; XVII 1878
- (e) all sums assigned, from time to time, by the Chief Commissioner for expenditure on local works in that district, under section five of the Central Provinces Additional Rates Act, 1878, section seventeen of the Northern India Ferries Act, 1878, or any enactment amending either of those Acts; X of 1878 XVII 1878
- (f) all such rents and profits accruing from nazul property in that district as the Chief Commissioner

missioner may, from time to time, direct to be paid to the district council ;

- (g) all sums contributed to the fund by the Government, local bodies or private persons ; and
- (h) all sums received by the district council in the execution of this Act.

(2) The district fund shall be vested in the district council, and the balance standing to the credit of the fund shall be kept in the Government treasury of the district.

(3) The district fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the several matters specified in sections nine and twenty-one, within the area subject to the authority of the district council, and, with the sanction of the Chief Commissioner, outside of that area, and also to the following purposes :—

- (a) the payment of school inspectors and normal school teachers appointed and controlled by the Government and employed in the district, and the provision of scholarships and prizes for schools in the district ;
- (b) the payment of subordinate medical officers (including vaccinators) appointed by the Government and employed in the district ; and
- (c) the expenses attending the audit of the accounts of the district council and of the local boards within the district.

Provided that the amount expended from the district fund in any financial year on primary education shall not be less than the estimated net proceeds for that year of the rates levied in the district in accordance with the settlement-records for the maintenance of schools.

(4) When a local board has been declared independent under section fifteen, such portion of the district fund as the Chief Commissioner may from time to time fix in this behalf shall, during its independence,

14 *Central Provinces Local Self-government.* [ACT I

pendence, be annually set apart and placed at its disposal, and shall, for the purposes of this Act, be treated as a separate district fund.

Annual estimates of income and expenditure.

24. (1) Every district council shall appoint a finance committee consisting of not less than three of its number.

(2) Every district council shall, on or before the prescribed day in each year, hold a meeting at which the finance committee shall submit to the council, in such form as the Chief Commissioner may, from time to time, by rule prescribe, an estimate of the income and expenditure of the council for the next financial year.

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

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

(5) The Deputy Commissioner may object to the estimate on the ground that any expenditure on salaries, works or otherwise, proposed therein, appears to him to be unnecessary or excessive, or that any particular contained therein appears to him to be erroneous, defective or improper.

(6) If the Deputy Commissioner so objects, he shall signify his objections in writing to the district council; if he does not so object, he shall signify his approval in like manner.

(7) When the Deputy Commissioner signifies, under sub-section (6), objections to an estimate, the district council shall consider his objections, and either modify the estimate so as to remove them, or refer the estimate with the statement of objections, through the Deputy Commissioner, to the Commissioner, and the Commissioner shall signify to the district council his approval of the estimate, with or without such modifications as may be needed to remove the objections wholly or in part as he thinks fit.

(8) When

(8) When the Deputy Commissioner or Commissioner has signified his approval of an estimate, or the district council has modified an estimate so as to remove the Deputy Commissioner's objections, no expenditure which is not provided for in the estimate as approved or modified shall be incurred during the year to which the estimate relates without the previous sanction of the Commissioner.

(9) "Prescribed day", for the purposes of sub-section (2) or sub-section (4) of this section, means such day as the Chief Commissioner may, from time to time, by rule prescribe for the purposes of that sub-section.

(10) When the Deputy Commissioner is a member of the district council, the Commissioner shall take the place of the Deputy Commissioner for the purposes of this section, and the reference under sub-section (7) shall be to the Chief Commissioner.

25. Accounts of the receipts and expenditure of every district council shall be made up to the last day of every financial year, in such form as the Chief Commissioner, from time to time, prescribes, and shall be examined and audited as soon as may be after the end of each financial year by such persons as the Chief Commissioner, from time to time, appoints in this behalf.

Annual accounts and audit.

26. The district council shall cause a copy of every estimate provisionally or finally approved under section twenty-four, and of every account made up under section twenty-five, to be kept at its office; and any person may at all reasonable times inspect any such estimate or account.

Inspection of estimates and accounts.

27. An abstract of every annual account of a district council, showing the income of the district fund under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the fund remaining unspent, shall be prepared by the district council in such form as the Chief Commissioner from time to time prescribes, and published annually in the English and Vernacular official Gazettes.

Publication of abstract of accounts.

Control.

Control.

Deputy Com-
missioner's
power of
supervision.

28. (1) The Deputy Commissioner of a district shall have power to supervise the proceedings of the district council, and of every local board, joint committee or school committee in the district, and in exercise of that power may (among other things)—

(a) enter on and inspect, or cause to be entered on and inspected, any immovable property occupied by the council, board or committee, or any work in progress under its direction;

(b) call for and inspect any document which may be for the purposes of this Act in the possession or under the control of the council, board or committee; and

(c) require the council, board or committee to furnish such statements, accounts and reports as he thinks fit.

(2) Where a joint committee is appointed by the district councils of several districts, the Deputy Commissioner of any of those districts may exercise a like power in respect of the proceedings of that committee; but if any difference arises between two or more Deputy Commissioners acting under this sub-section, it shall be referred, when the districts are in the same division, to the Commissioner, and, when the districts are not in the same division, to the Chief Commissioner, whose decision shall be final.

(3) The power given under this section to a Deputy Commissioner in respect of a local board or school committee may, with the sanction of the Chief Commissioner, be delegated by him to a subordinate not below the rank of an Extra Assistant Commissioner.

(4) When the Deputy Commissioner is a member of the district council, the powers given to him under this section shall, in respect of that council, vest in the Commissioner.

Power to
suspend exe-
cution of
orders, &c.

29. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a district council, local board, joint committee or school

commit^t

committee, or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this 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, he may, by order in writing, suspend the execution or prohibit the doing thereof within his district.

(2) When a Deputy Commissioner makes any order under this section he shall forthwith forward to the Commissioner a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force, with or without modification, permanently, or for such period as he thinks fit.

(3) The Commissioner shall forthwith submit to the Chief Commissioner a report of every case occurring under this section, and the Chief Commissioner may rescind or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made in respect of the same.

30. (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act, which a district council or local board is empowered to execute or do, and the immediate execution or doing of which is in his opinion necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the district council.

Extraordinary powers of Deputy Commissioner in case of emergency.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the district fund to pay the expense and remuneration, or as much thereof as is possible, from that balance.

(3) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

31. (1) When

Power to provide for performance of duties in default of district council.

31. (1) When the Chief Commissioner is informed, on complaint made or otherwise, that a district council has made default in performing any duty imposed on it by or under this Act, the Chief Commissioner, if satisfied after due inquiry that the district council has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Chief Commissioner may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the district council.

(3) If the expense and remuneration are not so paid, the Chief Commissioner may make an order directing the person having the custody of the balance of the district fund to pay the expense and remuneration, or as much thereof as is possible, from that balance.

Power to supersede council or board in case of incompetency, default or abuse of powers.

32. (1) If a district council or local board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Act or otherwise by law, or exceeds or abuses its powers, the Chief Commissioner may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the local official Gazette, declare the council or board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a district council or local board is so superseded, the following consequences shall ensue :—

(a) All members of the council or board shall, as from the date of the order, vacate their offices as such members ;

(b) All powers and duties of the council or board may, during the period of supersession, be exercised and performed by such person or

per

persons as the Chief Commissioner from time to time appoints in that behalf ;

(c) Where a council is superseded, all property vested in it shall, during the period of supersession, vest in Her Majesty.

(3) On the expiration of the period of suspension specified in the order, the council or board shall be re-established by appointment or election, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for appointment or election.

33. In all matters connected with this Act, the Commissioner shall have and exercise the same authority and control over the Deputy Commissioners subordinate to him, as he has and exercises over them in the general and revenue administration.

Powers of Commissioner.

Rules.

34. The Chief Commissioner may, from time to time, make rules consistent with this Act and with reference (if necessary) to the varying circumstances of different local areas—

Power of Chief Commissioner to make rules as to district councils, local boards and school committees.

(a) as to the qualifications, mode and time of election or appointment, term of office, and remuneration and allowances (if any) of members of district councils and local boards, and as to the filling of casual vacancies in such councils and boards, and as to the number of the representative members for each circle or group of circles, and as to the number of the representatives of the mercantile classes or professions, to be elected or appointed to each local board or district council ;

(b) as to the appointment, powers and duties of school committees, the term of office of members of such committees and the mode of removing them ;

(c) as to the conduct of proceedings of district councils, local boards and school committees, including

including the fixing of a quorum, the giving of the casting vote in cases of equal division, the minimum number of meetings to be held and the maximum interval between successive meetings, the formation of committees other than school committees and the delegation of powers to such committees ;

- (d) as to the mode of entering into and executing contracts and transfers of property on behalf of district councils, and the authority on which money may be paid from the district fund ;
- (e) as to the appointment and payment of auditors of the accounts of district councils and local boards ;
- (f) as to the apportionment of the district fund between the general purposes of the district and the purposes of particular parts of the district, and the appropriation of funds raised in a particular area to the purposes of that area ; and
- (g) generally, for the guidance of district councils, local boards, school committees and Government officers, in all matters connected with the administration of this Act and for settling their relations to one another.

Procedure for making rules under section 34.

35. The Chief Commissioner shall, before making any rules under section thirty-four, publish, in such manner as may in his opinion be sufficient for giving information to persons interested, a draft of the proposed rules together with a notice specifying a date at or after which the draft will be taken into consideration ; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

Exceptional Provision.

Power under special circumstances

36. If the circumstances of any district or part of a district are, in the opinion of the Chief Commissioner,

sioner, such that any of the provisions of this Act are unsuited thereto, he may, by order in writing, except the district or part from the operation of those provisions; and thereupon those provisions shall not apply to the excepted district or part until again applied thereto by a subsequent order of the Chief Commissioner.

to except districts from operation of Act.

Supplemental Provisions.

X of 1870.

37. Where any land is required for the purposes of this Act, the Chief Commissioner may, on the request of the district council, proceed to acquire it under the provisions of the Land Acquisition Act, 1870; and, on payment by the district council of the compensation awarded under that Act, the land shall vest in the district council.

Acquisition of land.

XLV of 1860.

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

Penalty on member, officer or servant being interested in contracts made with council, board or committee.

39. (1) All rules and orders made by the Chief Commissioner under this Act shall be published in the official Gazette both in English and in such native languages as the Chief Commissioner may direct.

Publication of rules and orders.

(2) The publication in the official Gazette of a rule purporting to be made by the Chief Commissioner under section thirty-four shall be conclusive evidence that it has been made as required by section thirty-five.

40. The several district councils and local boards under this Act shall come into existence at such time as the Chief Commissioner, by order, appoints in that behalf.

Time for councils and boards coming into existence.

Rates payable under Settlement-record.

41. (1) All rates for the maintenance of roads, schools or the district post, for the payment of which provision

Confirmation and recovery of existing

rates and ac-
counts of
same.

provision has been made in any settlement-record previous to the passing of this Act, shall be deemed to have been legally imposed, and shall be recoverable as if they were arrears of land-revenue payable directly to Government and due on the land in respect of which they are payable.

(2) An account of the gross receipts and of the charges (if any) of collection of all such rates in each district shall be kept by the Deputy Commissioner of that district, and shall be annually rendered by him to the district council of that district.

Powers of
Chief Com-
missioner
with respect
to rates.

42. The Chief Commissioner may, from time to time, by notification in the official Gazette,

(a) prescribe in what instalments, and at what times, the rates referred to in section forty-one shall be payable, and make rules for their collection by village-officers or others; and

(b) exempt any land from liability to pay the whole or any part of any such rate, and vary or cancel any such exemption.

Amendment of the Northern India Ferries Act, 1878.

New section
to follow
section 7 of
Act XVII of
1878.

In Central
Provinces
management
may be
vested in
district
council or
local board;
and proceeds
paid into
district fund.

43. After section seven of the Northern India Ferries Act, 1878, the following shall be inserted, namely:—

XVII of
1878.

“7A. The Chief Commissioner of the Central Provinces may direct that any public ferry wholly or partly within the area subject to the authority of a district council or local board in any district in those provinces, be managed by that council or board, and may further direct that all or any part of the proceeds from such ferry be paid into the district fund of that district;

“and thereupon such ferry shall be managed, and such proceeds or part thereof shall be paid, accordingly.”

Amendment
of sections 6
and 17 of
same Act.

44. In section six of the same Act, after the words “section seven”, and in section seventeen of the same Act, after the words “section seven”, where they first occur, the following shall be inserted, namely:—“and section 7A”.