

THE PUNJAB EDUCATION BOARDS
BILL OF 1927.

THE PUNJAB EDUCATION BILL OF 1927

A Bill to make better provision for the Educational and Physical Development of the province.

Preamble.

Whereas it is expedient to provide measures for speedy introduction of a complete system of Free and Compulsory Primary Education, and expansion of Education in general by encouraging indigenous system of Education; and whereas it is expedient to encourage private enterprise in this connection and to amend the existing system of Grant-in-aid;

It is hereby enacted as follow :—

CHAPTER I

PRELIMINARY.

Title and Extent.

1. (1) This Bill may be called the Punjab Education Boards Bill, 1927.

(2) It extends to the territories for the time being administered by the Governor of the Punjab in Council.

(3) It shall come into force at once.

Repeal of certain Acts and Rules.

2. (1) The Provisions of the Punjab District Board Act.....of

The Punjab Municipal Act..... of, The Cantonment Committees Act.....of, The Punjab notified Area Committees Act.....of, The Punjab small Towns Act.....of, The Punjab village Panchayats Act.....of, and the rules in the Punjab Education Code re: the award of Grants-in-Aid to Local Bodies and Educational institutions, so far as they be repugnant to this Act shall be repealed.

Definitions.

3 In this Act and the rules thereunder, unless there is anything repugnant in the subject or context;

(1) The words "Salaried Servants of Government" include a 'retired servant' of Government in receipt of a pension or a person who not being a wholetime servant of the Government is in receipt of a salary or fees from Government and Zaildars, Saffaid Poshes, Patwaris and Chokidars.

(2) The word "Board" means "District Education Board" for the District, "Tahsil Education Board" for Tahsil, "Local Education Board" for a town with a population of more than two thousand "Union Education Board" for a group of villages declared as Union by the District Education Board for the purposes of this Act.

(3) "House" includes any shop, warehouse, factory, office or business premises.

(4) "Collector" means the Deputy Commissioner or District Magistrate of the District and "Commissioner" means the Commissioner of the Division in which the Boards are constituted or any other officer in whom the powers of a Commissioner under this Act are for the time being vested.

(5) "Chowkidara tax" means the tax assessed and collected under the rules made by the Local Government in exercise of the powers conferred upon it under Section 39-A of the Punjab Laws Act, 187.

CHAPTER II

(CONSTITUTION OF EDUCATION BOARD.

Establishment of Boards.

4. (1) As soon as this Act comes into force, the Local Government shall by a notification in the Punjab Government Gazette, and by a proclamation in the areas concerned establish District Education Boards in each District and Tahsil in the Province, and the Commissioner of each Division in the province shall similarly establish Local Education Boards "and Union Education Boards" in each district under his control and declare any town, village or group of villages, Suburb, bazar or inhabited place to be included within the jurisdiction of each Local or Union Education Board and may for the purposes of such declaration unite the whole or any portion of any town, village, suburb,

bazar or inhabited place with the whole or any portion of any other town, village, group of villages, suburb, bazar or inhabited place.

(2) A "District Education Board" and subject to the authority of the "District Education Board", a Tahsil, Local or Union Education Board shall have authority, for the purposes of this Act over the area for which each one of them may have been established.

(Constitution of Boards.)

5. (1) Every District, Tahsil, Local or Union Education Board shall consist of :-

- (a) elective members, and
- (b) such persons, if any, as the Government or any officer whom it authorizes in this behalf, from time to time appoints, who shall be called "nominated members."

(2) Any Officer of the Government may be appointed by the said authority by his official designation only to be ex-officio member of the Board. The holder of the office for the time being and all persons succeeding thereto shall then be members of the Board in succession, provided that the combined terms of office of such persons as members of the board shall be limited in the manner provided in this Act for the term of office of a person appointed to be a member otherwise than ex-officio.

(3) The number of elective members shall be not less than eighty per cent of the whole board and not more than one-third of the nominated members shall be salaried servants of the Government.

(4) Where in the opinion of the Government in the area subject to a board the number of any class which in the opinion of the Government of the Commissioner is a depressed class, insufficient to require representation on the board and no member of such class has been elected, and a member or members of such class is or are qualified and willing to be nominated as member of the board, the Government or the Commissioner as the case may be, shall nominate such member or members to be member or members of the board.

(5) Any vacancy due to failure to elect at any election or bye-election the full number of elected

members may be filled by appointment by the Government.

Elective Members of Boards by whom to be elected.

(6) The elective members of Boards shall be elected by general constituencies on non-communal principles and the member and the extent of such constituencies and the number of members to be elected by each constituency shall be as prescribed by the orders made by the Government under () of Section

Constitution of Boards in Exceptional Cases.

7. (1) The Government may at any time by notification in the Punjab Government Gazette direct that the provisions of Section 5 and 6, and the subsequent provisions of this Act which refer to these sections, or any one or more of these provisions, shall not apply to any board to which for exceptional reasons, which shall be set forth in the said notification, the Government shall deem such provisions to be suitable.

(2) In the said notification or any subsequent notification published as aforesaid the Government may substitute such provision or provisions declared inapplicable to any board and the provision or provisions so substituted shall have effect so far as concerns such board as if they were inserted in this Act.

(3) In the event of any notification under Sub-Section being rescinded, the board effected thereby shall, from a date to be fixed in this behalf by the Government be constituted in accordance with Sections 5 and 6 and the subsequent provisions of this Act having reference thereto.

Qualifications for Election to Boards.

8. Any person whose names contained in a list prepared under Section 11 for a board constituency may subject to the provisions of this Act be a candidate at any election for any one or more of board constituencies within the district, but in case of election to more than one constituency such a person shall be entitled to sit on only one of such boards which he selects and shall withdraw from all other constituencies; and the seats thus vacated by such a person shall be filled in under the provisions of this Act for the filling of vacancies.

General Disqualifications of Members.

9. No person may be a member of a board who

(a) is less than 21 years of age.

(b) is of unsound mind

(c) is an undischarged insolvent

(d) is a Judge of a Civil Court

(e) is a Magistrate

(f) (i) having been sentenced by a Criminal Court to imprisonment for an offence of moral turpitude punishable with imprisonment for a term exceeding one year or to transportation, such sentence not having been subsequently reversed or quashed.

(ii) having a person against whom an order has been passed under Section 118 of the Code of Criminal Procedure 1898 in proceedings instituted under Section 110 of that Code, such order not having been subsequently reversed or quashed, or

(iii) having been dismissed from Government service, or (iv) having an Advocate Vakil or Pleader whose License has been permanently withdrawn by the High Court or (v) having been removed from office under Section. of this Act.

and three years not having elapsed from the date of the expiry of such sentence, order, dismissal, withdrawal or removal, or

(g) is an Advocate, Vakil or Pleader whose License has been suspended by a final order of the High Court, during the period of such suspension, or

(h) is a stipendiary officer or servant of a board, or

(i) in case of elective members, is a salaried servant of the Government, or

(j) has directly or indirectly, by himself or his partner, any share or interest in any work done under orders of that Board, or in any contract or employment, with or under or by, or on behalf of that board, provided that no person shall be so disqualified for any of the following reasons:—

(a) that, he has a share in any joint stock company or a share or interest in any society registered or under the Co-operative Credit Societies Act..... of.....

which shall contract with or be employed by or on behalf of the board; or

(b) that, he has a share or interest in any newspaper in which advertisement relating to the affairs of the board may be inserted; or

(c) that, he has a debenture or is otherwise concerned in any loan, raised by or on behalf of the board; or

(d) that, he is professionally engaged on behalf of the board as a legal practitioner.

(2) If any person is elected or appointed to a board and is subject to any of the disqualifications specified in this Section, his seat shall be deemed to be vacant and the vacancy shall be filled up as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto who shall hold office so long only as the person in whose place he is elected or appointed would have held it if he had been eligible to be a member of the Board.

(3) If any question, dispute or doubt arises whether a vacancy has occurred under this Section, the orders of the Local Government shall be final for the purpose of deciding such question, dispute or doubt.

Re-Eligibility of Members.

10. A person who has already been elected or appointed a member of a Board on one or more occasions shall, if otherwise duly qualified, be eligible at any time for re-election or re-appointment to the same or any other board.

Preparation of List of Votes.

(11) 1. The Collector shall keep a list for each constituency of each Board within his district of persons qualified to vote in such constituency at elections of members of the Board.

2. Such list shall be prepared by the Collector whenever a date has been fixed for any election of persons to fill the places of persons whose terms of office have expired or whenever the Commissioner so directs.

Publication of the Lists.

(12) 1. A list prepared under Section 11 shall be published by affixing, in some conspicuous place in the office of the Board a copy of the list, and by affixing at a public building such as a Mosque, Dharmshala, temple or Chupar in a town or village, a copy of so much of the list as related to that town or village.

2. The above publication shall be made in the vernacular language of the district and where a date has been fixed for any election of persons to fill the places of members whose terms of office have expired, at least three months before such date.

Revision of Lists.

(13) The Collector may, on application, bearing a court fee stamp of Rupee one, having been made to him at any time within one month after the publication of the list aforesaid by any person claiming to be qualified to vote at any election of members of the Board, correct any erroneous entry in the list or insert therein the name of any person whose right to be entered in the list is proved to the satisfaction of the Collector or the 1st class Magistrate empowered under this Section, and such a decision shall be final and conclusive.

Final Publication of Lists.

(14) 1. The Collector, after revising the list as provided in Section 13, shall re-publish the same within two months from the date of publication in the manner provided in that section.

Lists Conclusive Evidence of right to be Elected or to Vote.

(14) (a) No person whose name is not in the revised list published before the date of any election shall be qualified to be elected, or to vote at the election of a member for the constituency for which such list has been prepared.

Qualifications of Voters.

- (15) Every person who
- (i) is not less than 21 years of age on the first

day of January preceding the time of the preparation of voters lists;

(ii) is not of unsound mind;

(iii) is not an undischarged insolvent and had a place of residence in the constituency during the year preceding the month of preparation of the lists, shall be entitled to have his name entered in the list for a constituency prescribed under Section .. and will be qualified to vote for the Local, Union, Tahsil and the District Board.

Election When to be Held.

(16) Every election requisite for the purposes of this Act shall be held on such date as the Collector shall fix in this behalf.

Provided that, when the elections are for the purpose of filling the places of members whose terms of office have expired, such dates shall be not sooner than 3 months and not later than one month before the commencement of the term of office of the members of the Board to which such elections are to be made.

Provisions for Election or Nomination in particular Cases.

17. (1) If at any election of member of a board under this act there is an equal number of votes in favour of each of two or more persons who are willing to take office and the addition of one vote will entitle any of the persons to be elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given, shall be made by the collector, or by such officer as he may empower in this behalf, by lot in such manner as he shall deem fit.

(2) If any person duly elected at any such election declines to take office, the person, if any, amongst the unsuccessful candidates in whose favour the highest number of votes has been recorded and also is willing to take office shall be deemed to be the member elected.

(3) If at any contested election no votes are recorded or if for any reason an election does not result in the return of the required number of qualified persons willing to take office, the Collector, in the case of a Tahsil, Local or Union board, and the Commissioner, in the case of a District board, shall appoint the requir.

ed number of persons, being persons who would have been qualified to be elected, and the persons so appointed shall be deemed to be members of the board as if they had been duly elected.

*Determination of Validity of Elections; Enquiry by Judge,
Procedure.*

17. If the validity of any election of a member of a board or the legality of any order or proceeding made or held under section 17 is brought in question by any person qualified to vote at the election to which such question refers such person may, at any time within fifteen days after the date of the declaration of the result of the election or the date of the order or proceeding, apply to the District Judge of the district within which the election has been or should have been held for the determination of such question.

(2) An enquiry shall thereupon be held by a Judge not below the grade of a Sub-Judge II class, appointed by the Government either specially for the case or for such cases generally; and such Judge may after such enquiry as he deems necessary, pass on order confirming or amending the declared result of the election or the order of the Collector under section 17, or setting the election aside. For the purposes of the said enquiry the said Judge may exercise any of the powers of a Civil Court and his decision shall be conclusive. If he set aside an election, a date shall forthwith be fixed, and the necessary steps taken, for holding a fresh one.

3. (a) If on holding such enquiry the Judge finds that a candidate has for the purposes of the election, committed a corrupt practice within the meaning of Sub-Section (4) he shall declare the candidate disqualified both for the purposes of that election and of such fresh election as may be held under Sub Section:—

(b) and shall set aside the election of such candidate if he has been elected.

(c) If, in any case to which clause (a) does not apply the validity of an election is in dispute between two or more candidates the Judge shall, after a scrutiny and computation of the votes recorded in favour of each such candidate declare the candidate who is found

to have the greatest number of valid votes in his favour to have been duly elected.

Provided that for the purpose of such computation no vote shall be reckoned as valid if the Judge finds that any corrupt practice was committed by any person known or unknown, in giving or obtaining it.

(4) A person shall be deemed to have committed a corrupt practice.....

(a) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury, to any person

(b) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote; and a corrupt practice shall be deemed to have been committed with his knowledge and consult, or by a person who is acting under the general or special authority of such candidate with reference to the election

EXPLANATION:—The expression “a promise of individual profit”,

(1) does not include a promise for the benefit of the person himself or any person in whom he is interested.

(5) If the validity of the election is brought in question only on the ground of an error made by the officer charged with carrying out the rules made in this behalf under clause (b) of Section...17...or of an irregularity or informality not corruptly caused, the Judge shall not set aside the election.

(6) If the Judge sets aside an election under clause [a] of Sub-Section [3], he may, if he thinks fit declare any person by whom any corrupt practice has been committed within the meaning of this section to be disqualified from being a member of any board for a term of years not exceeding five and the decision of the Judge shall be conclusive:—

Provided that such person may, by the order of the Government in that behalf, be at any time relieved from such disqualification.

Provided further that no such declaration shall be made in respect of any person without such person being given an opportunity to show cause why such declaration shall not be made.

Voter Disqualified for Corrupt Practice.

19. Any person who has been convicted under section 171E. & 171 F. of the Indian Penal Code, or has been disqualified from exercising any electoral right for a period of not less than five years on account of mal-practices in connection with an election; shall for five years from the date of such conviction or disqualification be disqualified from voting at any election to a board.

Publication of Names of Members in Punjab Government Gazette.

20. The names of all members finally elected to any local board, as well as the names of the nominated members, if any, appointed thereto shall be published in the Punjab Government Gazette, and the members so gazetted shall be deemed to be the members of that board from the date of such notification in the Gazette.

Election of Office Bearers.

21. (1) Every board shall be presided over by a President elected by the board from among its own members.

(2) Every board shall also elect one or two Vice-Presidents out of its own members.

(3) A board may elect one of its members to act as Secretary, if so desired.

(4) The President, Vice-Presidents and Secretary if a member of the board, shall generally be appointed as Honorary; but they may have if necessary, be paid suitable remuneration by a resolution of the board and the sanction of the Commissioner.

Function of Presidents.

22. (1) The President of a board shall—

(a) preside at the meetings of the board;

(b) watch over the financial and executive administration of the board and submit to the board all questions connected therewith which shall appear to him to require orders;

(c) exercise supervision and control over the acts and proceedings of all officers and servants of the board in matters of executive administration and in matters concerning the accounts and records of the board; and subject to the regulations at the time being in force framed by the board under section dispose of all questions relating to the Service of the said officers and servants, and their pay, privileges and allowances and

(d) decide what matters should or should not be brought up to and discussed in the board by the members of the board.

Emergency Powers of Presidents.

23. The President of a board may in cases of emergency direct the execution or stoppage of any work or the doing of any act which requires the sanction of the board, and the immediate execution or doing of which is, in his opinion, necessary for the service of the public, and may direct that the expense of executing such work or doing such act shall be paid from the Education fund: Provided that

(a) He shall not act under this section in contravention of any order of the Education board prohibiting the execution of any particular work or the doing any particular act, and

(b) he shall report forthwith the action taken under this section and the reasons thereof to the board at its next meeting.

Function of Vice-President.

24. The Vice-President of a board shall

(a) in the absence of the President preside at the meetings of the board;

(b) exercise such of the powers and perform such of the duties of the President as the President with the sanction of the board deposes to him; and

(c) pending the election of the President, or during the absence of the President on leave, exercise powers and perform the duties of the President.

*Consequence of absence of President or Vice President
without leave.*

25. (1) Every president of a local board who for a period exceeding three months and every Vice-President who for a period exceeding one month, shall absent himself from the district or tahsil or local or Union area for which board is established in such manner as to be unable to perform his duties as such president or Vice-President, shall cease to be president or Vice-President, as the case may be, unless leave so to absent himself has been granted by the board or in the case of Vice-President by the President.

(2) (a) Leave under sub-section (1) shall not be granted for a period exceeding six months and when ever leave is granted to a President or Vice-President under that Sub-Section, the board shall elect one of its members to exercise all the powers and perform all the duties of a Vice-President in lieu of the Vice-President who is exercising the powers and performing the duties of the President or who is absent on leave, during the period for which such leave is granted.

*Term of office of President and Vice-President and
their removal.*

26. (1) The term of office of every President or Vice-President shall cease on the expiry of his term of office as a member of the local board over which he presides: provided that he shall be removeable from office, as such President or Vice-president, by the Government for misconduct, or neglect or incapacity to perform his duty.

Casual vacancies in their Office how to be filled up.

(2) In the event of death, resignation, or removal from office of a President or Vice-President or of his becoming incapable of acting, or ceasing to be a member of the local board, previous to the expiry of his term of office, the vacancy shall be filled up as soon as conveniently may be by the election of some other member of the board thereto.

Inability of President or Vice-President to call a meeting.

(3) Where the President and Vice President are unable or for any reason fail to call a meeting for the

purpose of an election under sub-section (2), the Collector may exercise the powers of the President for the purpose of calling such meeting.

President and Vice-President to continue to carry out certain duties until their successors take over charge.

27. On the expiry of the term of office of a board the President and Vice-president shall continue to carry out the current administrative duties of their offices until such time as a new President and Vice-president shall have been elected and shall have taken over charge of their duties: Provided that in the case of the new board constituted under this Act, a meeting for the election of a new President shall be called by the President of the retiring board. The President of the retiring board shall preside at such meeting and the new board shall then elect its own chairman for that meeting and then the meeting shall proceed to elect the new President.

Term of office.

28. Except as otherwise provided in this Act or in any other law for the time being in force, members of boards shall hold office for a term of five years, from the date of notification in the Punjab Government Gazette under Section of this Act

Resignation of a member.

29. The Vice-President, or any member of a board may resign office as a member of the board by giving notice in writing to the President. The President may resign his office as a member of the board by giving notice in writing to the Commissioner.

Disqualification of member after election

30, (1) Any member of a board who during the term for which he has been elected or appointed:—

(a) becomes disqualified under Sub-Section (a) of section 9 or

(b) having any share or interest such as is described in clause [a] or (b) of Sub-Section (2) of Section (9) acts as a member of the board in any matter relating to a contract or agreement between the board and the company or Society or the Manager or publisher of newspaper described in the said clauses or

(c) is absent for more than four consecutive meetings of the board unless leave so to absent himself which shall not exceed six months, has been granted by the President, shall cease to be a member and his office shall become vacant.

(2) If any question, dispute or doubt arises whether a vacancy has occurred under this section the orders of the Commissioner shall be final for the purpose of deciding such question, dispute or doubt.

Removal of Member for misconduct Etc.

31. The Government in the case of a district education board and the Commissioner in the case of a Tahsil local or Union education board, may if it or he thinks fit, on the recommendation of the board, remove any member of such board, elected or appointed under this Act, after giving him an opportunity of being heard and after such inquiry as the Government or the Commissioner, as the case may be, deems necessary if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or has become incapable of performing his duties as a member of the board.

Vacancies to whom to be Communicated.

32. (1) On the occurrence of any vacancy in a board the President shall forthwith communicate such occurrence to the Collector.

(2) If the member of such board whose seat has become vacant was a nominated member, and the Collector is not authorized under section 5 to appoint members of such boards, the Collector shall, on receipt of such communication, forward it to the officer, if any authorized as aforesaid, or, if no officer is so authorized, to the Government through the Commissioner.

Casual vacancies how to be filled up.

33. In the event of a vacancy occurring on account of the death, resignation, disqualification, or removal of a member of a board or through a member becoming incapable of acting, previous to the expiry of his term of office, the vacancy shall be filled up, as soon as conveniently may be, by the election or appointment, as the case may be, of a person thereto, who shall hold office so long only as the member in whose place he is elected or appointed, would have held it if the vacancy had not occurred.

CHAPTER III.

CONDUCT OF BUSINESS OF LOCAL BODIES.

35. (1) An Education board shall meet together not less than once a month and shall from time to time make regulations, consistent with this Act and with any rules or orders made by the Government in this behalf under clause (c) of section 133 with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as it thinks fit, subject to the provisions of the following sub-sections.

(2) (a) The President shall fix the dates for the quarterly meetings hereinbefore prescribed and may whenever he thinks fit, and shall, upon the written request of not less than one fourth of the members and for a date within 15 days from the receipt of such request, call a special meeting.

(b) Fifteen clear days' notice of a monthly meeting and a weeks' notice of a special meeting, specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be circulated to the members and posted up at the board office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in any written request made for such meeting. The quorum of all the meetings shall be 1/3rd of the total number of a Board.

(c) If less than one third of a whole number of members be present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix; a notice of such adjournment shall be fixed up in the local board office, and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjournment meeting and may be disposed of at such a meeting or at any subsequent adjournment thereof, whether there be a quorum present or not.

(d) Every meeting shall be open to the public unless the presiding authority deems that any inquiry or deliberation pending before the board such as should be held in private and provided that the said authority may at any time cause any person to be removed who interrupts the proceedings.

(e) Every meeting shall be presided over by the President, or, if he be absent by the Vice-president, and if

both the president and vice-president are absent, by such one of the members present as may be chosen by the meeting to be chairman for the occasion.

(f) All questions shall be decided by a majority of votes of the members present, the president, vice-president or chairman, as the case may be having a second or casting vote in all cases of equality of votes.

(g) Except with the permission of the presiding authority, which permission shall not be given in the case of a motion or proposition to modify or cancel any resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any quarterly meeting unless it has been entered in the notice convening such meeting or, in the case of a special meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition, shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal.

(h) Any quarterly meeting may, with the consent of a majority of the members present, be adjourned from time to time; but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

(i) No resolution of a board shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by not less than one half of the whole number of members and passed at a monthly meeting, whereof notice shall have been given fulfilling the requirements of clause (b) and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

(j) Minutes shall be kept of the names of the members and of the proceedings at each meeting of the board, and if any member present at the meeting so desire, of the names of the members voting, respectively for or against any resolution, in a book to be provided for this purpose, which shall be signed, as soon as practicable, by the president, vice-president or chair.

man of such meeting and shall at all reasonable times be open to inspection by any member of the board or by any inhabitant of the district.

(k) Every regulation made under this section by a Tahsil, local or union Education board shall be subject to the approval of the District Education Board to which such board is subordinate.

(3) During any vacancy in a board the continuing members may act as if no vacancy had occurred.

(4) No act of a board, or of any person acting as a member or as a president, vice-president or chairman, shall be deemed to be invalid by reason only of some defect in the appointment of such board, president, vice-president, chairman, or member, or on the ground that they, or any of them, were disqualified for the office of member, or that formal notice of the intention to hold a meeting of the board was not duly given, or for any other such mere informality.

36 (1) Every board shall appoint a standing committee consisting of such number of members not being more than seven and not less than five as the board may determine.

(2) The standing committee shall perform the functions allotted to it under this Act, and subject to any limitations or other provisions contained in rules made under section-or regulations made under section-sub-section, shall exercise all the powers and perform all the duties of the local board which have not been delegated to any other committee.

(3) The president shall be ex-officio a member and chairman of the standing committee in addition to the member appointed under sub-section 1.

(4) Such committee shall, subject to any limitations or other provisions contained in rules made under clause-or section-or regulations made under sub-section-of section-perform the duties and exercise the powers of the District Education Board in regard to matters within its jurisdiction, and shall give effect to the provisions of this Act and to any by-laws framed under this Act regarding such matters and may delegate any of its duties or powers to any member or honorary or stipendiary or officer of the board. Such member or officer shall conform to any instructions that may from time to time be given by the board. The committee may at any time withdraw any of the duties or powers so delegated.

37. (1) A board may appoint committees consisting of such members as the board may decide or any member or honorary or stipendiary or officer of the board to exercise the powers and perform the duties of the local board in respect of any purpose subject to any limitations and provisions contained in rules made under section-or regulations made under section--

Executive Committee of Board

37. Each Education Board shall elect by ballot at the first annual meeting of each year, from among its members five persons who together with the officers shall form Executive Committee of the Board.

Powers of the Executive Committee

38. The Executive Committee of the board shall exercise on behalf of the Board all powers conferred on it under the provisions of this Act, which are not expressly reserved to be exercised by the Board in its general meeting.

Vacancy in Executive Committee how to be Filled.

39. If a vacancy occurs in the Executive Committee the remaining members of the Committee may, if the vacancy is that of an office-bearer, elect one of themselves; or if the vacancy is that of any member other than the office bearer nominate any member of the Board to fill the vacancy until the next following meeting of the Board and the Board shall at such meeting select a member of the Board to fill the vacancy.

Remuneration of members of Executive Committee.

40. Any member of the Executive committee may receive out of the funds of the Board such salary or other remuneration as may from time to time be fixed by the board in its General meeting.

41. (1) The term of office of the members of a committee shall expire on the termination of one year from the date of appointment of the members or on such earlier date as the board may direct.

(2) A vacancy occurring in any committee shall as soon as possible be filled up by the appointment or co-option as the case may be of a member thereto. A member appointed under this sub-section shall hold office so long only as the person in whose place he is appointed would have held it if the vacancy had not occurred.

(3) (a) The president or vice-president, if appointed a member of any committee, shall be ex-officio chairman thereof.

(b) A board may appoint a chairman for a committee of which there is no ex-officio chairman.

(c) A committee of which there is an ex-officio chairman or a chairman appointed by the local board, shall, at each meeting which such chairman does not attend, appoint from its members a chairman for such meeting.

(d) A committee, of which there is no ex-officio chairman or chairman appointed by the board shall appoint from time to time a chairman from the members of such committee.

(4) The provisions of section 35, sub-section (2), clauses (f), (j) and (k) and sub-sections (2) and (4) shall apply to committees as if the word "committee" had been substituted for the word "board"; or

(5) A committee may meet and adjourn as it thinks proper; but the chairman of a committee may whenever he thinks fit, and shall upon the written request of the president of the board or of not less than two members of the committee and for a date not more than two days after the presentation of such request, call a special meeting of such committee.

(6) No business shall be transacted at any meeting of a committee unless more than one-half of the members of the committee be present thereat.

Central Provincial Education Board.

42. Every District Education Board shall send five of its members after electing them by ballot out of its members to form a Central Provincial Education Board.

Powers of the Central Provincial Education Board.

43. The Central Provincial Education Board will exercise supervision over all the Education Boards, formed under this Act, lay out the policy to be observed by them, prescribe a scheme of studies up to the Middle standard, lay out the methods of examination upto the Middle standard and advise the Boards whenever necessary.

45. The Central Provincial Education Board shall at its first meeting frame its own rules re holding of meetings, quorum, conduct of business at meetings and otherwise.

46. (1) The President of a Education Board may, on behalf of the Board, enter into any contract or agreement in such manner and form as, according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf, provided that the amount or value of such contract or agreement shall not exceed five hundred rupees in the case of a District Education Board, or two hundred rupees in the case of a Tahsil Education Board and one hundred rupees in the case of a Local or Union Board.

(2) Every other contract or agreement on behalf of a Board shall be signed by the President and by two other members of the Board, and sealed with the common seal of the Board.

(3) No contract or agreement not executed as in this section provided, shall be binding on a Board.

Education Funds ordinarily liable for all costs and expenses incurred by Boards.

47. (a) Except as is hereinafter otherwise provided, no member of a Board shall be personally liable in respect of any contract or agreement made, or for any expense incurred by, or on behalf of such board; the local fund at the disposal of each Local Board shall be liable for and be charged with all costs in respect of any such contract or agreement and all such expenses.

But Members to be held responsible for misapplied or wasted funds and property.

(b) Provided that every member of a Board shall be personally liable for the misapplication of any money or other property of the Board, to which he has been a party or which has been caused or facilitated by his misconduct or gross neglect of his duty as a member and may be sued by the Education Board concerned, with the sanction of the Government or by the Government for recovery of or compensation for the misapplication of such money or property and any money or property so recovered by the Government shall after satisfaction therefrom of the necessary expenses of such recovery, be delivered to the Board concerned.

Power to compromise.

48. (1) An Education Board may compromise in respect of any suit instituted by or against it, or, in respect of any claim or demand arising out of any contract entered into by it under this Act, for such sum of money or other compensation as it shall deem sufficient:

Provided that, if any sanction in the making of any contract is required by this Act, the like previous sanction shall be obtained for compromising any claim or demand arising out of such contract.

(2) An Education Board may pay compensation out of its fund to any person sustaining any damage by reason of the exercise of any of the powers vested in it and its officers and servants under this Act.

Joint Committee of two or more Boards.

49. (1) An Education Board may, from time to time, concur with any other Education Board or with any Municipality or Cantonment Committee, or with more than one such Board, Municipality or Committee.

(a) In appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing a Chairman of such Committee; and

(b) in delegating to any such Committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any powers which might be exercised by either or any of such bodies; and

(c) in framing and modifying rules for regulating the proceeding of any such Committee and the conduct of correspondence relating to the purpose for which the Committee is appointed.

(2) Where any local authority or Board has requested the concurrence of any other local authority or Board under the provisions Sub-section (1) in respect of any matter and such other local authority or Board has refused to concur, the Commissioner may pass such orders as he may deem fit, requiring the concurrence of such local authority, or Board not being a Cantonment Committee, in the matter aforesaid and such other local authority or Board shall comply with such orders.

(3) If any difference of opinion arises between bodies, having concurred in any action under Sub-section (1) or (2), in respect of any matter arising out of such action, the decision thereupon of the Commissioner, if such bodies are in one Division, and of the Government, if they are in different Divisions, shall be final.

CHAPTER IV.

INCORPORATION OF EDUCATION BOARDS. PROPERTY, POWERS AND DUTIES.

50. Every Education Board shall be a body corporate by the name of "The District Education Board of" or "The Tahsil Education of" or Local Education Board of" or "Union Education Board of" as the case may be, and shall have perpetual succession and a common seal and may sue and be sued in its corporate name, and shall be competent to acquire and hold property, both moveable and immoveable, whether within or without the limits of the area over which it has authority to lease, sell or otherwise transfer any moveable or immoveable property which may have become vested in or been acquired by it, and to contract and to do all other things necessary for the purposes of this Act:—

Provided that no lease of immoveable property for a term exceeding seven years and no sale or other transfer of any such property shall be valid unless such lease, sale or other transfer shall have been made with the previous sanction of the Commissioner.

51 (a) Every building or other work constructed by an Education Board shall vest in such local Board. All Education buildings at present administered by other local bodies shall vest in the District Education Board for the district.

(b) When any doubt arises whether any property vests in any Education Board or in any other local body the Commissioner may decide in which of the two bodies it vests, and any such decision shall be final.

Obligatory Duties.

52. It shall be the duty of education boards, so far as the funds at their disposal will allow to make adequate provision for the areas respectively subject to their authority in regard to the following matters, namely:—

(a) the provision of suitable accommodation for and the maintenance of all sorts of recognised and unrecognised primary and secondary schools and other educational institutions and the payment, if necessary, of stipends to persons qualifying as teachers for such institutions during the period of their training for such qualification and the general development and extension of education.

(b) adoption of suitable means for physical development of students.

(c) the maintenance of any property vesting in them.

(d) the maintenance of any property placed as trust under management of the Boards.

(e) the maintenance of libraries and reading rooms.

(f) specially encouraging by granting aid to educational institutions, reading rooms, libraries, institutions for physical development, exhibitions, fairs and conferences conducted by private management,

(g) the framing of rules of such grant.

(h) The payment to members of the Board of expenses incurred in travelling for the purpose of the business of the Board, in accordance with rules made in this behalf under clause (d) of section—provided that no such payment shall be made to a salaried servant of the Government.

(i) educational objects other than those set forth in the preceding clauses of this section.

(j) Any public reception, ceremony, entertainment, exhibition or conference and any other local works or measures likely to promote the health and education of the people.

Relative duties of different Boards.

(1) Subject to the control of the District Education Board and, as regards management each Tahsil, Local or Union Education Board shall within the area subject to its authority, have the control and administration of all educational institutions, institutions of physical development, reading rooms, libraries and

buildings maintained at its cost and also of all local services and institutions except such as the district education board thinks fit to take under its own direct control and administration.

(2) In respect of buildings, services, institutions, reading rooms and libraries in the control and administration of the district education board, each Tahsil, Local or Union Education Board shall, if the district education Board so desires, be the agent of the district education board and as such agent, shall exercise such authority and perform such duties as the district education board may from time to time in writing delegate to it.

Special duties of the Board.

54. It shall be the paramount duty of every local Education Board and Union Education Board to make adequate provision for the area respectively subject to their authority in regard to the following matters:—

(a) To adopt methods for the introduction of free and compulsory primary education within shortest time.

(b) To encourage private undertakings supplementary to the object of this Act by granting them financial help or otherwise.

(c) To maintain other educational institutions up to Middle standard; reading rooms, libraries, institutions for physical development, exhibitions, fairs and conferences.

(d) To provide funds to meet the excess expenditure after deducting aid from the District Education Board and Government needed for carrying out the scheme, by special taxation subject to the approval of the District Education Board as follows:—

(i) By increasing the village chowkidara to an amount double the present rate.

(ii) By imposing house tax up to a maximum of Rupees five annually.

(iii) By imposing Educational tax from one to five rupees annually.

(iv) Any other tax deemed fit subject to the approval of the Commissioner.

(e) To adopt, the subject, selection, books and standards of teaching of approved schools and other primary schools maintained or aided by a local authority as prescribed by district education board, but may

be attested by the sanction of district education board to suit local requirements.

(f) The Local Education Board or Union Education Board may also make provision for carrying out the requirement of the board in respect of any other matter approved by the district education board.

CHAPTER V.

OTHER POWERS OF THE BOARDS.

55. (1) The Education Boards, from time to time with the sanction of the Commissioner may make bye-laws for carrying out all the purposes of this Act and cancel or alter the same subject to the sanction of the Commissioner.

Comparison of bye-laws.

(2) No Bye-law or cancellation or alteration of a bye-law shall have effect until the same has been approved and confirmed by the Government.

Bye-laws to have the force of law.

(3) All bye-laws when they have been duly confirmed shall have the force of laws.

Further powers of Central Provincial Education Boards.

56. The Central Provincial Education Board shall lay out the scheme of studies up to the Middle standard of Vernacular and Anglo-Vernacular schools and shall form a uniform system of examinations, scholarships and stipends.

Service of notices etc. addressed to individuals.

57. The service of every notice, and the presentation of every bill under this Act, on any person or at any person to whom it is by name shall, in all cases not otherwise specially provided for in this Act, be effected by a Board, officer or servant or other person authorized by the Board in this behalf, or on such terms as may be agreed upon, by any officer or servant of the Government.

(a) by giving or tendering the notice or bill to the person to whom it is addressed ; or

(b) if such person is not found, by leaving the notice or bill at his last known place of abode, if within the district, or by giving or tendering the notice or bill to some adult male member or servant of his family ; or

(c) if such person does not reside within the district, and his address elsewhere is known to the President or other person directing the issue of the notice or bill, then by forwarding the notice or bill to such person by registered post under cover bearing the said address; or

Service of notice on owners or occupiers of buildings and lands.

58. When any notice under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either,

(a) by giving or tendering the notice to the owner or occupier or if there be more owners or occupiers than one, to any one of them; or

(b) if no such owner or occupier be found, then by giving or tendering the notice to some adult male member or servant of the family of any such owner or occupier as aforesaid; or

(c) if none of the means aforesaid be available, then by causing the notice to be fixed on some conspicuous part of the building or land to which the the same relates.

Public and general notices how to be published.

59. Every notice which this Act requires or empowers board to give or to serve either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individual therein specified, shall be deemed to have been sufficiently given or served if a copy thereof is put up in such conspicuous part of the Board office during such period and in such other public buildings and places, or is published in such District local papers or in such other manner as the District Education Board in bye-laws in this behalf directs.

Notice :- Not invalid for defect of form.

60. (1) No notice or bill shall be invalid for defect of form.

(2) When any notice under this chapter requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(3) In the event of non-compliance with the terms of the notice the Board may take such action or such steps as may be necessary for the doing of the act thereby required to be done, and all the expenses thereby incurred by the Board shall be paid by the person or persons upon whom the notice was served, and shall be recoverable in the manner provided in Section

Punishment for dis-obedience to orders and notices not punishable under any other Section.

61. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by or on behalf of a Board under any power conferred by this Chapter, or fails to comply with the conditions subject to which any permission was given to him by a Board under any power so conferred shall, on conviction before a Magistrate if the disobedience or failure is not an offence punishable under any other Section, be liable to a fine not exceeding rupees fifty and to a further fine not exceeding rupees five for every day during which the said disobedience or failure continues after conviction :

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Expenses or cost how determined and recovered.

62. If a dispute arises with respect to any expenses for costs which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Board concerned and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under :—

District Education Board may prosecute.

63. (1) A board may direct any prosecution for the punishment of any persons offending against the provisions of this Act, or of any Bye-law thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the Education fund ; and may order proceedings to be taken for the recovery of

any penalties provided, that no prosecution for an offence under this Act or of any Bye-law thereunder shall be instituted except within six months next after the commission of such offence.

Jurisdiction of Magistrate.

(2) Any prosecution under this Act or under any Bye-law thereunder may, save as therein otherwise provided, be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Act or any Bye-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such Magistrate, by the distress and sale of any moveable property within the limit of his jurisdiction belonging to the person from whom the money is claimed.

Damage to any Local Board property how made good.

64. If through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by or under this Act, and damage to the property of any Board shall have been caused by such person, he shall be liable to make good such damage as well as to pay such penalty, and the value of the damage shall in case of dispute, be determined by the Magistrate by whom the person incurring such penalty is convicted, and on non-payment of such value on demand the same shall be levied by distress, and such Magistrate shall issue his warrant accordingly.

Alternative procedure by suit.

65. In lieu of proceeding by distress and sale, or in case of failure to realise by so proceeding the whole or any part of any amount recoverable under the provisions of Chapter VIII or of any compensation, expenses, charges or damages awarded under this Act, a Board may sue in any Court of competent jurisdiction the person liable to pay the same, as also any other person who may have in any way caused any injury to any property, rights or privileges of the District Local Board.

Powers of Police Officers.

66. Any Police officer may arrest any person committing in his presence any offence against any of the provisions of this Act or of any Bye-law thereunder, if the name and address of such person be unknown to him, and if he declines to give his name and address, or

if the Police officer have reason to doubt the accuracy of such name and address if given and such person may be detained at the station-house until his name and address shall be correctly ascertained.

Provided that no person arrested shall be detained without the order of a Magistrate longer than shall be necessary for bringing him before a Magistrate, for more than twenty four hours at the utmost.

District Education Funds—its custody and Investment.

67. (1) There shall be in each District, a fund which shall be called the District Education Fund.

(2) The Education Fund shall be kept in the Government Treasury or in the Bank to which the Government treasury business has been made over or in such other Bank or Co-operative Society registered or deemed to be registered under the Co-operative Societies Act, 1912, as may be approved by the Government:

Provided that the District Education Board may from time to time, with the previous sanction of the Government, and subject to any general or special orders of the Governor-General in Council, invest any portion of the fund in securities of the Government of India or such other securities as the Governor-in-Council may approve in this behalf, and every such investments or others of the like nature; and the income resulting from the securities and proceeds of the sale of the same shall be credited to the Education Fund.

Contributions from Local Bodies.

68. The District Board, Municipal Committees, Small Towns, Notified areas and Cantonment Board existing now or to be formed after the Act shall contribute 25 percent of their income or more as decided by the Government from time to time to the District Education Fund of their respective Districts.

69. The following shall form part of, or be paid into the Local Fund.

(a) The balance of the Education Fund of the District Board, Municipal Committees, Small Towns, Notified areas and Cantonment Boards at the commencement of this Act

(b) All rents and profits accruing from property placed by the Government under the management of Board or vested in such Board.

(c) All sums received by an Education Board in the execution of or from taxation under this Act, and the interest on and the sale proceeds of any securities held by such Boards.

(d) All sums contributed by private persons.

(e) The receipts on account of charities and trusts placed under the management of a Board.

(f) All grants and assignments of revenue made by the Government.

(g) All contributions received from Local Bodies.

70. The local Education Boards or Union Education Boards shall meet at least one fourth of their total expenditure, from their direct income, save otherwise decided by the District Education Board.

Scale of grants.

71. The District Education Board shall frame rules of grant-in-aid to be awarded to the various aided schools within its jurisdiction subject to the confirmation of the Commissioner.

(b) The following scale of grant to the institutions shall be observed by the District Education Board which can be altered by a resolution of the Board if desired :—

(i) Any institution approved as Primary School shall receive grant of ten to twenty rupees provided it is a single teacher school.

(ii) With the increase of the number of the students and teachers the amount shall be increased proportionately

(iii) Secondary institutions shall be given grant for a period of not more than five years as below :—

1. Any institution approved as Lower Middle School shall receive the amount of 25 to 50 rupees p. m.

2. A Middle School shall receive Rupees 50 to 100.

3. A High School shall receive Rupees 100 to 200 p. m

(c) No institution shall be given grant more than 75 percent of its total expenses.

(d) Furniture grant shall be given only once as follows:—

1. For an approved Primary School the amount granted shall be Rupees 25 to 100.
2. For a Lower Middle School Rupees 100 to 500.
3. For a Middle School Rupees 500 to 2,000.
4. For a High School Rupees 1,000 to 3,000.

Building grant shall be given as below:—

(a) A Primary School shall receive Rupees 100 to 500.

(b) Building grants for Lower Middle, Middle and High Schools shall be considered as loans without interest repayable within a period of five to fifteen years at the following rates:—

(i) For a Lower Middle school Rupees 2,000 to 5,000.

(ii) for an Upper Middle School rupees 5,000 to 10,000.

(iii) For a High School rupees 5,000 to 20,000.

~~*How the Education Fund shall be drawn against.*~~

73. (1) No payment shall be made from the Government Treasury, or a Bank or a Co-operative society out of a Education Fund except upon a cheque or letter of credit signed by the President of the Local Board which requires such payment.

(2) Payment of any sum in excess of one hundred rupees shall be made by a Local Board by means of a cheque or letter of credit signed as aforesaid and not in any other way.

Accounts to be kept in form prescribed by the Government.

74. Accounts of the receipts and expenditure of every Local Board shall be kept in such form as the Government may from time to time by rule made in this behalf prescribe, and shall be balanced annually on the last day of every financial or revenue year, as Government may prescribe.

Publication of abstract of Accounts annually.

75. An abstract of the accounts of every Education Board showing the amounts drawn from the Education

Fund, the charges for establishment, and for other expenses, the works undertaken, and the sums expended on each work and the balance, if any, in hand, shall be forwarded by the President of the Board every year, as soon as may be after the end of the year, in such form as the Government may from time to time by rule made in this behalf under clause (f) of Section 133 prescribe, to the Collector or such other officer as the Collector nominates in his behalf.

Preparation of Annual Budget estimates of income and expenditure.

76. (1) Every Local Board shall have prepared annually, on or before such date and in such form as the Government from time to time by rule made in this behalf under clause (f) of Section 133 prescribes, a budget estimate of the income and expenditure of the Board for the next official year.

(2) The Board shall, on or as soon as may be after the said date, consider the budget estimate so prepared and approve the same with or without modification as it shall think fit.

Tahsil and Education Boards' budget estimate to be submitted for sanction to the District Local Board.

77. Every budget estimate, as approved by a Tahsil Local or Union Education Board, shall be forthwith submitted to the District Education Board to which such Board is subordinate which may,

(a) as often as it thinks fit, send back such estimate to the Board concerned for revision, or

(b) sanction any budget estimate, or revised budget estimate submitted to it, either as it stands, or subject to such modification as it deems expedient.

Revised or Supplementary Budget Estimates may be made when necessary.

78. (1) Every Education Board may, at any time during the year for which any such budget estimate has been approved or sanctioned, cause a revised or supplementary budget estimate to be prepared. Every such revised or supplementary estimate shall be considered and approved by the Local Board and in the

case of a Taluka Local Board submitted to the District Local Board for sanction, in the same manner as if it were an original annual budget estimate.

(2) Re-appropriation of funds in a budget estimate may be made from time to time subject to the same approval or sanction as is required for the budget estimate.

Budget Estimates and Re-appropriations when to be approved or sanctioned.

79. (1) No budget estimate of a Board and no re-appropriation of a budget item shall be approved or sanctioned as aforesaid unless,

(a) provision is therein made for such Board having at its credit at the end of the official year a balance of not less than five thousand rupees in the case of a District Education Board, and two hundred rupees in case of any other Board;

(b) for every work, whether of first construction or repair that is attached to the budget estimate in which provision is made therefor a detailed estimate of the cost of such work, which has been approved by the Board, and the total cost is to exceed three thousand rupees, plans and estimates have been prepared or approved by the Government Executive Engineer of the district, or by an engineer employed by the Board and approved by the Government.

Copies of budget Estimates and re-appropriation Statements to be sent to the Collector.

(2) A copy of every budget estimate and statement of every re-appropriation as finally approved or sanctioned under the foregoing provisions shall be forwarded by the President of each Local Board without delay to the Collector, or such officer as he nominates in his behalf. Annual budget estimates shall be so forwarded not later than the 18th February.

Except on a pressing emergency no sum not provided for in a Budget Estimate to be expended.

80. (1) Save in case of pressing emergency, no sum shall be expended by, or on behalf of any Education Board, unless such sum is included in some budget estimate at the time in force which has been approved or sanctioned as aforesaid.

(2) If any sum is so expended on a pressing emergency, the circumstances shall be forthwith communicated in writing by the President to the Collector (through the District Local Board, if the sum has been expended by any other Board) with an explanation of the way in which it is proposed by the Local Board to cover such extra expenditure.

Audit to be made periodically, under the orders of the Government

81. (1) The accounts of every Education Board shall be examined and audited at such intervals, in such a manner and by or under the superintendence of such Auditor as the Government from time to time directs.

(2) Every auditor appointed under this Section shall have access to the accounts and to all books, deeds, contracts, vouchers and all other documents and records in the possession or under the control of the Board.

(3) The report of the Auditor on each Board shall be sent to each Board concerned and to the Collector.

A copy of the report on every Tahsil, Local or Union Board shall also be sent to the District Local Board of the District.

Taxes which may be imposed by District Local Board:

82. Subject to any general or special orders which may be made by the Government in this behalf, every District Education Board may:—

(a) after observing the preliminary procedure required by Section 83 and

(b) with the sanction of the Commissioner, and subject to such modifications or conditions as under Section 84 the Commissioner, according to such sanction, deems fit to impose, for the purposes of this Act, any tax which, under rules made under clause (a) of Sub-section (3) of Section 80 A of the Government of India Act, local authority may be authorized to impose by any law made by the local legislature without the previous sanction of the Governor General.

Procedure of Board preliminary to imposing Tax.

83. (1) Every District Education Board shall, before imposing a tax, by resolution passed at a meeting of the Board,

(a) select a tax which may under Section 82 be imposed; and

(b) approve rules describing the tax selected; and shall in such resolution and in such rules specify,

(c) the class or classes of persons or of property, or of both, which the District Education Board desires to make liable, and any exemptions which it desires to make;

(d) the amount for which, or the rate of which it is desired to make such classes liable; and

(e) all other matters which the Government may require to be so specified.

(2) When such resolution has been passed, the District Education Board shall publish the rules with a notice in the form of Schedule B prefixed thereto.

(3) Any inhabitant of the District objecting to the imposition of the said tax, or to the amount or rate proposed, or to the class of persons or property to be made liable thereto, or to any exemptions proposed, may within one month from the publication of the said notice send his objection in writing to the District Education Board, and the Board shall take all such objections into consideration, or shall authorize a committee of its members to consider and report on them and, unless it decides to abandon or modify the proposed tax in accordance with the said objections, shall submit them with its opinion thereon, together with the notice and rules as aforesaid, to the Commissioner.

Power to sanction, modify and impose conditions.

84. The Commissioner may either refuse to sanction the rules submitted, or may return them to the District Local Board for further consideration, or, if no objection, or no objection which is in his opinion sufficient, was made to the proposed tax within one month from the publication of the said notice, may sanction the said rules either;—

(a) without modification, or

(b) subject, as he deems fit,

(i) to such modifications not involving an increase of the amount to be imposed, or

(ii) to such conditions as to the application with-

-in the district to any purpose or purposes of this Act specified in such conditions of the whole or any part of the proceeds of such tax

Publication of sanctioned rules with notice.

85. All rules sanctioned under section 84 with all modifications subject to which the sanction is given, shall be published by the District Education Board in the district for which they are made, together with a notice reciting the sanction and the date and serial number thereof; and the tax as described in the rules so published shall, from a date which will be specified in such notice and shall not be less than one month from the publication of such notice, be imposed accordingly, and the proceeds thereof shall be applied by the District Education Board, in accordance with the conditions, if any, subject to which under section 84 the sanction was given :

Provided that

(a) a tax is leviable by the year

(i) shall not come into force except on one of the following dates, viz, the first day of April, the first day of July, the first day of October, or the first day of January, in any year, and,

(ii) if it comes into force on any day other than the first day of April, it shall be leviable by the quarter till the first day of April then next ensuing;

(b) on or before the day on which a notice is issued under this Section, the District Local Board shall publish such further detailed rules as may be required, and as may have been approved by the Commissioner, prescribing the mode of levying and recovering the tax therein specified, and the date on which it or the instalments, if any, thereof shall be payable; and

(c) if the levy of a tax, or of a special portion of a tax, has been sanctioned for a fixed period only, the levy shall cease at the conclusion of that period, except so far as regards any unpaid arrears which have become due during the period.

Power of Government to suspend levy of objectionable taxes.

86. If it shall at any time appear to the Government, on complaint made or otherwise, that any tax leviable by a District Education Board is unfair in its incidence, or that the levy thereof, or of any part thereof, is

is obnoxious to the interest of the general public or violates any promises made or undertakings incurred by Government, the Government may require the said District Education Board within such period as it shall fix in this behalf, to take measures for removing any objection which appear to it to exist to the said tax, and if within the period so fixed, such requirement shall not be carried into effect to the satisfaction of the Government, the Government may, by notification in the Punjab Government Gazette, suspend the levy of such tax of such part thereof, until such time as the objection thereto shall be removed.

87. All taxes annexed under this Act shall be collected as taxes imposed under the Punjab District Board Act..... of... ..

Appointment of officers and servants.

88. (1) Every Education Board may appoint and pay such officers and servants as it shall deem necessary and proper to maintain for the efficient execution of its duties and the duties of the other boards in the district under this Act, and shall from time to time prepare and sanction a schedule of the staff to be so maintained, setting forth the designations and grades of the different officers and servants, the boards under which they are to be respectively employed, their respective duties and the amount and nature of the salaries, fees and allowances to be paid to each, and determining which of the said officers and servants are to be maintained permanently and which temporarily only.

(2) Where any District Local Board appoints a Chief Officer or an Engineer and such appointments is approved by the Government, the Government shall pay two thirds of the salary of such Chief Officer or Engineer; and where any District Local Board appoints a Health Officer and such appointment is approved by the Government, the Government shall pay two thirds of the salary of such officer.

Delegation of power to engage Officers and servants.

89. The District Local Board may, subject to any rule or order made by the Government in this behalf under clause (g) of section 133, delegate to its president or to the president of any Tahsil Local or Union Board subordinate to it the power of appointing any officer or

servant on a salary not exceeding such limit as may be prescribed by the Government by rule in this behalf.

Power of commissioner to prevent extravagance in establishments

90. If in the opinion of the Commissioner the number of persons maintained by a Board as officers or servants, or whom a District Local Board proposes to maintain, or the remuneration assigned by the Board to those persons or to any particular person, is excessive, the said Board shall, on the requirement of the Commissioner, reduce the number or remuneration of the said persons :

Provided that the District Education Board may appeal against any such requirement to the Government whose decision shall be conclusive.

Punishment and dismissal of officers and servants.

91. The power of punishing or dismissing any officer or servant maintained by a District Education Board shall, subject to any regulation framed under section 123 and to any rule or order made by the Government in this behalf under clause (g) of section 133, vest in the said Board :

Provided that, subject as aforesaid, the power of punishing or dismissing any such officer or servant not receiving salary beyond such limit as may be prescribed by the Govt. by rule made in this behalf under clause (g) of section 133 may be delegated by a District Local Board to its president or to the president of any Taluka Local Board subordinate to it.

District local boards to frame Regulations: Fixing the amount of the security to be furnished;

92. Every District Education Board may from time to time frame regulations,

(a) fixing the amount and nature of the security to be furnished by any officer or servant maintained by the Board from whom it may be deemed expedient to require security :

(b) regulating the grant of leave to the permanent officers and servants maintained by the Board;

(c) authorising the payment of allowances to the

said officers and servants to or certain of them, whilst absent on leave;

(d) determining the remuneration to be paid to the persons appointed to act for any such officers or servants during their absence on leave;

(e) regulating the period of service of all such officers and servants;

(f) determining the conditions under which such officers and servants, or any to them, shall, on retirement, receive pensions, gratuities or compassionate allowances; the conditions under which gratuities or compassionate allowances may be paid to the surviving relatives of such officers and servants; and the amount of such pensions, gratuities or compassionate allowances;

(g) authorizing the payment of contributions at certain specified conditions to any person or provident fund which may, with the approval of the said Board, be established by the said officers and servants: Provided that

(i) if an officer is lent to any Local Board by the Govt: or if an officer is employed partly in the service of the Government and partly in the service of a Local Board, such Board shall contribute to his pension and leave allowances to such extent as may be required by rules made by the Government in this behalf under clause (g) of section 133 and shall not, except with the assent of the Government, dispense with his further services at any time without giving the Government six months' previous notice;

(ii) no regulation made by any District Local Board under this section shall have effect unless and until it has been approved by the Government.

Powers of inspection and supervision.

(1) The Commissioner, Collector or any officer of the Government authorised by general or special order of the Government may:--

(a) enter on and inspect any immovable property occupied by any Education Board or any institution under its control and management, or any work in progress under it or under its direction, or cause such immovable property, institution or work to be entered upon and inspected by any other person authorised by him in this behalf in writing; and

(b) call for any extract from the proceedings of any Local Board or any committee appointed by such Board, and call for or inspect any book or document in the possession or under the control of a Local Board.

(2) The Collector may:—

(a) call for any return, statement, account or report which he may think fit to require a Education Board to furnish; and

(b) require such Board to take into its consideration any objection which appears to him to exist to the doing of anything which is about to be done by such Board, or any information furnished by him which appears to him to necessitate the doing of a certain thing by such Board and to make a written reply to him within a reasonable time, stating its reasons for not desisting from doing, or for not doing such thing.

*Collector's power of suspending execution of orders etc.
of Local Boards.*

94. (1) If, in the opinion of the Collector, the execution of any order or resolution of a Education Board, or the doing of anything which is about to be done, or is being done by or on behalf of a Board, is causing, or is likely to cause injury or annoyance to the public, or to lead to a breach of the peace or is unlawful, he may, by order in writing under his signature, suspend the execution or prohibit the doing thereof.

*Collector's order to be reported to the Commissioner who
may confirm or modify it.*

(2) When a Collector makes any order under Sub-section (1) he shall forthwith forward to the Commissioner and to the Board affected thereby 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 to continue in force with or without modification permanently or for such period as he thinks fit.

*Every case under this section to be reported to the
Government for its final orders.*

(3) The Commissioner shall forthwith submit to the Government a report of every case occurring under this section, and the Government may revise or

modify any order made therein, and make in respect thereof any other order which the Commissioner could have made.

Extraordinary powers of Collector in case of emergency.

95. (1) In cases of emergency the Collector may provide for the execution of any work, or the doing of any act, which a Board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the health 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 Local Board.

(2) If the expenses and remuneration are not so paid, the Collector may direct the officer in charge of the Treasury or Bank or Society in which the Local Fund is kept or the whole or portion thereof is deposited or lent on interest, to pay the expenses and remuneration, or as much thereof, as is possible, from the balance of such fund in his hand.

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

Power of the Government to provide for performance of duties in default of Local Board.

96. When the Government is informed, on complaint made or otherwise, that a Board has made default in performing any duty imposed on it by or under this Act, the Government, if satisfied after due enquiry that the Local Board has been guilty of the alleged default, may fix a period for the performance of that duty.

Provided that no such period shall be fixed unless the Board has been given an opportunity to show cause why such order shall not be made.

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

(3) If the expenses and remuneration are not so

paid, the Government may direct the officer-in-charge of the Treasury or Bank or Society in which the Local Fund is kept, or the whole or portion thereof is deposited or lent on interest, to pay the expense and remuneration, or as much thereof as is possible, from the balance of such fund in his hands.

Inquiry into affairs of Local Board.

97. (1) The Government may from time to time cause inquiry to be made by any of its officers in regard to any Education Board, or matters concerning it, or any matters with respect to which the sanction approval, consent or order of the Government is required by this Act.

(2) The officer holding such inquiry shall have the powers of a Court under the Code of Civil Procedure, 1908 to take evidence and to compel the attendance of witnesses and the production of documents for the purposes of the inquiry.

(3) The Government may make orders as to the costs of inquiries made under Sub-section (1) and as to the parties by whom and the funds out of which they shall be paid, and such order may, on the application of the Government or of any person named therein, be executed as if it were a decree of a Civil Court.

Power of the Government to dissolve or supersede Local Boards in case of incompetence, defaults, or abuse of power.

98. (1) If in the opinion of the Government a 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 Government may by an order published, with the reason for making it, in the Punjab Government Gazette, declare such Board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and either

- (a) dissolve the Board, or
- (b) supersede it for a period to be specified in the order;

(c) When a Board is dissolved or superseded, all members of the Board shall, as from the date of the order, vacate their offices as such members.

Reconstitution of Local Board after dissolution.

99. When a Local Board is dissolved, it shall be reconstituted by such nominations and elections as may be necessary, as if the term of office of its members had expired; and a President and Vice-President of the Board shall be elected in the manner provided in this Act.

Consequences of supersession of Local Board.

100. When a Board is superseded

(a) all powers and duties of the Board may, during the period of supersession, be exercised and performed by such person or persons as the Government from time to time appoints in that behalf; such person or persons may appoint a person or a Committee or Committees and delegate to them all the powers which the Local Board could have delegated to a person or Committee under this Act, and empower such person or Committee or Committees to perform the duties which a Board could have delegated; and

(b) all property vested in the Board shall, during the period of supersession, vest in the Government;

(c) when more persons than one are appointed to exercise the powers and perform the duties of the Board, such persons may authorise one or more of their members to sue or be sued on their behalf.

Powers of the Government and of Commissioners over Collectors etc.,

101. In all matters connected with this Act, the Government and the Commissioners and Collectors shall have and exercise the same authority and control over the commissioners, the Collectors and their subordinates, respectively, as they have and exercise over them in the general and revenue administration.

Purposes for which rules and orders may be made.

102. The Government may by notification in the Punjab Government Gazette from time to time make rules, or orders, consistent with this Act,

(a) prescribing the number of members of each Education Board, the proportion of the elective and nominated members for each Board, and the number of members to be elected by each constituency;

(b) determining the mode in which and the place at which and the authorities, if any, under whose supervision elections of members of Board shall be held,

and the manner in which votes thereat shall be recorded, and how and by whom the results of such elections shall be declared;

(c) prescribing such general conditions as shall seem fit as to the manner in which the business of Boards shall be conducted.

(d) prescribing for the purposes of clause (i) of Section 50, the conditions under which, and the rates at which, payment of travelling expenses shall be made.

(e) prescribing for the purposes of provision (b) to Section 80, the charges to be defrayed by each District Local Board on account of primary education, the extent of the independent authority of District and Taluka Local Boards in respect of education and their relations generally with the Government Education Department and with each other in educational matters

(f) prescribing for the purposes of Sections 83, 84 and Sub-section (i) of Section 86 the form in which the account of Local Boards shall be kept and the form in which their abstracts of accounts and budget estimates shall be prepared and regulating the audit of Local Board accounts.

(g) regulating, for the purposes of Sections 120, 122 and provision (i) to Section 123 the appointment, control, punishment and dismissal of the officers and servants of Local Boards and the extent of contributions to the pensions and leave allowances of Government Officers employed by Local Boards; and

(h) generally, for the guidance of Local Boards and Government Officers in all matters connected with the administration of this Act and not therein specially provided for;

provided that rules made under this Section shall be made after previous publication.

GANGA RAM SHARMA

116 SHARDHANAND BAZAR
DELHI.