

Bihar Provincialisation of Roads and Hospitals Act, 1947

BIHAR

India

Bihar Provincialisation of Roads and Hospitals Act, 1947

Act 6 of 1948

- Published on 25 February 1948
- Commenced on 25 February 1948
- [This is the version of this document from 25 February 1948.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Provincialisation of Roads and Hospitals Act, 1947[Bihar Act 6 of 1948]Last Updated 31st January, 2020[Dated 25.02.1948]An Act to re-enact the Bihar Provincialisation of Roads and Hospitals Act, 1944. Whereas the Bihar Provincialisation of Roads and Hospitals Act, 1944, was enacted by the Governor in exercise of the powers assumed to himself by the Proclamation dated the 3rd November, 1939, issued by him under Section 93 of the Government of India Act, 1935; And whereas under sub-section (4) of Section 94 of the Government of India Act, 1935, the said Bihar Provincialisation of Roads and Hospitals Act, 1944, shall not, unless re-enacted by an Act of the Provincial Legislature, have effect after the first day of April, 1948; And whereas it is expedient to continue the said Bihar Provincialisation of Roads and hospitals Act, 1944, after the first day of April, 1948; It is hereby enacted as follows: -

1. Short title, extent and commencement.

(1) This Act, may be called the Bihar Provincialisation of Roads and Hospitals Act, 1947. (2) It extends to the whole of the [State] [Substituted by ALO. for 'Provincial'.] of Bihar. (3) It shall come into force at once.

2. Definitions.

- in this Act, unless there is anything repugnant in the subject or context, -(a)"hospital" includes all lands, buildings, fixtures, dispensaries, medicines, stores equipment, furniture and other articles appurtenant to the hospital; (b)"local authority" does not include a Cantonment Authority in any cantonment area; (c)"prescribed" means prescribed by Rules made by the [State] [Substituted by ALO. for 'Provincial'.] Government under this Act; (d)"Road" includes. -(i) on both sides, the drains or gutters and the land up to the defined boundary of any abutting property, notwithstanding the projection over such land of any platform, verandah or other superstructure; and (ii) the soil,

pavements, stones and other materials of the road and all drains, bridges, culverts, causeways, trees, channels erections, materials, implements and other things provided for or appertaining to the road.

3. Vesting of roads and hospitals in the Government.

- The [State] [Substituted by ALO. for 'Provincial'.] Government may, by notification, direct that, with effect from such date as may be specified therein and subject to the provisions of Section 6 and such conditions and exceptions as may be prescribed, any hospital or road which is vested in, or is under the control or administration of, the Commissioners of any Municipality, any District Board or other Local authority or any Committee or Joint Committee or other body thereof constituted under the Bihar and Orissa Local Self-Government Act of 1885, the Bihar and Orissa Municipal Act, 1922, or any other law whereby the local authority was constituted [or any person or trustee] [Inserted by Bihar Act 10 of 1964.] shall notwithstanding anything contained in any law for the time being in force, be vested in [the State Government] [Substituted by ALO for 'the Crown for the purposes of the Province'.]:Provided that before issuing such notification, the [State] [Substituted by ALO. for 'Provincial'.] Government shall give such notice as it considers reasonable of its intention to issue such notification and shall consider any objections or suggestions that may be put forward by the local authority concerned or other interested persons:[Provided further that nothing in this sub-section shall be deemed to apply to any hospital, which is vested in, or is under the control or administration of any religious or philanthropic mission.] [Inserted by Bihar Act 10 of 1964.](2)Subject as aforesaid, all rights and liabilities of the Commissioners of the Municipality, the District Board or other local authority or of any Committee [Joint committee, body, persons or trustee] [Substituted by ALO for 'Joint Committee or body'.] referred to in sub-section (i) in, appertaining to, or arising out of, the property covered by the notification issued under that subsection shall, with effect from the date mentioned in the notification pass and be transferred to [the Government] [Substituted by ALO for 'the Crown for the purposes of the Province'.] and the [State] [Substituted by ALO. for 'Provincial'.] Government shall from such date be in charge of the administration, control, maintenance and management of the said property.

4. Vesting of endowments and funds appertaining to a hospital.

- All endowments or funds, which appertained to or were appropriated specifically for the purposes of any hospital immediately before it was vested in the [State] [Substituted by ALO. for 'Provincial'.] Government under Section 3, shall be vested in 1[the State Government] for those purposes and continue to be applied by the [State] [Substituted by ALO. for 'Provincial'.] Government to the same purposes as those to which they were lawfully applicable immediately before the date when the endowment or fund concerned was so vested.

5. Levy of rates and fees by the State Government in respect of roads and hospitals.

- Subject to prescribed condition and rates, the [State] [Substituted by ALO for 'the Crown for the purposes of the province'.] Government, may levy tolls, fees or other charges in respect of any road

or hospital vested in [the State Government] [Substituted, by ALO for 'the Crown'.] under Section 3, of the same nature as the Municipal Commissioners, District Board or local authority, Committee, Joint Committee or other body [or person or trustee] [Inserted by Bihar Act 10 of 1964.] concerned could, but for the issue of a notification under the said Section, have levied.

6. Compensation.

- Nothing in this Act shall be deemed to authorise the acquisition of any private right or interest in any hospital, road or in any portion thereof, without the payment of compensation in the manner and in accordance with the principles hereinafter set out, that is to say, -(a)where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement;(b)where no such agreement can be reached, it shall be determined in the prescribed manner by an arbitrator of prescribed qualifications appointed by the [State] [Substituted by ALO. for 'Provincial'.] Government;(c)the arbitrator in making his award shall have regard to the provisions of sub-section (1) of Section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable;(d)an appeal shall lie to the prescribed authority against the award of an arbitrator except in cases where the amount thereof does not exceed an amount prescribed in this behalf and the decision of the prescribed, authority on any such appeal shall be final;(e)save as provided in this Section and anything that may be prescribed, nothing in any law for the time being in force shall apply to arbitration under this Section.Explanation. - In this Section, the expression "Private right or interest" shall not be deemed to include any right or interest of any local authority or body referred to in sub-section (1) of Section (3).

7. Power to make Rules.

(1)The [State] [Substituted by ALO. for 'Provincial'.] Government may make Rules for carrying out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing provisions, such Rules may provide for -(a)the condition and exceptions referred to in sub-section (1) of Section 3;(b)the administration, control, maintenance and management of the property referred to in sub-section (2) of Section 3;(c)the condition, and rates referred to in Section 5; and(d)the matters which may be prescribed under clause (b), (d) and (e) of Section 6.

8. Repeal and saving.

- The Bihar Provincialisation of Roads and Hospitals Act, 1944, is hereby repealed, and any Rules made, anything done and any action taken in exercise of any power conferred by or under the said Act shall be deemed to have been made, done or taken in exercise of powers conferred by or under this Act.