

Bihar District Boards and Municipal Preparation of Electoral Rolls and Conduct of Elections (Barring of Courts Jurisdiction) Act, 1951

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Act 36 of 1951

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Bihar District Boards and Municipal Preparation of Electoral Rolls and Conduct of Elections (Barring of Courts Jurisdiction) Act, 1951 Bihar Act 36 of 1951 For Statement of Objects and Reasons please see the Bihar Gazette, 1951, Part V, P. 818. President's assent published in the Bihar Gazette, Extraordinary, of the 30th November, 1951. An Act to modify the provisions of the Bihar and Orissa Local Self-Government Act of 1885 and the Bihar and Orissa Municipal Act, 1922, so as to bar the jurisdiction of courts in all matters appertaining to the preparation of electoral rolls of electoral circles of district boards or wards of municipalities and conduct of elections thereto. Whereas it is expedient to modify the provisions of the Bihar and Orissa Local Self-Government Act of 1885 and the Bihar and Orissa Municipal Act, 1922, so as to bar jurisdiction of courts in all matters appertaining to the preparation of electoral rolls of electoral circles of district boards or wards of municipalities and conduct of elections thereto. It is hereby enacted as follows:-

1. Short title.

- This Act, may be called the Bihar District Boards and Municipal Preparation of Electoral Rolls and Conduct of Elections (Barring of Courts Jurisdiction) Act, 1951.

2. Definitions.

- In this Act, unless there is anything repugnant in the subject or context, -(a) "executive" in relation to a district board or of a municipality means the Chairman or Vice-Chairman of a district board or of a municipality, as the context in each case may require and include the President of a

municipality; and (b) all words and expressions used in this Act and not defined have the meanings respectively assigned to them in the Bihar and Orissa Local Self-Government Act, of 1885 and the Bihar and Orissa Municipal Act, 1922, and the rules made under clause (a) of Section 138 of the first mentioned Act and Sections 15 and 19 of the second mentioned Act.

3. Bar of jurisdiction of Courts in all matters appertaining to preparation of electoral rolls of electoral circles of district boards and wards of municipalities and conduct of elections thereto.

- Notwithstanding anything contained in any law for the time being in force no election of a member of a district board or a commissioner of a municipality or of an executive shall be called in question except under the procedure provided by the Bihar and Orissa Local Self-Government Act of 1885 or the Bihar and Orissa Municipal Act, 1922 or any rules made thereunder and no Court shall have jurisdiction-(a) to entertain or adjudicate upon any question whether any person is or is not entitled to be registered in an electoral roll for an electoral circle of a district board or a ward of a municipality, or (b) to question the legality of any action taken by or under the authority of a registration officer or of any decision given by any authority appointed by or under any such enactment for the revision of any such roll, or (c) to question the legality of any action taken or of any decision given by a returning officer or by any other person appointed by or under any such enactment in connection with the election; or (d) to question the legality of any action taken or any decision given by any presiding officer at a meeting held in connection with the election of the executive, and no Court shall grant an injunction-(i) to postpone an election of a member or commissioner or an executive, as the case may be, or (ii) to prohibit a person, declared to have been duly elected under any such enactment, from taking part in the proceedings of the district board or municipality of which he has been elected a member or commissioner or an executive, as the case may be, or (iii) to prohibit a member or commissioner formally elected to district board or municipality, as the case may be, or an executive elected by such board or municipality from entering upon his duties.

4. Amendment of Section 19 of the Bihar and Orissa Municipal Act, 1922.

- In Section 19 of the Bihar and Orissa Municipal Act, 1922 after the word "Commissioners", the words "the Chairman, Vice-Chairman and the President" shall be inserted.