

# West Bengal Act VIII of 1948

## THE CORPORATION OF CALCUTTA (TEMPORARY SUPERSESSION) ACT, 1948.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 23rd March, 1948.]

An Act to provide for the temporary supersession of the Corporation of Calcutta.

WHEREAS it is expedient to provide for the supersession of the Corporation of Calcutta for a short period and for carrying on the administration of the affairs of the said Corporation during the period of such supersession;

It is hereby enacted as follows:—

1. (1) This Act may be called the Corporation of Calcutta (Temporary Supersession) Act, 1948. Short title, commencement and duration.

(2) It shall come into force on such date as the Provincial Government may, by notification in the *Official Gazette*, appoint.

(3) It shall remain in force up to the 31st day of March, 1949.

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

(a) "the Act" means the Calcutta Municipal Act, 1923; and

(b) "the Corporation" means the Corporation of Calcutta as constituted under the Calcutta Municipal Act, 1923.

3. The Provincial Government may, if it so thinks fit, by an order published in the *Official Gazette*, supersede the Corporation from such date and for such period as may be specified in the order. Supersession of the Corporation.

4. (1) When an order of supersession has been made under section 3, the following consequences shall ensue:— Consequences of supersession.

(a) all the Councillors and Aldermen constituting the Corporation, all the members constituting the Committees thereof and the Mayor and Deputy Mayor of the Corporation shall, as from the date of supersession, vacate their offices as such Councillors, Aldermen, members of the Committees and Mayor and Deputy Mayor;

(b) all the powers, duties and functions which may, under the provisions of the Act or any rule or by-law made thereunder or of any other law for the time being in force, be exercised and performed by the Corporation or any Committee thereof or by the Mayor or Deputy Mayor or by Councillors or Aldermen shall, during the period of supersession, be exercised and performed by such person (to be called the Administrative Officer) as may be appointed by the Provincial Government in that behalf;

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(Sections 5 -7.)

(c) all property vested in the Corporation shall, during the period of supersession, vest in His Majesty for the purposes of the Province; and

(d) during the period of supersession, the rates shall not be increased and the supplementary taxation shall not be imposed by the Administrative Officer under sub-section (2) of section 96 of the Act except, with the previous approval of the Provincial Government.

(2)(a) Before the expiration of the period of supersession, there shall be a fresh general election of Councillors and a fresh election of Aldermen in conformity with the provisions of the Act and the persons who vacated their offices under clause (a) of sub-section (1) shall not be deemed disqualified for such elections.

(b) On the expiration of the period of supersession, the Corporation shall be reconstituted on the results of the elections referred to in clause (a) in accordance with the provisions of the Act.

Adminis-  
trative  
Officer.

5. (1) The Administrative Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Act XLV  
of 1860.

(2) The Administrative Officer shall receive such monthly salary not exceeding three thousand rupees and such monthly allowances not exceeding in the aggregate five hundred rupees as may be fixed by the Provincial Government.

(3) The salary and allowances fixed under sub-section (2) shall be paid from the Municipal Fund referred to in the Act.

The Executive  
Officer or  
Deputy  
Executive  
Officer,  
etc., shall  
be subordi-  
nate to the  
Adminis-  
trative  
Officer.

6. Notwithstanding anything contained in the Act, or any rule or by-law made thereunder, the exercise or discharge by the Executive Officer or Deputy Executive Officer or Chief Engineer or Chief Accountant or Health Officer or Secretary of any powers, duties or functions vested in or imposed upon him by the provisions of the Act or any rule or by-law made thereunder shall, during the period of supersession under section 3, be subject to control and revision by the Administrative Officer.

Power of  
the Pro-  
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Officer  
with addi-  
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powers  
and duties.

7. In addition to the powers, duties and functions conferred and imposed on the Administrative Officer under clauses (b) and (d) of sub-section (1) of section 4 and section 6, the Administrative Officer shall, during the period of supersession under section 3, also exercise and perform such other powers and duties and do such other acts as in the opinion of the Provincial Government are necessary in the interest of the rate-payers of the Corporation and as the Provincial Government may by order or otherwise direct from time to time notwithstanding anything contained in the Act or any rule or by-law made thereunder.

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(Sections 8, 9.)

8. The Administrative Officer shall not be liable in any Court of law for anything done or purported to be done under this Act. Indemnity.

9. Without prejudice to the powers of the Provincial Government under section 7, the Provincial Government may by order authorise any matter or thing to be done which appears to it necessary for the purpose of carrying on the administration of the affairs of the Corporation during the period of supersession under section 3 or of reconstituting the Corporation under sub-section (2) of section 4. Power of the Provincial Government to make orders in case of difficulty.