

The City of Nagpur Corporation (Amendment) Act, 1958

MAHARASHTRA

India

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Act 79 of 1958

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The City of Nagpur Corporation (Amendment) Act, 1958 Bombay Act No. 79 of 1958 [Dated 8th October, 1958] For Statement of Objects and Reasons, see Bombay Government Gazette, 1958, Part V, pages 706 and 707. An Act further to amend the City of Nagpur Corporation Act, 1948 Whereas it is expedient further to amend the City of Nagpur Corporation Act, 1948, for the purposes hereinafter appearing; It is hereby enacted in the Ninth Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called the City of Nagpur Corporation (Amendment) Act, 1958. (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Appointment of Municipal Commissioner and change in designation of Deputy Chief Executive Officer.

(1) The State Government shall appoint a Municipal Commissioner, in place of the Chief Executive Officer, for the Municipal Corporation of the City of Nagpur. (2) The Deputy Chief Executive Officer, appointed or to be appointed under section 49 of the City of Nagpur Corporation Act, 1948 (hereinafter referred to as "the principal Act"), shall be designated the Deputy Municipal Commissioner.

3. Consequential amendment of C. P. and Berar II of 1950.

- The provisions of the principal Act are hereby amended in the manner and to the extent specified in column 2 of the Schedule.

4. Construction of reference to the Chief Executive Officer and Deputy Chief Executive Officer, in enactments or instruments.

- Any reference, by whatever form of words, to the Chief Executive Officer for the Municipal Corporation of the City of Nagpur or to the Deputy Chief Executive Officer therefor, in the principal Act and in any rule, regulation, by-law, notification or, order made or issued under or in pursuance of that Act, or any such reference in any other law for the time being in force, or in any instrument or other document, shall be construed as a reference to the Municipal Commissioner and Deputy Municipal Commissioner of such Corporation, respectively.

5. Amendment of section 20 of C. P. and Berar II of 1950.

- In section 20 of the principal Act, in sub-section (1), for the words "to hold office until the first meeting in the next following year" the words "The Mayor, or as the case may be, the Deputy Mayor shall hold office until his successor is duly elected and enters on his office" shall be substituted.

6. Insertion of new section 20A in C. P. and Berar II of 1950.

- After section 20 of the principal Act, the following section shall be inserted, namely :- "20-A. Honoraria, fees, or allowances. - (1) With the previous sanction of the State Government, the Corporation may pay each Councillor such honoraria, fees or other allowances as may be prescribed by by-laws made by the Corporation under this section. (2) The Corporation shall place at the disposal of the Mayor annually such sum not exceeding Rs. 3,000 by way of sumptuary allowance as it may determine. (3) Notwithstanding anything contained in sections 15 and 19, the receipt by a Councillor of any honorarium, fee or allowance as aforesaid shall not disqualify any person for being elected, selected or appointed as, or for being, a Councillor.

7. Amendment of section 58 of C. P. and Berar II of 1950.

- In section 58 of the principal Act, after clause (r), the following clause shall be inserted namely :- "(ra) with the previous sanction of the State Government, any public reception ceremony or entertainment in the City;"

8. Substitution of sections 63 and 64 of C. P. and Berar II of 1950.

- For sections 63 and 64 of the principal Act, the following shall be substituted, namely :- "63. Procedure for making contracts on behalf of Corporation. - With respect to the making of contracts under or for any purpose of this Act, including contracts relating to the acquisition and disposal of immovable property or any interest therein, the following provisions shall have effect, namely :- (a) every such contract shall be made on behalf of the Corporation by the Commissioner; (b) no such contract, for any purpose which, in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of the Corporation or some other municipal authority, shall be made by him until or unless such approval or sanction has first been duly

obtained;(c)no contract, which will involve an expenditure exceeding five thousand rupees or such higher amount as the Corporation may. with the approval of the State Government, from time to time fix, shall be made by the Commissioner, unless the same is previously approved by the Standing Committee;(d)every contract made by the Commissioner involving expenditure exceeding one thousand rupees but not exceeding five thousand rupees or such higher amount as may be fixed under clause (c) shall be reported by him, within fifteen days after the same has been made, to the Standing Committee;(e)the foregoing provisions of this section shall, as far as may be, apply to every contract which the Commissioner shall have occasion to make in the execution of this Act; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

64. Mode of exceeding contracts. - (1) The mode of executing contracts under this Act shall be prescribed by the by-laws made under this Act.

(2)No contract which is not made in accordance with the provision of this Act and the rules and by-laws made thereunder shall be binding on the Corporation."

9. Deletion of section 347 of C. P. and Berar II of 1950.

- In Part VIII of the principal Act, the sub-heading "Contracts" and section 347 shall be deleted.

Schedule

(See section 3)

| Act(1) | Amendments(2) |
|---|---|
| The City of Nagpur Corporation Act, 1948, (C. P. and Berar II of 1950). | <p>Throughout the Act (including the marginalnotes and sub-headings), except as otherwise expressly provided,for the words, "Chief Executive Officer", whereverthey occur, the word "Commissioner" shall besubstituted.</p> <p>(2) Section 4 shall be deleted.</p> <p>in section 5, in clause (9), for the words"Chief Executive Officer</p> <p>(3) for the City" the words"Municipal Commissioner for the City" shall besubstituted.</p> <p>(4) In section 45,-</p> <p>(a)</p> |

for sub-section (1), the following shall be substituted, namely :-

"(1)(a) The Commissioner shall from time to time be appointed by the State Government.

(b) The Commissioner shall in the first instance hold office for such period not exceeding three years as the State Government may fix and his appointment may be renewed from time to time for a period not exceeding three years at a time";

(c) in sub-section (2), for the words "He shall" the words, brackets, letter and figure "Notwithstanding the provisions of clause (b) of sub-section (1), the Commissioner shall" shall be substituted.

In section 47, for sub-section (1) the following shall be substituted, namely :-

"(1) The Commissioner shall receive from the municipal fund such monthly salary and allowances as the State Government may from time to time after consultation with the Corporation determine ; Provided that the salary of the Commissioner shall not be altered to his disadvantage during the period for which his appointment has been made or renewed.

(1A) The Commissioner shall devote his whole time and attention to the duties of his office as prescribed in this Act or in any other law for the time being in force and shall not engage in any other profession, trade or business whatsoever:

Provided that he may with the sanction of the Corporation serve on any committee constituted for the purpose of any local inquiry or for the furtherance of any object of local importance or interest."

(6) In section 48, in sub-section (4), for the words and figures "the minimum prescribed in section

47"the words "the salary for the time being payable to the Commissioner" shall be substituted.

(7) In section 19,-

(a)

above that section, the following sub-headings shall be inserted, namely :-
"Other Officers and servants"

(b)

in sub section (1), for the words "Deputy Chief Executive Officer" the words "Deputy Municipal Commissioner" shall be substituted.

In section 429, in sub-rule (1),
(8) the words "Chief Executive Officer" shall stand unmodified.