

GARDEN REACH MUNICIPALITY ACT, 1932

3 of 1932

[7th April, 1932]

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SCHEDULE 1 :-Amendments to be made in the Calcutta Municipal Act, 1923

GARDEN REACH MUNICIPALITY ACT, 1932

3 of 1932

[7th April, 1932]

An Act to provide for the exclusion of the Garden Reach area from the limits of the Corporation of Calcutta and to constitute that area

as a Municipality under the Bengal Municipal Act, 1884. Preamble. WHEREAS it is expedient to provide for the exclusion of the Garden Reach area from the limits of the Corporation of Calcutta and to constitute that area as a Municipality under the Bengal Municipal Act, 1884; It is hereby enacted as follows:

1. Short title :-

This Act may be called the Garden Reach Municipality Act, 1932.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,

(1) "Garden Reach area" means the area which formed the Garden Reach Municipality at the commencement of the Calcutta Municipal Act, 1923, excluding such portions of that area as had then been or have up to the commencement of this Act been acquired by the Commissioners for the Port of Calcutta for the construction of King George's Dock and the works in connection therewith;

(2) "Garden Reach Municipality" means the new Garden Reach Municipality constituted under section 8;

(3) "Former Garden Reach Municipality" means the Municipality known as the Garden Reach Municipality as it existed at the commencement of the Calcutta Municipal Act, 1923.

3. . :-

Rep. by Ben. Act 1 of 1939.

4. . :-

Rep. by Ben. Act 1 of 1939.

5. . :-

Rep. by Ben. Act 1 of 1939.

6. . :-

Rep. by Ben. Act 1 of 1939.

7. . :-

Rep. by Ben. Act 1 of 1939.

8. Constitution of Garden Reach Municipality :-

Notwithstanding anything contained in sub-section (2) of section 2 of the Calcutta Municipal Act, 1923, or in section 8 of the Bengal Municipal Act, 1884, the ¹[State Government] may, by notification

in the ² [Official Gazette], constitute the Garden Reach area as a Municipality for the purposes of the Bengal Municipal Act, 1884, with effect from such date as may be specified in the notification and thereupon the Bengal Municipal Act, 1884, and the Bengal Food Adulteration Act, 1919, shall notwithstanding the provisions of sub-section (2) of section 2 of the Calcutta Municipal Act, 1923, be deemed to be re-enacted and in force in the said area from such date. Such notification shall specify the boundaries of the said Municipality, and the number of the Commissioners, and may further specify whether the name of the Municipality shall or shall not be included in the first or second schedule of the Bengal Municipal Act, 1884.

1. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" subs. for the word "Provincial" by the Adaptation of Laws Order, 1950.

2. Words subs. for the words "Calcutta Gazette," by the Government of India (Adaptation of Indian Laws) Order, 1937.

9. Provincial Government to appoint first Commissioners and Chairman for two years :-

Rep. by Ben. Act 16 of 1946.

10. Provincial Government to pass necessary orders for first election of Commissioners :-

Rep. by Ben. Act 16 of 1946.

11. First election of Commissioners :-

Rep. by Ben Act 16 of 1946.

12. Consequences of constitution of Garden Reach Municipality :-

On the publication of the notification referred to in section 8 the following consequences shall ensue, namely: On and from the date specified in the said notification as the date of the constitution of the Garden Reach area as a Municipality

(1) The orders of the ¹ [State Government] made under sub-section (2) of section 7 shall commence to have effect.

(2) All movable property apportioned by the Committee to the Garden

(3) All rights and liabilities attaching to the Corporation of Calcutta from contracts, agreements or leases, to which the Corporation of

Calcutta is a party in respect of and solely affecting the Garden Reach area shall vest in the Commissioners of the Garden Reach Municipality.

1. Words "Provincial Government" first subs. for the words "Local Govern- ment" by the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" subs, for the word "Provincial" by the Adaptation of Laws Order, 1950.

13. Valuations, etc., under the Calcutta Municipal Act, 1923, to remain in force for one year :-

Rep. by Ben. Act 16 of 1946.

14. Revival of rules, etc., of former Garden Reach Municipality :-

Subject to the provisions of this Act the rules, orders, by-laws, regulations and directions made or issued under the Bengal Municipal Act, 1884, and in force in the former Garden Reach Municipality at the commencement of the Calcutta Municipal Act, 1923, shall from the date of the constitution of the Garden Reach Municipality under section 8 be deemed to be revived and in force in the Garden Reach Municipality, until they are superseded.

15. Saving of power to recover arrears of taxes :-

Rep. by Ben. Act 16 of 1946.

16. Restoration to Garden Reach Municipality of movable property and records :-

The Corporation of Calcutta shall make over to the Garden Reach Municipality all furniture, records (other than records relating to King George's Dock area and required by the Corporation of Calcutta for their own purpose), movable property and other assets of the former Garden Reach Municipality remaining in the possession of the Corporation, and shall likewise make over all documents and records relating to the Garden Reach area which have come into existence since the commencement of the Calcutta Municipal Act, 1923.

17. Power to adopt or alter acts and orders of Corporation of Calcutta :-

Subject to the provisions of the Bengal Municipal Act, 1884, it shall be competent for the Commissioners of the Garden Reach Municipality to adopt, amend, vary or rescind anything done or order made by the Corporation of Calcutta in respect of the Garden Reach area.

18. Duty of Commissioners to execute original improvement works :-

(1) Notwithstanding anything contained in Part III of the Bengal Municipal Act, 1884, or elsewhere in that Act, the Commissioners of the Garden Reach Municipality shall annually reserve the sum of one lakh and twenty-five thousand rupees out of the sum of rupees two and a half lakhs to be received annually from the Corporation of Calcutta under section 90A of the Calcutta Municipal Act, 1923, for expenditure on new works of improvement in the Garden Reach Municipality approved by the ¹ [State Government], and meeting of loans charges for such works.

(2) The [State Government] may make rules for the application of the sum reserved under sub-section (1) and the form of the accounts to be maintained in connection therewith.

1. Words "Provincial Government" first subs. for the words "Local Govern- ment" by the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" subs, for the word "Provincial" by the Adaptation of Laws Order, 1950.

19. Amendment of the Calcutta Municipal Act, 1923 :-

Rep. by Ben. Act 16 of 1946.

20. General powers of the State Government to remove unforeseen difficulties :-

If any difficulty arises in carrying out the provisions of this Act the ¹ [State Government] may notwithstanding anything contained elsewhere in this Act or in any other Act by order do anything which appears to it to be necessary to give effect to the purposes of this Act.

1. Words "Provincial Government" first subs. for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" subs, for the word "Provincial" by the Adaptation of Laws Order, 1950.

SCHEDULE 1

Amendments to be made in the Calcutta Municipal Act, 1923

Rep. by Ben. Act 16 of 1946.
