

CHAPTER XXVIII. CONTROL

Power of [State] Government to require performance of duties in default of any municipal authority

448. Power of ¹[State] Government to require performance of duties in default of any municipal authority.

(1) If it shall at any time appear to the ²[State] Government upon complaint or otherwise that default has been made in the performance of any duty imposed on any of the municipal authorities by or under this Act or by or under any enactment for the time being in force, the ³[State] Government may, if satisfied after due inquiry that the alleged default has been made, make an order prescribing a period for the performance of that duty :

Provided that, except in any case which appears to the ⁴[State] Government to be one of emergency, no such order shall be made until after the expiry of one month from the date of service of a written notice on the Corporation, and if the ⁵[State] Government shall think fit, on the Commissioner, requiring cause to be shown why such order should not be made, nor until the cause, if any, so shown has been considered by the ⁶[State] Government.

(2) If the duty is not performed within the period prescribed in an order made, under sub-section (1). the ⁷[State] Government may appoint some person to perform the same and may direct that the expense of performing such duty, together with such reasonable remuneration to the person performing the same as the ⁸[State] Government shall determine and the cost of the proceedings under this section shall be paid out of the Municipal Fund.

449. Expenses of measures enforced under section 448 how to be recovered.

Expenses of measures enforced under section 448 how to be recovered

(1) When any such order as is mentioned in sub-section (2) of section 448, shall have been made, the Corporation shall cause to be paid to the ⁹[State] Government the sum or sums of money of which payment shall from time to time be required, in pursuance of the said order, in any requisition made by the ¹⁰[State] Government.

(2) If, within fourteen days from the delivery of any such requisition, the same is not complied with, the ¹¹[State] Government may by a written order authorise and direct some person to receive from the bank in which the Municipal Fund is lodged the sum or sums mentioned in the said order.

(3) The said bank shall, upon production of the said written order, forthwith pay the said sum or sums to the person therein authorised to

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

² Same as 1.

³ Same as 1.

⁴ Same as 1.

⁵ Same as 1.

⁶ Same as 1.

⁷ Same as 1.

⁸ Same as 1.

⁹ Same as 1.

¹⁰ Same as 1.

¹¹ Same as 1.

receive the same and the said written order shall be a sufficient discharge to the said bank from all liability to the Corporation in respect of any sum or sums so paid by it out of the Municipal Fund.

Power to [State] Government to call for extracts from proceedings, etc.

450. Power to ¹²[State] Government to call for extracts from proceedings, etc.

(1) The ¹³[State] Government may at any time call upon the Corporation to furnish it with any extract from any proceedings of the Corporation, the Standing Committee, the Transport Committee or any other committee constituted under this Act or from any record under the control of the Corporation and with any statistics concerning or connected with the administration of this Act; and the Corporation shall furnish the same without unreasonable delay.

(2) The ¹⁴[State] Government may at any time call upon the commissioner or the Transport Manager to furnish it with any information, report, explanation or statistics concerning or connected with the executive administration of this Act so far as each is concerned, and the Commissioner or the Transport Manager as the case may be, shall furnish the same without unreasonable delay.

Power of [State] Government to suspend section under this Act.

451. Power of ¹⁵[State] Government to suspend section under this Act.

(1) If the ¹⁶[State] Government is of opinion that the execution of any resolution or order of the Corporation or of any other municipal authority or officer subordinate thereto or the doing of any act which is about to be done or is being done by or on behalf of the Corporation is in contravention of or in excess of the powers conferred by this Act or of any other law for the time being in force or is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons, the ¹⁷[State] Government may, by order in writing, suspend the execution of such resolution or order, or prohibit the doing of any such act.

(2) A copy of such order shall forthwith be sent to the Corporation by the ¹⁸[State] Government.

(3) The ¹⁹[State] Government may at any time, on representation by the Corporation or otherwise, revise, modify or revoke an order passed under sub-section (1).

Power of [State] Government to (Dissolve) Corporation in case of incompetency persistent default or excess or abuse of powers.

452. Power of ²⁰[State] Government to ²¹(Dissolve) Corporation in case of incompetency persistent default or excess or abuse of powers.

(1) If at any time upon representation made or otherwise it appears to the ²²[State] Government that the Corporation is not competent to perform, or persistently makes default in the performance of, the

¹² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹³ Same as 12.

¹⁴ Same as 12.

¹⁵ Same as 12.

¹⁶ Same as 12.

¹⁷ Same as 12.

¹⁸ Same as 12.

¹⁹ Same as 12.

²⁰ Same as 12.

²¹ This word was substituted for the "Supersede" by Guj. 16 of 1993 s. 18 (5).

²² This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

duties imposed upon it or under this Act or any other law for the time being in force or exceeds or abuses its powers, the ²³[State] Government may, after having given the Corporation an opportunity to show cause why such order should not be made, by an order published, with the reasons therefor, in the Official Gazette, direct that the Corporation shall be ²⁴[dissolved].

(2) When an order is made under sub-section (1), the following consequences shall ensue :-

(a) all the councillors shall, as from the date of the order of ²⁵[dissolution] vacate their offices as such councillors ;

(b) if the ²⁶[State] Government so directs in the order, the members of the Transport Committee shall, as from the said date, vacate their offices as such members:

(c) all powers and duties of the Corporation, the Standing Committee and, if the ²⁷[State] Government has directed that the members of the Transport Committee shall vacate office, the Transport Committee under this Act or under any other law for the time being in force shall, during the period of supersession, be exercised and performed by such person or persons as the ²⁸[State] Government from time to time appoints in this behalf;

(d) all property vested in the Corporation shall, during the period of ²⁹[dissolution], vest in the ³⁰[Government] ;

(e) the person or persons appointed under clause (c) may delegate his or their powers and duties to an individual or to a committee or sub-committee.

(6) in the principal Act. section 454 except the proviso, shall be renumbered as sub-sec.(1) of the section, and

(a) after sub-section (1) as so renumbered, the following sub-section shall be added, namely-

³¹[(2) The corporation may make rules either prospectively or retrospectively for the purpose of levy of property tax under section 141B;

Provided that while making any rules under this sub-section no provision for breach thereof under section 468, shall be made retrospectively]

³²[(3) [x x x x x x x]

³³(4) The Corporation shall be re-constituted with a period of six months from the date of dissolution by the election of the councillors

²³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950

²⁴ This words was substituted for the "Superseded for a period' and ending with 'under this section by Guj. 16 of 1993 s. 18 (1).

²⁵ This word was substituted for the words "Supersession" by Guj. 13 of 1993 s. 18 (2).

²⁶ Same as 23.

²⁷ Same as 23.

²⁸ Same as 23.

²⁹ This word was substituted for the words "Supersession" by Guj. 13 of 1993 s. 18 (2).

³⁰ This word was substituted for the word "Provincial" by the Adaptation of Laws Order,1950.

³¹ Please see sections 3, 5 and 6 of Guj. 26 of 1965.

³² Sub-section (3) shall be deleted by Guj. 160 G.1993 s. 18 (3).

³³ This sub-section (4) was substituted by Guj. 160 G. 1993 s. 18 (4).

at the general election held in accordance with the provisions of this Act :

Provided that the person or persons appointed under clause (c) of sub-section (2) shall continue to exercise the power & perform the duties of the corporation, standing committee and, as the case may be, the Transport Committee until the first meeting of the Corporation reconstituted by election of councillors as aforesaid shall have been held ;]

Power of State Government to make suitable provisions by order on alteration of limits of a City. Deemed to have been deleted with effect on and from the 1st April 1986 by Guj. 19 of 1986, s. 3 (1)

³⁴452A. [Power of State Government to make suitable provisions by order on alteration of limits of a City. Deemed to have been deleted with effect on and from the 1st April 1986 by Guj. 19 of 1986, s. 3 (1).

³⁴ Any order published under section 4S2A was deemed to have been published under section 3A. vide section 3 of Guj. 19 of 1986.